

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of the Environment



**Bureau of Hazardous Material &
Toxic Substances**

Voluntary Cleanup Program

CERTIFICATE OF COMPLETION

VCP PARTICIPANT: Fort Totten Park Apartments LP. (“Participant”)
PARTICIPANT STATUS: Non-Responsible Person
FACILITY NAME: Fort Totten Park Apartments, Phase I (“Property”)
FACILITY ADDRESS: 5210 Third Street, N.E. (Building 1), 300 Hamilton Street, N.E. (Building 2), and 500 Galloway Street, N.E. (Building 3), collectively Fort Totten Park Apartments Phase I, Square 3766, Lots 801/PCL 137-98, PCL 124/167, PCL 125/41; Square 3767, Lot 808; Square 3768, Lot 804
VCP CASE NO.: VCP2005-007
REFERENCE: Voluntary Cleanup Action Plan Completion Report dated March 20, 2006

The Department of the Environment, successor to the Department of Health, Environmental Health Administration, hereby issues this Certificate of Completion (“Certificate”) pursuant to Part III., Paragraph 7 of Mayor’s Order 2006-61, dated June 14, 2006, and § 306 of the Brownfield Revitalization Amendment Act of 2000, D. C. Law 13-312 (D.C. Official Code §§ 8-633.01 *et seq.* (2005 Supp.)) (“Act”). The Voluntary Cleanup Program (“Program”) received no comments upon the issuance of this Certificate during the mandatory 14-day public notice and comment period prior to issuance required by § 601 of the Act. Pursuant to § 306 (c) of the Act, the Department of the Environment (“DDOE”) has reviewed the Voluntary Cleanup Program Site Completion Report (“Report”) and the implementation and completion of the approved voluntary cleanup action plan dated March 20, 2006, in accordance with the cleanup standards specified in § 8-633.05 (b) of the Act.

Pursuant to § 306 (d) of the Act, the Department of the Environment hereby states that:

1. The requirements of the cleanup action plan have been implemented, and that applicable cleanup standards have been met;
2. The Participant has demonstrated that implementation of the cleanup action plan at the Property has achieved the applicable cleanup standards regarding the contamination addressed in the cleanup action plan;

3. The Participant is released from further liability under this Act and any other District law or regulation, for the cleanup of this Property and for any contamination identified in the environmental assessment of this Property, and that the Participant shall not be subject to a contribution action instituted by a responsible person;
4. Long-term monitoring or maintenance requirements for the Property is required to ensure that limited PAH-impacted soil left in place at depths greater than two feet remain capped by no less than two feet of clean fill, landscaping elements or buildings and other structures ;
5. The permissible uses of this Property are not restricted; and
6. This Certificate of Completion is transferable.

Pursuant to § 306 (i) of the Act, this Certificate shall not:

1. Prevent the District from taking action against any person or property to prevent or abate an imminent or substantial endangerment to the public or the environment;
2. Remain in effect if obtained by fraud or a material misrepresentation, or if new information is discovered, within a reasonable time, about a hazardous substance that revises the acceptable risk levels; or if the risk level increases due to land use;
3. Affect the District's authority to take action against any person concerning new contamination or the exacerbation of an existing contamination after this Certificate has been issued;
4. Affect the Department's authority to take action against any person concerning previously undiscovered contamination at this Property after this Certificate has been issued;
5. Prevent the District from taking action against any person who is responsible for long-term monitoring and maintenance, for the failure to comply with the cleanup action plan or failure to maintain institutional controls;
6. Prevent the District from taking action against any person who does not comply with the conditions on the permissible use of the eligible property contained in the Certificate;
7. Prevent the Department from requiring any person to take further action if the eligible property fails to meet the applicable cleanup criteria set up in the cleanup action plan; or
8. Affect the planning or zoning authority of the District.

CONDITIONS

1. This Certificate may be transferred to any person whose actions did not cause or contribute to the contamination at this Property.

2. No less than ten (10) days before transferring this Certificate, the Participant or any successor in interest shall provide written notice to the Voluntary Cleanup and Brownfields Program at the following address:

Program Manager
Voluntary Cleanup and Brownfields Program
District Department of the Environment
51 N Street, N.E.
Washington, D.C. 20002

3. If any portion of this Property is transferred, the property owner shall notify the District Department of the Environment at least ten (10) days before the transfer. In addition, any successor in interest must submit a written certification to the attention of the Program Manager, Voluntary Cleanup and Brownfields Program, that the successor in interest has received a copy of this Certificate including any physical maintenance requirements for this Property.

RECORDATION

Because this Certificate does not restrict permissible uses, recordation by the Participant is not required. DDOE shall send a copy of the Certificate to the Recorder of Deeds and the Office of Tax and Revenue within 10 business days after its issuance.

Dr. V. Sreenivas, Chief Engineer
Deputy Chief for Hazardous Materials
and Toxic Substances
District Department of the Environment

Date

Original to:

Jeremy W. Small
Ft. Totten Park Apartments, L.P.
c/o Clark Realty.
2 Bethesda Metro Center, Suite 250
Bethesda, MD 20814

Copies to:

Patricia N. Young, Program Manager-
Voluntary Cleanup Program
District Department of the Environment
51 N Street, N.E., 3rd Floor
Washington, D.C. 20002

Recorder of Deeds
501 D Street, N.W.
Washington, D.C. 20001

Office of Tax and Revenue
941 North Capitol Street, N.E.
Washington, D.C. 20002