

**Request for Extension of Time
Consolidated Planned Unit Development and Related Zoning Map Amendment at
1600 North Capitol Street, NW (Square 3100, Lot 48)
Z.C. Order Nos. 06-04E and 06-04F**

Affidavit of Applicant in Support Time Extension

I, Eyob Mamo, being duly sworn, depose and state as follows:

1. I am Eyob Mamo, the Manager of Florida & Q Street, LLC, which is the owner of Lot 48 in Square 3100 (the "Property"). The Property is subject to Zoning Commission (Z.C.) Order No. 06-04, which granted consolidated PUD approval for the construction of a mixed-use development project composed of retail and residential uses on the Property. The PUD was subsequently modified pursuant to Z.C. Order Nos. 06-04C and 06-04E, and extended pursuant to Z.C. Order Nos. 06-04A, 06-04B, 06-04D, and 06-04F, such that a building permit application was required to be filed for the PUD no later than June 15, 2015, with construction to begin no later than June 15, 2018.
2. The approved project, as modified by Z.C. Order No. 06-04E, includes approximately 84,306 square feet of gross floor area devoted to residential use (approximately 85 to 95 dwelling units), approximately 4,998 square feet devoted to retail use in the cellar, and approximately 3904 square feet of penthouse habitable space. The approved PUD has a maximum density of 4.5 floor area ratio ("FAR") and a maximum building height of 72 feet, 4.5 inches (not including penthouses).
3. Florida & Q Street, LLC has taken many steps to move forward with the project. However, we are experiencing delay due to environmental contamination at the Property, which is beyond our reasonable control, has delayed our ability to secure all necessary governmental approvals, and prevents us from complying with the time limits set forth in Z.C. Order No. 06-04F.
4. Until 2003, the Property was owned and operated by Exxon Mobil ("Exxon") as a gas station. On July 28, 2003, Exxon sold the Property to Five Q, LLC. At the time of the sale, Exxon remained the "Responsible Party" for an ongoing spill case (LUST Case No. 94-016), which identified Exxon as being responsible for the cleanup of the Property and a achieving "No Further Action" ("NFA") designation by the District Department of Energy and the Environment ("DOEE").
5. On January 18, 2011, DOEE issued a NFA letter to Exxon (Exhibit A). The letter stated that no further remedial action is necessary unless the residually contaminated soil is removed, disturbed, or excavated, in which case Exxon would be required to report to DOEE for further direction an guidance prior to commencement of work. The letter indicated that Exxon remained the Responsible Party for any previously incurred or future liability due to residual contamination left in place.
6. Recognizing that the NFA was conditional based on the soil staying in place, Florida & Q Street, LLC decided to enter into the Voluntary Remediation Action Program ("VRAP") with DOEE to implement a Voluntary Remedial Action Plan ("VRAP Plan") to remediate the Property using a risk-based approach for the development of a residential building, and

to assume Responsible Party status for all historic contamination at the Property. It is highly unusual for a private property owner to take on the Responsible Party status for a property, but we saw no other way but to take this action so that the project could move forward.

7. On March 12, 2017, Florida & Q Street, LLC met with DOEE to discuss the VRAP process. DOEE was receptive to the idea and appreciated Florida & Q Street, LLC's offer to assume Responsible Party status.
8. On May 16, 2017, pursuant to DOEE's guidance, Florida & Q Street, LLC submitted a VRAP application to DOEE for redevelopment of the Property (Exhibit B). The VRAP application confirmed that Florida & Q Street, LLC would be required to perform assessment and remediation work and take corrective action in place of the previous Responsible Party.
9. By letter dated May 30, 2017 (Exhibit C), DOEE approved Florida & Q Street, LLC's VRAP application and granted Responsible Party status to Florida & Q Street, LLC, contingent upon submission of the following:
 - a. A Certificate of Financial Responsibility;
 - b. A detailed VRAP Plan explaining the proposed technologies that would be used to remediate residential contamination to levels that are protective of human health and the environment;
 - c. A site-specific quality assurance/quality control plan for the activities to be carried out during implementation of the remedial approach; and
 - d. A site-specific Health and Safety Plan addressing federal Occupational Safety and Health Administration regulations.
10. On June 26, 2017, Florida & Q Street, LLC (through its environmental consultant Kleinfelder) submitted to DOEE all of the documents requested in DOEE's May 30, 2017 letter, including the VRAP Plan (Exhibit D).
11. On August 17, 2017, DOEE requested three small revisions to the VRAP Plan (clarify that monitoring well construction and locations will be proposed to DOEE before installation; clarify that any over excavation will be proposed to DOEE before completion; and change the attainment sampling from two quarters to four quarters) (Exhibit E).
12. On August 22, 2017, Florida & Q Street, LLC submitted the revised VRAP Plan to DOEE based on DOEE's comments (Exhibit F).
13. On September 6, 2017, DOEE approved the VRAP Plan (Exhibit G) and the transfer of Responsible Party status for the Property from Exxon to Florida & Q Street, LLC (Exhibit H).
14. Now that DOEE has approved the VRAP Plan, there are certain items that need to be completed before excavation for the approved building's foundation can begin, including designing engineering controls (e.g. vapor barrier and sub-slab system) and identifying the remedial exaction area to ensure full compliance with the VRAP Plan. So far, we have taken the following steps to begin this process:
 - a. Through a vapor mitigation specialist at Kleinfelder, we are currently completing a study on the design of an active sub-slab depressurization system based on the

existing foundation plans and known groundwater conditions. The study is required as it is critical to determine compatibility with the foundation plans already on file with the District; and

- b. Finalized a work plan/schedule with Kleinfelder to complete pre-excavation sampling activities as required in the approved VRAP Plan. The samples will be used to dictate the final design of the remedial excavation as well as engineering controls. The designs need to be submitted to DOEE for approval prior to construction. We cannot install the engineering controls until after the excavation is complete. The controls are then installed beneath the foundation
15. We anticipate that the items listed in (a) and (b) above will take an additional six to twelve months, as they require field work and DOEE approval. Once these items are complete, an additional six to twelve months are needed to update the foundation and construction plans and work with the District to obtain building permits that take into account the VRAP Plan approved after the original building permit application was filed. The specific VRAP Plan activities are as follows:
- a. Prior to implementation of the VRAP Plan, pre-excavation soil borings are required to characterize soils for disposal within the limits of the building foundation and to vertically delineate soil impacts for the remedial excavation. To do so, the Property will be divided into a 50-foot by 50-foot grid with one soil boring advanced in each grid section. Soil samples will be collected from five feet below grade to the boring termination depths of approximately 30 to 35 feet below grade. The remedial excavation design will be determined following evaluation of pre-excavation soil boring data and will be submitted to DOEE for approval prior to completion of work.
 - b. Prior to implementation of the VRAP Plan, a project-specific vapor barrier needs to be designed and approved by DOEE. The results from the pre-exaction soil samples will be utilized while selecting the appropriate vapor barrier design.
 - c. Prior to implementation of the VRAP Plan, a project-specific sub-slab depressurization system needs to be designed and approved by DOEE.
16. As a result of this lengthy process, we are unable to begin construction within the time limit set forth in Z.C. Order No. 06-04F. However, notwithstanding the extensive environmental testing and remediation that is necessary for the Property, we are committed to moving forward with development of the PUD. To date, we have invested substantial resources in the Property, including legal, architectural, engineering, and other consulting fees. There is no financial advantage to not redevelop the Property, and we have every incentive to develop the Property as soon as feasible.
17. We therefore request a two-year extension of the time period to begin construction set forth in Z.C. Order No. 06-04F.

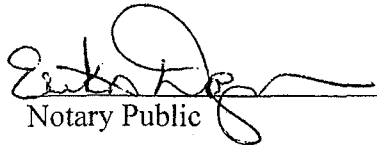
SIGNATURES ON FOLLOWING PAGE

I solemnly affirm under the penalty of perjury that the contents of this Affidavit are true and correct to the best of my personal knowledge.

Florida & Q Street, LLC,
a District of Columbia limited liability company

By: _____
Name: Eyob Mamo
Title: Manager

Sworn and subscribed to me this 17th day of April, 2018.



Notary Public

My Commission Expires: 10/31/2018



EXHIBIT A TO AFFIDAVIT

Government of the District of Columbia
District Department of the Environment

Underground Storage Tank Branch



Toxic Substances Division

No Further Action Letter

VIA US First Class Mail

January 18, 2011

Ms. Jewel Cox
ExxonMobil Corporation
1016 Poplar Avenue, Suite 106 #202
Collerville, Tennessee 38139

RE: FACILITY NAME: Former Exxon Facility #28038
FACILITY ADDRESS: 5 Q Street NE
FACILITY ID: 5-000358
LUST ID:

Dear Ms Cox:

The District Department of the Environment ("DDOE"), Underground Storage Tank Branch ("UST Branch"), hereby issues this No Further Action Letter ("NFA") in reference to the property/facility located at **5 Q Street NE** (the "site"), and currently owned by the ExxonMobil Corporation (the "Owner"), pursuant to the Underground Storage Tank Management Act of 1990 (D.C. Code § 8-113.01, *et seq.*), and the District of Columbia Underground Storage Tank Regulations, as set forth at Title 20 of the District of Columbia Municipal Regulations, Chapters 55-70 (20 DCMR 55-70).

The UST Branch has reviewed the Risk Based Corrective Action Tier 1 and No Further Action Report (December 2, 2010), and all other information submitted to date by the Owner pertaining to the release and clean-up of a regulated substance from the underground storage tank system at the above-referenced site. Based on the information reviewed, it is the judgment of the UST Branch that presently, the residual contamination left in place at this site does not pose a threat to human health and/or the environment. Accordingly, the UST Branch finds that no further remedial action is necessary at the site, unless the residually contaminated soil is removed, disturbed, or excavated.

The owner shall be responsible for removing all equipment and ensure that wells are closed down, removed, grouted and sealed properly in accordance with 20 DCMR § 6211.7.

1200 First Street, NE, 5th Floor, Washington, DC 20002 Tel: (202) 535-2600 fax: (202) 535-1383,

www.green.dc.gov



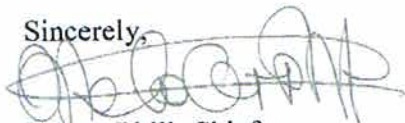
In the event that additional work is performed at this site, which will require any additional removal, disturbance or excavation of the residually contaminated soil, Owner must report to this office for further direction and guidance, prior to commencement of work, as required by 20 DCMR § 6202. Failure to do so may result in an enforcement action against any responsible party, current or future Owners, pursuant to the Act and the regulations promulgated pursuant to that Act. Additionally, DDOE reserves the right to take any action against any person concerning new contamination or exacerbation of contamination on the property.

While ExxonMobil has complied with the current Leaking Underground Storage Tank case closure requirements of this Program, District of Columbia's Underground Storage Tank Management Act, and the regulations promulgated pursuant to that Act, this NFA shall not absolve the Owner, operator, or a responsible party from previously incurred or potential future liability due to any residual contamination left in place.

Please note that DDOE is required to publish success stories in brochures, fact sheets and on our website of sites cleanup in the District and returned to productive use. As such, this site may be chosen for this purpose. Please inform our office in writing if you have any objections or concerns with us using this site.

Should you have any question about this NFA, please call Timothy J. Byrd at (202) 481-3836 or send an email to timothy.byrd@dc.gov.

Sincerely,



Fianna Phill, Chief
Underground Storage Tank Branch

cc: Nazmul Haque, PhD – Kleinfelder East Incorporated
Natalie Morales Hendricks – Kleinfelder East Incorporated

EXHIBIT B TO AFFIDAVIT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment
Environmental Services Administration



Toxic Substances Division

Underground Storage Tank Branch

**APPLICATION FORM FOR
FOR VOLUNTARY REMEDIATION ACTION PROGRAM (VRAP)**

Please submit this form by mail or in-person to:
Chief, Underground Storage Tank Program
1200 First Street N.E., 5th Floor, Washington D.C. 20002
Telephone: 202-535-2600 Fax: 202-535-1383
Website: www.green.dc.gov, Email: ust.doe@dc.gov

I. LUST Property

Property Name 1600 North Capitol Street NW

Address 1600 North Capitol Street

City Washington DC Quadrant NW Zip Code 20002

II. APPLICANT

Contact Name Joe Mamo Title President/CEO

Organization/Company Name FLORIDA AND Q STREET, LLC.

Mailing Address 6820-B Commercial Drive

City: Springfield State: VA Zip Code 22151

Telephone (703) 750-6810 Fax (703) 997-5979 E-mail Joe@capitolpetro.com

III. Current Property Owner

Contact Name Joe Mamo Title President/CEO

Organization/Company Name FLORIDA AND Q STREET, LLC.

Mailing Address 6820-B Commercial Drive

City: Springfield State: VA Zip Code 22151

Telephone (703) 750-6810 Fax (703) 997-5979 E-mail Joe@capitolpetro.com

IV. OTHER CONTACTS

Consultant:

Contact Name Mark Steele Title Senior Program Manager

Organization/Company Name Kleinfelder

Mailing Address 1340 Charwood Road Suite I

City: Hanover State: MD Zip Code 21076

Telephone 410-850-0404 Fax 410-850-0049 E-mail MCSteele@kleinfelder.com

Project Manager:

Name Marshall Yacoe Title Environmental Manager

Organization/Company Name Capitol Petroleum Group, LLC

Mailing Address 6820-B Commercial Drive

City: Springfield State: VA Zip Code 22151

Telephone (703) 750-6810 Fax (703) 997-5979 E-mail Myacoe@capitolpetro.com

V. Applicant's Interest in the Property

- Intends to develop site for personal or business reasons
 Intends to conduct an investigation of site prior to acquisition or development
 A neighboring property owner who was unable to obtain relief from the responsible.

VI. Current Property Use

- Residential Undeveloped
 Industrial Inactive
 Commercial Abandoned

Other (explain) _____

VII. Future Property Use (Zoning Approval is needed)

- Unlimited
 Commercial/Industrial
 Undetermined

Please contact the respective DC Government Agencies regarding:

- ZONING
- EISF (Environmental Impact Screening Form). This has to be reviewed and approved by DDOE.

I hereby acknowledge that the information provided in this application is to the best of my knowledge, accurate and complete. In signing this document, I agree to follow any directives issued by or agreement reached with t, The Director pertaining to preliminary investigation prior to remediation; remediation of the facility or site; and to be liable for satisfactorily completing all corrective action pursuant to the applicable provisions of Chapter 61 and Chapter 62 of Title 20 of the District of Columbia Municipal Regulations.

Printed Name Joe Mamo

Title President/CEO

Signature 

Date 5/15/2017

FOR OFFICIAL USE

Documents Received by: _____ Date: _____

Approved _____ Not Approved _____ Resubmit _____ Date: _____

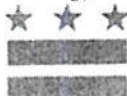
Additional Information Required, if any:

Other Comments/updates:

Inspector/Case Manager: _____

UST-LUST Branch Chief: _____

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment



Toxic Substances Division

Underground Storage Tank Branch

CERTIFICATION OF FINANCIAL RESPONSIBILITY
FOR VRAP APPLICANTS

Florida and Q Street, LLC, hereby certifies compliance with the financial responsibility (Voluntary Remediating Party) requirements of 20 DCMR Chapter 67.

The financial assurance mechanism(s) used to demonstrate financial responsibility under chapter 67 of this title are as follows:

Type of mechanism Commercial Surety Multipurpose Bond

Name of issuer International Fidelity Insurance Company

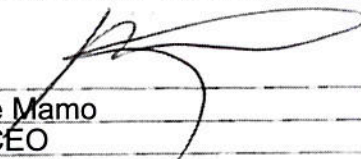
Mechanism number (if applicable)
BRIFSU0716853


Amount of coverage \$10,000.00

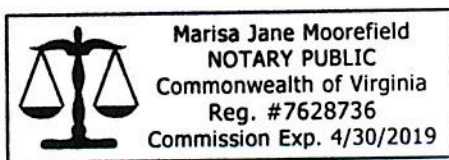
Effective period of coverage Until canceled by Surety

Whether mechanism covers "taking corrective action" or compensating third parties for bodily injury and property damaged caused by either "sudden accidental releases" or "non-sudden accidental releases."

Taking corrective action

Signature of VRP: 
Name of VRP: Joe Mamo
Title: President/CEO
Date: 5/15/2017

Signature of witness or notary: 
Name of witness or notary: Marisa J. Moorefield
Date: 5/15/2017



The VRP must update this certification whenever the financial assurance mechanism(s) used to demonstrate financial responsibility changes(s).

ACCESS AGREEMENT

This Access Agreement ("Agreement") is made by and between Florida and Q Street, LLC ("Owner or Responsible Party (RP)") and Florida and Q Street, LLC the Voluntary Remediating Party (VRP).

WHEREAS, Owner or RP has agreed to allow the VRP, its employees, agents, servants, contractors and subcontractors to enter Owners' property located at 1600 North Capitol St, NW in Washington, D.C. (print full address), for the sole purpose of developing a LUST facility for personal or business reasons and conducting certain testing more particularly described herein, to determine the presence or absence of petroleum hydrocarbons constituents in the facility; and

WHEREAS, the parties desire to enter into this Agreement to memorialize the terms regarding such access.

AGREEMENT

Now, therefore, Owner or the RP and the VRP agree as follows:

1. The recitals above are made a part of this Agreement.
The VRP and its employees, agents, servants, contractors and subcontractors shall be permitted to enter the RP or Owner's property for the sole purpose of developing the property for personal or business reasons and conducting environmental sampling activities.
2. The access granted by this Agreement begins on the date this Agreement is signed by both parties.
3. By signing this Agreement Owner and RP gives the VRP and its employees, agents, servants, contractors and subcontractors the right to enter onto the property for the reasons previously indicated.
4. The VRP shall be liable for all work performed at the site or facility and shall only be required to perform the work agreed upon with the DOEE Director. After completing remediation of the site in accordance with the requirements of 20 DCMR Chapter 62, a VRP may submit a written request for a no-further-action or case closure letter as set forth in Section 6211. Upon The Director's approval, a Case Closure or No-Further-Action letter, VRP as appropriate shall be issued to the responsible party with a copy to the VRP or to a VRP who has assumed full responsible party status.
This agreement shall be governed in accordance with the laws of the District of Columbia.
5. By entering into this Agreement, neither the VRP nor the Owner/RP waives any rights, remedies, or defenses they may have under applicable law.
This Agreement may only be modified in a writing that is signed by all parties.

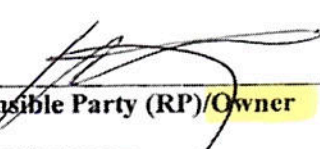
IN WITNESS WHERE OF, the parties hereto have caused this Agreement to be executed as of the date and year herein written.

By: 
Voluntary Remediating Party (VRP)

Date: 5/17/2017

Name: Joe Mamo

Address: 6820-B Commercial Dr. Springfield, VA 22151

by: 
Responsible Party (RP)/Owner

Date: 5/17/2017

Name: Joe Mamo

Address: 6820-B Commercial Dr. Springfield, VA 22151

EXHIBIT C TO AFFIDAVIT

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Energy and Environment

Environmental Services Administration

Toxic Substances Division



Underground Storage Tank Branch

Voluntary Remediation Action Program (VRAP)
Conditional Authorization Letter

May 30, 2017

Mr. Joe Mamo
President/CEO
Florida and Q Street, LLC
6820-B Commercial Drive
Springfield, VA 22151

RE: Voluntary Remediation Action – 1600 North Capitol Street NW

FACILITY ADDRESS: 5 Q Street, NW (Aka 1600 North Capitol Street, NW)
FACILITY NAME: 1600 North Capitol Street
VRAP #: 2017-005
LUST #: 2017011

Dear Mr. Mamo:

The Underground Storage Tank Branch of the District Department of Energy and Environment (DOEE) hereby issues this Voluntary Remediation Action Program (VRAP) Conditional Authorization Letter pursuant to the Underground Storage Tank Management Act of 1990 (D.C. Code § 8-113.01 *et seq.*) (the “Act”), and the District of Columbia Underground Storage Tank Regulations, as set forth at Title 20 of the District of Columbia Municipal Regulations (DCMR), Chapters 55-70 (20 DCMR §§ 5500-7099).

In response to your V-RAP application dated May 16, 2017 requesting, in accordance with 20 DCMR § 6213.1: (a) permission to conduct additional remedial activities on the property located at **5 Q Street Northwest (aka 1600 North Capitol Street, NW)** in Washington, DC and (b) permission for **Florida and Q Street, LLC** to participate in the VRAP as a Voluntary Remediation Party (VRP) who is accepting responsible party (RP) status and to conduct remedial activities for this contaminated property, the DOEE is granting a conditional approval of the application. An RP transfer approval letter will soon follow this correspondence.

This approval is contingent upon the submission and DOEE approval, of the following:

- A Certificate of Financial Responsibility, e.g. a letter of credit;

- A detailed Voluntary Remediation Action Plan (V-RAP) explaining the proposed technologies that will be used to remediate residual contamination on-site (including details of planned engineering controls, such as, vapor barriers), to levels below DOEE Tier 1 Risk Based Screening Levels (RBSLs) or below Tier 2 Site Specific Target Levels (SSTLs) which are protective of human health and the environment;
- A site specific quality assurance/quality control plan for the activities to be carried out during implementation of the remedial approach; and
- A site-specific Health and Safety Plan (HASP) that addresses all applicable federal Occupational Safety and Health Administration (OSHA) regulations. These must be received by this office at least 90 days before the beginning of the construction activities.

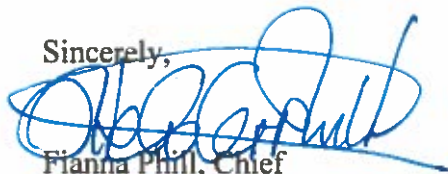
After the review and approval of the V-RAP, as required by 20 DCMR § 6213, the Voluntary Remediation Party must begin the remediation process and satisfactorily complete all requirements set forth in the applicable provisions of Chapters 61 and 62 of the Underground Storage Tank Regulations of the District of Columbia.

All remedial activities as per the approved V-RAP will occur under the direction of the UST Branch. Pursuant to 20 DCMR § 6213 and the submitted VRAP application, the Voluntary Remediating Party has agreed and is required follow any directives issued by the UST Branch pertaining to (1) future investigation of the site and (2) complete remediation of the site. DOEE encourages all RPs and VRPs to consider green remediation during site assessment and corrective action and report this during your work plan, V-CAP and case closure report submission, using the ASTM Standard E- 2893 and applicable EPA Green Cleanup guidance <https://clu-in.org/greenremediation/standard>

After completing the remediation in accordance with the requirements of Chapter 62 of the UST Regulations, the Voluntary Remediating Party may submit a written request along with the site closure report for a No-Further-Action or a Case Closure Letter. A Case Closure or a No-Further-Action Letter, as appropriate, will be issued to the responsible party and the Voluntary Remediating Party.

Should you have any questions or concerns, you may contact me at 202-535-2326, or the V-RAP Coordinator, Brian Barone at (202) 741-5092.

Sincerely,



Fianna Phill, Chief

Underground Storage Tank Branch

Attached: Copy of Signed V-RAP Application Form-Approved

Cc: Mr. Mark Steele (Via Email)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment
Environmental Services Administration



Toxic Substances Division

Underground Storage Tank Branch

APPLICATION FORM FOR
FOR VOLUNTARY REMEDIATION ACTION PROGRAM (VRAP)

Please submit this form by mail or in-person to:
Chief, Underground Storage Tank Program
1200 First Street N.E, 5th Floor, Washington D.C. 20002
Telephone: 202-535-2600 Fax: 202-535-1383
Website: www.green.dc.gov, Email: ust.doe@dc.gov

I. LUST Property

Property Name 1600 North Capitol Street NW

Address 1600 North Capitol Street

City Washington DC Quadrant NW Zip Code 20002

II. APPLICANT

Contact Name Joe Mamo Title President/CEO

Organization/Company Name FLORIDA AND Q STREET, LLC.

Mailing Address 6820-B Commercial Drive

City: Springfield State: VA Zip Code 22151

Telephone (703) 750-6810 Fax (703) 997-5979 E-mail Joe@capitolpetro.com

III. Current Property Owner

Contact Name Joe Mamo Title President/CEO

Organization/Company Name FLORIDA AND Q STREET, LLC.

Mailing Address 6820-B Commercial Drive

City: Springfield State: VA Zip Code 22151

Telephone (703) 750-6810 Fax (703) 997-5979 E-mail Joe@capitolpetro.com

IV. OTHER CONTACTS

Consultant:

Contact Name Mark Steele Title Senior Program Manager

Organization/Company Name Kleinfelder

Mailing Address 1340 Charwood Road Suite I
City: Hanover State: MD Zip Code 21076

Telephone 410-850-0404 Fax 410-850-0049 E-mail MCSteele@kleinfelder.com

Project Manager:

Name Marshall Yacoe Title Environmental Manager

Organization/Company Name Capitol Petroleum Group, LLC

Mailing Address 6820-B Commercial Drive
City: Springfield State: VA Zip Code 22151

Telephone (703) 750-6810 Fax (703) 997-5979 E-mail Myacoe@capitolpetro.com

V. Applicant's Interest in the Property

- Intends to develop site for personal or business reasons
 Intends to conduct an investigation of site prior to acquisition or development
 A neighboring property owner who was unable to obtain relief from the responsible.

VI. Current Property Use

- Residential Undeveloped
 Industrial Inactive
 Commercial Abandoned

Other (explain) _____

VII. Future Property Use (Zoning Approval is needed)

- Unlimited
 Commercial/Industrial
 Undetermined

Please contact the respective DC Government Agencies regarding:

- ZONING
- EISF (Environmental Impact Screening Form). This has to be reviewed and approved by DDOE.

I hereby acknowledge that the information provided in this application is to the best of my knowledge, accurate and complete. In signing this document, I agree to follow any directives issued by or agreement reached with t, The Director pertaining to preliminary investigation prior to remediation; remediation of the facility or site; and to be liable for satisfactorily completing all corrective action pursuant to the applicable provisions of Chapter 61 and Chapter 62 of Title 20 of the District of Columbia Municipal Regulations.

Printed Name Joe Mamo

Title President/CEO

Signature 

Date 5/15/2017

FOR OFFICIAL USE

Documents Received by: Brian Berone

Date: May 2017

Approved Not Approved Resubmit

Date: May 30, 2017

Additional Information Required, if any:

1. V-RAPCCAP
2. QAAC Health & Safety Plan
3. Financial Responsibility Proof - Bond

Other Comments/updates:

RP is Former Exxon Gas Station
VRP has accepted RP Status, DOEG
will issue an RP Transfer Approval letter soon

Inspector/Case Manager: Nazmul Haque

UST-LUST Branch Chief: Fiona Phil

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and the Environment
Toxic Substances Division Underground Storage Tank Branch



VOLUNTARY REMEDIATION ACTION PROGRAM
AGREEMENT WITH THE DEPARTMENT

The Director may permit a person, other than an owner, operators or responsible party to remediate leaking underground storage tanks (LUST) facilities in accordance with the provisions of this Subtitle provided that the person:

- (a) Intends to develop a LUST facility for personal or business reasons;
- (b) Intends to conduct a phased investigation of a LUST facility or site conditions
- (c) prior to acquisition or development of a LUST facility or site;

Person who wishes to voluntarily remediate shall submit a Voluntary Remediation Action Program application to the Director along with the following options as required under Sections 6213.2(c.), 6213.4 thru 6213.6, where applicable, **please check mark one:**

X Whereby a Voluntary Remediating Party (VRP) agrees to perform assessment and remediation, as required under 20 DCMR Chapter 62 and its subsections. A "Responsible Party Transfer Letter" will be issued by this office per section 6213.8(a). This shall authorize a VRP to take corrective action in place of a responsible party.

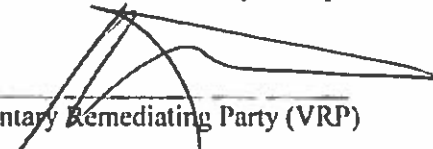
OR

 Whereby a Voluntary Remediating Party (VRP) agrees to person assessment and remediation, both on and off-site as required under 20 DCMR, Chapter 62 and its subsections. The VRP may not release the responsible party from previously incurred or potential future liability.

OR

 Whereby a Voluntary Remediating Party (VRP) agrees to perform assessment and remediation onsite as required under 20 DCMR Chapter 62 and its subsections. The VRP may not release the responsible party from previously incurred or potential future liability.

The Voluntary Remediating Party is liable for satisfactory completion of all correction action agreed upon with the Director as per the provisions of Chapter 61 and 62.

By: 
Voluntary Remediating Party (VRP)

by: _____
Responsible Party (RP)/Owner

Date: 5/15/2017

Date: _____

Name: Joe Mamo

Name: _____

Address: 6820-B Commercial Dr, Springfield, VA 22151

Address: _____

Signature:  _____ Name: Fianna Phill
Chief, Underground Storage Tank Program

05-30-17

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment



Toxic Substances Division

Underground Storage Tank Branch

CERTIFICATION OF FINANCIAL RESPONSIBILITY
FOR VRAP APPLICANTS

Florida and Q Street, LLC. hereby certifies compliance with the financial responsibility (Voluntary
Remediating Party) requirements of 20 DCMR Chapter 67.

The financial assurance mechanism(s) used to demonstrate financial responsibility under chapter 67
of this title are as follows:

Type of mechanism Commercial Surety Multipurpose Bond

Name of issuer International Fidelity Insurance Company


Mechanism number (if applicable)
BRIFSU0716853


Amount of coverage \$10,000.00

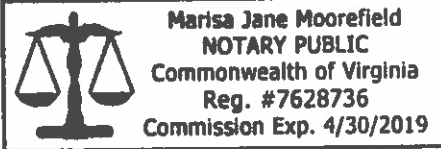
Effective period of coverage Until canceled by Surety

Whether mechanism covers "taking corrective action" or compensating third parties for bodily injury
and property damaged caused by either "sudden accidental releases" or "non-sudden accidental
releases."

Taking corrective action

Signature of VRP: 
Name of VRP: Joe Mamo
Title: President/CEO
Date: 5/15/2017

Signature of witness or notary: 
Name of witness or notary: MARISA J. MOOREFIELD
Date: 5/15/2017



The VRP must update this certification whenever the financial assurance mechanism(s) used to
demonstrate financial responsibility changes(s).

ACCESS AGREEMENT

This Access Agreement ("Agreement") is made by and between Florida and Q Street, LLC ("Owner or Responsible Party (RP)") and Florida and Q Street, LLC the Voluntary Remediating Party (VRP).

WHEREAS, Owner or RP has agreed to allow the VRP, its employees, agents, servants, contractors and subcontractors to enter Owners' property located at 1600 North Capitol St. NW in Washington, D.C. (print full address), for the sole purpose of developing a LUST facility for personal or business reasons and conducting certain testing more particularly described herein, to determine the presence or absence of petroleum hydrocarbons constituents in the facility; and

WHEREAS, the parties desire to enter into this Agreement to memorialize the terms regarding such access.

AGREEMENT

Now, therefore, Owner or the RP and the VRP agree as follows:

1. The recitals above are made a part of this Agreement.
The VRP and its employees, agents, servants, contractors and subcontractors shall be permitted to enter the RP or Owner's property for the sole purpose of developing the property for personal or business reasons and conducting environmental sampling activities.
2. The access granted by this Agreement begins on the date this Agreement is signed by both parties.
3. By signing this Agreement Owner and RP gives the VRP and its employees, agents, servants, contractors and subcontractors the right to enter onto the property for the reasons previously indicated.
4. The VRP shall be liable for all work performed at the site or facility and shall only be required to perform the work agreed upon with the DOEE Director. After completing remediation of the site in accordance with the requirements of 20 DCMR Chapter 62, a VRP may submit a written request for a no-further-action or case closure letter as set forth in Section 6211. Upon The Director's approval, a Case Closure or No-Further-Action letter, VRP as appropriate shall be issued to the responsible party with a copy to the VRP or to a VRP who has assumed full responsible party status.
This agreement shall be governed in accordance with the laws of the District of Columbia.
5. By entering into this Agreement, neither the VRP nor the Owner/RP waives any rights, remedies, or defenses they may have under applicable law.
This Agreement may only be modified in a writing that is signed by all parties.

IN WITNESS WHERE OF, the parties hereto have caused this Agreement to be executed as of the date and year herein written.

By: 
Voluntary Remediating Party (VRP)

Date: 5/17/2017

Name: Joe Mamo

Address: 6820-B Commercial Dr. Springfield, VA 22151

by: 
Responsible Party (RP)/Owner

Date: 5/17/2017

Name: Joe Mamo

Address: 6820-B Commercial Dr. Springfield, VA 22151

EXHIBIT D TO AFFIDAVIT



FEDEX: 7794 9609 7390

June 26, 2017

Mr. Brian Barone
Department of Energy and Environment
Underground Storage Tank Program
1200 First Street, NE 5th Floor
Washington, DC 20002

RE: Voluntary Remediation Action Plan
1600 North Capitol Street, NW
Washington, D.C.
VRAP No. 2017-005
LUST No. 2017011

Dear Mr. Barone:

Please find enclosed the Voluntary Remediation Action Plan (VRAP) for the above referenced property. The VRAP includes the requested Health and Safety Plan and Quality Assurance/Quality Control Plan.

Thank you in advance for your assistance in this matter. If you have questions regarding the information contained herein, please contact the undersigned at (410) 850-0404 or Mr. Marshall Yacoe at (703) 750-6810.

Sincerely,

KLEINFELDER

A handwritten signature in blue ink that reads "Brianne Witman".

Brianne Witman, PE (MD)
Engineer

A handwritten signature in blue ink that reads "Leslie Steele".

Leslie D. Steele, PE
D.C. No. 907676
Principal Engineer

Enclosure

cc: Mr. Marshall Yacoe – Florida and Q Street, LLC
Mr. Joe Mamo – Florida and Q Street, LLC



**VOLUNTARY REMEDIATION ACTION PLAN
1600 NORTH CAPITOL STREET, NW
WASHINGTON, D.C.
VRAP No. 2017-005
LUST No. 2017011**

JUNE 26, 2017

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ONLY THE CLIENT OR ITS DESIGNATED REPRESENTATIVES MAY USE THIS DOCUMENT AND ONLY FOR THE SPECIFIC PROJECT FOR WHICH THIS REPORT WAS PREPARED.



A Report Prepared for:

Florida and Q Street, LLC
6820-B Commercial
Springfield, VA 22151

VOLUNTARY REMEDIATION ACTION PLAN
1600 NORTH CAPITOL STREET, NW
WASHINGTON, D.C.
VRAP No. 2017-005
LUST No. 2017011

Prepared by:

Brianne Witman, PE (MD)
Engineer

Reviewed by:

Leslie D. Steele, PE
D.C. No. 907676
Principal Engineer

KLEINFELDER
1340 Charwood Road, Suite I
Hanover, MD 21076
Phone: 410.850.0404
Fax: 410.850.0049

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APPENDICES

- A DOEE Correspondence
- B Foundation to Grade Permit Set
- C Health and Safety Plan

EXHIBIT E TO AFFIDAVIT

Bloomfield, Jessica R (WAS - X75272)

From: Mark Steele <MCSteele@kleinfelder.com>
Sent: Thursday, August 17, 2017 4:16 PM
To: Marshall Yacoe
Cc: Brianne Witman
Subject: RE: 1600 N Capitol St - VRAP Update

Marshall. Brianne was able to catch up with Brian Barone regarding the submitted VRAP for 1600 N. Capitol Street. He is in general agreement on the plan but requested following modifications in the VRAP and the VRAP resubmitted for final approval.

- Clarify that monitoring well construction and locations will be proposed to DOEE before installation – understands that we want soil boring data before making decisions
- Clarify that any over excavation will be proposed to DOEE before completion – understands that we want SB data before making decisions
- Change attainment sampling from 2 quarters to 4 quarters

Brian also wanted to bring to CPG's attention that choosing a foundation that requires sumps (vs matslab) has potential for future issues as hydrocarbon impacted groundwater could enter the sump in the future. You and I had discussed this potential issue and future implications that may require carbon treatment and discharge sampling.

We will make the updates to the VRAP early next week and send you a draft to review prior to submission to DOEE.

Mark

From: Mark Steele
Sent: Tuesday, August 15, 2017 8:45 AM
To: 'Marshall Yacoe' <myacoe@capitolpetro.com>
Cc: Brianne Witman <BWitman@kleinfelder.com>
Subject: RE: 1600 N Capitol St - VRAP Update

I received the following note from Brian Barone regarding the VRAP status and it doesn't appear they have made much headway.

I will have a look this week.

From: Marshall Yacoe [<mailto:myacoe@capitolpetro.com>]
Sent: Thursday, August 10, 2017 1:45 PM
To: Mark Steele <MCSteele@kleinfelder.com>
Subject: Re: 1600 N Capitol St - VRAP Update

External Email.

Thanks, Mark.

Marshall Yacoe
Environmental Manager

EXHIBIT F TO AFFIDAVIT



FEDEX: 7700 7589 5212

August 21, 2017

Mr. Brian Barone
Department of Energy and Environment
Underground Storage Tank Program
1200 First Street, NE 5th Floor
Washington, DC 20002

RE: Revised Voluntary Remediation Action Plan
1600 North Capitol Street, NW
Washington, D.C.
VRAP No. 2017-005
LUST No. 2017011

Dear Mr. Barone:

Please find enclosed the Revised Voluntary Remediation Action Plan (VRAP) for the above referenced property. The VRAP includes the requested Health and Safety Plan and Quality Assurance/Quality Control Plan and incorporates the feedback from our discussion on August 16, 2017.

Thank you in advance for your assistance in this matter. If you have questions regarding the information contained herein, please contact the undersigned at (410) 850-0404 or Mr. Marshall Yacoe at (703) 750-6810.

Sincerely,

KLEINFELDER

A handwritten signature in blue ink, appearing to read "Brianne Witman".

Brianne Witman, PE (MD)
Engineer

A handwritten signature in blue ink, appearing to read "Leslie D. Steele".

Leslie D. Steele, PE
D.C. No. 907676
Principal Engineer

Enclosure

cc: Mr. Marshall Yacoe – Florida and Q Street, LLC
Mr. Joe Mamo – Florida and Q Street, LLC



**REVISED VOLUNTARY REMEDIATION ACTION PLAN
1600 NORTH CAPITOL STREET, NW
WASHINGTON, D.C.
VRAP No. 2017-005
LUST No. 2017011**

AUGUST 21, 2017

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PROJECT FOR WHICH THIS REPORT WAS PREPARED.**

A Report Prepared for:

Florida and Q Street, LLC
6820-B Commercial
Springfield, VA 22151

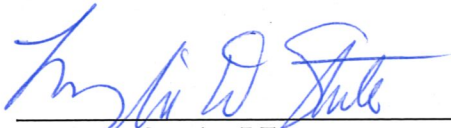
REVISED VOLUNTARY REMEDIATION ACTION PLAN
1600 NORTH CAPITOL STREET, NW
WASHINGTON, D.C.
VRAP No. 2017-005
LUST No. 2017011

Prepared by:

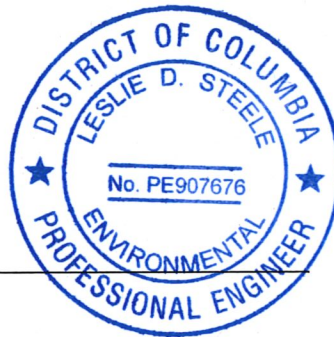


Brianne Witman, PE (MD)
Engineer

Reviewed by:



Leslie D. Steele, PE
D.C. No. 907676
Principal Engineer



KLEINFELDER
1340 Charwood Road, Suite I
Hanover, MD 21076
Phone: 410.850.0404
Fax: 410.850.0049

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EXHIBIT G TO AFFIDAVIT

Marshall Yacoe

From: Barone, Brian (DOEE) <brian.barone@dc.gov>
Sent: Wednesday, September 6, 2017 2:29 PM
To: Brianne Witman
Cc: Marshall Yacoe
Subject: 1600 North Capitol Street NW VRAP
Attachments: rp transfer letter 2017005 VRAP.pdf

Ms. Witman,

The DOEE UST Branch has reviewed the Revised Voluntary Remedial Action Plan (AKA the VRAP CAP) dated August 21, 2017 for the property located at 1600 North Capitol Street, NW in Washington DC. This property is associated with Leaking Underground Storage Tank (LUST) Case # 2017011 and VRAP Case # 2017005. On review the DOEE UST Branch hereby **approves** the revised VRAP CAP for implementation. Please ensure that an activity notification form is submitted to the DOEE UST Branch no later than one week prior to the implementation of any remedial activities, and that all appropriate permits are obtained prior to construction activities.

In addition to the above, the DOEE UST Branch has also approved the transfer of Responsible Party (RP) status for the property from Exxon Mobil Corporation to Florida and Q Street LLC. This approval is outlined in the attached correspondence, and a hard copy will also be sent to your clients attention for their files.

If there are any questions regarding these approvals or any other site in the District, please feel free to contact me directly.

Best of luck with your upcoming remediation project,

Brian Barone | Environmental Protection Specialist
Department of Energy and Environment
Government of the District of Columbia
Toxic Substances Division, Underground Storage Tanks Branch
1200 First St. NE, 5th Floor
Washington, DC 20002
Main: 202 535 2600
Direct: 202 741 5092

The new school year is here and every day is a new opportunity for our students to learn and grow. We all have a role to play in ensuring students get to school, ready to learn, and understand that #EveryDayCounts. Go to attendance.dc.gov to learn more.

EXHIBIT H TO AFFIDAVIT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment
Environmental Services Administration



Toxic Substances Division

Underground Storage Tank Branch

Responsible Party Transfer Letter

VIA USPS First Class Mail

September 6, 2017

Mr. Joe Mamo
Florida and Q Street, LLC
6820-B Commercial Drive
Springfield, VA 22151

FACILITY NAME: Former 5 Q Street Exxon Service Station
FACILITY ADDRESS: 1600 North Capitol Street, NW (AKA formerly 5 Q Street, NW)
FACILITY ID#: 5000358
LUST CASE#: 2017011
VRAP#: 2017005

Dear Mr. Mamo:

In response to your request for the transfer of the Responsible Party status regarding the property located at 1600 North Capitol Street in Northwest Washington DC 20002, The Underground Storage Tank (UST) Branch is granting Florida and Q Street, LLC the status of Responsible Party. As the Responsible Party, Florida and Q Street, LLC will be liable for all work performed at the above-mentioned property as well as any applicable portions of Chapter 61 and 62 of the Underground Storage Tank Management Regulations under the direction of the UST Branch, District Department of the Environment.

As a result of this transfer, the previous owner of the property Exxon Mobil Corporation will no longer hold the status of the responsible party and therefore has no liability regarding the property, located at 1600 North Capitol Street, NW.

If you have any questions concerning this letter, you may call me at 202-535-1746 or 2525.

Fianna Phill, Chief
Underground Storage Tank Branch

Cc: Mr. Marshall Yacoe – Capitol Petroleum Group LLC