



SDMS DocID 2194867

**FOURTH FIVE-YEAR REVIEW REPORT FOR
SUFFOLK CITY LANDFILL SUPERFUND SITE
SUFFOLK, VIRGINIA**



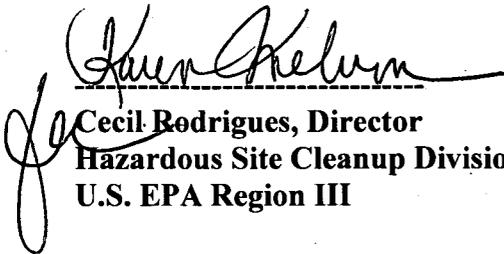
AUGUST 2014

Prepared by

**U.S. Environmental Protection Agency
Region III
Philadelphia, Pennsylvania**

SEP 17 2014

Date



**Cecil Rodrigues, Director
Hazardous Site Cleanup Division
U.S. EPA Region III**

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EXECUTIVE SUMMARY

The remedy for the Suffolk City Landfill Site (Site) in Suffolk, Virginia was a no action remedy. The remedy for the Suffolk City Landfill Site is protective of human health and the environment because of the steps that have been taken by local authorities to close the landfill. The city has placed deed restrictions on the Site to protect the cap, and signs have been placed at the entrance. VDEQ has allowed the city to discontinue air monitoring, and the leachate collection system will be taken out of operation by the end of the summer of 2014

Cross-Program Revitalization Measures (GPRA) Measures Review

As part of this Five Year Review the GPRA Measures have also been reviewed. The GPRA Measures and their status are provided as follows:

Environmental Indicators

Human Health: Long-Term Human Health Protection Achieved (HHPA)

Groundwater Migration: Groundwater Migration Under Control (GMUC)

Sitewide RAU

The Site is Site-Wide Ready for Anticipated Use (SWRAU).

LIST OF ABBREVIATIONS

AOC	Administrative Order on Consent
ARAR	Applicable or Relevant and Appropriate Requirement
ASD	Alternative Source Determination
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
EPA	U.S. Environmental Protection Agency
GPS	Groundwater Protection Standards
HRSD	Hampton Roads Sanitation District
MCL	Maximum Contaminant Level
NCP	National Contingency Plan
NPL	National Priorities List
PRP	Potentially Responsible Party
RPM	Remedial Project Manager
RAO	Remedial Action Objective
RI/FS	Remedial Investigation/Feasibility Study
ROD	Record of Decision
TBC	To Be Considered
VDEQ	Virginia Department of Environmental Quality
VDOH	Virginia Department of Health
VDWM	Virginia Department of Waste Management

FIVE-YEAR REVIEW SUMMARY FORM

SITE IDENTIFICATION		
Site Name: Suffolk City Landfill		
EPA ID: VAD980917983		
Region: 3	State: VA	City/County: Suffolk City
SITE STATUS		
NPL Status: Final		
Multiple OUs? No	Has the site achieved construction completion? Yes	
REVIEW STATUS		
Lead agency: EPA If "Other Federal Agency" was selected above, enter Agency name		
Author name (Federal or State Project Manager): Ronnie M. Davis		
Author affiliation: Remedial Project Manager		
Review period: December 20, 2013 – July 2014		
Date of site inspection: May 28, 2014		
Type of review: Statutory		
Review number: 4		
Triggering action date: September 30, 2009		
Due date (five years after triggering action date): September 30, 2014		

Five-Year Review Summary Form (continued)

Issues/Recommendations

OU(s) without Issues/Recommendations Identified in the Five-Year Review:

OU1 – No issues were identified

Protectiveness Statement(s)

The remedy for the Suffolk City Landfill Site is protective of human health and the environment because of the steps that have been taken by local authorities to close the landfill. The pesticides have likely degraded and nothing is being leached from the Site. The city has placed deed restrictions on the Site to protect the cap, and signs have been placed at the entrance. VDEQ has allowed the city to discontinue air monitoring, and the leachate collection system will be abandoned by the end of the summer of 2014.

Suffolk City Landfill Superfund Site
Suffolk, Virginia
Fourth Five-Year Review Report
EPA ID No. VAD980917983

I. INTRODUCTION

The purpose of a five-year review is to determine whether the remedy at a site is protective of human health and the environment. The methods, findings, and conclusions of reviews are documented in Five-Year Review reports. In addition, Five-Year Review reports identify issues found during the review, if any, and identify recommendations to address them.

The U.S. Environmental Protection Agency (EPA) is preparing this Fourth and final Five-Year Review report pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) § 121 and the National Contingency Plan (NCP). CERCLA §121 states:

If the President selects a remedial action that results in any hazardous substances, pollutants, or contaminants remaining at the site, the President shall review such remedial action no less often than each five years after the initiation of such remedial action to assure that human health and the environment are being protected by the remedial action being implemented. In addition, if upon such review it is the judgment of the President that action is appropriate at such site in accordance with section [104] or [106] title, the President shall take or require such action. The President shall report to the Congress a list of facilities for which such review is required, the results of all such reviews, and any actions taken as a result of such reviews.

EPA interpreted this requirement further in the NCP; 40 CFR § 300.430(f) (4) (ii) states:

If a remedial action is selected that results in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure, the lead agency shall review such action no less often than every five years after initiation of the selected remedial action.

EPA Region 3 conducted this five-year review of the remedy implemented at the Suffolk City Landfill Superfund Site (Site) in Suffolk, Virginia. This review was conducted by the EPA Remedial Project Manager (RPM) of the Site, with assistance from the Virginia Department of Environmental Quality (VDEQ), from December 2013 through June 2014. This report documents the results of the review.

This is the fourth and final five-year review for the Suffolk Landfill Site. The triggering action for this review was the completion of the third five-year review on September 30, 2009.

II. SITE CHRONOLOGY

Table 1 - Chronology of Site Events

DATE	ACTIVITY
1967 -1985	The City of Suffolk operated the landfill.
February 1990	EPA placed the Site on the National Priorities List (NPL).
June 1989	The City of Suffolk initiated the Remedial Investigation /Feasibility Study (RI/FS).
September 30, 1992	EPA selected the No Action alternative in the Record of Decision (ROD).
January 24, 1995	Site was deleted from the NPL.
August 26, 1999	First Five-Year Review.
September 30, 2004	Second Five-Year Review
September 30, 2009	Third Five-Year Review

III. BACKGROUND

Physical characteristics

The Suffolk City Landfill Site, also referred to as the Hosier Road Landfill (Landfill or Site), is a 67-acre parcel situated east of Hosier Road (Virginia Route 604) in the City of Suffolk, Virginia (see Attachment 1 – Site Map). To the north of the Site is a 37-acre borrow area from which current cover material for the Landfill was obtained. Bordering the Site to the east is undisturbed upper reaches of Pocosin Swamp, and an escarpment that defines the western boundary of the Great Dismal Swamp. To the southeast of the Site lies a privately-owned road. Properties in the vicinity of the local area of the Site include the Suffolk airport, a currently closed wood preserver, two plant nurseries, and parts of forest and farm lands. Two unnamed streams are located north and east of the Site. These streams meet in an area adjacent to and northeast of the Site before emptying into the Pocosin Swamp, located east of the Site. Groundwater in the vicinity of the Site is used for domestic purposes, including drinking water.

Land and Resource Use

The landfill is no longer in use. The Site has a locked gate at the entrance with grass and small pine trees found throughout the landfill. There is not a fence around the entire Site. There have been no changes in physical features at the Site since the last five-year review. Several houses are located up-gradient and not near the Site. One house is located side-gradient from the Site.

History of Contamination

The City of Suffolk operated the Landfill from approximately 1967 to January 1985 as a sanitary landfill in accordance with Permit No. 310 issued by the Virginia Department of Health (VDOH). The Landfill received municipal solid waste primarily from the City and, before 1974, Nansemond County. The City leased the Site from 1967 until 1983, when it purchased the Site from Elon College and Suffolk Bible College.

The permit for the operation of the Landfill was reissued in June 1983. The reissued permit required the City to close the Landfill when the regional landfill became operational, and implement the closure plan, which had been submitted to VDOH. In preparation for the implementation of the closure plan, the City discovered documentation indicating that several tons of debris that contained pesticides had been disposed of in the Landfill in 1970. The disposed pesticides, which had been damaged by a fire at the Dixie Guano Company, included Disulfoton, Cu₇ Sulfur, 7 Sulfur, Thimet, and Cyanox. On June 3, 1970, representatives of the Tri-County Health District, the former Nansemond County (now City of Suffolk), State Water Control Board, the Virginia Department of Agriculture, and the Industrial Hygiene Department met to determine a disposal method for the remaining pesticides (approximately 20 tons). At this meeting, an agreement was reached that disposal of the remaining pesticides would occur in a lime-lined trench of 30 feet long x 30 feet wide x 3 feet deep, and that the pesticides would be covered with lime and two feet of soil. The lime would promote hydrolytic processes that break down the pesticides. According to a June 5, 1970 VDOH memo, the pesticides were treated with lime and covered with two feet of soil in two trenches of approximately 120 feet long x 25 feet wide x 3 feet deep.

Initial Response Activities

Following the City's notification of the pesticide disposal at the Site, EPA completed a Preliminary Assessment in April 1985 and a Site Inspection in July 1986. As a result of these efforts and a Hazard Ranking System scoring of the Site, EPA proposed to include the Site on the NPL in June 1988 and finalized the inclusion in February 1990.

In early 1989, the City placed an impermeable plastic liner over the pesticide disposal area to prevent surface water infiltration through the soil cover. The liner covers an area of approximately 100 feet long x 36 feet wide. A warning sign was posted next to the pesticide disposal area.

In June 1989, the City and Virginia Department of Waste Management (VDWM) entered into an Administrative Order on Consent (AOC) which required the City to conduct a remedial investigation/feasibility study (RI/FS) to determine the nature and extent of contamination and to develop and evaluate cleanup alternatives. Additionally, the AOC required that the City implement a temporary leachate collection system. The temporary leachate collection system was installed in 1992. The collected leachate was sampled and transported to Hampton Roads Sanitation District (HRSD) sewage treatment plant for treatment in accordance with a permit issued by HRSD.

Basis for Taking Action

Contaminants

Hazardous substances that have been released at the Site in each media include:

Ground water

Aluminum
Arsenic
Cadmium
Manganese
Nickel
Zinc

Surface Water

Aluminum
Arsenic
Cobalt
Manganese
Nickel
Zinc
Cyanide

In 1989, the City conducted a remedial investigation/feasibility study (RI/FS) to determine the nature and extent of contamination and to develop and evaluate cleanup alternatives. Surface water, sediment, and ground water samples taken at locations in and around the Site (Figure 1) during the RI were analyzed for target pesticides, volatile compounds, semi-volatile compounds, and metals.

Although pesticides were the focus of the remedial investigation, no pesticides were detected in any surface water, sediment, or groundwater samples, including samples taken from a groundwater monitoring well located immediately down gradient of the pesticide disposal area. The RI/FS concluded that the pesticides may have been significantly degraded by photolysis, alkaline hydrolysis and biodegradation. In addition, no organic compounds were detected at levels that presented an unacceptable risk to human health.

No metal contamination was detected above levels of concern in seven of the nine monitoring wells. Slightly elevated levels of arsenic were detected in two wells (HRW-3 and HRW-6) (see Attachment 1 – Site Map). Arsenic concentrations in filtered samples collected from these wells were 71.9 and 55.7 $\mu\text{g/l}$, respectively, slightly above the Maximum Contaminant Level (MCL) at that time of 50 $\mu\text{g/l}$.

In the second sampling round, which was conducted in October 1991, the level of chromium detected in an unfiltered sample from one monitoring well (HWR-3) was 190 µg/l, exceeding the MCL of 100 µg/l. However, chromium was not detected in the filtered sample taken from this well for the same sampling event. Chromium levels in samples collected in the first sampling round (May 1991) from this well were also well below the chromium MCL of 100 µg/l (23.6 µg/l in the unfiltered sample and below the detection limit in the filtered sample). Total chromium concentrations were analyzed in the unfiltered ground water samples, and dissolved chromium concentrations were analyzed in the filtered ground water samples.

Surface water sampling in unnamed streams N and E showed arsenic and chromium levels well below the Virginia standard criteria acceptable for the protection of aquatic life. Also, the levels of these compounds in the stream sediments are below the average levels in soils of the eastern United States.

In addition, sampling of the benthic community in a nearby stream was conducted to provide further information for the determination of whether the Site has impacted the surrounding areas. The results of the benthic sampling indicated low species diversity of benthic organisms in a sample taken in the area immediately down-gradient of the Landfill near the confluence of the unnamed streams N and E. However, subsequent surface water/sediment sampling at a nearby location in this stream revealed the absence of contamination, indicating the current Site condition was not likely the cause for the low benthic species diversity.

An animal survey in areas around the Site was also conducted. This study consisted of a comparison of animal species including mammals, birds, reptiles, amphibians, and fish species in areas around the Site to determine whether the Site has potentially impacted the local animal community. The results showed that animal species in different areas around the Site are similarly diverse except at the benthic location from unnamed stream N in an area northeast of the Site.

After reviewing all of these results and evaluating the alternatives outlined in the RI/FS, the Record of Decision (ROD) was signed on September 30, 1992. EPA selected the No Action alternative for the Site. Under the No Action alternative, no remedial action under CERCLA was required. The City of Suffolk submitted a groundwater monitoring plan to the Virginia Department of Environmental Quality (VDEQ), successor to the VDWM, and EPA for their approval. Ground water monitoring is being performed to provide continued assurance that no unacceptable risks to human health or the environment occur.

The Site was deleted from the National Priorities List (NPL) on January 24, 1995. On April 12, 1995 VDEQ approved the Professional Engineer certification for closure of the landfill. VDEQ required post closure care, including posting a sign, submitting a survey plat to the local recording authority, placing a notation on the deed to the property, groundwater monitoring and maintaining and operating a gas monitoring system.

IV. REMEDIAL ACTION IMPLEMENTATION

None

V. PROGRESS SINCE THE LAST FIVE-YEAR REVIEW

As detailed in the third Five Year Review, in October 2008, at the request of VDEQ, the City of Suffolk performed an Alternative Source Demonstration (ASD) to establish whether or not the arsenic in groundwater is naturally occurring or from the leachate from the landfill. The findings of the ASD concluded that arsenic is naturally occurring in its unaltered form. EPA concurred with the findings of the ASD.

In a letter dated July 2010, VDEQ deferred to the EPA's concurrence on the ASD findings that the arsenic in groundwater is naturally occurring. (see Attachment 2).

According to contractors for the city, Ms. Heather Baggett (Southern Public Service Authority) and Mr. Aron White (HDR Engineering Inc.), VDEQ is no longer requiring the city to perform air monitoring at the Site. VDEQ has also approved a plan that will allow the city to remove the leachate collection system. Deed restrictions have been put in place by the city to protect the cap (see Attachment 3). VDEQ is requiring the city to perform semi-annual ground water monitoring of cobalt.

VI. FIVE-YEAR REVIEW PROCESS

Administrative Components

EPA notified VDEQ on January 2014, of the initiation of the five-year review. The five-year review was led by Ronnie M. Davis, EPA Remedial Project Manager (RPM) for the Site. Thomas Modena of VDEQ assisted in the review as the representative for the support agency.

The five-year review schedule included the following components:

- Community Involvement
- Document Review

- Data Review
- Site Inspection
- Five-Year Review Report Development and Review.

The schedule extended from December 2013 through June 2014.

Community Involvement

On May 6, 2014, EPA issued a press release announcing the five year reviews scheduled to be conducted in Virginia including the Suffolk City Landfill. Additionally, on July 29, 2014, a public notice (see Attachment 4) was placed in the Suffolk News-Herald, a local newspaper, to inform the community that the Five-Year Review was being conducted and where the Five-Year Report will be available for public review, once it is finalized.

Document Review

This Five-Year Review consisted of a review of relevant documents. The following documents were reviewed for this Five-Year Review:

- 1st Quarterly Environmental Inspection Report, March 22, 2013.
- 2nd Quarterly Environmental Inspection Report, May 9, 2013.
- 3rd Quarterly Environmental Inspection Report, July 31, 2013.
- 4th Quarterly Environmental Inspection Report, October 22, 2013.
- Third Five Year Review, September 30, 2009.
- Hosier Road Landfill 1st Semi-Annual 2014 Monitoring Ground Water Monitoring Report.

Data Review

In the September 2009 Five Year Review, EPA concurred with the conclusions of the ASD that arsenic is naturally occurring at the Site and is not migrating from the landfill. There were no issues and no recommendations and or follow-up actions to be accomplished in the previous five year review. VDEQ is requiring the city to monitor semiannually for cobalt in ground water. EPA reviewed the Hosier Road Landfill 1st Semi-Annual 2014 Ground Water Monitoring Report and concluded that the report did not provide any new information that would dispute the findings of the previous Five-Year Review report.

Site Inspection

On May 29th 2014, L. J. Hansen, City of Suffolk Assistant Director of Public Works, Aaron White, Geologist with HDR Engineering, Inc., Ms. Heather Baggett, Environmental Specialist with Southern Public Service Authority, and Mr. Ronnie M. Davis, RPM, performed a Site inspection (see Attachment 5 – Photographs). The City of Suffolk has posted two no

trespassing signs near the entrance gate. Low cut grass is found on top of the cap. Most of the site is heavily wooded with trees and grasses around the edges of the cap. Air monitoring wells are located near the entrance of the site and parallel to the highway, but are no longer used for air monitoring. The leachate collection system will be taken out of operation by the end of the summer.

VII. TECHNICAL ASSESSMENT

Question A: Is the Remedy Functioning as Intended by the Decision Document?

Yes.

A No Action remedy was selected for the Site in the 1992 ROD. As described in the ROD, the Site posed a potential risk to human health primarily from the consumption of contaminated ground water, which exists in certain areas within the Site boundary. In 1992 EPA stated that such consumption was not occurring and would not be expected to occur in the future. EPA does not have any information which suggests that this has changed. The level of risk associated with the Site at the time of the ROD did not warrant any additional action under CERCLA.

Question B: Are the Exposure Assumptions Data, Cleanup Levels, and Remedial Action Objectives (RAOs) Used at the Time of the Remedy Selection Still Valid?

Yes.

Changes in Risk Assessment Methods

There have been significant changes in EPA's risk assessment guidance since the 1992 ROD. These changes include changes in dermal guidance, inhalation methodologies, and exposure factors. These standardized risk assessment changes do not affect the protectiveness of the remedy.

Changes in Standard and To Be Considered (TBCs)

Because a No Action remedy was selected for the Site, ARARs or TBCs were not Identified. However, the Maximum Contaminant Level for arsenic has changed from 50 ug/l to 10 ug/l. The change in the arsenic MCL does not affect the protectiveness of the remedy since a no action alternative was selected for groundwater.

When the 1992 ROD was issued, it was accepted practice to not remediate groundwater if receptors were not being exposed. However, in an effort to adhere to the National Contingency Plan (NCP), all groundwater must be restored to beneficial use. Therefore, all groundwater

should be within current standards. According to the April 21, 2009 groundwater monitoring results, all detected contaminants are below current MCLs.

Changes in Exposure Pathways, Toxicity, and Contaminant Characteristics

There has been no significant changes in exposure pathways or contaminant characteristics: however there have been changes to some toxicity values. These changes do not affect the protectiveness of the remedy.

Question C: Has Any Other Information Come to Light That Could Call into Question the Protectiveness of the Remedy?

No.

Technical Assessment Summary

The review of the site-related documents, risk assumptions, and the results of the Site inspection indicates that the actions implemented by the local and state authorities that supported issuance of a no action alternative are accomplishing the objectives of the ROD. There have been no changes in the physical conditions of the Site that would affect the protectiveness of the remedy. There have been no significant changes in the toxicity factors for the Contaminants of Concern that were used in the Baseline Risk Assessment, and there have been no significant changes to the standardized risk assessment methodology that could affect the protectiveness of the remedy. The city of Suffolk has performed an ASD to determine if arsenic in groundwater is naturally occurring at the Site or is coming from the leachate in the landfill. EPA concurs with the findings of the ASD that arsenic is naturally occurring and is not due to influence from either the landfill or trench where the pesticides were originally buried.

VIII. ISSUES

None.

IX. RECOMMENDATIONS AND FOLLOW-UP ACTION

None.

X. PROTECTIVENESS STATEMENT

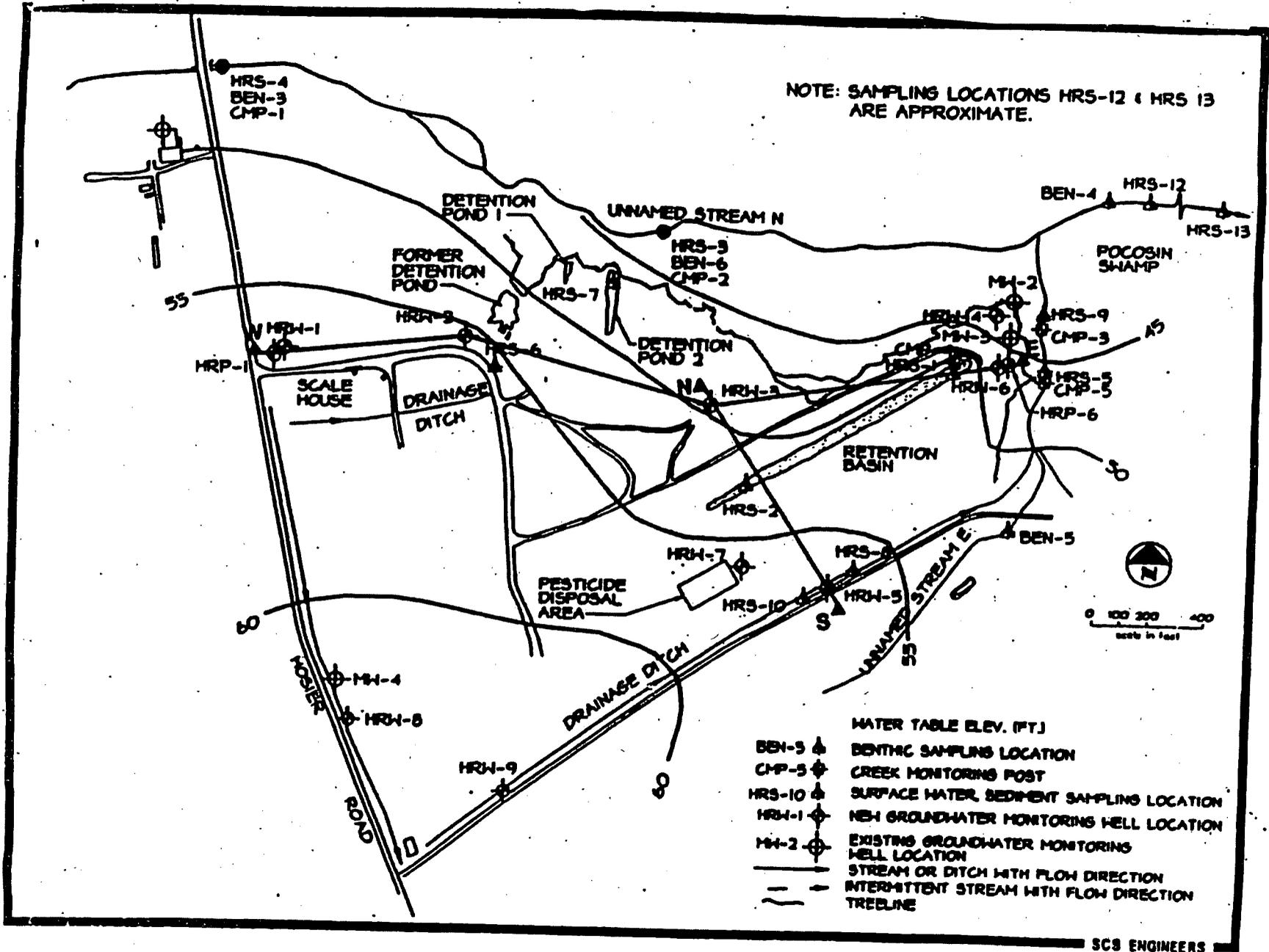
The remedy for the Suffolk City Landfill Site is protective of human health and the environment because of the steps that have been taken by local authorities to close the landfill. The pesticides have likely degraded and nothing is being leached from the Site. The city has placed deed restrictions on the Site to protect the cap, and signs have been placed at the entrance. VDEQ has allowed the city to discontinue air monitoring, and the leachate collection system will be taken out of operation by the end of the summer of 2014.

XI. NEXT REVIEW

This is the final Five-Year review for the Site.

ATTACHMENT 1 - SITE MAP

Figure 1 - Sampling Locations



ATTACHMENT 2 – VDEQ'S LETTER



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE

L. Preston Bryant, Jr.
Secretary of Natural Resources

5636 Southern Boulevard, Virginia Beach, Virginia 23462
(757) 518-2000 Fax (757) 518-2103
www.deq.virginia.gov

David K. Paylor
Director

Francis L. Daniel
Regional Director

July 14, 2010

L. J. Hansen
Public Works Department
City of Suffolk
Box 1858
Suffolk, VA 23439

RE: Alternate Source Demonstration, dated January 21, 2009
City of Suffolk – Hosier Road Landfill, Permit #310
Exceedance of Arsenic at HRW-03

Dear Mr. King:

Your request dated October 28, 2009, submitted on your behalf by HDR Engineering, Inc., for reconsideration of the Department's tentative denial of the above noted Alternate Source Demonstration (ASD) for Arsenic has been completed. The Department will defer to US EPA's concurrence with the referenced ASD provided on page 6 of the US EPA, Region III September 2009 Third Five-Year Review for the Suffolk City Landfill "that arsenic in groundwater at the Site is naturally occurring in its unaltered form." Therefore the above referenced Alternative Source Demonstration for Arsenic is hereby accepted in accordance with Virginia Solid Waste Management Regulation 9 VAC 20-80-300 A 5.

If you have any questions, please contact me at (757) 518-2151. Please note that the information in this letter is based solely on materials supplied by the Permittee or their environmental representative.

Sincerely,

A handwritten signature in black ink, appearing to read 'Milton Johnston'.

Milton Johnston
Regional Waste Program Manager

Alternate Source Demonstration
Hosier Road Landfill
Permit # 310
Page 2 of 2

cc: Aaron White, HDR Engineering
Scott Whitehurst, SPSA
Ron Davis, US EPA, Region III
Geoff Christe, Groundwater Program Coordinator, DEQ-CO
Keith Primm, DEQ-TRO
File Copy TRO -268

ATTACHMENT 3 – DEED RESTRICTIONS

Instrument Control Number

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Commonwealth of Virginia Land Record Instruments Cover Sheet - Form A

[ILS Cover Sheet Agent Online 1.1.6]

20110627000106680 1/6
City of Suffolk
06/27/2011 03:54:31 PM
DEC
W. R. Carter Jr., Clerk

T A X R P E X E M P T	C	Date of Instrument	[06/27/2011]
	O	Instrument Type	[DEC]
	R	Number of Parcels	[1]
	P	Number of Pages	[5]

City County [Suffolk]

(Box for Deed Stamp Only)

First and Second Grantors

Last Name	First Name	Middle Name	Suffix
<input checked="" type="checkbox"/> [SUFFOLK, CITY OF]	[]	[]	[]
<input type="checkbox"/> []	[]	[]	[]

First and Second Grantees

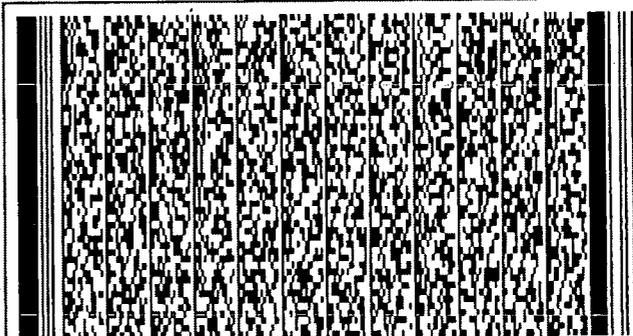
Last Name	First Name	Middle Name	Suffix
<input type="checkbox"/> [City of]	[Suffolk,]	[]	[]
<input type="checkbox"/> []	[]	[]	[]

Grantee Address (Name) [Suffolk, City of
(Address 1) [441 Market Street
(Address 2) [
(City, State, Zip) [Suffolk] [VA] [23434]

Consideration [0.00] Existing Debt [0.00] Assumption Balance [0.00]

Prior Instr. Recorded at: City County [Suffolk] Percent. in this Juris.(%) [100]
 Book [106] Page [107] Instr. No []
 Parcel Identification No (PIN) [050276000]
 Tax Map Num. (if different than PIN) [44*124]
 Short Property Description [Land Fill Site, Boyette Land
Suffolk, Parker, Green, Ferrell, Rt. 604
Hosier Road]
 Current Property Addr (Address 1) [Suffolk] [VA] [23434]
 (Address 2) []
 (City, State, Zip) [Suffolk] [VA] [23434]

Instrument Prepared by [City of Suffolk]
 Recording Paid for by [City of Suffolk]
 Return Recording to (Name) [Dianne Williams Right of Way Agent]
 (Address 1) [440 Market Street, Suite 219]
 (Address 2) []
 (City, State, Zip) [Suffolk] [VA] [23434]
 Customer Case ID [] [CS-438925]



**DECLARATION OF RESTRICTIONS AND
NOTICE OF PRIOR SOLID WASTE USE**

THIS DECLARATION OF RESTRICTIONS AND NOTICE OF PRIOR SOLID WASTE USE (the "Declaration") is made as of the 17 day of June, 2011, by and for the benefit of the CITY OF SUFFOLK, VIRGINIA, a Virginia holding corporation ("City"), a Grantor and Grantee, for purposes of indexing, with an address of 441 Market Street, Suffolk, Virginia 23434.

RECITALS

- A. City is the owner of certain real property located in the City of Suffolk, Virginia, as more particularly described on Exhibit "A" attached to this Declaration (the "Property"), it being the same property conveyed to the City by deed from Marshall Andrews, et al., dated September 7, 1982, and recorded in Deed Book 106 at page 107 in the Circuit Court Clerk's Office of the City of Suffolk, Virginia.
- B. The City operated a landfill on the Property, which landfill was closed in January 1985.
- C. The City desires to impose certain restrictions on the Property.

DECLARATION

The City hereby declares, covenants and agrees, for itself and its successors and assigns, for the sole benefit of the Virginia Department of Environmental Quality ("DEQ") and its successors in interest, that the Property shall be hereafter held, leased, transferred and sold subject to the conditions and restrictions set forth below which shall run with the land and be binding on all parties and persons claiming under them pursuant to the terms of this Declaration.

- 1. Notice to Potential Purchasers. This Declaration constitutes notice to any potential purchaser of the Property that the Property has been used to manage solid waste.
- 2. Restrictions on Use of the Property. The Property shall not be used in a manner that will disturb the integrity of the final cover on the Property.

Tax Map & Parcel No. 44*124
Tax Account No. 050276000


20110627000106680 2/6
City of Suffolk
06/27/2011 03:54:31 PM
DEC
W. R. Carter Jr., Clerk

3. Miscellaneous.

- (a) The covenants contained in this Declaration shall not be altered in any respect without the express written approval and consent of DEQ or its successors in interest.
- (b) The provisions of this Declaration shall be deemed individual and severable and the invalidity or partial invalidity or unenforceability of any one provision or any portion of a provision of this Declaration shall not affect the validity or enforceability of any other provision of this Declaration.
- (c) The laws of the Commonwealth of Virginia shall govern the interpretation, validity, performance and enforcement of this Declaration.

(Signature on Following Pages)


20110627000106580 3/6
City of Suffolk
06/27/2011 03:54:31 PM
DEC
W. R. Carter Jr., Clerk

Tax Map & Parcel No. 44*124
Tax Account No. 050276000

WITNESS the following signature and seal as of the day and year first above written.

CITY OF SUFFOLK, VIRGINIA

By: *Selena Cuffee-Glen*
Selena Cuffee-Glen, City Manager

Attest:

Erika S. Dawley
City Clerk

COMMONWEALTH OF VIRGINIA
CITY OF SUFFOLK, to-wit:

Subscribed and sworn to before me this 17th day of June,
2011 by Selena Cuffee-Glen and Erika S. Dawley
on behalf of the City of Suffolk, Virginia.

Racey L. Sanford
Notary Public

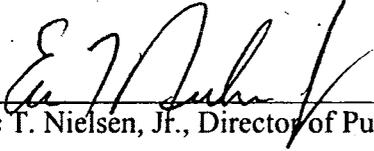
My commission expires: 10/31/2014
Notary Registration No. 369502



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City of Suffolk
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DEC
W. R. Carter Jr., Clerk

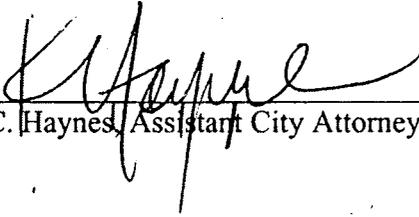
Tax Map & Parcel No. 44*124
Tax Account No. 050276000

Approved as to Content:



Eric T. Nielsen, Jr., Director of Public Works

Approved as to Form:



Karla C. Haynes, Assistant City Attorney



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Exhibit "A"

"All that certain property which was conveyed to the grantors herein from R. D. Hunter, III, Administrator, C.T.A. of the Estate of Jannie H. Boyette, deceased, by deed dated February 5, 1982, duly recorded in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia, in Deed Book 99, page 367, wherein said property thereby and herein conveyed is more particularly described as follows:

All those certain pieces, parcels or tracts of land in Nansemond County, Virginia, in which a life interest was conveyed to Jannie H. Boyette and the remainder interest to William T. Boyette, her husband, by Polly Sawyer and William J. Sawyer, her husband, by deed dated August 30, 1919, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book 92, page 92, reference to which deed is hereby made for a more particular description thereof. The said William T. Boyette devised his remainder interest in said property to the said Jannie H. Boyette by his will probated in the said Clerk's Office on October 3, 1966, and duly recorded in said Clerk's Office in Will Book 25, page 537. Reference is hereby made to a plat of the above-described property entitled 'Sanitary Land Fill Site W. T. Boyette Land, Nansemond County, Va.', dated July 28, 1967, made by E. Stuart Ball, Certified Land Surveyor, which is duly of record in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia, in Plat Book 15, page 76, for a metes and bounds description of the property herein conveyed."

It being the same property conveyed to the City of Suffolk by deed dated September 7, 1982, from Marshall Andrews, et al., which deed is recorded in the Clerk's Office of the Circuit Court of the City of Suffolk (formerly Nansemond County) in Deed Book 106 at page 107.


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ATTACHMENT 4 – PUBLIC NOTICE

U.S. EPA Reviews Cleanup at Suffolk City Landfill

The U.S. Environmental Protection Agency (EPA) is conducting a fourth Five-Year Review of the Suffolk City Landfill Superfund Site located off Rte 604. EPA inspects sites regularly to ensure that cleanups conducted remain protective of public health and the environment. The results of this Review will be available by September 2014.

To access the Five-Year Review

Report: <http://epa.gov/5yr>

For detailed site and contact

information: <http://go.usa.gov/XFgA>

To listen to a podcast about Five-

Year Reviews: <http://go.usa.gov/8MfH>

If you have questions, comments or site-related information, contact:

Larry Johnson, phone: 215-814-3239;
email: Johnson.larry-c@epa.gov

ATTACHMENT 5 - PHOTOGRAPHS

Photograph of a sign at the entrance of the landfill.



A City of Suffolk sign at the entrance of the landfill.



A photograph of a monitoring well.



A photograph of the leachate collection system.

