

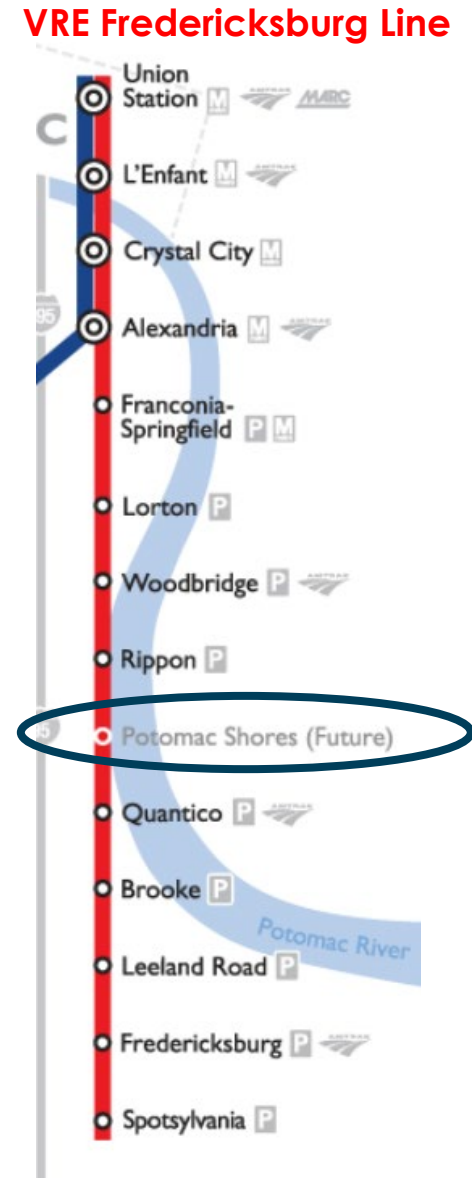
December 6, 2023

Potomac Shores: VRE Station and Land Transfer Agreement



Background: Potomac Shores Development & Station

- Potomac Shores is a 1,920 acre real estate development in Prince William County centered around a new VRE infill station that the developer – Harbor Station Communities – is funding.
- The Potomac Shores development and station is a forward-thinking collaboration that is pairing much needed new access to rail transit and a fully integrated housing community in the heart of the busy I-95 corridor.
- Construction of homes began in 2014, and the VRE train station was initially scheduled to open in 2017, but delays have occurred.
- The new VRE station stop is being assisted by Virginia's purchase of rail corridor per the 2021 CSX agreement, as the platform will be constructed on VPRA land.
- VPRA is further assisting by offering to accept land (that will then be part of the larger, contiguous rail corridor) for soils that have to be removed to construct the Potomac Shores VRE Station.
- The location of the site to be accepted is a portion of "Cockpit Point".



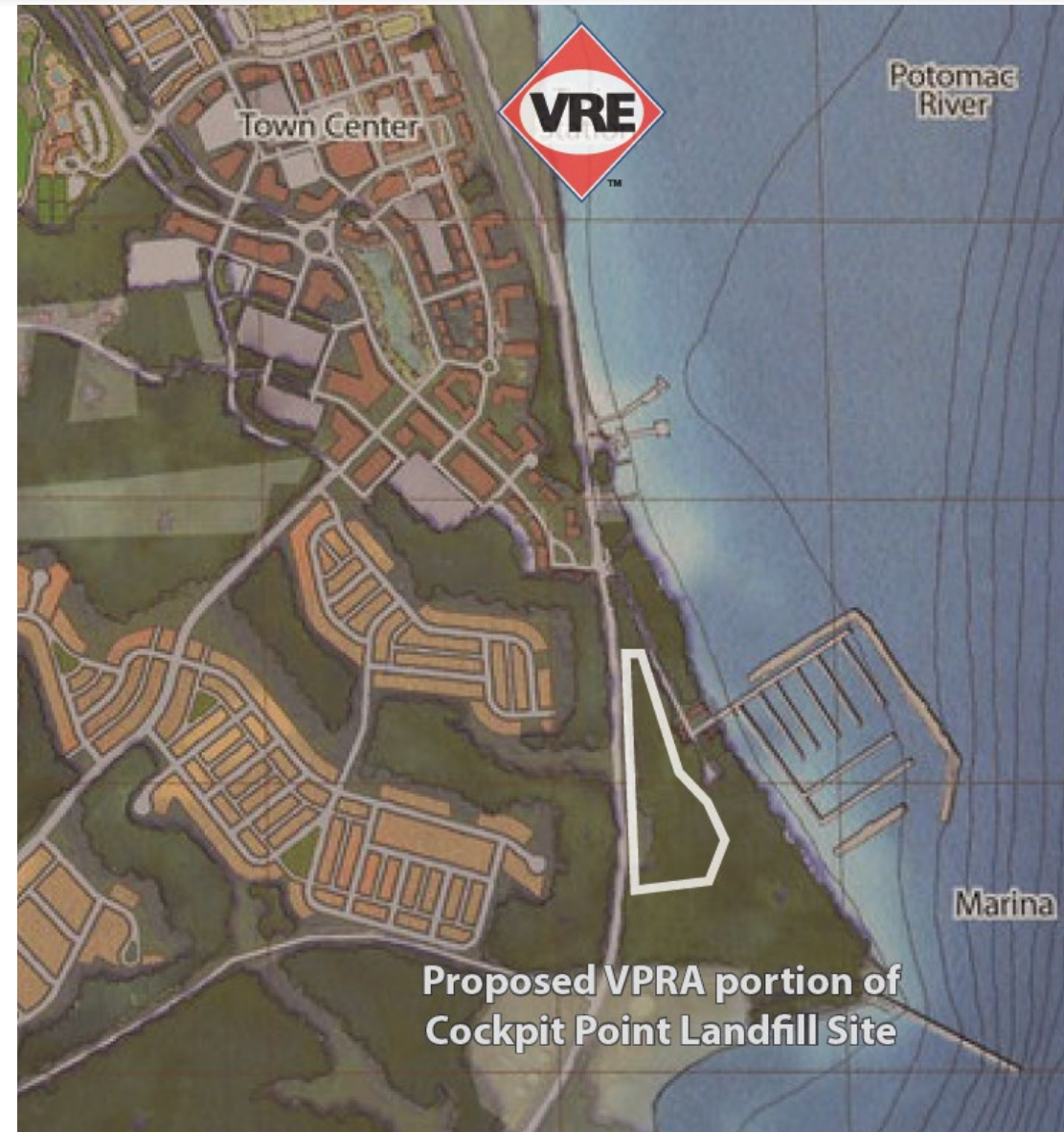
Potomac Shores Development

- The Potomac Shores development will add another VRE station in an underserved portion of Prince William County.
 - VPRA, VRE and Prince William County are strongly in favor of adding the station.
- The land transfer proposal effectively reduces costs of soil disposal, thereby enabling the developer to expedite the construction of the proposed VRE Station.



Land Transfer Proposal

- New VRE station at a site located approx. one-half mile north of Cockpit Point
- Developer would gift VPRA approx. 4.5 acres abutting rail corridor within Cockpit Point
- About 51K cubic yards of soil will be moved to 4.5-acre VPRA site
 - Must meet contractor's work plan requirements
- If contaminated material found at the station site then parties will work to obtain a variance from DEQ solid waste requirements before placing the soil on the VPRA site



Site History – Cockpit Point

- Site of Cherry Hill sanitary landfill operated by D.C. between 1930s-80s and unregulated until 1971
 - The site contains fly ash, street sweepings, incinerated waste and bailed waste
- In DEQ Voluntary Remediation Program (VRP) since 2004
 - Low levels of petroleum components, PAHs, PCBs, VOCs, and metals
 - Cap consisting of 2+ feet of clean fill
- Owner working to obtain two Certificates of Completion (COC) from DEQ
 - One for future 4.5-acre VPRA site
 - Another for the rest of the Cockpit Point site
- If COC conditions met then no further remediation activities required by DEQ for conditions below cap



Certificate of Completion Required Terms

- Restrictive covenants to include:
 - Prohibition on groundwater use
 - Prohibition on residential use or use for daycare facilities, schools, or playgrounds
 - Maintenance of at least 2 feet of clean fill
 - Excavation or subsurface work in accordance with a site-specific health/safety plan
- DEQ determines no unacceptable risk; controls implemented
- DEQ provides immunity from enforcement action
- COC may be revoked if unknown risk discovered



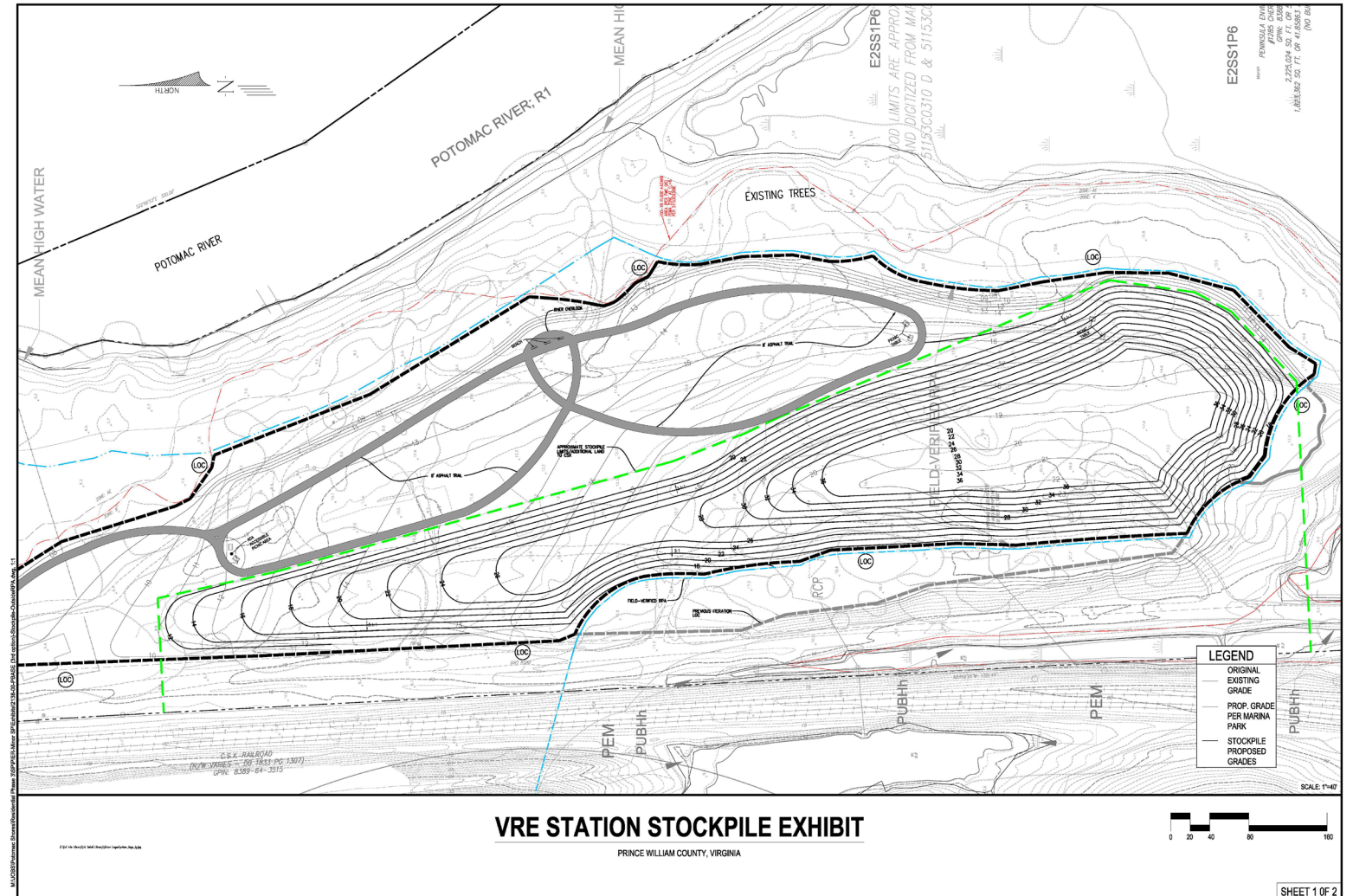
Coordination with DEQ

- Representatives of VPRA and the developer met on November 8 with DEQ's Manager of the Voluntary Remediation Program and on December 4 with DEQ's Northern Regional Office to discuss any concerns they might have with the proposed plan.
- The goal for each meeting was to work in concert with the appropriate regulatory authorities to be certain that we are proceeding in a manner appropriate to applicable environmental laws and regulations, and to understand our next steps if we discover unexpected contaminated materials during the soils excavation.



Managing VPRA Risks

- Terms of land transfer agreement, COC, and recorded Covenants and Restrictions.
- Terms of contractor's work plan and review of contractor's work.
- Confirmation of DEQ concurrence with planned activities for movement of soils not known to be solid waste at this time, and for use of the variance process if unexpected solid waste is discovered during excavation.
- Cost and liability sharing is yet to be negotiated.



Next Steps

- VPRA Executive Director will direct staff to negotiate an acceptable land transfer agreement with developer
- Conditions of approval will include:
 - Prior execution and recordation of COC with Covenants
 - Satisfactory Contractor's Work Plan
 - Favorable DEQ response to proposed plan
 - Terms of all relevant documents to be acceptable to the VPRA Executive Director



Questions?

- DJ Stadtler, Executive Director
- Joe Jagdmann, Sr. Asst. General Counsel