APPENDIX 3 – DISCLAIMER

SITE ASSESSMENT DISCLAIMER AND LIMITATIONS

Stokes Environmental Associates, Ltd. is pleased to assist NOAA in the assessment of environmental conditions at the subject property, as outlined in this report. This report has been prepared solely for the exclusive use of NOAA and its agents for specific application to the property assessed. No other person or business entity shall have any rights with regard to our contract for this project, or any rights of reliance on this report or related documents prepared by Stokes Environmental. The scope of services included in this study may not be appropriate to the needs of other users of this document, and any such use is at the risk of user. This investigation was conducted in accordance with the scope of work, terms, and conditions outlined in the applicable contract or letter of agreement NOAA and Stokes Environmental Associates, Ltd. In the event of any conflict between this disclaimer and the applicable contract or letter of agreement, the contract or letter of agreement shall take precedence.

This work has been performed using reasonable care within the scope of work and in accordance with budgetary limitations. Stokes Environmental Associates strives to conduct its services in keeping with industry standards and in accordance with generally accepted environmental science practice. No other warranty, expressed or implied, is made.

Our conclusions and recommendations are based upon our observations at the site, the reviewed documentation, any test results reviewed, interviews, any other information provided and our previous experience in this area. The conclusions and recommendations assume that data and other information provided are reasonably accurate. It must be recognized that available agency records, addresses, maps, and other information reviewed in this assessment are often incomplete, contain errors, may not be current, may list alternate facility names or addresses, or may provide otherwise misleading data. Verification of agency data, determination of facility locations that are listed by post office box, continuous updating and other tasks related to database information are generally beyond the scope and cost allowances of this investigation. However, the Environmental Professional performing the review has made a reasonable effort to compensate for mistakes or insufficiencies in the information reviewed that are obvious in light of other information actually known to the Environmental Professional. It should also be recognized that information may be available which was not found or reviewed in this assessment. The conclusions and recommendations are based on a limited review of the site and cannot provide complete assurance that all liabilities were detected. The conclusions and recommendations do not reflect variations in site conditions not visually apparent or which could exist intermediate of the sample locations or which could exist in the future.

Stokes Environmental Associates, Ltd. has analyzed the information obtained in this investigation in keeping with existing guidelines and regulations, but cannot accurately predict what actions or interpretations any given agency may take presently, or what standards and practices may apply to the site in the future. Should such variations in regulations, guidelines or site conditions become apparent in the future, it will be necessary to reevaluate our conclusions and recommendations based upon additional analyses and on-site observations as appropriate. It should be noted that only the appropriate regulatory agencies can make the final decision with respect to the extent of their jurisdiction. This site assessment report is not intended to provide a

regulatory compliance audit. Unless known conditions indicate other durations, it is generally assumed that a site assessment is viable for a period of 180 days.

The pricing for this work is based on the absence of personal liability of the preparers with respect to the work, and the understanding that any claim associated with the work shall look solely to Stokes Environmental Associates, Ltd.

Stokes Environmental Associates, Ltd. acknowledges that it maintained in full force and effect at the time the services described in the investigation were performed, professional liability (errors and omissions) insurance with minimum policy limits of one million dollars each occurrence and one million dollars in the aggregate. Stokes Environmental Associates, Ltd. currently maintains such insurance in full force and effect and currently has no plan to terminate such insurance in the foreseeable future. Stokes Environmental Associates, Ltd.'s liability in connection with this investigation shall cease after a period of three years from the date of completion of the study, and Stokes Environmental Associate's total aggregate liability in connection with the investigation shall not exceed that amount actually covered by insurances on any such claim.

Please note that no environmental investigation can wholly eliminate uncertainty regarding the potential for adverse environmental conditions in connection with a property. This study is intended to reduce, but not eliminate, such uncertainty. The investigation recognizes reasonable limits of time and cost, and is designed to provide an appropriate level of inquiry, based on existing industry standards.

APPENDIX 4 – QUALIFICATIONS

COMPANY PROFILE

STOKES ENVIRONMENTAL ASSOCIATES, Ltd. (SEA, Ltd.), incorporated in 1990, provides consulting services on environmental issues to clients in industry, government, and the private sector. SEA, Ltd. give you access to highly qualified professionals in diverse disciplines. The corporate mission is to provide timely comprehensive assessments of environmental factors and any correlations to health, in compliance with environmental regulatory requirements and good management practices, based on investigative services, environmental sampling, accurate analytical services, and interpretation of data within existing regulatory guidance. Our professional credentials include advanced degrees in disciplines such as biology, engineering, geology, oceanography, risk assessment, and other technical areas. Many of our professionals are active participants in professional organizations and education. Many hold professional licenses and certifications, such as Registered Environmental Manager (REM certification is based on experience and examination, and is the highest level of professional recognition provided by the National Registry of Environmental Professionals).

In general, SEA, Ltd. can evaluate prospective sites for environmental feasibility (e.g., Environmental Impact Statements, Wetland Delineations, Phase I and II Environmental Site Assessments), obtain all necessary environmental permits for site development, prepare documentation and permit applications for facility operation, provide monitoring services, and assist, as needed, with compliance to applicable USEPA, OSHA, and other governmental environmental regulations. Our *turn-key* compliance services will assist you to meet production/development schedules and operate in accordance with environmental regulations. Whether you require a single professional for a short period of time or the combined efforts of and interdisciplinary team for larger efforts, STOKES ENVIRONMENTAL ASSOCIATES, LTD. is capable of providing an efficient and effective response.

Please call STOKES ENVIRONMENTAL ASSOCIATES, LTD., at (757) 623-0777, for additional information

STOKES ENVIRONMENTAL ASSOCIATES, LTD.

Key areas in which STOKES ENVIRONMENTAL ASSOCIATES, LTD., can assist you are:

ENVIRONMENTAL ASSESSMENTS AND AUDITS

- Phase I and II Environmental Site Assessments
- Subsurface Testing - Soil and Groundwater
- Real Estate Transactional Consultation
- Environmental Compliance Audits
- NEPA Documentation, Environmental Impact Statement and Assessments
- Endangered and Threatened Species Surveys and Assessments

WETLANDS

- Identification, Delineation, Permitting
- Mitigation Design and Banks
- Chesapeake Bay Preservation Act Consultations

INDOOR ENVIRONMENTAL QUALITY

- Microbial and Bioaerosol Identification and Health Risk Assessment
- Assessment/Corrective Action Plans for Mold
- Operational and Management Plan Consultation
- Indoor Hazardous Material Detection and Risk Assessment
- Building-related Illness Assessment
- Personal Exposure Assessment
- Noise Surveys

ENVIRONMENTAL REGULATORY MANAGEMENT

- Industrial Wastewater and Storm Water Permits/Pollution Prevention Plans
- Solid Waste/Hazardous Waste Management
- Landfill Permits, Monitoring, and Compliance Audits

SHORELINE STRUCTURES

- Permit Assistance for piers, bulkheads, breakwaters
- Design of shoreline erosion controls

INDUSTRIAL HYGIENE SERVICES

- Asbestos Project Monitoring and Design
- Asbestos Inspections and Management Plans
- Lead-Based Paint Inspections and Risk Assessment
- Abatement Design and Implementation
- OSHA/EPA Certified Training Courses

CREDENTIALS FOR ENVIRONMENTAL CONSULTING SERVICES

- Registered Environmental Manager
- Court-qualified Expert Witnesses
- OSHA-certified for Hazardous Waste Site Operations
- Virginia -licensed Asbestos Inspectors, Management Planners, Project Monitors
- NIOSH 582-certified Analysts
- Virginia-licensed Lead Inspectors and Risk Assessors
- Virginia Real Estate Board License
- Virginia Class A Contractors License
- Associate Professional Engineers (PE), Professional Geologists, and Certified Industrial Hygienists (CIH)
- Management Consultants for Environmental-related Issues

LABORATORY ANALYSES

All necessary analyses are preformed by accredited and licensed laboratories specializing in environmental methodologies.

Please call STOKES ENVIRONMENTAL ASSOCIATES, LTD., at (757) 623-0777, for additional information.

4101 Granby Street • Suite 404 • Norfolk, Virginia 23504 • Office (757) 623-0777 • FAX (757) 623-2785

SUMMARY OF INSURANCE COVERAGES

In order to provide a positive working environment for professional employees, as well as to protect the interest of our clients, Stokes Environmental Associates, Ltd., maintains appropriate insurances with properly capitalized insurance companies, including the following coverages:

Comprehensive General Liability Insurance

- Single limit of $1,000,000.00 per occurrence and aggregate.

Worker's Compensation Insurance

- Employer's liability insurance and occupational disease coverage, with limits as required by applicable law.

Automobile and Property Damage Insurance

- Limits of $1,000,000.00 per occurrence for all owned, non-owned, and hired vehicles.

Professional Liability Insurance

- Includes Errors and Omissions coverage and pollution coverage
- Limit of $1,000,000.00 per occurrence and aggregate which specifically covers the scope items of environmental site assessments, and other services provided by Stokes Environmental Associates, Ltd.

Excess Liability Umbrella

- Limits of $2,000,000.00 per occurrence and aggregate.

STOKES
ENVIRONMENTAL
ASSOCIATES, LTD.

Thomas L. Stokes, Jr.
President

Education: Degree(s), Year, Specialization, Institution

M.B.A., 1988, Statistics, *New York University*, New York, New York
M.S., 1982, Biology, *Old Dominion University*, Norfolk, Virginia
B.A., 1979, Biology, *Hampden-Sydney College*, Hampden-Sydney, Virginia

Registration, Certification, and License: Discipline/Years Registered

Registered Environmental Manager, REM 5854, 1993 - Current
National Registry of Environmental Professionals.
Hazardous Waste Site Operations and Emergency Response, 1991 - Current
OSHA 1910.120 Worker and Supervisor Certifications
Asbestos Inspector/Management Planner, 1992 - 1999
ASTM, Environmental Assessment Committee Member, 1996 - Current
Virginia Association of Wetlands Professionals, Member, 1996 - Current
Society of Wetland Scientists, Member, 1992 - Current

Continuing Education

Wetland Mitigation Banking Conference, 24 hrs, 2002

Wetland Soil Function, Society of Wetland Scientists, 8 hrs, 2001

Wetland Functions, Assessment, and Management, Society of Wetland Scientists, 40 hrs., 1999

Wetland Mitigation: Preservation Seminar, 8-hr., 2000

Managing Growth-Frontier for Environmental Law, William & Mary Law School, April 1999

Environmental Business Council, 8-hr., ECS, Exton, PA, May 1999

ISO 14000 - Environmental Management System Seminar, 16-hr ODU, 1997

Environmental Risk Reduction Seminar, ECS Risk Management, 1997

Asbestos Inspector/Management Planner Annual 8-hr Refreshers, 1992 - 1998

Hazardous Waste Site Operations/Emergency Response Annual 8-hr Refreshers, 1991 - 1999

DC Briefing on Environmental Due Diligence, 8-hr Seminar, 1996

Assessment, Control and Remediation of LNAPL Contaminated Sites, 40-hr, 1994

Environmental Regulatory Updates, ODU, EPA, and Other Courses and Seminars, 116 hours 1992-2002

Environmental Site Assessments Conferences, 80 hrs, 1991 and 1992

Interagency Multimedia Pollution Prevention and Toxic Release Inventory Workshops, 16-hr, 1992

Wetlands Delineation, Soils, Hydrology, Vegetation, Winter Botany, Functional Assessment, and Regulation Seminars, VIMS, VAWP, SWS Courses and Seminars, 320 hours 1990-2002

Experience

Mr. Stokes has over 20 years of progressive responsible experience in the environmental field, including areas of Phase I/II/III environmental assessments, environmental compliance audits, UST/AST closures and management, preparation of SPCC and other oil discharge contingency plans, environmental regulatory

management, NPDES permit application and implementation, sludge management, wetlands delineation and permitting, endangered species surveys and permits, preparation and evaluation of NEPA documents such as environmental assessments and environmental impact statements, asbestos and lead inspections and management plans, remedial programs, litigation support and related work.

A listing of prior employment history, showing dates of employment and last position held, is as follows:

- **Stokes Environmental Associates, Ltd.,** Norfolk, Virginia, 1990-Present/*President*
- **Department of Environmental Protection,** New York, New York, 1984-1990/*Chief, Water Quality Section*
- **Hampton Roads Sanitation District**, Virginia Beach, Virginia, 1982-1984/*Water Quality Technician*
- **Old Dominion University, Biology Department**, Norfolk, Virginia, 1980-1982/*Research Assistant*

STOKES ENVIRONMENTAL ASSOCIATES, LTD.

W. Robert Crumpton IV

Environmental Scientist

Higher Education:

M.S., matriculating, Environmental Engineering, *Kennedy-Western University*, Cheyenne, Wyoming

B.S., 1999, Business Management, *University of Maryland*, College Park, Maryland

Registration and Certification:

Registered Environmental Manager, REM 10255, 1999-Current
National Registry of Environmental Professionals

OSHA 1910.120 Worker and Supervisor Certifications, 2000-Current
OSHA Hazardous Waste Operations & Emergency Response

Certified Environmental Auditor, CEA 8011, 2001-Current
National Registry of Environmental Professionals

Continuing Education:

- Clean Water Act (EPA multimedia) 12 hr, 2003
- Watershed Ecology (EPA multimedia) 12 hr, 2003
- Hydrologic Science, 45 hr, 2002
- Environmental Project Management, 45 hr, 2002
- Environmental Regulations, 40 hr, 2002
- Flora and Fauna of the Dismal Swamp, 15 hr, 2002
- Environmental Law, 45 hr, 2001
- OSHA HazWOPER Supervisor, 8hr, 2000
  (Annual Refresher, 8hr, 2001-2002)
- OSHA HazWOPER Worker, 45hr, 2000
- DOT HazMat Transportation, 12hr, 2000
- Pollution Prevention, 12hr, 2000
- Resource Conservation & Recovery Act, 7hr, 1998
- Environmental Management, 15hr, 1998
- Quality Team Leader, 40hr, 1996
- Quality Team Facilitator, 40hr, 1996
- Pollution Prevention, 40hr, 1995
- Environmental Management, 24hr, 1994
- Dangerous Cargo Transportation, 24hr, 1994
- Hazardous Waste Management, 24hr, 1993
  (Annual Refresher, 4hr, 1994-1997)
- Safety Specialist, 186 hr, 1988

Professional Experience:

Mr. Crumpton has eleven years environmental management experience in the regulatory compliance discipline. He is one of the firm's environmental professionals responsible for environmental services including Phase I and II Environmental Site Assessments; National Environmental Policy Act (NEPA) Investigations; Site Characterization and Remediation Reports; compliance planning; and regulatory permitting. Mr. Crumpton has managed hazardous materials and aboveground/underground storage tank (AST/UST) programs. He has also performed environmental audits, assessments, and evaluations with experience in Resource Conservation and Recovery Act (RCRA), Clean Air Act (CAA), Clean Water Act (CWA) issues. In his capacity as a contractor with the U.S. Department of Defense (Air Force, Army and Navy), he conducted compliance monitoring for adherence with federal, state and local codes and regulations.

Employment history:

Stokes Environmental Associates, Ltd., Norfolk, Virginia; August 2001 to present/*Environmental Scientist*
J & J Enterprises, Suffolk, Virginia; October 2000 to August 2001/ *Environmental Coordinator*