

Georgia Department of Natural Resources

Environmental Protection Division-Land Protection Branch

2 Martin Luther King Jr., Dr., Suite 1054 East, Atlanta, Georgia 30334

(404) 657-8600; Fax (404) 657-0807

Judson H. Turner, Director

October 23, 2014

Davidson-Kennedy Company
c/o Mr. Joseph H. Rubin
5273 Redfield Road
Dunwoody, Georgia 30338

RE: 6th Semi-Annual VRP Progress Report, June 2014
Davidson-Kennedy Company Property, HSI Site No. 10866
1195 Victory Drive, Atlanta, Fulton County, Georgia
Tax Parcel 14-0121-0007-002-4

Dear Mr. Rubin:

The Georgia Environmental Protection Division (EPD) has reviewed the June 2014 VRP Progress Report submitted for the above referenced Site pursuant to the Georgia Voluntary Remediation Program Act (the Act). This submittal included the final remedial plan and a draft of the uniform environmental covenant (UEC) for the above referenced property. EPD approves the remedial plan, subject to the comments provided below, which should be addressed in accordance with the Act:

Remedial Plan

1. The remedial plan should include the removal of scrap tires and the excavation and removal of potentially impacted soil associated with open dumping and possible wire burning identified during the most recent site visit.
2. The report notes that soil from Area A required stabilization prior to disposal during previous excavation activities. Please ensure excavated soils are properly characterized and managed accordingly. In addition, fill material to be used at the site must be analyzed to ensure compliance with risk reduction standards.
3. Figure 5 – Soil Excavation Area does not appear to reflect the additional 80 cubic yards of material identified in the December 27, 2013 Response to EPD's June 12, 2013 Comments. The figure also fails to include the proposed extent of excavation on the adjacent residential property. Please submit a revised figure showing all areas currently planned for excavation and an updated corrective action implementation schedule with the next Semi-Annual VRP Progress Report due December 30, 2014.

Uniform Environmental Covenant

4. The UEC template has recently been updated (signature page, addresses, etc.). Please use the current template located at <http://epd.georgia.gov/uniform-environmental-covenants>.

5. Page 1 of the draft UEC does not identify any parties that hold interest in the property other than Davidson-Kennedy Company. Please confirm via a title search that there are no utilities easements or other parties with vested interest in the property.
6. Additional detail is necessary with regard to Condition 4 Monitoring and Maintenance, either within the UEC or as a standalone Monitoring and Maintenance Plan, describing the inspection process, conditions that require maintenance, and how maintenance of these areas will be performed. The plan must include appropriate requirements for both the fill material area adjacent to the stream and for the impacted operational areas. The documentation should include an inspection checklist and an annual property evaluation form, which will be completed and submitted to EPD for both the Davidson-Kennedy Property and the adjacent property to the north. Condition 4 should also include a reference to the tax parcel number for the adjacent property to the north.
7. Condition 5 of the UEC should also state that site soils will be properly characterized prior to disposal in accordance with applicable rules and regulations.

Davidson-Kennedy Company must address these comments 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 Davidson-Kennedy Company. However, failure of EPD to respond to a submittal within any timeframe does not relieve Davidson-Kennedy Company from complying with the provisions, purposes, standards and policies of the Act.

The next progress report, due December 30, 2014, should include the results of the surface water and sediment sampling required to complete the preliminary risk evaluation. In the interim, please contact us to finalize the UEC. If you have any questions, please contact John Maddox of the Response and Remediation Program at (404) 657-8600.

Sincerely,



Jason Metzger
Unit Coordinator
Response and Remediation Program

C: John P. Martiniere Jr., P.E. – Peachtree Environmental (via email)

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