UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

January 27, 2020

URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL – RETURN RECEIPT REQUESTED

(b)(6)
(b)(6) Personal Privacy

Dear (b)(6):

The United States Environmental Protection Agency is investigating possible lead soil contamination in Atlanta's Westside. The EPA is seeking access to perform sampling and response actions at residential properties to determine the nature and extent of contamination and to act to stabilize or clean up contamination. This sampling is free of charge to property owners.

Your property at 423 Elm Street has been identified as part of the area of concern. Pursuant to the EPA's mandate to protect human health and the environment, the EPA requests that you grant access to your property. The EPA will not need to enter the dwelling on your property. Access will be limited to the exterior yard of your property.

The EPA requests that you grant access to the property beginning immediately and effective for the duration of the sampling activities, as well as for the duration of any additional response actions needed to protect human health and the environment. The EPA will coordinate directly with you concerning the scheduling of sampling and response actions on your property. If you agree to allow the EPA to conduct sampling and response actions at your property, please complete the following form and return to the EPA by February 4, 2020. For your convenience, we have also included a postage paid envelope.

Along with the access authorization, we have included a fact sheet which provides more details about the EPA's efforts in Atlanta's Westside. For your reference, we have also enclosed previous email correspondence to you from Chuck Berry, the EPA's On-Scene Coordinator.

If you have any legal questions concerning this matter, please contact me at (404) 562-8139. If you have technical questions regarding EPA's planned activities at your property, please contact either Mr. Berry at (404) 562-8278; Terrence Byrd, On-Scene Coordinator at (404) 562-8755; or Kyle Bryant, the Community Involvement Coordinator at (404) 562-9073. Your assistance and cooperation are appreciated.

Sincerely,

John Sheesley
Assistant Regional Counsel

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, S.W.
ATLANTA, GEORGIA 30303

OWNER ACCESS AUTHORIZATION

Property Address:	423 Elm Street
City, County, State, Zip:	Atlanta, Fulton County, GA 30318
Parcel Number (if known):	14 011100061264

1. I, _____, own the above referenced property or am an agent for the owner, and, as such, I have the authority to sign this Access Authorization.
2. I grant authorization to the United States Environmental Protection Agency (EPA), its officers, employees, contractors and other authorized representatives to enter the property. This authorization allows EPA, its officers, employees, contractors and other authorized representatives to have access to the property to conduct an investigation and remove any contamination necessary to protect human health and the environment. EPA's activities at the Site will include, but may not be limited to, the following:
    a. collecting surface soil, subsurface soil, sediment, air and waste samples as may be determined to be necessary;
    b. inspecting, sketching, photographing, and/or videotaping the premises;
    c. inspecting and copying all documents related to the operations at the property;
    d. performing necessary removal actions as determined by the EPA, including but not limited to excavation of contaminated soil;
    e. transporting equipment onto and about the property, as necessary to accomplish the activities listed above;
    f. temporarily storing equipment on and throughout the property, as necessary, to accomplish the activities listed above;
    g. other actions related to the investigation or removal of surface or subsurface contamination.
3. The consent for access and use granted herein will commence immediately and will continue until EPA completes removal activities or rescinded by me in writing.
4. I have been notified that these actions by EPA are undertaken pursuant to its response authority under Section 104(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), 42 U.S.C. Section 9604(a).

5. Please sign the access authorization below. Authorized agents please indicate your relationship with the owner. Electronic signatures or scanned documents are acceptable. Please return this signed and dated Access Authorization to:

Charles L. Berry, On-Scene Coordinator
Emergency Response and Removal Branch
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W. Atlanta, GA 30303
berry.chuck@epa.gov
404.562.8699 (FAX)

Signature	Date
Printed Name	Telephone Number
Title (if signing as agent or authorized representative of owner)	Email address
Company / Agency Name (if applicable)	Company / Agency Address

U.S. Environmental Protection Agency

Westside Lead Investigation

Atlanta, Georgia

Fact Sheet #2 **July 2019**

Introduction

The U.S. Environmental Protection Agency (EPA) is investigating possible lead soil contamination in Atlanta's Westside neighborhoods. EPA is seeking access to perform sampling at selected properties. More information for residents, homeowners and business owners is provided below.

EPA is also hosting two community information sessions on Tuesday, July 23, 2019, for residents to learn more. During these informal, drop-in gatherings, community members can talk one-on-one with representatives from the EPA, the Georgia Environmental Protection Division, the Agency for Toxic Substances and Disease Registry and the Georgia Department of Public Health. The same information will be presented at both sessions, which are being held at different times to accommodate varying schedules.

You are invited to attend a Community Information Session

Tuesday, July 23, 2019

9:00 to 12:00 p.m. or
5:00- 7:00 p.m.

On the Rise Financial Center
810 Joseph E. Boone Blvd
Atlanta, GA 30314

Environmental Sampling

EPA is offering soil testing at no cost to residents and property owners in a section of English Avenue encompassing 330 properties between Joseph E. Boone Blvd NW, Chestnut St NW, Cameron Alexander Blvd NW and the old CSX rail line (see map). Industrial and commercial properties will not be sampled under EPA's current project. The samples will be taken from outside the homes, and residents/property owners do not have to be present. Individual results will be kept confidential and shared directly with residents and property owners.

Map of the Westside study area. Area may be expanded.

If the sampling indicates additional properties may be impacted, the study area will be expanded, as necessary. The results will determine what, if any, additional response actions are necessary to protect human health and the environment.

We Need Your Help to Test Your Soil

EPA is offering free soil lead testing for residents and property owners in the Westside study area (see map on page 1).

If you are the renter or owner, please sign the attached access authorization to give EPA permission to sample your yard.

What You Can Do

Read the letter and access authorization. Call any of the contacts listed below if you have questions about either document. Most importantly, **please sign the access authorization and return it by mail in the postage-paid envelope. You may also scan and e-mail the signed agreement to R4_Westside_Lead@epa.gov.**

We understand you may have questions about the possible contamination and what it means for you and your family. Residents and property owners are encouraged to reach out to the EPA contacts listed below and/or come to a community information session (see page 1) to learn more. To limit you and your family's exposure to lead, please visit the Georgia Department of Health's website at https://dph.georgia.gov/lead-education-and-faqs. This website lists simple steps you can take to reduce your lead exposure.

Background

In 2018, an Emory University doctoral student shared data with the EPA showing elevated lead levels collected from soil samples in Atlanta's Westside neighborhoods. Additional research by EPA led to the discovery of industrial smelting waste (slag) on at least two (2) lots near Elm Street. Though slag may be a possible source of lead contamination, the presence of slag material does not automatically equate to high levels of lead in soil. Sampling around the Elm Street area indicated lead levels above EPA's recommended residential level of 400 milligrams per kilogram, also known as "parts per million" (ppm) was present in some, but not all, locations. Sampling is required to determine the specific risk for your property and will be used to evaluate the appropriate next steps to protect public health and the environment.

FOR MORE INFORMATION

www.epa.gov/superfund/westside-lead

or email us at R4_Westside_Lead@epa.gov

CONTACTS

EPA On-Scene Coordinators

Terrence Byrd (404) 562-8755
byrd.terrence@epa.gov

Chuck Berry (404) 562-8278
berry.chuck@epa.gov

EPA Community Involvement Coordinators

L'Tonya Spencer (404) 562-8463
spencer.latonya@epa.gov

Kerisa Coleman (404) 562-8831
coleman.kerisa@epa.gov

From: Berry, Chuck
Sent: Monday, December 30, 2019 2:13 PM
To: hiruy5243@gmail.com
Cc: Cheryl Vaccarello <Cheryl.Vaccarello@tetratech.com>
Subject: Soil contamination at 423 Elm

(b)(6) Personal Privacy

I'm not sure if you remember speaking with me about a year ago concerning EPA's investigation into lead contamination in English Avenue, but I wanted to give you an update on our findings. Your tenant, (b)(6) [redacted], provided us access to sample the property at 423 Vine Street. You should have received a letter with the results on it at Vine Green Parks' listed agent's address, 4023 Brockett Oaks in Tucker. If you did not receive a letter, please let me know.

The letter stated the soil at 423 Elm is over my Agency's removal action level, and we want to excavate the property and make it safe for the residents. In fact, I'd like to begin our project with your lot, as it is fairly uncomplicated and could help us work through our process before starting more technically challenging lots. We are planning on beginning excavation on January 27, 2020.

EPA is willing to take this on at taxpayer expense: there could no cost to you or Vine Green Parks. However, for that to happen we need your active participation in the process.

The Federal Superfund law states that property owners are ultimately responsible for the contamination on their property, regardless of where it came from. This places the remediation liability squarely on (b)(6) Personal Privacy However, my agency long ago determined that, for residential parcels, this is probably not in the public interest. Residential property is a different entity than the commercial/industrial property for which the law was written. So while we cannot rewrite the law, we can decide to simply not enforce it.

EPA's policy sets forth some simple requirements of property owners to receive this enforcement protection:

1. You did not participate in the process that led to the contamination;
2. You provide free access to the property for us to do our work; and
3. You support any post-removal site controls we want to put into place.

I think you certainly meet #1 above – the contamination was placed on the lot in the early 1900s, long before you purchased it. As for #2, I'm attaching an access agreement to this email. Your tenant can only provide access for sampling – property owners must sign for an actual removal action since we're materially changing the property (for the better). Please sign the access agreement and email it back to me at this address. Item #3 is best discussed on the phone or in person, but your level of effort will be virtually 0.

Also, we noticed you own several parcels within our area of investigation. I'm cc'ing my Community Outreach Manager, Cheryl Vacarello. She can help identify those parcels you control within our AOI. She can then prepare a consolidated access agreement for all of those at once. Participating in this process now can avoid us having to engage legal measures later that would invalidate your enforcement protections. EPA is dedicated to protecting all the residents of English Avenue, and will eventually want to sample every lot in AOI. It's best we work together now to achieve that goal as efficiently as we can.

I'm sure you have a bunch of questions, and I'd be happy to answer all of them. Please call me at the cell number below.

Thanks,

Chuck Berry - Federal On-Scene Coordinator
U.S. Environmental Protection Agency, Region 4 | 61 Forsyth St SW | Atlanta, Georgia | 30303
Superfund and Emergency Management Division
Emergency Response, Removal, Prevention and Preparedness Branch (ERRPPB)
office: **404-562-8278** | cell: **404-859-0970** | **response.epa.gov**