

**Department of Water Resources**

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gwinnettcounty

January 8, 2018

Mr. Tom Brodell  
Georgia Environmental Protection Division Land Protection Branch  
2 Martin Luther King, Jr. Drive SE  
Suite 1456 East  
Atlanta, Georgia 30334

Subject: Compliance Status Report  
North Berkeley Lake Road Site (HSI No. 10844)  
Duluth, Gwinnett County, Georgia

Dear Mr. Brodell:

Gwinnett County is submitting the enclosed Compliance Status Report (CSR) prepared by CDM Smith for the Fire Station 19 property on the North Berkeley Lake Road Site. The CSR includes the required summary of findings, certification of compliance, and certification by a qualified groundwater scientist. Upon submitting this CSR, we have also initiated the public notification requirements. The notification is enclosed that will be published by the Gwinnett Daily Post within the required seven days.

We look forward to receiving your review comments and completing the remaining work to have the fire station delisted. If you have any questions, please do not hesitate to contact me directly at (678) 376-6953 or [richard.schoeck@gwinnettcounty.com](mailto:richard.schoeck@gwinnettcounty.com).

Sincerely,

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES

Richard Schoeck, P.E., PMP  
Division Director of Project Controls

Enclosures

cc: Tom Duffey, CDM Smith  
Forrest Fields, Gwinnett County  
J.C. Lan, Gwinnett County  
John Reichling, CDM Smith



## Section 4

# Conclusions and Recommendations

CDM Smith concludes that the requirements of the VRP, the applicable Georgia Hazardous Site Response Rules (391-3-19), and the approved CAP for Fire Station 19 have been fulfilled for the Fire Station 19 property.

### 4.1 Compliance with RRSs

CDM Smith concludes that arsenic in soil and groundwater on the Fire Station 19 property have been sufficiently characterized and delineated; and EPD has concurred with this conclusion. Exceedances of the RRSs discussed in Section 3 have not been observed. CDM Smith concludes that the Fire Station 19 property complies with the RRSs.

### 4.2 Public Participation

Within seven days of submitting this CSR to EPD, Gwinnett County must fulfill the public participation requirements identified in the Georgia Hazardous Site Response Rules (391-3-19). The requirements of the rules include publishing *"a notice legal organ of the local governments in whose jurisdiction the site is located, announcing that such report is available for inspection by the general public."*

The public notice must include:

- Site name, address, and owner;
- EPD standard statement requesting public comment prior to a corrective action determination;
- Announcement of a 30-day public comment period with the name, address, and telephone number of the EPD contact person to whom written or oral comments can be made;
- Name, address, and telephone number of the Gwinnett County contact person; and
- The location where the CSR may be viewed and copied.

### 4.3 Environmental Covenant

Gwinnett County must enter into an EC with the State of Georgia as a consequence of applying the Type 4 and Type 5 RRSs for arsenic in soil at the property. Georgia has developed a UEC that is to be used as model for preparing the EC for the Fire Station 19 property. The EC will identify the location of administrative records, description of contamination and corrective action, and limitations on property use and activities. Gwinnett County anticipates that the following limitations on property use and activities will apply to the Fire Station 19 property.



- Residential, recreational, day care, and/or school uses of the property shall be prohibited;
- The use or extraction of groundwater beneath the property for drinking water or for any other non-remedial purposes shall be prohibited;
- Non-construction activities that are intrusive to the subsurface, such as gardening, shall be prohibited on the property;
- Construction activities that are intrusive to the subsurface that exceed a construction period of one year shall require EPD notification;
- Construction activities that are intrusive to the subsurface that exceed a construction period of one year may require environmental exposure controls, as determined by a qualified professional on a case-by-case basis; and
- Soil removal from the property shall be prohibited, except that soil may be transported to an appropriately-permitted waste disposal facility with prior facility notification of soil conditions and prior acceptance by the facility.

After the EC has been fully executed between EPD and Gwinnett County, the EC must be filed with the Gwinnett County Recorder of Deeds. The Fire Station 19 compliance status is not dependent on engineering controls or a planned environmental monitoring program. As a result, a monitoring and maintenance plan is not required. Gwinnett County will be required to submit an Annual Report certifying the non-residential use of the property and compliance with the use restrictions, limitations, and controls listed above.

#### **4.4 Property Delisting**

In consideration of the Fire Station 19 property complying with the RRSs and upon fulfilling the public notice requirements, executing the EC, and recording the EC with the property deed in the records, the Fire Station 19 property will be qualified for delisting from the HSI pursuant to the Georgia Hazardous Site Response Rules (391-3-19).