

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment



CERTIFICATE OF COMPLETION

VCP CASE NO.: VCP 2016-041
SITE NAME: 1300 H Street, NE
SITE ADDRESS: 1300 and 1302 H Street, NE, and 1306 and 813 13th Street, NE,
SQUARE/LOT: 1026/97-103 (former)
1026/841, 842, 843, 7000, and 7001(current)

VCP PARTICIPANT: Mr. Benjamin S. Miller, Manager
1300 H Street NE LLC
c/o Insight Property Group LLC,
4601 N. Fairfax Drive, Suite 1150
Arlington, Virginia 22203

REFERENCE: Voluntary Cleanup Program Application dated January 7, 2016;
Conditional Certificate of Completion (COC) dated November 19, 2013;
Phase I ESA reports dated May 3, 2005, May 20, 2016 and March 8, 2017;
Phase II ESA reports dated January 27, 2006 and October 28, 2013;
Voluntary Cleanup Action Plan (VCAP) dated February 2, 2017; and
Cleanup Action Plan Completion Report dated November 20, 2018.

The Department of Energy and Environment (DOEE) hereby issues this Certificate of Completion (“Certificate”) pursuant to the provisions of Subchapter III of the Brownfield Revitalization Amendment Act of 2000, D.C. Law 13-312, as amended, D.C. Official Code §§ 8-633.01 *et seq.* (the “Act”) for the cleanup of the site identified as 1300 H Street, NE consisting of Square 1026, lots 841, 842, 843, 7000, and 7001 identified above (the “Property”).

Pursuant to D.C. Official Code § 8-633.06(c), DOEE has overseen the implementation and completion of the approved Voluntary Cleanup Action Plan (“VCAP”) dated February 2, 2017. DOEE has also reviewed the Cleanup Action Plan Completion Report (“Report”), dated November 20, 2018, and associated project progress reports, which indicated that the cleanup standards specified in § 8-633.05(b) of the Act have been achieved. The Voluntary Cleanup

Program (“Program”) received no adverse comments regarding the issuance of this Certificate during the 21-day public notice and comment period prior to issuance required by § 8-636.01 of the Act. (See DC Register Volume 65/52, Notice 77129, dated December 21, 2018)

Pursuant to § 8-633.06(d) of the Act, the Department of Energy and 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’s 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 previous Phase II Environmental Site Assessment reports completed for all parcels in the footprint of the subject site. The Participant shall not be subject to a contribution action instituted by a responsible person;
4. Long-term monitoring and maintenance for the Property is required as set forth in the conditions;
5. The permissible use of this Property is Restrictive, subject to the activity and use limitations described in the conditions; and
6. This Certificate of Completion is transferable.

Pursuant to § 633.06(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 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 Program at the following address:

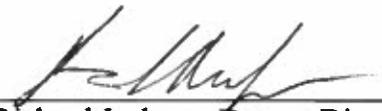
Department of Energy and Environment
Environmental Services Administration
Land Remediation and Development Branch
1200 1st Street, N.E., 5th Floor
Washington, D.C. 20002

3. If any portion of this Property is transferred, the property owner shall notify the Voluntary Cleanup Program at least ten (10) days before the transfer. In addition, any successor in interest must submit a written certification to the attention of the Chief, Land Remediation and Development Branch, Voluntary Cleanup Program, that the successor in interest has received a copy of this Certificate including any physical maintenance requirements for this Property.
4. The Certificate is conditioned on the execution and recordation of an Environmental Covenant including the activity and use limitations described in the Cleanup Action Plan Completion Report dated November 20, 2018.

RECORDATION

Because this Certificate limits the permissible uses of the property, the Participant shall record this Certificate with the Recorder of Deeds within thirty (30) days after receiving the certificate or the Certificate shall be deemed void.

[SIGNATURE FOLLOWS]


Richard Jackson, Deputy Director

March 4, 2019
Date

DISTRICT OF COLUMBIA : SS

I HEREBY CERTIFY, that on this 4 day of March, 2019, before me the undersigned Notary Public of the District of Columbia, personally appeared Richard Jackson, Deputy Director, Department of Energy and Environment, and known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the foregoing instrument, and being authorized so to do acknowledged the same to be the act and deed of said Department of Energy and Environment and in my presence signed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

LAKEISHA RENEE LOCKWOOD
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires August 14, 2023


Notary Public

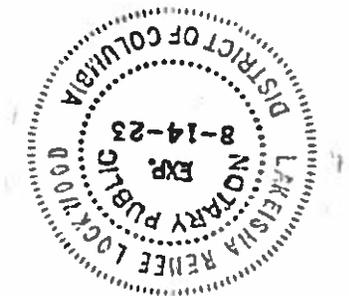
My commission expires: _____

Original to:

Mr. Benjamin S. Miller, Manager
1300 H Street NE LLC
c/o Insight Property Group LLC,
4601 N. Fairfax Drive, Suite 1150
Arlington, Virginia 22203

Copies to:

Dave R. Tomlinson
Associate Director
Toxic Substances Division
Environmental Services Administration
Department of Energy & Environment
Government of the District of Columbia
1200 First Street NE, 5th Floor, Room 518
Washington, DC 20002



Recorder of Deeds
1101 4th Street, SW, 5th Floor
Washington, D.C. 20024