

Georgia Department of Natural Resources

Environmental Protection Division – Land Protection Branch

2 Martin Luther King Jr., Dr., Suite 1054, Atlanta, Georgia 30334

(404) 657-8600; Fax: (404) 651-9425

Judson H. Turner, Director

December 16, 2015

Toyoko Inn Atlanta, LLC
c/o Mr. Bruce White
One North Wacker Drive
Suite 4400
Chicago, IL 60606-2833

Re: HSI Site Number: 10899
90-94 Forsyth St and 85 Luckie St
a.k.a., Toyoko Inn Atlanta, LLC
Tax Parcel ID # 14 007800120574
Atlanta, Fulton County

Dear Mr. White:

The Environmental Protection Division (EPD) has received the May 22, 2015 Voluntary Remediation Program Application (the Application) for the 90-94 Forsyth St and 85 Luckie St facility, in Atlanta, Fulton County, pursuant to the Georgia Voluntary Remediation Program Act (the Act) O.C.G.A. §12-8-100, *et seq.* EPD acknowledges this Application was submitted in lieu of a Corrective Action Plan (CAP) and Compliance Status Report required pursuant to the Georgia Rules for Hazardous Site Response (the Rules) for the above referenced property. EPD is approving your Application, which proposes corrective action consisting of the following:

- An Operations and Maintenance Program consisting of repair, maintenance and annual inspections to ensure the ability of the asphalt cap to function as an impermeable barrier and contain any contaminated soils.
- Implementation of an environmental covenant that conforms with the Georgia Uniform Environmental Covenants Act O.C.G.A. §44-16-1, *et seq.*, with a corresponding deed notice restricting future uses of the subject property for the purpose of certifying compliance with a site-specific Type 5 Risk Reduction Standard (RRS).

Therefore, EPD is accepting Toyoko Inn Atlanta, LLC (Toyoko Inn Atlanta) as a participant as defined in the Act for the following qualifying properties provided Toyoko Inn Atlanta implements the Voluntary Investigation and Remediation Plan (VIRP) contained in the Application in compliance with the Act, the schedule, and the EPD comment letter dated December 16, 2015.

Qualifying Property(s):

Site Property: 90-94 Forsyth St and 85 Luckie St
Owner: Toyoko Inn Atlanta
90-94 Forsyth St and 85 Luckie St
Atlanta, Fulton County, GA 30303
Tax Parcel ID # 14 007800120574

Within six (6) 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 that the non-qualifying property is not included under the Act.

Voluntary Remediation Program Application
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Since Toyoko Inn Atlanta is performing corrective action at the qualifying property in accordance with an approved Application, the qualifying property will be classified as a Class V site and designated 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, if not previously filed, 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. Toyoko Inn Atlanta must also place the notice, or revise previous notices recorded, as required by the Rules at Chapter 391-3-19-08(1)(a), in any warranty deed, mortgage, security deed, lease, rental agreement, or other instrument that is thereafter given or caused to be given by the property owner which creates an interest in or grants a use of the property.

Within 30 days of recording the affidavit or revised 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 1054 East, Atlanta, GA 30334.

EPD requires that Toyoko Inn Atlanta and the professional engineer/geologist specified in the Application oversee the implementation of the Voluntary Remediation Plan 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 Toyoko Inn Atlanta. However, failure of EPD to respond to a submittal within any timeframe does not relieve Toyoko Inn Atlanta from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Toyoko Inn Atlanta fail to comply with the above schedule, EPD may terminate enrollment of the participant and the qualifying property from the voluntary remediation program.

EPD anticipates receipt of the first semi-annual progress report by June 16, 2016 and a Compliance Status Report (CSR), including certification of compliance with applicable RRS, on or before December 16, 2020. Should you have any questions or concerns regarding this site, please contact Mr. David Brownlee of the Response and Remediation Program at (404) 657-8690.

Sincerely,



Jason Metzger
Program Manager
Response and Remediation Program

cc: Michael Wild, NewFields (mwild@newfields.com)

File: VRP – 90-94 Forsyth St and 85 Luckie St # 10899

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