

Georgia Department of Natural Resources

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Reply To:

Response and Remediation Program
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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

March 21, 2011

VIA E-MAIL AND REGULAR MAIL

AXA Equitable Life Insurance Company
c/o Mr. Robert Poole, Executive Director
Morgan Stanley Real Estate, Inc.
3424 Peachtree Road, NE
Suite 800
Atlanta, Georgia 30326

RE: VRP Remediation Plan and Application, January 21, 2011
Former Vogue Cleaners, HSI Site No. 10394
4020 Washington Road, Martinez, Columbia County
Map J10, Parcel 079/087

Dear Mr. Poole:

The Georgia Environmental Protection Division (EPD) has reviewed the January 21, 2011, Voluntary Investigation and Remediation Plan (VIRP) submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act). EPD has noted some concerns below that need to be addressed:

Groundwater Investigation:

1. The next semi-annual Progress report should indicate the status of all wells and confirm that any destroyed wells were properly abandoned. Please note that monitoring wells should be abandoned in accordance with Section 2.8 of the EPA Region 4 Science and Ecosystem Support Division (SESD) Operating Procedure No. SESDGUID-101-R0 (Design and Installation of Monitoring Wells). EPD reserves its rights to require any destroyed well be replaced if needed to demonstrate compliance with the provisions, purposes, standards and policies of the Act.
2. EPD noted that cross section A-A' (Figure 8 - Subsurface Diagram) was drawn using groundwater elevation data from both deep and shallow monitoring wells at the Site, resulting in an unrealistic depiction of the groundwater table. Please note that groundwater elevation data from deep wells should be excluded from use in any future cross sections drawn to represent shallow groundwater contamination.
3. Please include legends on Figures submitted in the future.
4. Section 4.5 in the submitted VIRP identifies MW-2 and MW-6 as point of demonstration (POD) wells. However, based on the definition in Section 12-8-108 (4), it may not be appropriate to use MW-2 as MW-2 is located in the source area. Please evaluate and clarify further the POD wells in the next Progress Report.

5. EPD acknowledges that the point of exposure can be in the vicinity of MW-6, which is a proposed point of demonstration well. However, EPD notes that the proposed POD well and therefore the point of exposure is located off the qualifying property. Therefore, it may be necessary to include the property on which MW-6 is located as a qualifying property along with placement of an environmental covenant to comply with the provisions, purposes, standards and policies of the Act. Please evaluate and clarify further the point of exposure in the next Progress Report.

EPD recommends that some key items, e.g. modeling results, be submitted well in advance of the compliance status report (CSR) submittal to ensure compliance with the Act.

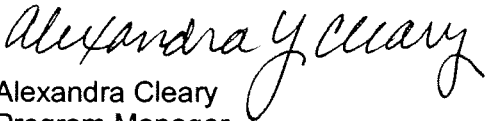
Qualifying Property:

EPD acknowledges that you are not including the sublisted property, Columbia Car Care Center (Map J10, Parcel 079/133) as a qualifying property pursuant to the Act. Therefore, that property remains subject to the Hazardous Site Response Act and AXA Equitable Life Insurance Company remains subject to Administrative Order EPD-HSR-498 for the remediation of that property. Please note that in order for AXA Equitable Life Insurance Company to be a participant in the voluntary remediation program, AXA Equitable Life Insurance Company must not be in violation of any order, judgment, statute, rule, or regulation subject to the enforcement authority of the Director (OCGA 12-8-106).

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 AXA Equitable Life Insurance Company. However, failure of EPD to respond to a submittal within any timeframe does not relieve AXA Equitable Life Insurance Company from complying with the provisions, purposes, standards, and policies of the Act.

If you have any questions, please contact Montague M^cPherson at (404) 657-8600.

Sincerely,


Alexandra Cleary
Program Manager
Response and Remediation Program

File: HSI No. 10394
c: Mark D. Mitchell – Genesis Project, Inc.
Dr. Harindorjit Singh
Columbia Square Investors, LLC