

# Georgia Department of Natural Resources

## Environmental Protection Division

2 Martin Luther King, Jr. Dr., SE, Suite 1462 East, Atlanta, Georgia 30334

Judson H. Turner, Director

Land Protection Branch

Keith M. Bentley, Chief

Phone: 404-657-8600 Fax: 404-657-0807

November 2, 2012

### VIA U.S. MAIL and EMAIL

VLP 2, LLC  
c/o John Majeroni  
Vice President, Real Estate Development  
221 Uncle Heinie Way, NW  
Lyman Hall Room 213  
Atlanta, GA 30332

Re: Voluntary Investigation and Remediation Plan and Application, November 30, 2011  
Welcome Years, Inc., HSI Site No. 10637  
Properties of VLP 2, LLC  
1115 Howell Mill Rd, 673 Ethel St, 720 Fourteenth St, and "0" Fourteenth St  
Atlanta, Fulton County, Georgia 30318  
Tax Parcels: 17-0150-0009-064-9, 17-0150-0009-076-3, 17-0150-0009-062-3, and  
17-0150-0009-061-5

Dear Mr. Majeroni:

The Georgia Environmental Protection Division (EPD) has reviewed the Voluntary Investigation and Remediation Plan (VIRP) dated November 30, 2011 submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act). EPD is approving your voluntary remediation plan, which specifies corrective action consisting of the following:

- Engineering controls, including soil covering / capping
- Institutional controls, including the filing of Uniform Environmental Covenants

Therefore, EPD is accepting VLP 2, LLC as a participant as defined in the Voluntary Remediation Program Act for the following qualifying properties, provided VLP 2, LLC implements the VIRP in compliance with the following schedule and conditions:

Qualifying properties:

1115 Howell Mill Road  
Atlanta, Fulton County, Georgia 30318  
Tax Parcel: 17-0150-0009-064-9

"0" Fourteenth Street  
Atlanta, Fulton County, Georgia 30318  
Tax Parcel: 17-0150-0009-061-5

673 Ethel Street  
Atlanta, Fulton County, Georgia 30318  
Tax Parcel: 17-0150-0009-076-3

720 Fourteenth Street  
Atlanta, Fulton County, Georgia 30318  
Tax Parcel: 17-0150-0009-062-3

Within six months of detecting regulated substance(s) on a non-qualifying property, the participant must apply to EPD to include the affected property as a qualifying property under the Act or notify EPD the non-qualifying property is not included under the Act.

Schedule:

- Semiannual progress reports are to be submitted to EPD. Each progress report must describe all actions taken since the last submittal, and include certification by the professional engineer/geologist specified in the VIRP along with a monthly summary of hours invoiced and description of services provided since the last submittal. Semiannual progress reports are due on:
  - May 2<sup>th</sup> and November 2<sup>th</sup>, through November 2, 2017.

In addition to the information required above, the following must be included in the specific progress reports discussed below.

- May 2, 2013: semiannual progress report must demonstrate complete horizontal delineation on the qualifying property;
  - November 2, 2014: semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and
  - May 2, 2014: semiannual progress report must demonstrate complete horizontal and vertical delineation, finalize the remediation plan and provide a cost estimate for implementation of remediation and associated continuing actions. EPD recommends that the participant finalize approval of cleanup standards for all regulated substances prior to this submittal.
- Compliance status report including certifications:
    - November 2, 2017

Conditions:

1. EPD requires the submittal of a financial assurance instrument for the amount of the cost estimate of \$592,500 by no later than December 31, 2012. Model financial assurance instruments are available on EPD's webpage at:  

[http://www.gaepd.org/Files\\_PDF/forms/hwb/HSIModel.pdf](http://www.gaepd.org/Files_PDF/forms/hwb/HSIModel.pdf)
2. VLP 2, LLC must address EPD's comment letter dated November 2, 2012 and any other comment letters addressing the investigation and remediation pursuant to the Act to the satisfaction of the Director that it is consistent with the provisions, purposes, standards and policies of the Act.
3. Within ninety (90) days of VLP 2, LLC's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, VLP 2, LLC must submit a corrective action plan that complies with the requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.

4. VLP 2, LLC must pay all outstanding fees within sixty (60) days of receipt of an invoice for any costs to the division in reviewing the application or subsequent document that exceeds the initial application fee.
5. Because VLP 2, LLC is performing corrective action at the qualifying property in accordance with an approved voluntary remediation plan, EPD is hereby reclassifying it from Class I to Class V and designating it as needing corrective action as provided for in §12-8-107(b) of the Act.

Within 45 days of this letter, you are required to file an affidavit stating that your property has been listed on the state's hazardous site inventory and has been designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. This affidavit is to be filed with the clerk of the Superior Court of Fulton County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20.

VLP 2, LLC must also place the following notice in any deed, mortgage, deed to secure debt, lease, rental agreement or other instrument given or caused to be given by the property owner which creates an interest in or grants a use of the property:

*"This property has been listed on the state's hazardous site inventory and has been designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. Contact the property owner or the Georgia Environmental Protection Division for further information concerning this property. This notice is provided in compliance with the Georgia Hazardous Site Response Act and the Voluntary Remediation Program Act."*

Within 30 days of recording the affidavit, please send a copy of the receipt of the recorded affidavit to the Response and Remediation Program, Georgia Environmental Protection Division, 2 Martin Luther King Jr. Drive, SE, Suite 1462, Atlanta, GA 30334.

EPD requires that VLP 2, LLC and the professional engineer/geologist specified in the VIRP oversee the implementation of the VIRP in accordance with the provisions, purposes, standards and policies of the Act. EPD may, at its sole discretion, review and comment on documents submitted by VLP 2, LLC. However, failure of EPD to respond to a submittal within any timeframe does not relieve VLP 2, LLC from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should VLP 2, LLC fail to comply with the above schedule, EPD may terminate enrollment of the participant and the qualifying property from the voluntary remediation program.

EPD's approval of the VIRP extends only to those technical aspects of the document that expressly require EPD approval under applicable rules and statutes. This approval is not an endorsement by EPD that it accepts as conclusive any representations made in the document. Nor does EPD guarantee or warrant that the document is free of errors or omissions. EPD may later withdraw approval of this document, in whole or in part, if EPD determines that withdrawal is necessary to ensure compliance with the applicable rules and statutes.

If you have any questions, please contact David Hayes at 404-657-8600.

Sincerely,



Charles D. Williams  
Program Manager  
Response and Remediation Program

cc: Steven Hart, AEM  
Leah Knowlton, Miller and Martin PLLC

File: HSI 10637