

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 EMAIL AND REGULAR MAIL

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

Re: April 2011 Revised Voluntary Remediation Plan
Gwinnett Regional Distribution Center
3312 North Berkeley Lake Road, Duluth, Gwinnett
County, Georgia
Tax Parcel ID 6267 026

Dear Mr. Coughlin:

The Georgia Environmental Protection Division (EPD) has reviewed the April 2011 Voluntary Remediation Program revised application and plan that has been submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act) O.C.G.A. 12-8-100, et seq. EPD has noted the following concerns that need to be addressed:

- 1) The following comments were included in EPD's January 21, 2011 letter and specifically addressed the VIRP. These must still be addressed:
 - a. If the cleanup standards for soil are based on Type 2, 4 or 5 RRS, then soil concentrations must be protective of groundwater at an established point of exposure for groundwater (i.e., property line) or at a hypothetical point of drinking water exposure located at a distance of 1000-feet downgradient from the delineated site contamination.
 - b. Also, according to Section 12-8-105(5) of the Act, whenever such depth-specific soil criteria are applied, the voluntary investigation and remediation plan for the site shall include a description of the continuing actions and controls necessary to maintain compliance.
 - c. Additional samples should also be located in all of the grassy areas in order to determine if the exposure pathway is complete or incomplete under Section 12-8-108(2) of the Act.
- 2) Section 4.1 of the VIRP states that the soil is delineated to 20 mg/kg for arsenic at the site to the site/property boundary. EPD does not concur that the site is delineated, as several sample locations exceed the selected delineation criteria. Further delineation is required for this site and may include off property sample locations per Section 12-8-108 of the Act.
- 3) EPD acknowledges that the VIRP states that further vertical delineation will be completed during implementation of the VIRP.

- 4) Please note that the figures must have a scale of 1 inch=200 feet or less. Also, contaminant concentrations should be annotated onto all figures.
- 5) Please note that any off site samples should be included in a supporting site figure that illustrates the extent of these properties and their relation to the site.
- 6) The plan proposes to excavate soils exceeding Type 4 RRS clean-up standards; however, per comment 14 below, you may choose to excavate soils exceeding Type 3 RRS. Currently, it is unclear if the selected remediation presented in the VIRP will also include any area averaging and/or any engineering/institutional controls. Please clarify this in the first progress report to be submitted to EPD by July 12th, 2012. Please note that if engineering and/or institutional controls are selected as part of the remediation for the site, an environmental covenant must be executed on the qualifying property (ies) in conformance with O.C.G.A. 44-16-1, et seq., the 'Georgia Uniform Environmental Covenants Act'. Model UEC documents can be found at: http://www.gaepd.org/Files_DOC/forms/hwb/modelcovenant.doc.

Since the site includes rental units with associated contracts for each of the tenants, please ensure that the UEC includes a stipulation that each rental agreement will include the necessary use restrictions to meet the risk reduction standards for the site.

- 7) The documentation for establishing the exposure domains should be presented to EPD for approval and take into consideration the current and future land use at the properties. It should also be noted that the areas exceeding applicable risk reduction standards (RRS) have yet to be fully delineated in many areas on the qualifying property (Section 12-8-108 of the Act).
- 8) Excavated soils will need to be tested to ensure that they are not characteristically hazardous before being managed/disposed of offsite. Soils that fail testing (e.g., TCLP) will need to be disposed of off-site at an appropriately permitted disposal facility.
- 9) Upon the completion of the required additional soil sampling and associated site remediation, please provide appropriate updated figures and cross sections that illustrate the site's surface and subsurface setting (Unified Soil Classification System subsurface soil descriptions and any interconnecting lithologic characteristics) to support the graphic three-dimensional conceptual site model required by Item #5 of the application checklist.
- 10) Comments 7 through 17 from EPD's January 21, 2011 letter must still be addressed for this site. Please note that you may choose to address these comments in a VIRP progress report or in a final CSR.

Risk Reduction Standards:

- 11) EPD concurs with the last paragraph in Section 5 of the Revised VIRP Application. In addition to sediment and surface water samples, off-site soil samples should be taken from the southeast corner of the site boundary down slope to the unnamed tributary flowing northeast into Northwoods Lake. Inspection of the topographic map indicates a 60-70 foot drop in elevation

from the southeast corner of the facility building to the tributary, with 50-60 foot of the elevation loss occurring within the site boundary. The soil samples may provide the necessary documentation to determine if soil migration containing arsenic has occurred. One or more additional soil samples should be taken to the southwest of the off-site soil samples, at or above the head of the unnamed tributary (above the 1060 foot countour line), or, if that is not feasible, outside the site boundary along the northeast portion of the site to determine soil background levels not associated to the on-site soil.

- 12) If off-site contamination of arsenic is confirmed by the sampling recommended in the comment above, a screening level risk assessment will be required to assess possible ecological risks.
- 13) The Type 3 RRS caculated for arsenic of 38 mg/kg for surface soil and 41 mg/kg for subsurface soil are acceptable for use at the site.
- 14) The Type 4 RRS should be based on the more conservative value of the RAGS calculations and the leaching value. EPD agrees with the values calculated for arsenic of 38 mg/kg and the leaching value of 5.8 mg/kg. However, the final Type 4 RRS should be 5.8 mg/kg based on the leaching value. Please revise this.

The above 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 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 provisions, purposes, standards, and policies of the Act.

Should you have any question or concerns regarding this matter, please contact Ms. Amanda Sluss of the Response and Remediation Program 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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