

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

*A.J. D'Angelo (3RC30)*  
*Sr. Asst. Regional Counsel*

*Direct Dial: (215) 814-2480*  
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*Via Certified Mail,*  
*Return Receipt Requested, Postage Prepaid*  
*(Article No. 7004 2890 0000 5075 7477)*

JAN 19 2009

**Frank B. Kirsch, III**  
208 87<sup>th</sup> Street  
Virginia Beach, VA 23451

Re: **Project Completion Report Acceptance**  
Broadway Associates (Frank B. Kirsch, III and Michael R. Kirsch, General  
Partners), Olde Hampton, LLC and MBA-View, LLC  
*Consent Agreement and Final Order (Docket No. TSCA-03-2008-0052)*

Dear Mr. Kirsch:

The U.S. Environmental Protection Agency, Region III ("EPA") has received and reviewed the December 31, 2008 Project Completion Report submitted by the Respondents pursuant to Paragraph 112 of the Consent Agreement, and associated Final Order (collectively, CAFO"), in the above-referenced matter. As required pursuant to terms and provisions of Consent Agreement Paragraph 112.b., the Project Completion Report provides the required accounting, summarization and itemization of those Supplemental Environmental Project ("SEP") eligible costs which the Respondents seek to have applied toward the Sixty Seven Thousand Nine Hundred Dollar and Seventy-Five Cent (\$67,900.75) Required SEP Expenditure. As you are further aware, EPA identified one minor mathematical discrepancy in page 3 of the Respondents' Project Completion Report, pertaining to an error in the calculation of the total SEP Expenditures. This error was brought to your attention on January 14, 2009 by Kyle Chelius of my staff and was addressed and corrected by you in a subsequent correspondence of that same date.

On the basis of the information submitted by the Respondents in their December 31, 2008 Project Completion Report, the subsequent January 14, 2009 correction letter and in all prior Reports made by the Respondents to EPA pursuant to the requirements and provisions of the above-referenced CAFO, EPA has determined that the SEP was conducted and completed by the Respondents in accordance with the requirements and provisions of the CAFO and in compliance with all applicable federal, state and local laws and regulations. Based upon the above information, the Respondents also have demonstrated, to EPA's satisfaction, that they have incurred and spent the sum of \$66,600.75 in performance of the SEP.

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Based upon the representations made by the Respondents in the above-referenced Reports and letter, EPA herein accepts the Respondents' December 31, 2008 Project Completion Report, as amended via Respondent's correction letter of January 14, 2009, and approves the Respondents' expenditure of \$66,600.75 in performance of the SEP as "Approved SEP Expenditures" pursuant to Paragraph 114.a. of the Consent Agreement.

Sincerely,



Elizabeth Olhasso, Acting Chief  
Toxics Programs Branch

cc: L. Guy, Regional Hearing Clerk (3RC00) - *via hand delivery*  
Kyle Chelius (3LC61) - *via Inter-Office Mail*  
A.J. D'Angelo (3RC30) - *via Inter-Office Mail*

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

<b>In the Matter of:</b>	:	
	:	
<b>Broadway Associates,</b>	:	<b>U.S. EPA Docket No.</b>
<b>(a/k/a Broadway Avenue Associates),</b>	:	
<b>Frank B. Kirsch, III and Michael R. Kirsch,</b>	:	<b>TSCA-03-2008-0052</b>
<b>General Partners,</b>	:	
<b>Olde Hampton, LLC, and</b>	:	
<b>MBA-View, LLC,</b>	:	
	:	
	:	
<b>Respondents.</b>	:	
	:	
<b>534 Hampton Place,</b>	:	<b>Proceeding under Sections 409</b>
<b>Portsmouth, Virginia 23704</b>	:	<b>and 16(a) of the Toxic Substances</b>
	:	<b>Control Act, 15 U.S.C. §§ 2689</b>
<b>and</b>	:	<b>and 2615(a)</b>
	:	
	:	
<b>263 A View Avenue,</b>	:	
<b>Norfolk, Virginia 23503,</b>	:	
	:	
	:	
<b>Target Housing.</b>	:	

**CERTIFICATE OF SERVICE**

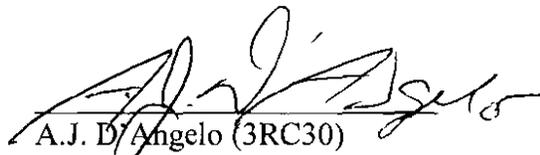
I hereby certify that on the date set forth below, I caused to be hand-delivered to Ms. Lydia Guy, Regional Hearing Clerk (3RC00), U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029 the original and one copy of the foregoing Letter of Remittance in the above-captioned matter. I further certify that on the date set forth below, I caused true and correct copies of the same to be mailed via Certified Mail, Return Receipt Requested, Postage Prepaid, to the following persons at the following addresses:

**Frank B. Kirsch, III**  
208 87<sup>th</sup> Street  
Virginia Beach, VA 23451  
*(Article No. 7004 2890 0000 5075 7484)*

**Marina Liacouras Phillips, Esquire**  
**Kaufman & Canoles**  
150 West Main Street  
Suite 2100  
Norfolk, VA 23510  
*(Article No. 7004 2890 0000 5075 5114)*

**JAN 19 2009**

Date

  
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