

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.*, submitted by NewFields Atlanta, LLC (NewFields) on behalf of Toyoko Inn Atlanta, LLC (Toyoko Inn Atlanta). After completing its review of the application, and visiting the site on November 13, 2015, EPD has prepared the following comments:

1. The current condition of the asphalt cap is inadequate to function as an impermeable barrier and contain any contaminated soils. Specifically, during EPD's visit to the site:
 - a. Inspectors observed cracks (transverse and longitudinal) and raveling in the asphalt throughout the parking lot. Transverse cracks follow a course approximately at right angles to the pavement centerline and are indicative of reflection cracking and/or low-temperature contraction of the pavement. Longitudinal cracks follow a course approximately parallel to the center line and while usually resulting from a weak joint between paving lanes, can occur as a result of reflection cracking. Raveling is the progressive disintegration of the surface aggregate from the pavement surface and is typically caused by an oxidation of the pavement's binder from sun exposure.
 - b. Alligator cracks were observed to be prevalent in the areas constituting the travel lanes nearest 100 Forsyth St., nearest Forsyth Street and nearest Luckie Street. Alligator cracks are interconnected cracks forming a series of small polygons, the pattern resembling an alligator's skin. They are caused by excessive deflection of the surface over unstable subgrade or lower courses of the pavement. The unstable support is usually the result of saturated granular bases or subgrade.
 - c. More than ten potholes of varying size, with the largest measurable in feet wide and inches deep, were observed in the parking facility.

- d. Proper surface drainage is inadequate in several areas of the parking lot. Inspectors observed moist sediment and debris deposition along the northwestern property boundary with 100 Forsyth Street. A number of alligator cracks also showed the cracks themselves to be damp, unlike the pavement surfaces in better shape.

Deterioration of the asphalt cap, especially given the numerous and widespread alligator cracks and potholes, indicates that at a minimum, an overlay is likely necessary, with a major reconstruction possible. EPD recommends an Asphalt Institute or similarly qualified engineer be contacted for assistance to ensure the asphalt cap is upgraded to be adequate to function as an impermeable barrier and contain any contaminated soils.

The engineer's findings and recommendations, along with a more detailed Operations and Maintenance (O&M) Program, specifications on the construction of the cap, and As-Built drawings for the current and/or upgraded asphalt cap should be provided to the EPD for approval.

2. Please correct Figure No. 6 to show the benzo(a)pyrene concentrations for B-1 to match the concentrations shown in Transect A.
3. The Application currently lacks a table of delineation standards, which must be submitted and approved before or with the first semi-annual progress report. Due to the infrastructure and underground utilities directly adjacent to the site prevents further delineation horizontally at the current time, EPD accepts the current delineation as complete. However, more complete delineation may be required, if possible, when the property is developed and/or excavation activities to the depth of impacted soils occur related to site usage. This table is necessary for that future delineation.
4. The Application proposes 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). The RRS calculation in the Application fails to address the effect of leachability on the environmental risk assessment. The RRS calculations must be amended to address leachability, and submitted and approved before or with the first semi-annual progress report.
5. Although EPD accepts the current delineation as complete, based on the contamination present at the property boundaries, EPD believes the soils under the sidewalks and in the utility corridor to be impacted. Thus, Toyoko Inn Atlanta must include these areas as qualifying properties and calculate RRS values that address potential construction/utility worker risk scenarios.
6. Toyoko Inn Atlanta has met the conditions under §§ 12-8-107(g)(2) of the Act as a site which was listed on the Hazardous Site Inventory (HSI) because of a release to soil exceeding a reportable quantity for soil but was not listed on the inventory as a result of a release to groundwater exceeding a reportable quantity. Therefore, Toyoko Inn Atlanta is not required to perform corrective action for groundwater contamination, and additional investigation of groundwater in bedrock is not necessary.

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The above listed comments must be addressed to EPD's satisfaction in order to demonstrate compliance 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 provisions, purposes, standards, and policies of the Act. Should you have any questions or concerns regarding this site, please contact Mr. Tom Brodell of the Response and Remediation Program at (404) 657-8600.

Sincerely,

A handwritten signature in black ink, appearing to read "David Brownlee for". The signature is written in a cursive style.

David Brownlee
Unit Coordinator
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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