

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment



CERTIFICATE OF COMPLETION

VCP CASE NO.: VCP 2011-022
SITE NAME: Former Fur Nightclub and M Street Warehouse
SITE ADDRESS: 33 Patterson Street, NE & 16-22-M Street NE
SQUARE/LOT: 672/852,839,251

VCP PARTICIPANT: Mr. Jonathan Smith, Authorized Agent
22 M Street NOMA, LLC
1776 Wilson Boulevard, Suite 250
Arlington, VA 22209

REFERENCE: Voluntary Cleanup Program Application dated December 11, 2011; October 21, 2011 and November 22, 2011 respectively; Cleanup Action Plan (CAP) dated December 29, 2018, and Site Completion Report dated September 19, 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 known as formerly Fur Night Club and single story warehouse consisting of Square 672 Lots 852, 839, and 251 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 December 29, 2018. DOEE has also reviewed the Voluntary Cleanup Program Site Completion Report (“Report”), dated September 19, 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 65/41, Notice N0074255, dated October 05), 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 or maintenance requirements for the Property is not required;
5. The permissible use of this property is Non-Restrictive
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 does not comply with the conditions on the permissible use of the eligible property contained in the Certificate;
6. 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
7. 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.

RECORDATION

Because this Certificate does not restrict permissible uses, DOEE will send a copy of the Certificate to the Recorder of Deeds within 10 business days after its issuance.


Richard Jackson, Deputy Director

11-21-18
Date

Original to:

Mr. Jonathan Smith, Authorized Agent
22 M Street NOMA, LLC
1776 Wilson Boulevard, Suite 250
Arlington, VA 22209

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