

# 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  
Judson H. Turner, Director  
Land Protection Branch  
Mark Smith, Branch Chief

January 12, 2012

**VIA E-MAIL AND REGULAR MAIL**

3212 Berkeley Lake Road Investors, LLC  
c/o Mr. Kevin Coughlin  
53 State Street, 38<sup>th</sup> Floor  
Boston, MA 02109

Re: Voluntary Investigation and Remediation Plan and Application, April 18, 2011 and Supplemental Information, April 21, 2011  
Gwinnett Regional Distribution Center Property, HSI Site No. 10844  
3312 North Berkeley Lake Road, Duluth, Gwinnett County, GA 30096  
Tax Parcel 6267 026

Dear Mr. Coughlin:

The Georgia Environmental Protection Division (EPD) has reviewed the Voluntary Investigation and Remediation Plan (VIRP) dated April 18, 2011 and the supplemental information dated April 21, 2011 submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act). The VIRP was submitted in lieu of a Compliance Status Report and Corrective Action Plan required pursuant to the Georgia Rules for Hazardous Site Response (the Rules) for the above referenced property. EPD is approving your voluntary remediation plan, which specifies corrective action consisting of the following:

- Excavation of arsenic contaminated soils;
- Collection of additional soil and/or groundwater samples;
- Calculation of representative concentrations; and
- Investigate the migration of site contaminants offsite and perform an ecological assessment and risk evaluation of the off-property ecologically sensitive environments and perform corrective action if/as appropriate.

Therefore, EPD is accepting 3212 Berkeley Lake Road Investors, LLC as a participant as defined in the Voluntary Remediation Program Act for the following qualifying property, provided 3212 Berkeley Lake Road Investors, LLC implements the VIRP in compliance with the following schedule and conditions:

Qualifying property:

3312 North Berkeley Lake Road  
Duluth, Gwinnett County, Georgia  
Tax Parcel 6267 026

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.
  - July 12<sup>th</sup> and January 12<sup>th</sup> through January 12<sup>th</sup>, 2017.

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

- January 12, 2013 semiannual progress report must demonstrate complete horizontal delineation on the qualifying property;
  - January 12, 2014 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and,
  - July 12, 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 including certifications:
    - January 12, 2017

Conditions:

1. EPD requests submittal of a revised cost estimate to complete the work proposed in the VIRP through the CSR submittal and a financial assurance instrument in that amount by no later than March 12, 2012. EPD acknowledges receipt of the cost estimate dated January 11, 2012; however, pursuant to comment 6 of EPD's January 12, 2012 letter, the provided cost estimate appears to be insufficient and also fails to include all costs through the final CSR submittal. Model financial assurance instruments can be located at [http://www.gaepd.org/Files\\_PDF/forms/hwb/HSIModel.pdf](http://www.gaepd.org/Files_PDF/forms/hwb/HSIModel.pdf).
2. 3212 Berkeley Lake Road Investors, LLC must address EPD's comment letter dated January 21, 2011, January 12, 2012, and any other comment letters 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 3212 Berkeley Lake Road Investors, LLC's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, 3212 Berkeley Lake Road Investors, LLC must submit a Corrective Action Plan and Compliance Status Report that complies with the requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.
4. 3212 Berkeley Lake Road Investors, LLC 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.
5. Because 3212 Berkeley Lake Road Investors, LLC 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 Gwinnett County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20.

3212 Berkeley Lake Road Investors, LLC 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, 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 1462, Atlanta, GA 30334.

EPD requires that 3212 Berkeley Lake Road Investors, LLC 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 3212 Berkeley Lake Road Investors, LLC. However, failure of EPD to respond to a submittal within any timeframe does not relieve 3212 Berkeley Lake Road Investors, LLC from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should 3212 Berkeley Lake Road Investors, LLC fail to comply with the above schedule, EPD may terminate enrollment of the participant and the qualifying property from the voluntary remediation program.

3212 Berkeley Lake Road Investors, LLC  
April 18 and 21, 2011 VIRP, HSI #10844  
January 12, 2012  
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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 Amanda Sluss at (404) 657-0484.

Sincerely,



David Brownlee  
Acting Program Manager  
Response and Remediation Program

c: Mr. Keith Cole, Environ International Corporation

File: VRP Application 1157083200, HSI# 10844

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