

Georgia Department of Natural Resources:
Environmental Protection Division

2 Martin Luther King, Jr. Dr., S.E., Suite 1054 East, Atlanta, Georgia 30333
Judson H. Turner, Director
Land Protection Branch
Phone: 404/657-8600 FAX: 404/657-0800

April 23, 2014

Eric Ranney
Lebow Land Company, LLC
78 Milton, LLC
1120 Maple Lane
White Plains, Georgia 30678

VIA FIRST CLASS MAIL AND EMAIL

Re: Conditional Approval of Entry Into Voluntary Remediation Program
U.S. Plating Burn Site, HSI Site No. 10264
78 Milton Avenue, SE, Atlanta, Georgia; Fulton County
Tax Parcel ID No. 14 005500110077

COPY

Dear Mr. Ranney:

The Georgia Environmental Protection Division (EPD) has reviewed the application for entry into the Voluntary Remediation Program (VRP), received by EPD on March 6, 2014, and submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act), O.C.G.A. 12-8-100, et seq. Lebow Land Company, LLC, and 78 Milton, LLC, are participants, as defined in the Act, for the following qualifying property:

U.S. Plating Burn Site
78 Milton Avenue, SE
Atlanta, Georgia; Fulton County
Tax Parcel ID No. 14 005500110077

Lebow Land Company, LLC, and 78 Milton, LLC, are also participants, as defined in the Act, for the following additional qualifying properties:

72 Milton Avenue, SE
Atlanta, Georgia; Fulton County
Tax Parcel ID No. 14 005500110051

80 Milton Avenue, SE
Atlanta, Georgia; Fulton County
Tax Parcel ID No. 14 005500110085

88 Milton Avenue, SE
Atlanta, Georgia; Fulton County
Tax Parcel ID No. 14 005500110028

The qualifying properties are being accepted into the VRP with the understanding that contaminated soil on the qualifying properties is within Type 1 or Type 2 risk reduction standards (RRSs). The participants do not have to perform corrective action on groundwater or certify compliance for groundwater, because, pursuant to Section 107(g)(2) and 107(h) of the Act:

- The voluntary remediation property, U.S. Plating Burn Site, was listed on the Hazardous Site Inventory (HSI) as a result of a release to soil exceeding a reportable quantity, but was not listed on the HSI as a result of a release to groundwater exceeding a reportable quantity; and,
- A release to groundwater exceeding a reportable quantity does not currently exist on any of the qualifying voluntary remediation properties.

Please note that 1101 Martin Street, Tax Parcel ID 14 00550110093, encompassing 2 acres and indicated on figures within the VRP application as Tract 2, was not included as a qualifying property under the Act. Based upon information provided in the VRP application, EPD could not conclude that regulated substances have been released onto the property at 1101 Martin Street. If information is provided showing that a release of regulated substances has occurred at 1101 Martin Street, EPD will include 1101 Martin Street as a VRP qualifying property.

Schedule

Given that extended remediation is not required on this site, semiannual reporting will not be necessary. A compliance status report (CSR) should be submitted by October 23, 2014.

Conditions of Acceptance into Voluntary Remediation Program

1. Although the qualifying properties are exempt from certification to groundwater RRSs, a groundwater-protection requirement for site soils, as it applies to the downgradient point of exposure (POE), is still in effect. However, a POE was not specified in the application. Accordingly,
 - a. The CSR should specify a POE and an associated point-of-demonstration (POD) well, which shows that the POE will be adequately protected.
 - b. The CSR should identify possible surface-water receptors to contaminated groundwater, and demonstrate that those receptors will be adequately protected.
2. A VRP application is intended to be a self-contained document. The CSR will need to include data on each of the additional qualifying properties, including a summary of the site-release history, tables, figures, and analytical-laboratory reports.

The VRP Act requires that Lebow Land Company, LLC, and 78 Milton Avenue, LLC, and the professional engineer/geologist specified in the VRP application oversee its implementation 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 Lebow Land Company, LLC, and 78 Milton Avenue, LLC. However, failure of EPD to respond to a submittal within any timeframe does not relieve Lebow Land Company, LLC, and 78 Milton Avenue, LLC, from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Lebow Land Company, LLC, and 78 Milton Avenue, LLC, fail to comply with the above schedule, EPD may terminate enrollment of the participants and the qualifying properties from the voluntary remediation program.

If you have any questions, please contact Allan Nix at (404) 657-3935.

Sincerely,



Charles D. Williams
Program Manager
Response and Remediation Program

File: HSI No. 10264

c: Brent Cortelloni, Environmental Management Associates (via email)

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