

INTRODUCED: November 14, 2022

AN ORDINANCE No. 2022-313

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a Commonwealth of Virginia Voluntary Remediation Program Certification of Satisfactory Completion of Remediation between the City of Richmond and the Virginia Department of Environmental Quality for the purpose of providing for the remediation of environmental hazards on the properties located at 3110 East Main Street and 3200 East Main Street to facilitate redevelopment of those properties.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 12 2022 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute a Commonwealth of Virginia Voluntary Remediation Program Certification of Satisfactory Completion of Remediation between the City of Richmond and the Virginia Department of Environmental Quality for the purpose of providing for the remediation of environmental hazards on the properties located at 3110 East Main Street and 3200 East Main Street to facilitate redevelopment of those properties. The Commonwealth of Virginia

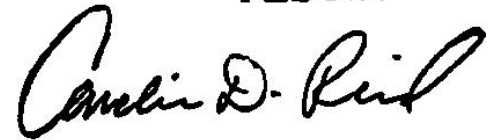
AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 12 2022 REJECTED: _____ STRICKEN: _____

Voluntary Remediation Program Certification of Satisfactory Completion of Remediation shall be approved as to form by the City Attorney and shall be substantially in the form of the document attached to this ordinance.

§ 2. This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carolin D. Reed". The signature is written in a cursive, flowing style.

City Clerk



City of Richmond

Intracity Correspondence

O&R REQUEST

DATE: September 19, 2022

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

THROUGH: Sharon Ebert, Deputy City Administrator, Economic Development

THROUGH: Robert C. Steidel, Deputy City Administrator, Operations

THROUGH: April Bingham, Department Director of Public Utilities

FROM Daniel Rifenburg, Acting Deputy Department Director, Senior of Public Utilities

RE: E. Main St (3110) - Voluntary Remediation Program (VRP) Certificate of Satisfactory Completion of Remediation for 3110 E. Main St.

ORD. OR RES. No. _____

PURPOSE: To Authorize the Chief Administrative Officer to sign the Commonwealth of Virginia Voluntary Remediation Program Certification of Satisfactory Completion of Remediation for 3110 E. Main St. (the "Certification") including the Declaration of Restrictive Covenants that is Attachment C of the Certification.

REASON: The City wishes to complete the process of the Commonwealth of Virginia's voluntary remediation program and allow 3110 E. Main St. redevelopment with enhanced environmental outcomes.

RECOMMENDATION: It is recommended that Richmond City Council adopt an ordinance authorizing the Chief Administrative Officer to sign the Certification and its Attachment C.

BACKGROUND: The Parcel located at 3110 East Main Street has a history of residential and commercial uses in addition to undeveloped/vacant periods over the past century. This parcel lies mostly northwest-adjacent to the (former) Fulton Gas Works (FGW) and, as a result, was investigated for potential/associated impact(s) that could be limiting to property redevelopment efforts.

Initial investigation in 2015 identified the elevated railroad trestle that extends northwest-southeast along the northern/eastern boundary of this parcel as an environmental concern.

At a minimum, railroad tracks are suspected sources of environmental impact based on the historical particulate fallout from coal combustion, which commonly contains elevated concentrations of heavy metals. Environmental concerns associated with FGW, identified by corresponding studies were not identified as recognized environmental conditions (RECs) for the East Main Street parcel, based on the development history of FGW in conjunction with the areas of previously identified contamination and the suspected direction of potential subsurface contaminant migration.

Based on proximity, this parcel was included in a VRP application for FGW filed with the Virginia Department of Environmental Quality (DEQ) and accepted on March 25, 2016. The Certification will provide the City and any future parcel owners immunity and, thereby, make the parcel more developable and marketable.

FISCAL IMPACT / COST: None

FISCAL IMPLICATIONS: None

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: November 14, 2022.

CITY COUNCIL PUBLIC HEARING DATE: December 12, 2022.

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing, and Transportation.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: DPU

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: VRP 00723 Commonwealth of Virginia Voluntary Remediation Program
Certification of Satisfactory Completion of Remediation

STAFF: Daniel Rifenburg, Acting Deputy Departmental Director, Senior, DPU, 804-646-8537

Prepared by: Virginia Department of Environmental Quality
1111 East Main Street, Suite 1400
Richmond, Virginia 23219
(804) 698-4000

Grantors: City of Richmond, Richmond Redevelopment and Housing Authority

Grantees: City of Richmond, Richmond Redevelopment and Housing Authority

Tax Map Number(s): E0000642002, E0000738013

**COMMONWEALTH OF VIRGINIA
VOLUNTARY REMEDIATION PROGRAM
CERTIFICATION OF
SATISFACTORY COMPLETION OF REMEDIATION**

Voluntary Remediation Program Participant ("Participant"): City of Richmond

Site Owner: City of Richmond, Owner of 3110 East Main Street (Parcel E0000642002)
Richmond Redevelopment and Housing Authority, Owner of 3200 East Main Street (Parcel E0000738013)

Site Name ("Site"): East Main Street Parcels

Site Location: 3110 East Main Street
3200 East Main Street

Voluntary Remediation Program Site Identification Number: VRP00723

**Deed Book and Page Number/
Instrument Number of Site Owner's Title:** (for 3200 East Main Street)
Deed Book No. 728, Page No. 1023

Locality of Record: City of Richmond

Description of Property:	The Site is comprised of two contiguous parcels totaling approximately 1.614 acres located in the City of Richmond, Virginia as depicted on <u>Attachment A</u> . The Site is an integral part of a larger area that consists of a total of five semi-contiguous parcels depicted on <u>Attachment B</u> .
Acreage:	±1.614 Acres
Current Zoning:	M-2 Heavy Industrial
Proposed Use of Property:	Presently No Intended Usage
Conditions of Issuance:	<p>Institutional and engineering controls incorporated in the Declaration of Restrictive Covenant (included as <u>Attachment C</u>), and summarized below):</p> <ol style="list-style-type: none">1. The groundwater beneath the Site shall not be used for, nor shall any groundwater well be installed for, any purpose other than environmental monitoring, testing, and/or dewatering in compliance with applicable laws and regulations.2. The Site shall not be used for residential purposes or for children's (under the age of 16) daycare facilities, schools or playgrounds, <u>except</u> on the condition that the Site be maintained with cover of concrete, asphalt, porous pavement, geotextile, at least two feet of clean fill, or any combination thereof. For any such cover, a pre-construction plan and a post-construction report of completion shall be submitted to the Virginia Department of Environmental Quality.3. A vapor mitigation system of either active or passive design shall be installed and maintained in any occupied structure at the Site, and an operation and maintenance plan shall be developed and implemented for any such system; a copy of this plan and a report

of the system's design, installation, and testing shall be submitted to the Virginia Department of Environmental Quality.

4. All earth-moving activities, including excavation, drilling, and construction, on the Site shall be conducted in accordance with a Site-specific health and safety plan, which shall be developed by a qualified health and safety professional and administered in accordance with applicable federal, state, and local regulations; provided, however, that short term, shallow excavations for activities such as shrub or tree planting and utility trenches that are less than four (4) feet deep and backfilled immediately upon completion do not require such a plan.

Encumbrances :

None that Participant is aware of. Participant has not conducted a title search for that purpose.

AUTHORITY

PURSUANT to the Code of Virginia § 10.1-1230 *et seq.*, and the Voluntary Remediation Regulations (9 VAC 20-160-10 *et seq.*), the Participant submitted an application on September 22, 2017, to enroll the Participant and the Site in the Voluntary Remediation Program ("Program"). By letter dated September 28, 2017, the Waste Management Board, acting through the Director of the Department of Environmental Quality ("Director"), deemed the Participant and Site eligible and notified the Participant that the Site was enrolled in the Program. The Program provides for the Participant's voluntary remediation of releases of hazardous substances, hazardous waste, solid waste, or petroleum from the Site that is the subject of this Certification of Satisfactory Completion of Remediation ("Certificate"), issued under 9 VAC 20-160-110.

DETERMINATION

Pursuant to the authority granted under Va. Code § 10.1-1230 *et seq.*, the Director, or his designee, has reviewed the Voluntary Remediation Report ("Report"), concurs with all work submitted, as set forth in 9 VAC 20-160-80, has determined that the environmental impacts identified at the Site do not present an unacceptable risk to human health and the environment

if the controls mentioned above are implemented, and hereby issues this Certificate. No further action is required at the Site except for the imposition of controls as noted above.

As a result of the issuance of this Certificate, the Participant, current and future owners of the Site, and their successors-in-interest are afforded immunity from an enforcement action under the Virginia Waste Management Act (Va. Code § 10.1-1400 *et seq.*), the State Water Control Law (Va. Code § 62.1-44.2 *et seq.*), the Air Pollution Control Law (Va. Code § 10.1-1300 *et seq.*), or other applicable Virginia law. The immunity accorded by the Certificate shall apply to the Participant, current and future owners of the Site, and their successors-in-interest and shall run with the land identified as the Site.

RESERVATION OF RIGHTS

The immunity granted by issuance of this Certificate shall be limited to the Site at the time of issuance as the Site was described in the information submitted by the Participant pursuant to participation in the Program. The immunity is further conditioned upon satisfactory performance by the Participant of all obligations required by the Director under the Program and upon the veracity, accuracy, and completeness of the information submitted to the Director by the Participant relating to the Site.

The immunity provided for under this Certificate does not pertain to any matter other than that expressly specified in the section, above, entitled "Determination." The Director reserves, and this immunity is without prejudice to, the right to revoke or modify the Certificate (1) in the event Site information, unknown at the time of issuance of the Certificate, pose a risk to human health or the environment; or (2) in the event that the Certificate was based on information that was false, inaccurate, or misleading. The Director further reserves, and this Certificate and immunity are without prejudice to, the right to pursue any and all claims for liability for failure to meet a requirement of the Program, criminal liability, or liability arising from future activities at the Site which may cause contamination by pollutants. By issuance of this Certificate, the Director does not waive sovereign immunity.

This Certificate is not and shall not be interpreted to be a permit or a modification of an existing permit or administrative order issued pursuant to state law, nor shall it in any way relieve the Participant of its obligation to comply with any other federal or state law, regulation, or administrative order. This Certificate and the Declaration of Restrictive Covenants may be modified or released only in accordance with 9 VAC 20-160-65 and with the consent of the Director, upon a showing of changed circumstances sufficient to justify the change. Any new permit or administrative order, or modification of an existing permit or administrative order, must be accomplished in accordance with applicable federal and/or state laws and regulations.

DISCUSSION OF RELEVANT INFORMATION

Parcels located at 3100, 3110, and 3200 East Main Street have a history of residential and commercial uses in addition to undeveloped/vacant periods over the past century. These parcels

lie mostly northwest-adjacent to the (former) Fulton Gas Works (FGW) and as a result were investigated for potential/associated impact(s) that could be limiting to property redevelopment efforts.

Initial investigation in 2015 identified the elevated railroad trestle that extends northwest-southeast along the northern/eastern boundary of the three parcels as an environmental concern. At a minimum, railroad tracks are suspected sources of environmental impact based on the historical particulate fallout from coal combustion, which commonly contains elevated concentrations of heavy metals. Environmental concerns associated with FGW, identified by corresponding studies, were not identified as recognized environmental conditions (RECs) for the East Main Street parcels, based on the development history of FGW in conjunction with the areas of previously identified contamination and the suspected direction of potential subsurface contaminant migration.

Based on proximity, four parcels were initially included in a Voluntary Remediation Program (VRP) application for FGW filed with the Virginia Department of Environmental Quality (DEQ). The parcels that were enrolled at that time included:

- 3301 Williamsburg Avenue (approximately 7.9 acres)
- 3100 East Main Street (former parcel shown on **Attachment B**; now City of Richmond right-of-way)
- 3110 East Main Street (0.734 acres)
- 3200 East Main Street (0.880 acres)

These four parcels were formally accepted by the DEQ into the VRP on March 25, 2016, under VRP site number 00676. However, based on the results of preparing a Site Characterization Report (SCR) for VRP00676, the Participant recommended that the three East Main Street parcels be enrolled in the VRP separately from the 3301 Williamsburg Avenue parcel moving forward. Given the preliminary site characterization results, the intent of separation was to attain more timely graduation of the three East Main Street parcels from the VRP. Following a review of the SCR, the DEQ concurred with the recommendation and revised the boundary for VRP00676 to exclude the three East Main Street parcels, which were resultantly registered under VRP00723 on September 28, 2017.

Following enrollment in the VRP, a SCR was initially prepared and submitted to the DEQ for the East Main Street parcels on February 6, 2018. Following review and the delivery of clarifying details by the Participant, the SCR for VRP00723 was accepted by DEQ on April 23, 2019.

Site characterization for VRP00723 was completed with the consideration of proximity to the FGW site and the potential for contaminant migration. Following investigation, FGW was determined to present a minimal risk as a continuing source area based on the relative immobility of the contaminants. Surface and groundwater contours generated from collected data also indicated that the majority of the Site is upgradient from FGW, further reducing the

potential risk of contaminant migration. Therefore, the primary risk associated with the three East Main Street Parcels was concluded to originate from surficial deposits of contaminants as identified by the SCR, with naturally occurring compounds also being determined to potentially contribute to the on-site concentrations.

Based on the Conceptual Site Model introduced in the SCR, in conjunction with the analytical data, the primary exposure risks were noted to originate from proximity to the railroad through a combination of particulate emissions and infiltration/percolation. Through precipitation events, compounds may dissolve and leach into the subsurface with a potential for dissolution into the surficial water table, with further potential for downgradient migration. Sustained railroad operations were therefore concluded to provide a continuous source of surface contamination through mechanisms of:

- coal dust/coal leachate from open-top coal cars,
- particulate matter from diesel locomotive emissions,
- weathering of the railroad trestle, and
- general railroad operations.

Following preparation of the SCR, the parcel located at 3100 East Main Street was incorporated into the redevelopment of the East Main Street corridor. As a result, the surface grade of the site was raised approximately 10 feet and capped with a combination of asphalt roadway, concrete curbs and gutters, concrete and brick paver sidewalks, and built-up green space. Consequently, the prior deed of title and survey data for 3100 East Main Street that corresponds with its time of registration in the VRP is now irrelevant and, therefore, 3100 East Main Street is excluded from consideration as part of VRP #00723.

Based on the results of the SCR, a Remedial Action Plan (RAP) was developed with a revised focus on 3110 and 3200 East Main Street and a prescription for risk mitigation through the interruption of potential exposure routes. This mitigation strategy originated from the current undeveloped state of the properties and their prospects for future development. As such the RAP specified a mitigation strategy for the two parcels that is usage-dependent and can be maintained indefinitely. The application of restrictive covenants was therefore proposed for the Site and the downgradient properties owned by the City of Richmond. The RAP was submitted to the DEQ on December 21, 2018.

In consideration of the contaminants of potential concern and the current and future potential risks for human exposure, based on the conceptual site model and associated qualitative risk analysis, in conjunction with the proposal by the Participant to file a declaration of restrictive covenants as detailed above, the RAP was accepted by DEQ on February 21, 2019.

In accordance with DEQ VRP guidelines, public notification of voluntary remediation was noticed in the *Richmond Times Dispatch* on May 14, 2019. Written notification was also provided to the City of Richmond and all adjacent property owners in correspondence dated May 15, 2019. A comment period of 30 days followed the issuance of notification and no

comments were received. Copies of all public notice documentation were also provided to DEQ as required by VRP guidelines. The Demonstration of Completion and Documentation of Public Notice was delivered to the DEQ on August 15, 2019 and was accepted by DEQ per correspondence dated August 26, 2019. The Demonstration of Completion further noted that the Participant would record a Declaration of Restrictive Covenants, generally in the form attached as **Attachment C**, to impose the restrictions stipulated by the Conditions of Issuance on the Site.

Following acceptance of the Demonstration of Completion and Documentation of Public Notice, the Participant filed a proposed amendment to the RAP on January 3, 2020 revising the restrictive covenants that comprise the mitigation strategy as detailed below:

Groundwater Use Restriction: The groundwater beneath the Site shall not be used for, nor shall any groundwater well be installed for, any purpose other than environmental monitoring, testing, and/or dewatering in compliance with applicable laws and regulations.

Residential Use Restriction: The Site shall not be used for residential purposes or for children's (under the age of 16) daycare facilities, schools or playgrounds, except on the condition that the Site be maintained with cover of concrete, asphalt, porous pavement, geotextile, at least two feet of clean fill, or any combination thereof. For any such cover, a pre-construction plan and a post-construction report of completion shall be submitted to the Virginia Department of Environmental Quality.

Engineering Controls: A vapor mitigation system of either active or passive design shall be installed and maintained in any occupied structure at the Site, and an operation and maintenance plan shall be developed and implemented for any such system; a copy of this plan and a report of the system's design, installation, and testing shall be submitted to the Virginia Department of Environmental Quality.

Site Health and Safety Plan: All earth-moving activities, including excavation, drilling, and construction, on the Site shall be conducted in accordance with a Site-specific health and safety plan, which shall be developed by a qualified health and safety professional and administered in accordance with applicable federal, state, and local regulations; provided, however, that short term, shallow excavations for activities such as shrub or tree planting and utility trenches that are less than four (4) feet deep and backfilled immediately upon completion do not require such a plan.

The amendment to the mitigation strategy was accepted by the DEQ per electronic correspondence dated January 3, 2020.

In consideration of the above, the Director has accepted the results for VRP00723.

(Signature pages follow.)

This Certificate is conditioned upon its being signed by the Participant as the Site Owner and its being recorded within 120 calendar days of its issuance, in the land records of Richmond, Virginia. A certified copy of the Certificate as recorded must be submitted electronically or mailed to the Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, ATTN: Voluntary Remediation Program.

**Michael S. Rolband, PE, PWD, PWS Emeritus,
Director, Department of Environmental Quality**

Date: _____

BY: _____

Chris M. Evans, Director
Office of Remediation Programs

COMMONWEALTH OF VIRGINIA

CITY OF RICHMOND

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by Chris M. Evans, who is personally known to me. Chris M. Evans voluntarily acknowledged this instrument as Director of the Office of Remediation Programs, authorized representative of the Department of Environmental Quality.

Notary Public

Registration Number: _____

My Commission expires: _____

CITY OF RICHMOND, OWNER OF 3100 EAST MAIN STREET (PARCEL E0000642002)

Given under my hand and seal at Richmond, Virginia, on the ____ day of _____
_____, 2022, pursuant to Ord. No. _____.

Date: _____

BY: _____

City of Richmond
Lincoln Saunders
Chief Administrative Officer

State of _____, City of _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by
Lincoln Saunders.

Notary Public

Registration Number: _____

My Commission expires: _____

Approved as to Form:



Assistant City Attorney

RICHMOND REDEVELOPMENT AND HOUSING AUTHORITY, A POLITICAL
SUBDIVISION OF THE COMMONWEALTH OF VIRGINIA, OWNER OF
3200 EAST MAIN STREET (PARCEL E0000738013)

Date: _____ BY: _____

NAME/TITLE

COMMONWEALTH OF VIRGINIA

CITY OF RICHMOND

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by
_____, who is personally known to me. _____ voluntarily
acknowledged this instrument as _____, authorized representative of the
Richmond Redevelopment and Housing Authority.

Notary Public

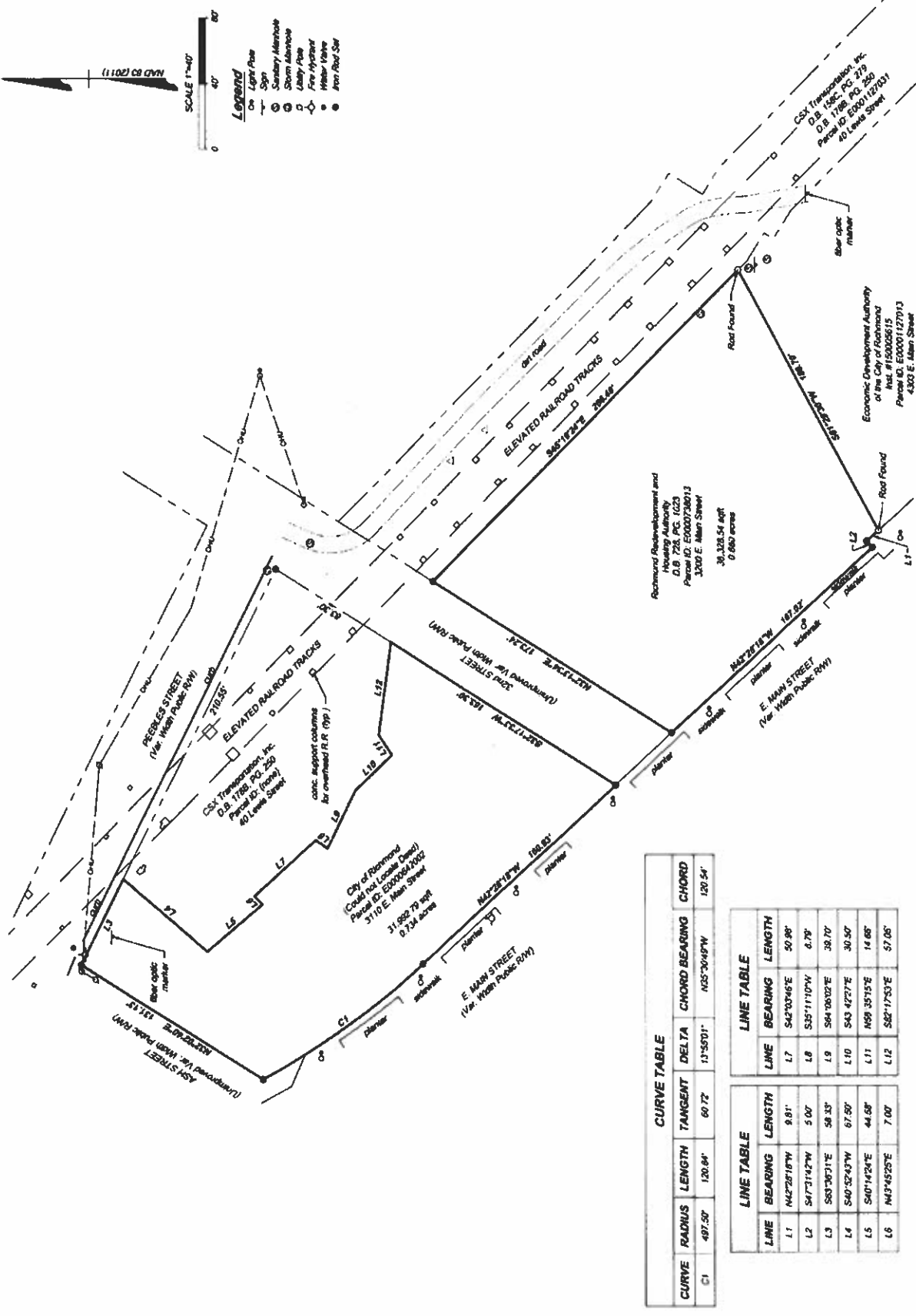
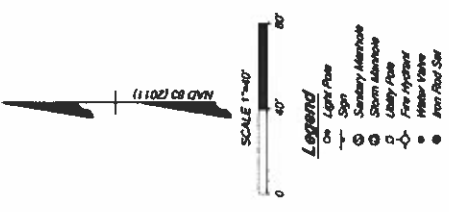
Registration Number: _____

My Commission expires: _____

Attachment A
SITE PLAN

Boundary Survey of
 City of Richmond Parcels
 E0000738013 & E0000642002
 Along East Main Street

City of Richmond, VA	SCALE: 1" = 40'
DATE: March 8, 2018	J.M. 39489.301.W02
SHEET 1 OF 1	DRAWN BY: W.A. HERR
REV: August 26, 2022 - PARTIAL SURVEY	ORLSA BY: W.A. HERR

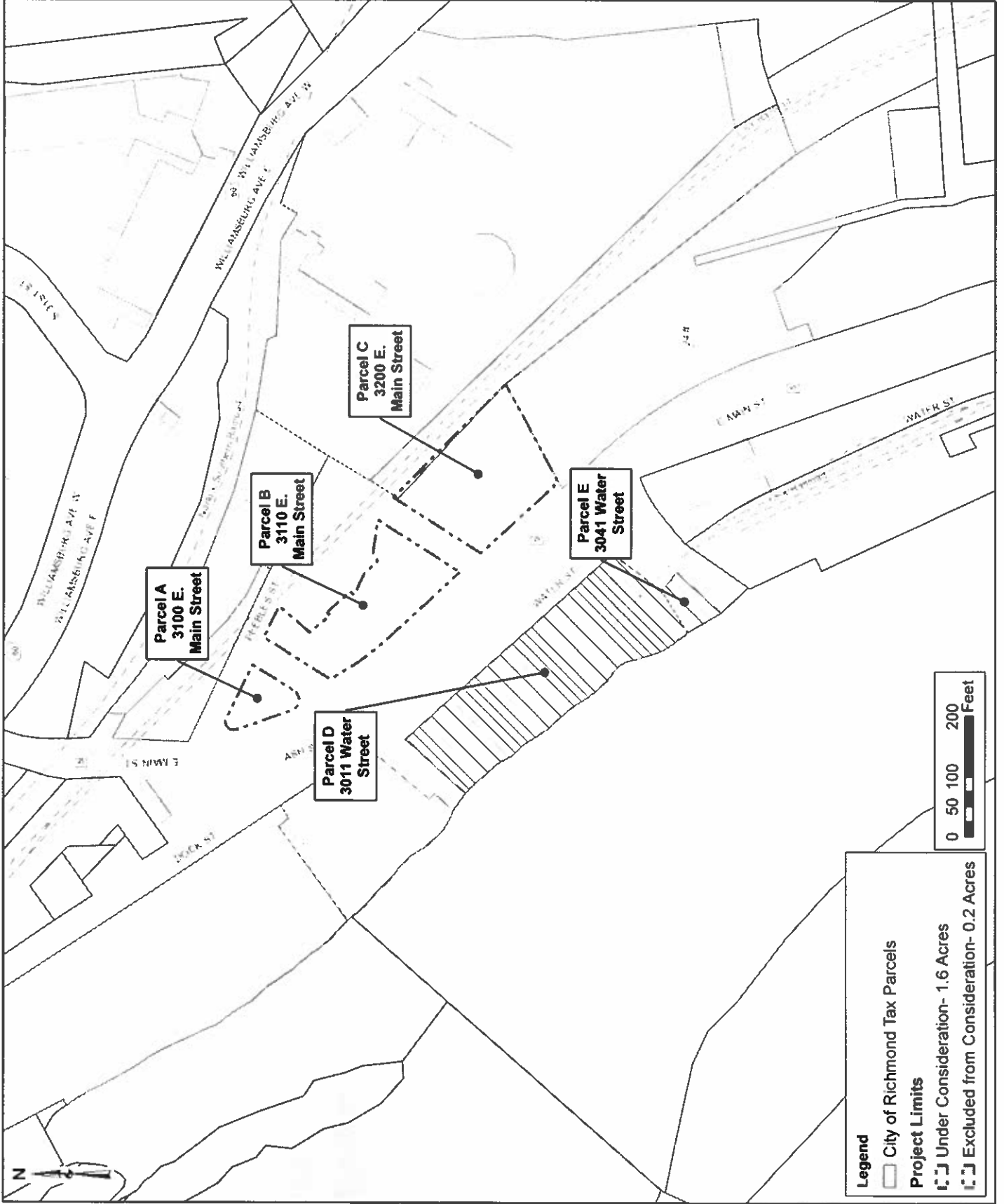


CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C1	497.50'	120.64'	60.72'	13°55'01"	N65°30'49"W	120.54'

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N42°20'18"W	9.81'	L7	S42°03'16"E	50.89'
L2	S47°31'42"W	5.00'	L8	S35°11'10"W	6.79'
L3	S60°38'31"E	58.33'	L9	S64°08'02"E	38.70'
L4	S40°32'43"W	67.50'	L10	S43°42'27"E	30.50'
L5	S40°14'25"E	44.58'	L11	N69°35'15"E	14.68'
L6	N43°45'25"E	7.00'	L12	S62°17'53"E	57.05'

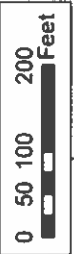
SURVEY NOTES:
 1. This survey was prepared without the benefit of a Title Report, as such, there may be easements and/or other encumbrances that are not shown.
 2. The boundary shown herein is based on a field run survey by Timmons Group completed on March 4, 2018.

Attachment B
SITE MAP



Legend

- City of Richmond Tax Parcels
- Project Limits**
- Under Consideration- 1.6 Acres
- Excluded from Consideration- 0.2 Acres



TIMMONS GROUP		EAST MAIN STREET PARCELS		CITY OF RICHMOND, VIRGINIA		SITE MAP ILLUSTRATING PARCELS WITH DEED RESTRICTIONS	
YOUR VISION ACHIEVED THROUGH OURS CORPORATE OFFICE 1001 Builders Plaza, Suite 300 Richmond, VA 23228 TEL: 804 200 5500 FAX: 804 580 1548 www.timmons.com		Site Development Residential Infrastructure Technology Environmental		DATE: _____ REVISION DESCRIPTION: _____		ICB NUMBER: 2819619 SHEET NO: 1/1	
DESIGNED BY	DATE	CREATED BY	DATE	APPROVED BY	DATE	PROJECT NO.	DATE
L. AMEELER		L. AMEELER					

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ATTACHMENT C

DECLARATION OF RESTRICTIVE COVENANTS

This Declaration of Restrictive Covenants (this "Declaration") made as of this ____ day of _____, 2022, under the authority of Code of Virginia § 10.1-1230 *et seq.* and 9 VAC 20-160-110 *et seq.*, by the City of Richmond, a municipal corporation organized under the laws of the Commonwealth of Virginia, as owner of the fee simple title to the property totaling approximately 0.734 acres, designated as Tax Parcel No. E0000642002 and illustrated herein by Attachment A made part hereof, and by the Richmond Redevelopment and Housing Authority, a political subdivision of the Commonwealth of Virginia, as owner of the fee simple title to the property totaling approximately 0.880 acres, designated as Tax Parcel No. E0000738013 and illustrated herein by Attachment A, the City of Richmond and the Richmond Redevelopment and Housing Authority to be indexed collectively as grantors ("Grantors");

WHEREAS, the City of Richmond enrolled a total of approximately 1.614 acres of property identified in Attachment A (the "VRP Site") in the Virginia Voluntary Remediation Program, and the Director of the Virginia Department of Environmental Quality has issued a Certification of Satisfactory Completion of Remediation (the "Certificate") for the VRP site which is recorded in the Clerk's Office together with this Declaration; and

WHEREAS, in consideration of certain concessions made by the Director of the Virginia Department of Environmental Quality, the Grantors have agreed to establish certain irrevocable restrictive covenants limiting the VRP Site in order to protect human health and the environment;

NOW THEREFORE, for the consideration referred to above, the receipt and legal sufficiency of which are hereby acknowledged by Grantors, and in order to protect human health and the environment, Grantors do hereby irrevocably dedicate, declare, and impose the following restrictive covenants numbers 1 through 4 to run with the land on the VRP Site as follows:

1. **Groundwater Use Restriction:** The groundwater beneath the Site shall not be used for, nor shall any groundwater well be installed for, any purpose other than environmental monitoring, testing, and/or dewatering in compliance with applicable laws and regulations.
2. **Residential Use Restriction:** The Site shall not be used for residential purposes or for children's (under the age of 16) daycare facilities, schools or playgrounds, except on the condition that the Site be maintained with cover of concrete, asphalt, porous pavement, geotextile, at least two feet of clean fill, or any combination thereof. For any such cover, a pre-construction plan and a post-construction report of completion shall be submitted to the Virginia Department of Environmental Quality.
3. **Engineering Controls:** A vapor mitigation system of either active or passive design shall be installed and maintained in any occupied structure at the Site, and an operation and

maintenance plan shall be developed and implemented for any such system; a copy of this plan and a report of the system's design, installation, and testing shall be submitted to the Virginia Department of Environmental Quality.

4. **Site Health and Safety Plan:** All earth-moving activities, including excavation, drilling, and construction, on the Site shall be conducted in accordance with a Site-specific health and safety plan, which shall be developed by a qualified health and safety professional and administered in accordance with applicable federal, state, and local regulations; provided, however, that short term, shallow excavations for activities such as shrub or tree planting and utility trenches that are less than four (4) feet deep and backfilled immediately upon completion do not require such a plan.

This Declaration of Restrictive Covenants may be modified or released only in accordance with 9 VAC 20-160-65 and with the consent of the Director of the Department of Environmental Quality, upon a showing of changed circumstances sufficient to justify the change.

(Signature pages follow.)

CITY OF RICHMOND, OWNER OF 3100 EAST MAIN STREET (PARCEL E0000642002)

Given under my hand and seal at Richmond, Virginia, on the ____ day of _____
_____, 2022, pursuant to Ord. No. _____.

City of Richmond
By: Lincoln Saunders, CAO

State of Virginia, City of Richmond

The foregoing instrument was acknowledged before me this _____, 2022 by
_____.

Notary Public

Registration Number: _____

My Commission expires: _____

Approved as to Form:



Assistant City Attorney

RICHMOND REDEVELOPMENT AND HOUSING AUTHORITY, A POLITICAL
SUBDIVISION OF THE COMMONWEALTH OF VIRGINIA, OWNER OF
3200 EAST MAIN STREET (PARCEL E0000738013)

Date: _____ BY: _____

NAME/TITLE

COMMONWEALTH OF VIRGINIA

CITY OF RICHMOND

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by
_____, who is personally known to me. _____ voluntarily
acknowledged this instrument as _____, authorized representative of the
Richmond Redevelopment and Housing Authority.

Notary Public

Registration Number: _____

My Commission expires: _____