

# Georgia Department of Natural Resources

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

Chris Clark, Commissioner  
Environmental Protection Division  
F. Allen Barnes, Director  
Land Protection Branch  
Mark Smith, Branch Chief

## Reply To:

Response and Remediation Program  
2 Martin Luther King, Jr. Drive, S.E.  
Suite 1462, East Tower  
Atlanta, Georgia 30334-9000  
Office 404/657-8600 Fax 404-657-0807

October 12, 2010

## VIA E-MAIL AND REGULAR MAIL

# COPY

Selig Enterprises, Inc.  
c/o Mr. S. Kevin Curry  
1100 Spring Street, Suite 550  
Atlanta, Georgia 30309

Re: Voluntary Remediation Plan and Application, May 10, 2010  
Spalding Corners Shopping Center, HSI Site No. 10639  
7700 Spalding Drive, Norcross, Fulton County, Georgia  
Tax Parcels 06-0313-LL-009-1 and 06-0313-LL-034-9

Dear Mr. Curry:

The Georgia Environmental Protection Division (EPD) has reviewed the Voluntary Remediation Plan (VRP) dated May 10, 2010 submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act) for the referenced property. The VRP has been submitted in lieu of an Annual Progress Report required pursuant to the Georgia Rules for Hazardous Site Response (the Rules). EPD is approving your voluntary remediation plan, which specifies corrective action consisting of the following:

- Preliminary Risk Evaluation (PRE) / Fate and Transport Modeling
- Monitored Natural Attenuation (MNA) with additional In-Situ Chemical Oxidation (ISCO) if necessary.

Therefore, EPD is accepting Selig Enterprises, Inc. (Selig) as a participant as defined in the Voluntary Remediation Program Act for the following qualifying properties provided Selig implements the VRP in compliance with the following schedule and conditions:

Qualifying properties:

7700 Spalding Drive  
Norcross, Fulton County, Georgia  
Tax Parcels 06-0313-LL-009-1 and 06-0313-LL-034-9

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 VRP along with a monthly summary of hours invoiced and description of services provided since the last submittal.

- April 12 and October 12 through April 12, 2015.

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

- October 12, 2011 semiannual progress report must demonstrate complete horizontal delineation on the qualifying property:
  - October 12, 2012 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and,
  - April 12, 2013 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. If the participant proposes to use alternatives to the previously approved cleanup standards, EPD recommends that the participant finalize approval for all regulated substance prior to this submittal.
- Compliance status report (CSR) including certifications:
    - October 12, 2015

Conditions:

1. Selig must maintain financial assurance in the amount of the estimated cost of implementing the VRP. On April 14, 2005, EPD received financial assurance submitted under the terms of the previous corrective action plan approval letter. That Letter of Credit should remain in effect until alternate financial assurance has been approved.
2. Selig must address EPD's Comment Letter dated October 12, 2010 and any other comments 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 Selig's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, Selig 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. Selig 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.

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

EPD's approval of the VRP 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 Greg S. Gilmore at (404) 657-8600.

Sincerely,



Mark Smith, Chief  
Land Protection Branch

c: William H. Lucas, III, P.G., Peachtree Environmental, Inc.

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