

Land Protection Branch

2 Martin Luther King, Jr. Drive
Suite 1054, East Tower
Atlanta, Georgia 30334
404-657-8600

September 24, 2018

VIA U.S. MAIL AND EMAIL

NL Industries, Inc.
c/o Mr. Kevin Lombardozzi, Director Environmental Management
Three Lincoln Center
5430 LBJ Freeway, Suite 1700
Dallas, TX 75240-2697

Subject: Voluntary Remediation Program Application dated August 1, 2018
National Smelting and Refining, HSI Site No. 10732
400 and 430 Bishop Street, Fulton County, GA

Dear Mr. Lombardozzi:

The Georgia Environmental Protection Division (EPD) has reviewed the Voluntary Remediation Program Application (the Application) dated August 1, 2018. The Application includes the Voluntary Remediation Plan – Groundwater and the Voluntary Remediation Program Compliance Status Report – Groundwater, both dated August 1, 2018. The Application was submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act) O.C.G.A. §12-8-100, et seq. EPD acknowledges the Application was submitted in lieu of a Corrective Action Plan Amendment, which was required pursuant to the Georgia Rules for Hazardous Site Response (the Rules) for the above referenced properties. EPD is approving your Application, which proposes corrective action consisting of the following:

- Addressing soil compliance with Risk Reduction Standards under an approved Prospective Purchaser Corrective Action Plan (PPCAP) submitted pursuant to the Georgia Brownfield Act
- Utilizing a Uniform Environmental Covenant, including groundwater use limitations

Therefore, EPD is accepting NL Industries, Inc. (NL Industries) as a participant as defined in the Act for the following qualifying properties provided NL Industries 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 September 24, 2018.

Qualifying Properties:

400 Bishop Street
Atlanta, Fulton County, Georgia
Tax Parcel 17 0148 LL0081

430 Bishop Street
Atlanta, Fulton County, Georgia
Tax Parcel 17 0148 LL0073

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.

Since NL Industries is performing corrective action at the qualifying properties in accordance with an approved Application, the qualifying properties 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. NL Industries must also place the notice, as required by subparagraph 391-3-19-.08(1)(a) of the Rules, 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 NL Industries and the professional engineer/geologist specified in the Application 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 NL Industries. However, failure of EPD to respond to a submittal within any timeframe does not relieve NL Industries from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should NL Industries fail to comply with the above schedule, EPD may terminate enrollment of the participant and the qualifying properties from the Voluntary Remediation Program.

EPD concurs with the compliance status certification from NL Industries that, in accordance with §12-8-107(g)(2) of the Act, it is not necessary to certify compliance for groundwater on the qualifying properties. Once EPD concurs that soil meets Risk Reduction Standards and any necessary Uniform Environmental Covenants have been filed for the qualifying properties, these properties may be removed from the Hazardous Site Inventory.

EPD anticipates receipt of the first semi-annual progress report by March 24, 2019 and a Compliance Status Report (CSR), including certification of compliance with applicable Risk Reduction Standards, on or before September 24, 2023.

Should you have any questions or concerns regarding this site, please contact Michael Smilley of the Response and Remediation Program at 404-657-8600.

Sincerely,



Jason Metzger
Program Manager
Response and Remediation Program

- c: Shannon S. Walker, NL Industries (via email)
Giselle M. Beaulieu, WSP (via email)
Ed Schwartz, on behalf of Fabric Developers, LLC (via email)
Steven Aufdenkampe, Norfolk Southern Corporation (via email)

File: 261-0573 (VRP)

S:\RDRIVE\MSmilley\SITE FILES\VRP\Former National Smelting and Refining\2018-9-24 vrp application approval class V.docx