COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
NORTHERN REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193
(703) 583-3800 Fax (703) 583-3821

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

WASTE ENFORCEMENT ACTION
AMENDMENT TO ORDER BY CONSENT
ISSUED TO
TBR ASSOCIATES LIMITED PARTNERSHIP
FOR
FAIRLINGTON CENTRE

SECTION A: Purpose

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code § 10.1-1455, between the Board and TBR Associates Limited Partnership, regarding the Fairlington Centre, for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Board to TBR Associates Limited Partnership on January 3, 2006.

SECTION B: Basis for Amendment

1. TBR Associates owns the Property in Alexandria, Virginia located at 1712 Fern Street.

2. The Board entered into the Order with TBR Associates effective January 3, 2006, for the purpose of resolving violations of the Virginia Waste Management Act and the applicable regulations. These violations stemmed from a tenant at the property disposing of dry cleaning separator water containing PCE on the ground behind the building

3. The 2006 Order required the remediation of the Property, however, despite TBR Associate's compliance with the DEQ approved closure plan, sampling continues to demonstrate the presence of PCE at the site. DEQ and TBR Associates have agreed that a revised closure plan that includes an evaluation of specific site conditions would be the most effective method for completing remediation activities at the Property.

4. In order for TBR Associates to continue its return to compliance, DEQ and TBR Associates have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Amended Order.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders TBR Associates, and TBR Associates agrees to:

Perform the actions described in Appendix A of this Amendment, which supersedes and cancels only Appendix A of the Order. Both the Board and TBR Associates understand and agree that this Amendment does not alter, modify or amend any other provision of the Order and that the unmodified provisions of the Order remain in effect by their own terms

And it is so ORDERED this _____ day of _____, 2013.

_____
Thomas A. Faha, Regional Director
Department of Environmental Quality

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TBR Associates Limited Partnership voluntarily agrees to the issuance of this Order.

Date: 6-19-13 By: _____, Partner
George A. Valanos (Person)
TBR Associates LP

District
~~Commonwealth of Virginia~~
~~City/County~~ of Columbia

The foregoing document was signed and acknowledged before me this 19 day of June, 2013, by George Valanos, Partner, on behalf of TBR Associates LP, a partnership.

_____
Notary Public

ROSLYN TAVEL
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires May 14, 2016

_____
Registration No.

My commission expires: _____

Notary seal:

ROSLYN TAVEL NOTARY PUBLIC EXP. 5-14-2016 DISTRICT OF COLUMBIA

APPENDIX A
SCHEDULE OF COMPLIANCE

1. Within 180 days of the effective date of this Amended Order, TBR Associates shall submit a Risk Assessment to address potential pathways for known contaminants and their daughter products. Pathways to assess include dermal, ingestion, and inhalation.

2. Within 270 days of the effective date of this Amended Order, TBR Associates shall submit a groundwater monitoring plan to address groundwater contamination at the Property. The plan shall include information on the monitoring well network, a sampling and analysis plan, and a recordkeeping and reporting plan. TBR Associates shall implement the groundwater monitoring plan within 14 days of DEQ approval.

3. Evidence of financial assurance shall be maintained by TBR Associates until the Consent Order is terminated. TBR Associates shall modify the amount of such financial assurance on an annual basis.