

May 23, 2013

VIA TELECOPIER (215) 814-2603

Lydia Guy, Regional Hearing Clerk
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Docket No. TSCA-03-2008-0052
Broadway Associates, et al

Dear Ms. Guy:

On behalf of our clients and pursuant to the Freedom of Information Act (FOIA), this office requests copies of, or access to, the following records in connection with the above-referenced matter:

1. Lead Based Paint Inspection of December 17, 2007, for 534 Hampton Place, Portsmouth, Virginia. We note that a copy of this inspection was attached to the December 31, 2008, letter from the Respondent, F. B. Kirsch (copy attached).

Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact our office.

Very truly yours,

LAW OFFICES OF RICHARD J. SERPE, P.C.



Debbie L. Puckett
Legal Assistant

dlp
Enclosure

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Olde Hampton, LLC

Ms. Linda Guy
Regional Hearing Clerk (3RCOO)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

December 31, 2008

Re: Consent Agreement TSCA-03-2008-0052

Dear Ms. Guy,

This is our Project Completion Report required by the Consent Agreement. The project is complete.

The windows and doors have been replaced. We replaced 51 window casings and 52 windows (including frames, sashes, window heads, jambs, sills and stools or troughs) with energy-efficient windows free of lead-based paint.

The four additional windows (48 were in the SEP) were installed because we replaced two smaller windows in four instances where one larger window had previously existed in the front of the house. After the project had obtained initial approval from the Portsmouth Architectural Review Commission (PARC), we were required to apply for a change from our initial plans to replace front exterior windows downstairs with eight double hung wooden windows in lieu of the four existing sliding windows. They (PARC) required us to replace all windows with wooden windows conforming to the existing architectural profile of the house. A large sliding window was not available in the marketplace. We substituted two smaller double hung windows in place of one larger slider, which raised the total number of windows replaced from 48 to 52. We also replaced two exterior doors and nine interior doors and associated door casings free of lead-based paint as agreed. Final replacement work was completed in this month.

Before completion, the PARC issued two Stop Work orders and required us to appear before the commission on October 21, 2008 to address the above issues and others concerning the window profiles we had already installed. PARC staff was concerned that our windows did not meet the exterior profile they initially approved. We won their approval; however, this delayed project completion for more than a month because of the stop work orders and the approval process.

The Initial Assessment Report, sent to your offices in December 2007, found fifty-one windows contained lead based paint. The report found lead based paint (LBP) in fourteen door components tested. Eleven door components within the first floor apartment were positive for LBP. Most painted surfaces on

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door components were intact; however, several showed signs of peeling and/or damaged paint. Many surfaces not identified to be LBP contained lower levels of lead. This assessment is an attachment.

We have attached the Post Abatement Clearance Report. On two occasions, we performed extra-specialized lead cleaning, unanticipated by the general contractor in his initial proposal to a final clearance and were charged for the extra work.

Structural elements were damaged during window demolition. Brickwork atop a window fell to the ground and we replaced it before replacing windows.

We paid \$31,418.25 to the US Treasury and reported this, with receipts in our first report to you.

We paid Superior Replacement Window (SRW) \$61,397.00 on the initial contract. This contract included removing fifty-one (51) window casings and 48 windows (48) windows (including frames, sashes, window heads, jambs, sills and troughs). Also included were removal and replacement of two exterior doors and removal and replacement of nine interior doors. The replacement doors and windows were painted and interior walls repaired. Attached SRW statement shows payment in full.

We also paid Superior Replacement Window (SRW) \$1,520.00 for the changed work and extra final cleaning required to complete the Post Abatement testing. Attached SRW statement shows payment in full. The receipt showing payment is also a part of this final report.

We paid Applied Laboratory Services \$763.75 for preliminary XRF Analysis and Preliminary Report. Their paid statement was sent to you before your approval of the project.

We paid Applied Laboratory Services \$2,920.00 for the Post Abatement Testing. The Post Abatement testing report is a part of this report. The receipt showing payment is also a part of this final report.

We held the apartment for leasing to these tenants effective December 1, 2008. We did not pay any of the SEP planned-for Alternative Tenant Housing during their relocation period but allowed them to store their furniture in the apartment starting when the demolition work commenced in August until they moved back into the apartment in late November after lead testing was completed.

The tenants formerly in Apartment #2 vacated before the work of the job began in August. That apartment which rents for \$1,000.00 per month has

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remained vacant since March 1, 2008 (\$10,000 rental loss for 2008). It remains vacant today although it is for rent and posted in the local newspaper as such.

A recapitulation of expenses follows:

\$31,418.25 in Civil Penalty paid.

\$62,917.00 to Superior Replacement Windows.

\$763.75 for Initial Lead Testing (XRF Analysis) Applied Laboratory Services

\$2,920.00 for post abatement clearance Testing to Applied Laboratory Services

Total expenditures \$98,319.00.

This SEP is complete and this is the complete and final report.

Please contact me by email revelerbk@cox.net when you receive this report so that I will know that these documents fulfill the Consent Agreements reporting requirements.

Sincerely yours,



F. B. Kirsch

Copies to Mr. A. J. D'Angelo and Mr. Kyle Chelius

Enclosures:

Applied Laboratory Services, Lead Based Paint Inspection of December 17, 2007. Lead Paint testing data results and sketch of the areas surveyed is attached.

Copy of Superior Replacement Window Contract dated 4-11-2008

Copy of Hudman Painting Contract w/Superior dated 4-14-2008

Copy of AIM Services Contract w/Superior for demolition dated 4-16-2008.

Cost proposal from Applied Laboratory Services for Clearance Lead Dust Sampling dated 2-6-2008.

Copy of Certificate of Appropriateness Portsmouth Commission of Architectural Review dated 11/27/2008

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Copy of City of Portsmouth Building Permit dated 4/22/2008

Copy of City of Portsmouth Building Permit Receipt dated 4/22/2008

Changed Certificate of Appropriateness dated 8/20/2008

First Stop Work order issued 10/6/2008 (released after 10/21/2008 PARC Meeting)

Second Stop Work order issued 10/8/2008 (released after 10/21/2008 PARC Meeting)

Changed Certificate of Appropriateness dated 10/10/2008

Copy of Lead Abatement Final Clearance Testing Dated 11/12/2008

Copy of Superior Replacement Window Release of Liens and General Understandings dated 11/20/2008

Copy of Superior Replacement Window initial Contract statement dated 11/20/2008

Copy of Applied Laboratory Services Paid Statement dated 11/20/2008

Copy of Superior Replacement Window changes statement dated 12/15/2008