

Georgia Department of Natural Resources

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

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

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

April 21, 2011

FILE COPY

VIA E-MAIL AND REGULAR MAIL

Mr. Richard E. Bowen
c/o Mr. Richard A. Wingate
Hallman & Wingate, LLC
166 Anderson St. SE, Suite 210
Marietta, Georgia 30060

Re: Revised Voluntary Remediation Plan Application, February 2011
Roswell Cleaners, HSI Site No. 10883
Roswell, Fulton County, Georgia
Tax Parcel ID: 12-1902-0412-061-6

Dear Mr. Bowen:

The Georgia Environmental Protection Division (EPD) has reviewed the February 28, 2011 Revised Voluntary Remediation Plan Application submitted by Atlanta Environmental Consultants, LLC pursuant to the Georgia Voluntary Remediation Program Act (the Act), which has been submitted in lieu of a compliance status report (CSR) required pursuant to the Georgia Rules for Hazardous Site Response (the Rules) for the above referenced property. EPD is approving your voluntary investigation and remediation plan (VIRP), which specifies additional site investigation and corrective action consisting of the following:

- Soil in the source area, locations of current, former, and existing dry cleaning machines, and along sanitary sewer and/or other underground utility lines will be collected and analyzed to evaluate if the soil pathway is complete;
- Use of existing asphalt and concrete covers to control direct exposure to soil contamination with long term monitoring and maintenance of engineering controls;
- Vapor intrusion modeling of volatile organic compound (VOC) impacted groundwater and/or collection of site specific data to evaluate if the vapor intrusion pathway is complete;
- Groundwater delineation to Type 1 Risk Reduction Standards; and
- Groundwater modeling and/or use of a point of demonstration well to demonstrate compliance.

Therefore, EPD is accepting Richard E. Bowen as a participant as defined in the Voluntary Remediation Program Act for the following qualifying property provided Richard E. Bowen implements the VIRP in compliance with the following schedule and conditions:

Qualifying property:

1013 Alpharetta Street
Roswell, Fulton County, Georgia
Tax Parcel ID: 12-1902-0412-061-6

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.
 - Every October 21st and April 21st through April 21, 2016.

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

- April 21, 2012 semiannual progress report must demonstrate horizontal delineation on the qualifying property;
 - April 21, 2013 semiannual progress report must demonstrate complete horizontal delineation; and
 - October 21, 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 (CSR) including certifications:
 - April 21, 2016

Conditions:

1. EPD requires the submittal of a cost estimate for full implementation of the VIRP through CSR submittal and a financial assurance instrument in that amount by no later than June 21, 2011. Model financial assurance instruments can be located at <http://www.gaepd.org/Files/PDF/forms/hwb/HSIModel.pdf>.
2. Within ninety (90) days of Richard E. Bowen's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, Richard E. Bowen must submit a compliance status report that complies with requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.
3. Richard E. Bowen 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 exceed the initial application fee.
4. Richard E. Bowen must address EPD's April 21, 2011 comment letter regarding the VIRP application.
5. Because Richard E. Bowen is performing corrective action at the qualifying property in accordance with an approved voluntary remediation plan, EPD is hereby reclassifying it from Class II 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 Jefferson County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20.

Richard E. Bowen 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, a copy of the receipt of the recorded affidavit must be sent 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 Richard E. Bowen 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 Richard E. Bowen. However, failure of EPD to respond to a submittal within any timeframe does not relieve Richard E. Bowen from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Richard E. Bowen 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 Jessica McCarron of the Response and Remediation Program at (404) 657-8600.

Sincerely,



Mark Smith, Chief
Land Protection Branch

c: Peter T. Kallay, PE – AEC, LLC

File: 10883

S:\RDRIVE\JMcCarron\HS\Roswell Cleaners\VRP\vrp application approval april2011.doc