

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of the Environment



Office of the Director

CERTIFICATE OF COMPLETION

VCP CASE NO.: VCP2008-018

PARTICIPANT STATUS: Non-Responsible Person

VCP PARTICIPANT: United Dominion Realty
Three Lincoln Center
5430 LBJ Freeway, Suite 1250
Dallas, Texas 75240 ("Participant")
Attn: Mr. Greg Duggan, Vice President, Redevelopment

SITE NAME: Nehemiah Shopping Center

SITE ADDRESS: 2400 14th Street, NW (Square 2661, Lot 0219)

REFERENCE: VCP Application/Comprehensive Site Assessment dated March 14, 2008; Cleanup Action Plan (CAP) dated July 25, 2008; and Site Completion Report dated November 28, 2011

The District Department of the Environment ("DDOE") hereby issues this Certificate of Completion ("Certificate") pursuant to § 306 of the Brownfield Revitalization Amendment Act of 2000, D. C. Law 13-312, D.C. Official Code §§ 8-631 *et seq.*, as amended April 8, 2011, D.C. Law 18-369 (herein referred to as the "Act"). The Voluntary Cleanup Program ("Program") received no comments during the mandatory 21-day public notice and comment period prior to issuance of this Certificate as required by § 601 of the Act. (*See 53 DCR 9017*). Pursuant to §306 (c) of the Act, DDOE has reviewed the Voluntary Cleanup Program Site Completion Report ("Report") dated November 28, 2011 which indicates the proper implementation and completion of the approved Voluntary Cleanup Action Plan ("CAP") dated March 14, 2008, in accordance with the cleanup standards specified in § 8-633.05 (b) of the Act. Pursuant to § 306 (d) of the Act, the District Department of the Environment hereby states that:



1. The requirements of the cleanup action plan have been implemented, and all 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 comprehensive environmental assessments of this Property dated March 7, 2008 and 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 are not required;
5. The permissible use of this Property is Non-Restrictive; 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 District'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 District 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:

Land Remediation and Development Branch
District Department of the Environment
1200 1st Street, NE, 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 the above address 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 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, DDOE will 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.



Christophe A.G. Tulou
Director
District Department of the Environment

8.14.12

Date

DISTRICT OF COLUMBIA: to wit:

I HEREBY CERTIFY that on this 14 day of August, 2012, before me the undersigned Notary Public of the District of Columbia, personally appeared Christophe A.G. Tulou, Director, District Department of the 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 District Department of the Environment and in my presence signed the same.

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

Lakeisha R. Estep
Notary Public, District of Columbia
My Commission Expires 7/14/2013


Notary Public

My commission expires: _____.

Original to:

Mr. Greg Duggan
Vice President, Redevelopment
United Dominion Realty
Three Lincoln Centre
5430 LBJ Freeway, Suite 1250
Dallas, Texas 75240

Copies to:

James P. Sweeney, Chief
Land Remediation and Development Branch
District Department of the Environment
1200 1st Street, NE, 5th Floor
Washington, DC 20002

Recorder of Deeds
1101 4th Street, SW, 5th Floor
Washington DC 20024

Office of Tax & Revenue
1101 4th Street, SW, Suite W270
Washington, DC 20024