



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE
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Doug Domenech
Secretary of Natural Resources

David K. Paylor
Director

December 21, 2010

Mr. Thomas L. Stokes, Jr.
Stokes Environmental Associates, Ltd.
4101 Granby Street, Suite 404
Norfolk, VA 23504

Re: Former Port Norfolk Elementary School Site, 3101 Detroit Street, 424 Douglas Avenue,
0 Detroit Street, Portsmouth, Virginia

Dear Mr. Stokes:

This office received and reviewed your Phase II Environmental Site Assessment (ESA) Report for the eastern portion of the Port Norfolk School Site, 424 Douglas Avenue & 0 Detroit Street in Portsmouth, VA dated December 8, 2010. This office also received and reviewed an Environmental Data Review Report dated December 12, 2010 from Mr. Walter J. Bell, P.E. This office previously reviewed the following reports and conducted an investigative site visit on October 22, 2010:

1. Phase I Environmental Site Assessment (ESA) Port Norfolk School Site dated April 7, 2005 prepared by Stokes Environmental Associates, Ltd.
2. Phase I & Phase II Environmental Site Assessment (ESA) Port Norfolk School Site dated July 14, 2010 prepared by Stokes Environmental Associates, Ltd.
3. Arsenic Evaluation Port Norfolk Site dated August 13, 2010 prepared by Stokes Environmental Associates, Ltd.
4. Preliminary Methane Assessment Port Norfolk Site dated August 16, 2010 prepared by Stokes Environmental Associates, Ltd.
5. Metropolitan Laboratories, Inc. report dated October 27, 2010 documenting results of metals analysis on the limited surface soil sampling conducted on October 20, 2010 by Green Environments, LLC.

These documents indicate the filling activities on site occurred before the establishment of the Virginia Waste Management Act §10.1400 *et. seq.* of the Code of Virginia, the Virginia Solid Waste Management Regulations, or predecessor laws and regulations.

Based on the available information:

1. The site does not appear to be subject to the Virginia Solid Waste Management Regulations 9 VAC 20-80-10 *et. seq.* as the documentation does not substantiate that an off-site release of solid waste constituents has occurred.
2. Remediation does not appear to be clearly mandated pursuant to any potentially applicable statutes or regulations administered by TRO.

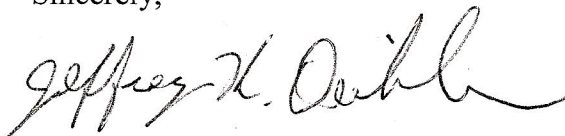
However, if new information is obtained which indicates that a release of solid waste constituents has occurred off site, the site may be subject to regulation under the Virginia Solid Waste Management Regulations.

Persons developing or otherwise working on this site shall exercise appropriate care with respect to contaminated soils, sediment, or groundwater if found at the site. If persons encounter contaminated soils, sediment, or groundwater, such media shall be properly managed and disposed of in accordance with applicable regulations. The DEQ reserves all rights to pursue any and all actions against any site, facility, or individual that fails to practice appropriate care in the handling and disposal of contaminated media at their facility.

Any persons who own, operate, have a security interest in or enter into a contract for the purchase or use of an eligible site may be eligible to receive a Bona Fide Prospective Purchaser (BFPP) environmental liability protection letter from DEQ's Brownfield Program. Persons who remediate a site may be eligible to receive a Certificate of Satisfactory Completion of Remediation from DEQ's Voluntary Remediation Program (VRP). Benefits of participation in these programs are, immunity from future state or federal compliance action for remedial actions taken, and the availability of low interest loans to qualifying applicants. The point of contact for the Brownfield Program is Mr. Meade Anderson. He can be contacted at meade.anderson@deq.virginia.gov or at (804) 698-4179. The point of contact for the VRP is Mr. Kevin Greene. He can be contacted at Kevin.greene@deq.virginia.gov or at (804) 698-4236.

If you have any questions regarding this information, you may contact me at (757) 518-2182.

Sincerely,



Jeffrey K. Deibler

Waste Compliance Technical Coordinator

c: Mr. Walter J. Bell, P.E.
236 Maryland Avenue
Portsmouth, VA 23707

Ms. Sarah Barrash Wilson
459 Douglas Avenue
Portsmouth, VA 23707

Ms. Amy O'Donnell
409 Douglas Avenue
Portsmouth, VA 23707

Patrick J. Small, Director
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Meade Anderson, DEQ, ORP-BF
Kevin Greene, DEQ, ORP-VRP
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