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November 30, 2021

VIA UPS

Victorine Fisher Brooks et al
(Property Owners)
6049 Delilah Rd
Egg Harbor Township, NJ 08234

VIA UPS

Theodore Fisher & Sons Inc.
Attn: Eric Fisher
2234 Irvington Road
Weems, VA 22576

Re: **NOTICE OF ACTIONS TAKEN and NOTICE OF VIOLATIONS**
Parcel(s) located in Irvington, Virginia 22480
Tax Map ID: 28 207A and 34 5

To All Owners of the Above Parcels and Those Operating Businesses on Them:

Keane Law PLLC is Special Legal Counsel to the Town of Irvington, Virginia ("Town"). This notice is to advise you about several issues related to the above-referenced parcels, which are located within the Town in a residential district zoned R-1.

Background. A fire burned on the parcels on or about May 18, 2021, which caused emergency services to receive numerous calls about claims of adverse health effects, and smoke from this fire was visible in the air within the Town. The fire burned several days and had to be extinguished with chemicals. As a result of the fire, regulators, including from the Town, Lancaster County, Virginia Department of Environmental Quality ("DEQ") and Virginia Department of Mines, Minerals and Energy ("DMME") met with Eric Fisher and toured the parcels on June 23, 2021 to survey the aftermath of the fire. At that meeting, Mr. Fisher advised all participants that the parcels were used to run both a sand mine business and a dumping business. The latter business, dumping of solid waste on the ground, he said was no longer operating to take in debris, but had served individuals and businesses that had paid him money to dump debris on the parcels consisting of construction debris, concrete, tree debris, vinyl siding, asphalt shingles, tires, demolished gas station, demolished school building, batteries, fiberglass boats, etc. After the meeting on June 23, Mr. Fisher provided the Town his original logs of over 1000 pages evidencing a dumping business and payments during 2017-2019, plus the receipt for one load of debris that had been removed from Fisher's Pit earlier in 2021. Later, in October, 2021, he provided the Town with several more receipts showing three loads removed from Fisher's Pit and taken to West Point Landfill in 2021.

Regulators who visually inspected the parcels on June 23, 2021 noted: (i) the dam on the parcels was improperly repaired and has washed dirt and debris from the parcels into Carter's Creek, (ii) solid waste and debris was dumped in the 100 foot Resource Protection Area ("RPA"), as defined in the Chesapeake Bay Preservation Act ("CBPA"), abutting Carter's Creek, to such an extent that it has resulted in both disturbing large areas of soil and creating impervious cover over the RPA on the parcels,

both of which violate the CBPA, (iii) the operation of a landfill is not permitted in any zoning district in the Town and violates the Town Zoning Ordinances, and (iv) the businesses operated by Mr. Fisher are not permitted in a R-1 zoning district and violate the Town Zoning Ordinances.

Regulatory Status. These parcels have been the subject of numerous regulatory actions and notices of violation over decades. The following is a brief list of the actions about which the Town is aware: (i) in 1994/1995 Lancaster County and Irvington illegal burning, illegal activities, illegally dumped debris and stop work order; (ii) 2004 DEQ Incident Report, DMME enforcement action; (iii) 2006 DEQ Compliance Inspection, violation of Virginia Waste Management Act and Regs; (iv) 2006 Notice of Violation Lancaster County for violation of Waste Management Act; (v) 2018 DMME Special Order no regulated waste can be brought onto mine site; (vi) 2019 Lancaster County Notice of Violation solid waste, and complaint to DMME by Irvington resident concerning seepage into the creek resulting in 2019 DMME Special Order, install proper sized culvert; (vii) 2019 Town of Irvington complaints to DMME asking for follow-up; (viii) 2021 Lancaster County Notice of Violation, abatement of nuisances, recovery of costs, clean-up solid wastes; (ix) in 2021 the DMME 2018 Special Order was modified.

Notice of Town Actions. Based on the foregoing Background evidencing danger to the public health and safety, and past and continuing Regulatory Status, and pursuant to VA Code §15.2-900, and Town Code §91.15, Town Council hereby places addressees on notice that it took the following actions regarding parcels 28 207A and 34 5 to protect public health and safety, namely: (i) on July 15, 2021 declared the parcels a Nuisance, and (ii) on August 12, 2021, prohibited any further burning on the parcels.

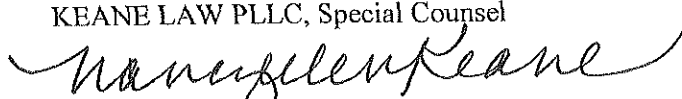
Notice of Violations. Based on the foregoing Background, Regulatory Status and Notice of Town Actions, this letter describes at least the following violations of law by addressees or their agents or invitees: (i) VA Code §15.2-900 and Town Code §91.15 pertaining to nuisances, (ii) the CBPA pertaining to disturbance of soil and creating impervious cover in the RPA, and (iii) violations of Town Zoning Ordinances pertaining to operating a landfill in the Town and operating certain businesses in a R-1 zone. There are severe penalties for such violations. There may be additional violations.

Demands. For the reasons stated above, the Town demands that the addressees of this letter immediately cease and desist (and cause their agents and invitees to cease and desist): (i) all further dumping and burning on the parcels, (ii) operating a landfill in the Town, and (iii) operating businesses not permitted in a R-1 zone. The Town further demands that addressees immediately clean up the parcels (in a manner which does not cause further harm to the public health and safety or violation of law); particularly in the RPA, it will be important to have a plan prior to taking action to clean-up that is agreed by the Town concerning moving debris and soil, These demands by the Town are in addition to, and not in lieu of, all other legal remedies which are available to the Town for violation of applicable law. The Town does not waive any enforcement of legal remedies via this Notice of Violations.

While we note that Mr. Fisher has recently been forthcoming with facts, violations are continuing and almost nothing has been done to clean up the parcels despite demands to do so by numerous regulatory agencies over many years.

Sincerely,

KEANE LAW PLLC, Special Counsel



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CC: Justin Nelson, Zoning Administrator