



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAY 30 2012

The Honorable Christophe A.G. Tulou, Director
District Department of the Environment
1200 First Street, NE, 5th Floor
Washington, D.C. 20002

Dear Director *Christophe* Tulou:

Thank you for submitting the District of Columbia's final Phase II Watershed Implementation Plan (WIP) and amended 2012-2013 milestones to the U.S. Environmental Protection Agency (EPA). I greatly appreciate the efforts of you and your partners to respond to EPA's evaluation of the draft WIP and milestones that was provided on February 15, 2012. The District has made significant progress reducing pollution and moving forward with Phase I WIP commitments. The completion of the Phase II WIPs represents a transition from planning to accelerating the implementation of practices that will clean up the thousands of streams and rivers that make up the Chesapeake Bay watershed.

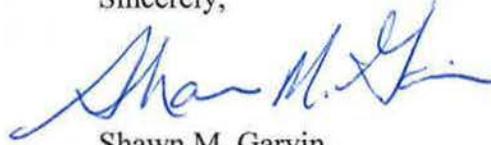
I am enclosing EPA's evaluation of the District's final Phase II WIP and 2012-2013 milestones. The improvements noted in the enclosed evaluation increase EPA's confidence that the District will meet its pollution reduction goals. The evaluation also identifies key areas that EPA expects the District to address in the next milestone period and through 2017 in order to fully succeed in this effort.

Through the final Phase II WIP and amended milestones, the District brought additional federal agencies into the implementation process. The efforts by you and your staff provide an example of how to successfully collaborate on pollution reduction efforts at federal facilities. EPA will continue ongoing oversight for all source sectors.

EPA will work with you through our regular discussions and the two-year milestone process to assess progress. I look forward to our continued dialogue as we work toward implementing the practices necessary to achieve our shared goals for a restored Chesapeake Bay.

If you have any questions or comments, please do not hesitate to contact me or have your staff contact Mr. Jim Edward at (410) 267-5705.

Sincerely,



Shawn M. Garvin
Regional Administrator

Enclosure

**EPA EVALUATION OF DISTRICT OF COLUMBIA'S FINAL PHASE II WATERSHED
IMPLEMENTATION PLAN AND 2012-2013 MILESTONES**

Overview

Overall, the final Phase II Watershed Implementation Plan (WIP) and 2012-2013 milestones provide a framework for reducing nitrogen, phosphorus and sediment loads to meet water quality standards in the Bay and achieve the Chesapeake Bay Total Maximum Daily Load (Bay TMDL) allocations. The final 2012-2013 milestones identify some of the important near-term commitments necessary to implement the WIP strategies. Model simulations show that, when implemented, the District of Columbia's strategies would meet the Phase II WIP planning targets for nitrogen, phosphorus and sediment District-wide and achieve the desired water quality response.

The U.S. Environmental Protection Agency (EPA) notes that achievement of the projected pollutant load reductions will be supported by the following:

- The District worked extensively to engage federal facilities and assigned target loads to federal agencies. Meeting these target loads will depend upon continued federal commitment and cooperation.
- The District of Columbia (DC) Municipal Separate Stormwater Sewer System (MS4) permit was issued in October 2011 and is currently being appealed by two parties. Successful resolution of this appeal will have implications for meeting stormwater load reductions.
- In October 2011, DC Water began construction of the Anacostia River tunnel as part of its \$2.6 billion Clean Rivers Project to address combined overflows and appears to be on schedule to reduce combined sewer overflows in the District by 98 percent by 2025.
- DC Water is making significant progress toward implementing enhanced nutrient removal (ENR) at Blue Plains Wastewater Treatment Plant.

To ensure that commitments are implemented, EPA will maintain "ongoing oversight" for all sectors. As the National Pollutant Discharge Elimination System (NPDES) permitting authority for the District, EPA administers the MS4 and Blue Plains permits and will use these tools as part of ongoing oversight.

Local Engagement

Key improvements since draft Phase II and final 2012-2013 milestone submission

- The District provides greater detail on federal activities and fills federal agency data submission gaps identified in draft Phase II WIP.
- The District provides more detail on plans to work with other stakeholder groups.

Key areas to address in 2012-2013 milestone period and through 2017

- None specified.

Urban Stormwater

Key improvements since draft Phase II and final 2012-2013 milestone submission

- The District commits to adopting stormwater regulations and finalizing the Stormwater Management Guidebook by August 1, 2013.

Key areas to address in 2012-2013 milestone period and through 2017

- EPA will meet with the District Department of the Environment (DDOE) approximately three to six months prior to best management practice (BMP) progress submissions in order to ensure reporting issues and concerns are addressed and that BMPs are reported consistent with the outcomes of the ongoing stormwater BMP panels.

Potential EPA Actions: Maintain ongoing oversight including conducting an MS4 program audit.

Wastewater

Key improvements since draft Phase II and final 2012-2013 milestone submission

- The final Phase II WIP provides more detail on the changes in pollutant loads due to discontinued insignificant discharges.

Key areas to address in 2012-2013 milestone period and through 2017

- The Phase II WIP input deck does not provide nitrogen, phosphorus and sediment loads that are consistent with the applicable Bay TMDL wasteload allocations (WLAs) and the corresponding Blue Plains permit effluent loading limits. When entering data into the Bay TMDL Tracking and Accounting System (BayTAS), EPA will adjust the Phase II WIP input deck loads for Blue Plains and the reserve so that the loads in BayTAS are consistent with the Bay TMDL WLAs and the associated Blue Plains permit effluent loading limits. BayTAS will note that the District's Phase II WIP proposes an allocation to Blue Plains of 48,669 pounds of nitrogen less than the allocation provided in the Bay TMDL and as reflected in current effluent loading limits for the Blue Plains permit. BayTAS will also note that the reserve in the Final Phase II WIP is 48,669 pounds of nitrogen higher than the reserve in BayTAS. EPA will consider loads identified in the District's final Phase II WIP, including maintaining a reserve allocation, when developing effluent limits during the Blue Plains permit reissuance process and when making any revisions to the Bay TMDL wasteload allocations.

Potential EPA Actions: Maintain ongoing oversight.

Offsets and Trading

Key improvements since draft Phase II and final 2012-2013 milestone submission

- The final Phase II WIP includes a plan of action to address all unresolved, jurisdiction-specific Tier 1 and Tier 2 recommendations from EPA's offsets and trading program assessment by the end of 2012 and to address all unresolved recommendations common to all jurisdictions by the end of 2013.
- The amended 2012-2013 milestones commit to having a fully effective offset program in place by December 2013 for sectors with planned new or increased loadings. The final Phase

II WIP also commits to work with EPA during 2012 to demonstrate that there are no new loads being generated in the District.

Key areas to address in 2012-2013 milestone period and through 2017

- None specified.

Potential EPA Actions: Conduct ongoing oversight, including NPDES permit reviews, to ensure commitments are implemented and recommendations from EPA's offsets and trading program assessment are addressed.

Federal Facilities

Key improvements since draft Phase II and final 2012-2013 milestone submission

- The final Phase II WIP addresses the draft Stormwater Memorandum of Understanding (MOU) currently being developed with Department of Defense (DoD) and other federal agencies for implementing the Energy Independence and Security Act (EISA). EPA will coordinate with DDOE as appropriate to assure that DDOE is aware of the MOU language and will address any DDOE comments and concerns at that time.

Key areas to address in 2012-2013 milestone period and through 2017

- None specified.

Potential EPA Actions: Conduct ongoing oversight. Through the Federal Facilities Team, EPA will assist jurisdictions in coordinating with federal facilities for purposes of WIP implementation.

General Note to All Jurisdictions

- EPA will assess annual progress and track two-year milestone commitments. EPA may take federal actions, including but not limited to actions described in its December 29, 2009 letter, to ensure that nitrogen, phosphorus, and sediment reductions identified in the jurisdictions' individual WIPs and needed to meet Bay TMDL allocations are achieved.
- The Chesapeake Bay Program partnership is developing verification protocols in order for nutrient and sediment controls to be credited by the Chesapeake Bay Program models. These protocols will address unreported and non-cost shared practices and will include guidelines for identifying and removing duplicate records and addressing expired, failed, or removed practices.
- EPA may conduct special studies or program assessments to ensure progress under the WIPs and milestones.

