

8 APPENDICES

A Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DISTRICT OF COLUMBIA
THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA
THE DEPARTMENT OF HEALTH
THE DEPARTMENT OF PUBLIC WORKS
AND
THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY
REGARDING STORMWATER PERMIT COMPLIANCE ADMINISTRATION

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into this 14th day of December, 2000 by and between the City Administrator of the District of Columbia, the Department of Health ("DOH"), the Department of Public Works ("DPW"), the District of Columbia Water and Sewer Authority ("WASA"), (collectively, "parties") and the Chief Financial Officer of the District of Columbia ("DCCFO"), who joins this agreement for limited purposes set forth in paragraph 9.

WHEREAS, on or about April 19, 2000 the United States Environmental Protection Agency ("EPA") issued discharge permit number DC0000221 to the District of Columbia as Permittee ("MS4 permit"); and

WHEREAS, the MS4 permit authorizes certain discharges and requires other activities related to the operation of District of Columbia Municipal Separate Storm Water Sewer System; and

WHEREAS, the MS4 permit contains a compliance schedule which requires the District of Columbia to compile and submit information on pollution sources, significant changes in the identification and mapping of storm sewer system outfalls, and changes affecting the separate storm sewer system due to land use activities, population estimates, runoff characteristics, structural controls and other matters; and

WHEREAS, the compliance schedule requires, among other items, a written annual review to be submitted to EPA as well as implementation of outfall monitoring activities on or before April 19, 2001. A written annual report and implementation plan must be submitted to EPA by April 19, 2002; and

WHEREAS, the Mayor, as the Chief Executive Officer of the District of Columbia, directs the actions of the Department of Health and the Department of Public Works through the heads of those Departments; and

WHEREAS, the City Administrator is the chief executive officer of the Mayor and has been delegated the authority to sign this agreement on the Mayor's behalf;

WHEREAS, the Department of Health is a subordinate agency of the government of the District of Columbia charged with multiple responsibilities, including the enforcement of regulations designed to protect water quality and monitoring of environmental compliance in the District of Columbia; and

WHEREAS, the Department of Public Works is a subordinate agency of the government of the District of Columbia charged with primary responsibility to maintain public roads and streets in the District of Columbia and routinely engages in activities necessary to implementation of MS4 requirements related to the public space; and

WHEREAS, the District of Columbia Water and Sewer Authority is an independent agency of the government of the District of Columbia, has the ability to contract and provides wastewater treatment services for both sanitary and combined sanitary and storm water flows delivered to the Blue Plains Advanced Wastewater Treatment Plant; and

WHEREAS, on or about September 13, 2000, Council Bill 13-813 was introduced before the Council of the District of Columbia. This Bill, known as the "Storm Water Permit Compliance Amendment Act of 2000" ("the Storm Water Bill" or "the Bill"), is intended to amend the enabling legislation of the Water and Sewer Authority to grant express authority to WASA to engage in certain MS4 permit compliance activities including creation of a storm water administration within WASA and authority to coordinate actions between and among other District agencies; and

WHEREAS, the Bill would establish a Permit Compliance Enterprise Fund, require the collection by WASA of fees set by the Council for storm water management activities, and require certification by WASA's General Manager or his or her designee of the sufficiency of MS4 permit compliance budget requests made by District agencies; and

WHEREAS, the bill is expected to receive favorable consideration from the Council, the Mayor, and the Financial Responsibility and Management Assistance Authority. Following completion of the 30 legislative day period of congressional review, the Bill is likely to become law shortly before certain MS4 compliance activities must be completed; and

WHEREAS, in order to provide the best opportunity for complete compliance with MS4 permit conditions, the parties have determined that this Memorandum of Understanding will govern the coordination of MS4 permit compliance actions of the parties during that period of time which shall commence on the effective date of this MOU and terminate upon the expiration of the permit; and

WHEREAS, at the request of the Mayor, representatives of these parties and others have met on a weekly basis over the past several months to negotiate a MS4 Permit compliance protocol acceptable to all parties; and

WHEREAS, the parties have developed a compliance matrix which sets forth the respective MS4 permit compliance responsibilities of the Department of Health, the Department of Public Works, and WASA; and

WHEREAS, the parties have agreed that each will be that each will be responsible for and shall complete all duties set forth in the attached Compliance Matrix (Schedule A; incorporated by this reference), and

WHEREAS, DOH AND DPW will provide technical assistance to WASA and all parties will dedicate operational resources, including personnel and equipment to the respective tasks assumed by each in the Compliance Matrix; and

WHEREAS, WASA will coordinate MS4 permit compliance activities of District agencies under the terms of this MOU and the requirements of the Storm Water Bill, once effective subject to the expenditure cap set forth herein; and

WHEREAS, the parties acknowledge that it may be necessary for some or all parties to take action to amend, reprogram or supplement their respective Fiscal Year 2001 and proposed 2002 budgets in order to lawfully undertake activities required by the MS4 permit and wish to set forth how these actions will be taken; and

WHEREAS, a separate Memorandum of Understanding between WASA and the Chief Financial Officer of the District ("Pilot MOU") governs WASA's obligation to make a Payment in Lieu of Taxes to the District ("Pilot"); and

WHEREAS, the DCCFO joins this memorandum only for the purposes of effecting an amendment to the Pilot MOU to require an adjustment to the Pilot MOU when circumstances described in paragraph 9 occur.

NOW THEREFORE, in consideration of the promises mutually exchanged, the receipt and sufficiency of which are acknowledged by all, the parties agree as follows:

1. Definitions.

Coordination Tasks means (a) the monitoring and coordinating the activities of all District agencies, including the activities of WASA, which are required to maintain compliance with the MS4 permit and (b) WASA's billing and collection of the Storm Water Compliance Fee, if established.

Storm Water Administrator means the person designated by the WASA General Manager to take primary responsibility for undertaking Coordination Tasks, who shall be the same person designated to head the Storm Water Administration if established in accordance with section 206A(a) of the WASA Act as amended by the Storm Water Bill.

2. Availability of Appropriations. Compliance with any provision of this MOU that would require the expenditure of funds is conditioned upon the availability of an appropriation and of funds equal to that appropriation.

3. Term. This agreement shall be effective as of the date written above and shall terminate upon the expiration of the MS4 permit unless extended by agreement of all signatories, or sooner terminated pursuant to the provisions of paragraph 12.

4. Agreement to undertake compliance activities. Each party shall employ its best efforts to fully, faithfully and timely discharge all responsibilities assumed by itself as a shared or joint or sole obligation in the Compliance Matrix (Schedule A). The parties acknowledge that the Compliance Matrix lists all of the parties' responsibilities under the MS4 permit.

5. Storm Water Administrator to Administer Compliance Activities. The Storm Water Administrator shall, during the term of this agreement, monitor the performance of tasks required to be performed in order for the parties to remain in permit compliance. The Storm Water Administrator shall issue notices of deficiencies where a party fails to meet joint or separate obligations expressed in the Compliance Matrix. The Storm Water Administrator shall also coordinate the performance of all permit requirements and shall employ best efforts to submit all deliverables required under the MS4 permit and shall establish binding timetables for submissions by other parties.

6. Agreement to Cooperate – Planning. DOH, DPW and any other District agency identified by the Storm Water Administrator shall timely comply with all requests made by the Storm Water Administrator related to MS4 permit compliance, including the scheduling of work, planning and development of capital improvements, and submittal of information, plans, proposed budgets or supplemental budgets related to storm water activities.

7. Storm Water Permit Compliance Enterprise Fund. In the event that the Storm Water Permit Compliance Enterprise Fund ("the Fund") is established pursuant to the Storm Water Permit Compliance Amendment Act of 2000, WASA shall administer the Fund as follows:

- a.) WASA shall first apply monies in the Fund to the Authority's costs of performing Coordination Tasks up to the expenditure cap provided for in paragraph 8.

- b.) After applying the revenues as described in subparagraph (a), WASA shall next apply income in the Fund to satisfy WASA's and any other District agency's costs of complying with the MS4 permit, including all administrative, operating and capital costs and to create adequate reserves, provided, however that no funds shall be disbursed for costs associated with MS4 permit compliance or other storm water activities carried out prior to April 19, 2000, except to the extent those costs increased in order to comply with the terms of the MS4 permit.

8. Expenditures Cap for Coordination Tasks

a.) During Fiscal Year 2001 WASA is not obligated to expend money to perform Coordination Tasks if the expenditure, taken together with any prior expenditures made that fiscal year, would exceed either (1) WASA's budgetary authority to perform the tasks; (2) the total amount of funds made available to WASA through DOH and DPW transfers or the PILOT credit made in accordance with paragraph 9(a) or (3) \$1 million.

b.) During Fiscal Year 2002 or thereafter, WASA is not obligated to expend money to perform Coordination Tasks if the expenditure, when taken together with any prior expenditures made that same fiscal year, would exceed either (1) WASA's budgetary authority to perform the tasks; (2) the projected revenues for the Fund plus funds made available to WASA through DOH and DCRA transfers or the PILOT credit made in accordance with paragraph 9(b), or (3) \$1 million.

9. Funding of Coordination Tasks

a.) During fiscal year 2001, DOH and DPW shall be exclusively responsible for the funding of WASA's performance of Coordination Tasks. In the event that the combined amounts transferred to WASA as of the effective date of this MOU are less than the amount authorized in WASA's FY 2001 budget for Coordination Tasks, the Administrator may request DOH and DPW to transfer such amounts as are necessary to make up the difference. Should DOH and DPW fail to transfer the amounts as requested within 60 days after a written request is sent, the DCCFO shall adjust the annual Pilot to credit WASA for all amounts actually expended in excess of the total funds transferred.

b.) During Fiscal Year 2002 or thereafter, WASA's performance of Coordination Tasks shall be funded exclusively by the fund in accordance with paragraph 7(a). In the event that the Storm Water Administrator determines that the projected fiscal year revenues from the storm water fee will be less than the amount included in WASA's approved budget for Coordination Tasks, the Administrator may request DOH and DPW to transfer such amounts as are necessary to make up the difference. Should DOH and DPW fail to transfer the

amounts as requested within 60 days after a written request is sent, the DCCFO shall adjust the annual Pilot to credit WASA for all amounts actually expended in excess of fund revenues (including transferred amounts) for that fiscal year.

10. Agency Compliance Plan – Fiscal Years 2002 through 2005. On or before November 15th of each year, DOH and DPW shall submit to the Storm Water Administrator, and WASA shall submit to DOH and DPW, a written MS4 Permit Compliance Plan for the ensuing fiscal year. This plan shall set forth for the ensuing fiscal year:

- a) All funds in the proposed budget for the ensuing fiscal year (“Agency’s Proposed Budget”) dedicated for MS4 permit compliance activities assumed by the Agency in the Compliance Matrix (Schedule A).

- b) A statement whether the Agency’s Proposed Budget contains sufficient funds expressly dedicated to all MS4 permit compliance activities.

- c) In the event that an agency determines sufficient dedicated funds will not be available under either its current budget or in the Agency’s Proposed Budget, the agency shall estimate the amount of funds required and shall advise the Storm Water Administrator what budget actions and options are available (including, for the current budget, reprogramming funds) to secure adequate funding.

- d) *The Storm Water Administrator* shall review each party’s plan and determine whether the agency Proposed Budget adequately funds MS4 permit compliance activities. The Storm Water Administrator shall inform the party, the Mayor and the Council of any deficiency found and shall indicate all revisions, procedures and actions necessary to correct the deficiency.

11. Allocation of liability. The Parties agree to the following principles with respect to their liability in the event that EPA alleges noncompliance with respect to any MS4 permit term:

- a) Where the allegation concerns a task that is identified as the sole responsibility of a party, that party shall defend any administrative action resulting therefrom, and, shall be exclusively liable for the payment of any fines, the costs of defense and the fulfillment of any compliance tasks agreed to or ordered in connection therewith.

- b) Where the allegation concerns a task that is identified as the responsibility of “each”, and EPA, in its complaint, in response to an inquiry, or in a decision and order identifies the party responsible, the identified party shall defend any administrative action resulting therefrom,

and shall be liable for the payment of any fine, the costs of defense and the fulfillment of any compliance tasks agreed to or ordered in connection therewith. Nothing herein precludes a named party from asserting, as a defense, that another party is responsible for the violation, in which case that party may enter the proceeding, and shall be liable for such fines and tasks imposed by EPA as a result of acts or omissions for which the party is found responsible. If the EPA does not indicate the party responsible, the parties shall proceed in accordance with subparagraph (c).

c) Where the allegation concerns a task that is identified, the responsibility of "all" parties, the parties shall attempt to allocate liability. If no agreement is reached the issue shall be submitted to a third party agreed to by the parties, whose determination with respect to the issue of liability shall be final and binding.

12. Termination This MOU will terminate prior to the expiration of the term:


- a) 90 days after a party provides written notice to the Storm Water Administrator based upon the failure of another party:
 - i) To fulfill any of its permit responsibilities as determined pursuant to this MOU;
 - ii) To pay any liability or perform any compliance task arising from such liability as determined pursuant to principles expressed in paragraph 11; or
 - iii) To propose a budget, supplemental, or to take any other budget related action requested of the party by the Storm Water Administrator;
- b) If the Storm Water Permit Compliance Amendment Act of 2000 does not become law by September 30, 2001; or
- c) If the Storm Water Permit Compliance Amendment Act of 2000 becomes law in a form that, in the judgment of any party that is substantially and materially different from the form appended hereto as Schedule B.

13. Storm Water Task Force. The parties shall meet at least once monthly as a Storm Water Task Force. The taskforce shall be chaired by the Storm Water Administrator. Each party will designate one permanent member of the Task Force. The parties shall attempt to reach consensus with respect to all decisions regarding their responsibilities under the MS4 permit and this MOU. If no consensus is reached the Storm Water Administrator shall govern. One week before each regularly scheduled meeting each party will provide, to the

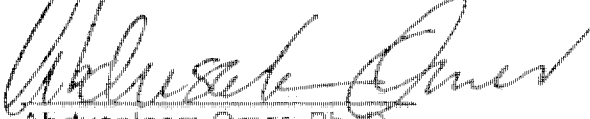
Storm Water Administrator a summary of all MS4 permit activities performed during the previous month and a plan for tasks to be accomplished during the forthcoming month. At the meeting, the Storm Water Administrator will note any deficiencies in each party's plan, and the party will take all necessary actions to remedy the deficiency. The Storm Water Administrator may call meetings at any time, either on his or her own initiative or at the request of a party.

14. Counterparts. This Memorandum of Understanding may be executed in separate counterparts, each of which when so executed and delivered shall be an original, but all of which together shall constitute but one and the same instrument.

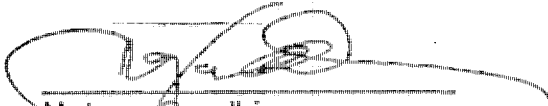
WITNESS the signatures of the parties as of the first day first hereinabove written.



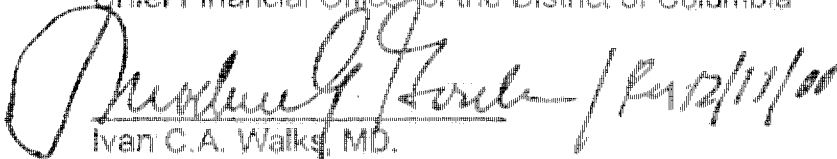
John Koskinen
City Administrator and Deputy Mayor for Operations



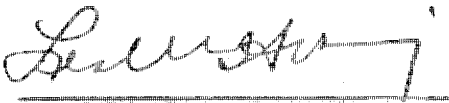
Abdusalaam Omer, Ph. D.
Acting Chairman
District of Columbia Water and Sewer Authority



Natwar Gandhi
Chief Financial Officer of the District of Columbia

 / 12/11/00

Ivan C.A. Walks, MD.
Director, Department of Health



Leslie Hotelling
Interim Director, Department of Public Works

SCHEDULE A
Compliance Matrix

STORM WATER MANAGEMENT IMPLEMENTATION
December 6, 2000

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|---|--------------------|---------------------------------|-------------|
| A-1 | Compile and analyze information on pollution sources since Nov. 1998: MS4 outfalls (identification and mapping), impact to MS4 due to land use, population, structural controls, landfills, publicly owned lands, and industries. Submit information in Annual Report | ALL | Apr. 2002 | Part II |
| A-2 | Prepare first annual review | ALL | Apr. 2001 | Part III-A |
| A-3 | Implement outfall monitoring | WASA/ DOH | Apr. 2001 | Part III-A |
| A-4 | Prepare annual report | ALL | Apr. 2002 | Part III-A |
| A-5 | Prepare annual implementation plan | ALL | Apr. 2002 | Part III-A |
| A-6 | Prepare Upgraded Storm Water Management Plan | ALL | Oct. 2002 | Part III-A |
| A-7 | Implement Upgraded Storm Water Management Plan | ALL | 6 months following EPA approval | Part III-A |
| A-8 | Evaluate the location, size and number of MS4 retrofits necessary to meet CWA. | WASA/ DOH | Apr. 2002 | Part III-B |

STORMWATER MANAGEMENT IMPLEMENTATION P.

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|--|--------------------|-----------|-------------|
| B-1 | <p>Develop and implement improvements and modifications to SWMP practices to reduce pollutant loads:</p> <ul style="list-style-type: none"> - Legal authority - Characterization data - Application Requirements - Assessment of Controls - Structural controls - Areas of new or significant development - Roadways - Flood control projects - Pesticide, Herbicide, and Fertilizer application - Illicit discharges and improper disposal - Industrial and high risk runoff - Priority Industrial Facilities - Municipal Waste Sites - Spills - Infiltration of seepage - Construction site runoff - Public Education - Monitoring | ALL | Apr. 2002 | Part III- B |

STORMWATER MANAGEMENT IMPLEMENTATION PL

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|---|---|-----------|-------------|
| | Storm Water Management Plan for Commercial, Residential and Government Areas | | | |
| C-1 | - Continue budgeted roadway, street and highway maintenance operations (11/4/98) | DPW | Ongoing | Part III-1 |
| C-2 | - Management Plan for Commercial, Residential and Government properties shall consider: <ul style="list-style-type: none"> - functional landscapes, - low impact development, - coordinate Street sweeping & catch basin cleaning, - coordinate solid waste services, incl. leaf collection, - preventive maintenance inspections of storm water facilities, - rain leader disconnection program, - public education on pet waste, fertilizer, etc. - computer models. - performance measures. - strengthen erosion control program for new construction. | ALL DOH DOH/DPW DPW/WASA DPW WASA/DOH DOH DOH ALL ALL DOH | Apr. 2002 | Part III-1 |
| C-3 | Control storm water pollution from Federal and District government properties. | DOH | Apr. 2002 | Part III- 1 |

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|--|-----------------|-----------|-------------|
| | Storm Water Management Plan for Industrial Facilities | | | Part III- 2 |
| D-1 | Update and maintain industrial facilities data base | DOH | Unknown | Part III-2 |
| D-2 | Perform/ provide on-site assistance/ inspections | DOH | | Part III- 2 |
| D-3 | Perform outreach focused on stormwater P2 plan development and NPDES compliance(use wet weather screening to target) | DOH | | Part III- 2 |
| D-4 | Develop procedures govern investigations of facilities. | DOH | Apr. 2002 | Part III- 2 |
| D-5 | Establish BMP for reducing loads to extent necessary. | DOH | | Part III- 2 |
| D-6 | Monitor and control pollutants from solid waste, fleet maintenance and other facilities. | DPW | Unknown | Part III-2 |
| D-7 | Develop and implement a wet weather screening program. | WASA/DOH | Unknown | Part III-2 |
| D-8 | Develop a program to prevent, contain and respond to spills. | DOH | Apr. 2002 | Part III-2 |
| D-9 | Identify facilities with high risk runoff and parameters of concern | DOH | Unknown | Part III-2 |
| D-10 | Estimate loadings from industries in each sewershed | DOH | Unknown | Part III-2 |
| D-11 | Prohibit illicit discharges, control spills and prohibit dumping. | DOH/WASA | Unknown | Part III-2 |
| D-12 | Report on implementation of Industrial Facilities Control Plan | DOH | Apr. 2002 | Part III-2 |

STORMWATER MANAGEMENT IMPLEMENTATION PI

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|---|--------------------|-----------|-------------|
| | Storm Water Management Plan for Construction Sites | | | Part III- 3 |
| E-1 | Continue existing permitting programs and evaluate effectiveness. | DOH | Ongoing | Part III- 3 |
| E-2 | Conduct construction site inspections. | DOH | Ongoing | Part III- 3 |
| E-3 | Submit inspection and enforcement procedures to EPA for review and approval | DOH | Apr. 2002 | Part III -3 |
| E-4 | Provide public education and guidance materials to construction site operators | DOH | Unknown | Part III- 3 |
| E-5 | Report on implementation of construction site management programs. | DOH | Apr. 2002 | Part III- 3 |
| E-6 | Operate and maintain streets to reduce pollution, maintain erosion controls | DPW, DOT | Ongoing | Part III -3 |
| E-7 | Minimize soil disturbing activities, re-vegetate | DPW, DOT | Ongoing | Part III -3 |
| E-8 | Prevent spills, control sites and storage facilities. | DPW, DOT | Ongoing | Part III -3 |
| E-9 | Strengthen criteria and procedures for waivers, develop enforcement strategy, and enforce strategy. | DOH | Unknown | Part III -3 |
| E-10 | Expand inspections, investigate cumulative impacts. | DOH | Unknown | Part III -3 |
| E-11 | Consider/require storm water retrofits for redevelopment and road rebuilding. | DOH/ DPW, DOT | Unknown | Part III -3 |
| E-12 | Assure that adopted storm water impact quantification procedures are performed in early environ. review in zoning process | DOH | Unknown | Part III- 3 |
| E-13 | Develop a strategy to encourage use of low impact development practices, protect trees and maximize undisturbed areas in development projects. | DOH | | Part III- 3 |
| E-14 | Establish and implement written enforcement strategy & perform enforcement actions. | DOH | | Part III- 3 |
| E-15 | Expand staff to inspect installation and maintenance of storm water erosion and sediment control at {commercial, residential, road and development} areas | DOH | | Part III- 3 |
| E-16 | Estimate loading from { } areas and determine necessary BMPs | DOH | | Part III- 3 |
| E-17 | Adopt and implement procedures in construction related activities that reduce storm water runoff and prevent storm water pollution | DOH | | Part III- 3 |
| E-18 | Develop strategies to reduce traffic related pollution | DPW, DOT | | Part III -3 |

STORMWATER MANAGEMENT IMPLEMENTATION P.

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|--|--------------------|----------|-------------|
| | Storm Water Management Plan for Construction Sites | | | |
| F-1 | Notify Historic Preservation Officer of any new construction, demolition or ground disturbing activity (develop alternate procedures) | ALL | Unknown | Part VII- M |
| F-2 | Notify Fish and Wildlife Service of any discharge, construction or other activity which may impact a threatened or endangered species. | ALL | Unknown | Part VII- N |
| F-3 | Encourage wider use of low impact development and other innovative methods. | DOH | Unknown | Part III- 3 |

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|--|--------------------|------------------------------------|-------------|
| | Flood Control Projects | | | |
| G-1 | Assess flood control projects for impact on storm water quality. | DOH | Apr. 2002 | Part III- 4 |
| G-2 | Develop pollution controls for existing flood controls | DOH | Apr. 2002 | Part III- 4 |
| G-3 | Assess development projects in the flood plain for water quality impact (impervious surface) | DOH | Unknown | Part III- 4 |
| G-4 | Determine feasibility of retrofitting flood control devices | DOH | Unknown | Part III- 4 |
| G-5 | Collect data on amount of impervious surface in flood plain for all proposed development. | DOH | Febr. 2000 <i>mistaken date</i> | Part III -4 |
| G-6 | Collect similar data for existing development, prioritize developed and undeveloped areas | DOH | Apr. 2002 | Part III -4 |
| G-7 | Prepare report summarizing findings and activities. | DOH | Apr. 2002 | Part III -4 |

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|---|--------------------|-----------|-------------|
| | Monitor and control pollutants from municipal landfills and other municipal waste facilities | | | Part III- 5 |
| H-1 | Develop and implement a program to monitor and reduce pollutants in storm water from solid waste facilities, equipment storage yards and fleet maintenance facilities. - monitor, inspect and evaluate sites, - identify areas with poor water quality and correct (improve). | DPW | Apr. 2002 | Part III- 5 |
| H-2 | Report in annual plan how activities meet Clean Water Act requirements and results of activities such as initial monitoring, control implementation and priority setting. | DPW | Apr. 2002 | Part III- 5 |

STORMWATER MANAGEMENT IMPLEMENTATION PLAN

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|--|-----------------|------------------------|-------------|
| | Monitor and Control Pollutants from Hazardous Waste Sites | | | Part III- 6 |
| I-1 | Identify industrial sites, develop procedures to map facilities. | DOH | Permit expiration date | Part III- 6 |
| I-2 | Develop procedures to govern investigations | DOH | Apr. 2002 | Part III- 6 |
| I-3 | Describe how these procedures will meet CWA requirements in annual report. | DOH | Apr. 2002 | Part III- 6 |

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|---|-----------------|------------------------------------|-------------|
| | Monitor and Control Pesticide, Herbicide and Fertilizer Application | | | Part III- 7 |
| J-1 | Control application of pesticides, herbicides and fertilizers. | DOH | Unknown | Part III- 7 |
| J-2 | Implement programs to encourage the reduction of these pollutants. | DOH | Unknown | Part III- 7 |
| J-3 | Prepare a report on implementation of these procedures and how they will meet CWA requirements. | DOH | Unknown | Part III- 7 |
| J-4 | Perform a screening characterization to determine the sources of pesticides, herbicides and fertilizer. | DOH | Apr. 2002 | Part III- 7 |
| J-5 | Develop a priority system of controls and plan to reduce these pollutants. | DOH | Jan 2001 <i>misspelled date</i> | Part III- 7 |

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|--|-----------------|----------------------------|-------------|
| | Develop snow management plan and investigate deicing alternatives | | | Part III- 8 |
| K-1 | Evaluate use of chemical deicers, salt, sand and mixtures to minimize impact on water quality. | DPW | Apr. 2001 | Part III- 8 |
| K-2 | Prepare a report of preliminary evaluation findings. | DPW | Apr. 2001 | Part III- 8 |
| K-3 | Prepare and submit compliance schedule for implementing de-icing study results. | DPW | Prior to Permit expiration | Part III- 8 |
| K-4 | Establish a program to ensure excessive snow and ice control materials do not enter waterways. | DPW | Apr. 2001 | Part III- 9 |
| K-5 | Report on progress to reduce pollution from snow and ice control programs. | DPW | Apr. 2001 | Part III -9 |
| K-6 | Avoid dumping snow in areas adjacent to waterways and wetlands. | DPW | Unknown | Part III -9 |
| K-7 | Implement snow removal plan. | DPW | Apr. 2003 | Part III -9 |

STORMWATER MANAGEMENT IMPLEMENTATION P

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|---|----------------------|-----------|--------------|
| | Develop management plan to detect and remove illicit discharges. Report in annual report | | | Part III- 10 |
| L-1 | Develop a program to prevent, detect and remove illicit discharges | DOH/ WASA | Unknown | Part III -10 |
| L-2 | Develop a program to reduce discharge of floatables. | WASA | Ongoing | Part III- 10 |
| L-3 | Prohibit the disposal of motor vehicle fluids, household hazardous waste, grass clippings, leaves, and animal waste. Report in annual report. | Corp. Counsel/ALL | Ongoing | Part III -10 |
| L-4 | Develop programs to collect and recycle or dispose of motor vehicle fluids and household hazardous waste | DPW/ WASA | Ongoing | Part III- 10 |
| L-5 | Develop an enforcement plan | DOH | Unknown | Part III -10 |
| L-6 | Develop inspection plan, surveillance and monitoring procedures, incl. Schedule and resources and inspection criteria | DOH | Apr. 2001 | Part III- 10 |
| L-7 | Develop procedures to prevent, contain and respond to spills | DOH | Apr. 2001 | Part III -10 |
| L-8 | Train appropriate personnel on spill prevention and response. | DOH | Apr. 2001 | Part III- 10 |

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|--|-----------------|-----------|--------------|
| | Develop an enforcement plan | | | Part III -11 |
| M-1 | Develop an enforcement plan to implement permit requirements. | ALL | Apr. 2001 | Part III- 11 |
| M-2 | Describe enforcement activities and resources. | DOH | Apr. 2001 | Part III -11 |
| M-3 | List all violations and enforcement actions to assess program effectiveness. | DOH | Apr. 2001 | Part III- 11 |

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|---|-----------------|-----------|--------------|
| | Develop a public education program | | | Part III -12 |
| N-1 | Household hazardous waste education and outreach. | DPW/DOH | Apr. 2001 | Part III- 12 |
| N-2 | Residential and commercial pesticide, herbicide and fertilizer application education and outreach. | DOH | Apr. 2001 | Part III- 12 |
| N-3 | Industrial facilities education and outreach. | DOH | Apr. 2001 | Part III -12 |
| N-4 | Construction site operators education and outreach. | DOH | Apr. 2001 | Part III- 12 |
| N-5 | Explain how these programs will reduce pollution to meet requirements of CWA. Report in annual report | DOH | Apr. 2001 | Part III- 12 |
| N-6 | Maintain a file of public education materials at the DC Public Library. | DOH | Apr. 2001 | Part III -12 |

STORMWATER MANAGEMENT IMPLEMENTATION PL.

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|--|--------------------|-----------|--------------|
| | Administrative Requirements | | | Part III -C |
| 0-1 | Conduct annual review of program effectiveness. <ul style="list-style-type: none"> - Compare performance with goals - Review implementation and compliance, - Review monitoring data, - Assess effectiveness of controls, - Describe cost needs budget. - Determine required program improvements - describe inspections, public education activities, violations and enforcement actions, model results - water quality improvements, modeling results | ALL | Apr. 2001 | Part III- C |
| 0-2 | Develop a schedule to achieve full permit compliance within 3 years of permit effective date. | ALL | Apr. 2001 | Part III- C |
| 0-3 | Prepare fiscal needs assessment each year. | ALL | Apr. 2001 | Part III- C |
| 0-4 | Operate and maintain structural and non-structural hydraulic controls. | | Ongoing | Part III- C8 |
| 0-5 | Prepare annual report: <ul style="list-style-type: none"> - cost/benefit and affordability analysis - methodology to assess program effectiveness, - annual budget and expenditures, - evaluate commitments from past year, - make commitments for next year, - summary of monitoring data, - summary of annual review. | ALL | Apr. 2002 | Part III- D |
| 0-6 | Prepare and submit Annual Implementation Plan <ul style="list-style-type: none"> - planned activities - budget - fiscal analysis - cost/benefit and affordability analysis | ALL | Apr. 2002 | Part III- E |
| 0-7 | Revise/Update Storm Water Management Plan | ALL | June 2002 | Part III- E |
| 0-8 | Ensure adequate legal authority exists. | Corp. Counsel | Unknown | Part III- E |

STORMWATER MANAGEMENT IMPLEMENTATION PI

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|---|--------------------|-----------|-------------------------|
| | Monitoring Requirements | | | |
| P-1 | Develop and implement wet weather monitoring program and sampling plan | DOH | Apr. 2001 | Part IV- A Part IV-A |
| P-2 | Estimate annual cumulative loadings from MS4 | DOH | | Part IV- A |
| P-3 | Estimate and report event mean concentrations & seasonal pollutants from major outfalls | DOH | | Part IV- A |
| P-4 | Identify and prioritize portions of MS4 requiring additional controls | DOH | | Part IV- A |
| P-5 | Identify water quality improvement or degradation | DOH | | Part IV- A |
| P-6 | Representative outfall monitoring | DOH | Apr. 2001 | Part IV -4.1 |
| P-7 | Retain monitoring data | DOH | Unknown | |
| P-8 | Report monitoring results | DOH | Unknown | |
| P-9 | Continue ongoing dry weather screening program | DOH | Ongoing | Part IV- B |
| P-10 | Locate sources and eliminate illicit connections | DOH | Ongoing | Part IV- B.3 |
| P-11 | Report progress on developing a GIS based storm water computer model | DOH | Apr. 2001 | Part V |

| TASK # | TASK | RESPONS. AGENCY | DUE DATE | PERMIT SEC. |
|--------|---|--------------------|-----------|-------------|
| | Hickey Run TMDL | | | |
| Q-1 | Conduct storm water monitoring of Hickey Run | DOH | Apr. 2001 | Part VI |
| Q-2 | Develop programs to reduce oil and grease loadings to 11.9 lbs/day or lower | ALL | Unknown | Part VI |
| Q-3 | Provide written explanation for any exceedances. | DOH | Unknown | Part VI |
| | | | | |
| TOTALS | | | | |

SCHEDULE B
Storm Water Permit Compliance Amendment Act of 2000
Engrossed Original

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE GENERAL COUNSEL
WASHINGTON, D.C. 20001


TRANSMITTAL OF ENGROSSED LEGISLATION

Short Title: Storm Water Permit Compliance Amendment Act of 2000

Bill #13-813

cc: Councilmember Schwartz

(with attachment)



Legislative Counsel

12.13.00

Date of Transmittal

Received by LSD Staff

Date of Receipt

cc: Codification Counsel

A BILL

13-813

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to establish a Storm Water Administration, a Storm Water Compliance Fund, storm water fees, a Storm Water Advisory Panel, and to provide for reporting requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Storm Water Permit Compliance Amendment Act of 2000".

Sec. 2. The Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Code § 43-1661 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Code § 43-1671) is amended by adding new paragraphs (9A) and (9B) to read as follows:

"(9A) Storm Water Fee means the fee established by section 216(e).

"(9B) Storm Water Permit or Permit means NPDES No. DC0000221, issued April 20, 2000."

(b) New sections 206a, 206b, and 206c are added to read as follows:

"Sec. 206a. Storm Water Administration.

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"(a) There is established within the Authority a Storm Water Administration
("Administration"). The Administration shall be responsible for monitoring and coordinating the
activities of all District agencies, including the activities of the Authority, which are required to
maintain compliance with the Storm Water Permit. ~~The Storm Water Advisory Panel created~~
~~pursuant to section 206c shall designate a person to head the Administration. General Manager~~
shall designate a person to head the Administration. The Storm Water Advisory Panel created
pursuant to section 206c may ratify the designation made by the General Manager.

"(b) The expenses of the Administration shall be disbursed from the Storm Water Permit
Compliance Enterprise Fund established pursuant to section 207a.

"(c) The Department of Health, the Department of Public Works, and any other District
agency identified by the General Manager or his or her designee shall comply with all requests
made by the General Manager or his or her designee related to Storm Water Permit compliance,
including the submittal of information, plans, proposed budgets or supplemental budgets related
to storm water activities.

"(d) All budgets submitted by the Mayor to the Council shall include a written
determination by the General Manager or his or her designee concerning whether the budget
adequately funds Storm Water Permit compliance activities. The General Manager or his or her
designee shall inform the Council of any deficiency found and indicate the revisions that shall be
made to correct the deficiency.

"(e) The General Manager shall prepare, and make available to the Council of the

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District of Columbia and the public, a report by the Authority, the Department of Health, the Department of Public Works, and any other District agency identified by the General Manger as having responsibilities under the Storm Water Permit. The General Manger shall transmit the first report to the Mayor and the Council of the District of Columbia no later than 6 months from the effective date of this act, and shall transmit subsequent reports every 6 months after the transmission of the first report. The first report shall describe activities undertaken in the 6 months following the effective date of this act, and activates planned for the following 6 months. Subsequent reports shall describe activities undertaken in the previous 6 months, and activates planned for the following 6 months. The reports shall include descriptions of each storm water-related activity taken and planned, including:

"(1) Compliance with Storm Water Permit requirements;

"(2) Administrative, planning, and regulatory actions;

"(3) Operation, maintenance, and capital improvement of storm water facilities;

"(4) Fund expenditures from the Storm Water Permit Compliance Enterprise

Fund; and

"(5) Expenditures on related storm water activities from annual appropriations,

federal grants, and the Water and Sewer Enterprise Fund.

"Sec. 206b. Storm Water Permit Compliance Enterprise Fund.

"(a) There is established a Storm Water Permit Compliance Enterprise Fund ("Fund").

Monies from the Fund shall only be used to fund the Storm Water Administration established

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pursuant to section 206a, the Authority's costs of billing and collecting the storm water fee, and
any District agency's costs of complying with the Storm Water Permit, including all
administrative, operating, and capital costs. No monies shall be disbursed from the fund for costs
associated with storm water activities carried out prior to April 20, 2000, except to the extent
those costs increased in order to comply with the terms of the Permit.

"(b) All revenues, proceeds, and moneys collected from the storm water fee or from
grants made for storm water activities which are collected or received shall be credited to the
Fund and shall not, at any time, be transferred to, lapse into, or be commingled with the General
Fund of the District of Columbia, the Water and Sewer Authority Enterprise Fund, the Cash
Management Pool, or any other funds or accounts of the District of Columbia.

"Sec. 206c. Storm Water Advisory Panel.

"(a) There is established the Storm Water Advisory Panel ("Panel") for the purpose of
preparing comprehensive recommendations to the Council that identify the best means by which
the District of Columbia can meet all present and future federal regulatory and permit
requirements pertaining to the discharge of storm water into receiving waters. The Panel may
establish a Citizens Advisory Board to assist the panel in preparing its recommendations to the
Council.

"(b) The Panel shall be composed of the following 5 persons or their designees:

"(1) The Mayor;

"(2) The Chairman of the Council;

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"(3) The General Manager of the Authority;

"(4) The Director of the Department of Health, Environmental Health
Administration; and

"(5) The Director of the Department of Public Works.

"(c) The Panel shall submit its recommendations in a report, which shall be submitted to
the Council no later than one year after the Panel's first meeting. The report shall make specific
findings on whether the existing:

"(1) Allocation of storm water management responsibilities among District
agencies, including the Authority is capable of meeting present and future regulatory
requirements for storm water discharge, and, if not, what changes need to be made or new
government entities created; and

"(2) Storm water fee structure and rate are equitable and sufficient for the District
to meet its present and future regulatory requirements for storm water discharge, and, if not, what
fee structure and rate would be required to most fairly meet these responsibilities. The panel
shall consider, determine whether to create, and estimate the initial cost and time necessary to
design a storm water fee based on the relationship between impervious surface and the amount of
storm water discharged into the District's storm water system.

"(d) The panel shall hold its first meeting no later than 90 days from the effective date of
the Storm Water Permit Compliance Amendment Act of 2000. The Panel shall hold at least one
public hearing to receive testimony from citizens with respect to the issues stated in subsections

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(b)(1) and (2) of this section. The Panel's report shall be published in the District of Columbia Register for a 30 day period of public comment and provided to each Advisory Neighborhood at least 45 days prior to being submitted to the Council."

(c) Section 207(b) (D.C. Code 43-1677(b)) is amended by inserting the phrase
", except those collected or received from the storm water fee," after the phrase "source derived".

(d) Section 216 (D.C. Code 43-1686) is amended as follows:

(1) New subsections (d-1) and (d-2) are added to read as follows:

"(d-1) Commencing within 90 days of the effective date of the Storm Water Permit Compliance Amendment Act of 2000, the Authority shall collect a storm water fee from each District of Columbia retail water or sewer customer as follows:

"(1) For single family homes, the fee shall be \$7.00 per year;

"(2) For multi-family residential buildings, the fee shall be equal to 1.4% of the charge for water and sewer services; or

"(3) For all other properties, the fee shall be equal to 2% of the charge for water and sewer services.

"(d-2) No landlord shall pass a charge to a tenant which is more than the 1.4% of the charge for water and sewer services."

(2) Subsection (f) is amended by inserting the phrase, "including the storm water fee", after the phrase "pay the charges".

(e) Section 219 (D.C. Code § 43-1689) is amended by inserting the phrase "for the failure

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to pay any charge, fee, assessment, or levy authorized or required by section 216 of this act",
after the phrase "the power to obtain and enforce liens".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal
impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the
Mayor, action by the Council to override the veto), approval by the Financial Responsibility and
Management Assistance Authority as provided in section 203(a) of the District of Columbia
Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109
Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in
section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87
Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia
Register.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DISTRICT DEPARTMENT OF THE ENVIRONMENT
THE DISTRICT DEPARTMENT OF PUBLIC WORKS
THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY
AND
DEPARTMENT OF TRANSPORTATION
REGARDING MS4 STORMWATER PERMIT FISCAL ADMINISTRATION**

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered into this 1st day of August 2007, by and between the District Department of the Environment (DDOE) and the District Department of Transportation (DDOT), the D.C. Water and Sewer Authority (WASA), and the Department of Public Works (DPW) to administer finances and reimbursements from the Storm Water Permit Compliance Enterprise Fund for activities conducted to reduce pollutants to the District of Columbia, under the municipal separate storm sewer system (MS4) National Pollution Discharge Elimination System (NPDES) Permit (MS4 Permit).

WHEREAS, storm water discharges from the municipal separate storm sewer system (MS4) are authorized by the National Pollution Discharge Elimination System (NPDES) Permit Number: DC0000221 issued to the District of Columbia as Permittee;

WHEREAS, on August 19, 2004, the Environmental Protection Agency (EPA) re-issued the District's MS4 Permit Number: DC0000221 to authorize storm water discharges to the District of Columbia as Permittee, for a five-year term;

WHEREAS, the MS4 Permit contains a compliance schedule which requires the District of Columbia to compile and submit information on pollution sources, significant changes in the identification of storm sewer system outfalls, and changes affecting the separate storm sewer system due to land use activities, population estimates, runoff characteristics, structural controls, reporting requirements and other matters as outlined in the MS4 Permit Implementation Plan, in order to reduce storm water pollution;

WHEREAS, the MS4 Permit outlines additional activities to be undertaken by the District;

WHEREAS, the above named agencies have been assigned activities in the MS4 Implementation Plan;

WHEREAS, the MS4 Task Force has been established with representatives from DDOE, DDOT, DPW, WASA to manage the activities required in the MS4 Permit, pursuant to the "Storm Water Permit Compliance Amendment Act of 2000"; D.C. Official Code § 34-2202.06a;

WHEREAS, the Director of DDOE, or his designee, was made the Storm Water Administrator with primary responsibility for heading the Storm Water Administration, pursuant to the Establishment of the District Department of the Environment Act of 2005, D.C. Official Code § 8-151.03(b)(2);

WHEREAS, the storm water management activities in the Implementation Plan are supported by fees collected by WASA in a Storm Water Compliance Enterprise Fund and provided to DDOE for the Storm Water Administrator to certify the sufficiency of the MS4 Permit budget requests;

WHEREAS, the parties acknowledge that it may be necessary for some or all parties to take action to amend, program, reprogram or supplement their respective budgets in order to lawfully undertake activities required by the MS4 permit and wish to set forth how these actions will be taken; and

WHEREAS, in the event that not all the projects can be funded, priority will be given to the projects that provide the most benefit in reducing storm water pollution.

NOW THEREFORE, in consideration of the promises mutually exchanged, the receipt and sufficiency of which are acknowledged by all, the parties agree to administer the Storm Water Permit Compliance Enterprise Fund (Storm Water Fund) as follows:

I. SCOPE OF SERVICES

1. Each agency, including DDOE, shall submit a proposed budget for the following fiscal year to the Storm Water Administrator by October 1 of each calendar year. Accordingly, as of this signing, each agency agrees to submit their proposed 2009 Fiscal Year Budget Request to the Storm Water Administrator by October 1, 2007. The Storm Water Administrator will use this information to program budget authority from the Storm Water Fund. Acceptance of this summary by the Storm Water Administrator does not constitute approval of the expenditure, but rather general agreement that activities of this type may be reimbursable from the Enterprise Fund.

2. Each agency, including DDOE, shall submit a detailed Storm Water Fund budget request to the Storm Water Administrator no later than six-months prior to the beginning of the fiscal year covered by that request. The Storm Water Administrator will review and approve budget requests prior to allocating funds in DDOE's annual budget for the expected reimbursement. For each activity included in the budget request the agency will detail:
 - (a) A description of the activity to be funded;
 - (b) MS4 Implementation Plan reference for the activity;
 - (c) MS4 Permit section reference for the activity;
 - (d) Explanation that this activity is above and beyond storm water activities carried out by the agency prior to April 19, 2000;
 - (e) Cost-benefit discussion including which pollutants are targeted for reduction by this project/activity, estimated reduction per year to be achieved, and estimated cost/pound of pollutant removed over the life of the project/activity; and
 - (f) A statement of whether the agency's proposed budget contains sufficient funds expressly dedicated to all MS4 Permit compliance activities.
3. The Storm Water Administrator may request additional information from the agency to justify the project/activity. Approval of the detailed budget request by the Storm Water Administrator is pre-approval for reimbursement for expenditures conducted by the agency for the approved project or activity.
4. The Storm Water Administrator shall review and approve all programmatic changes or modifications that might affect the estimated quantity of pollutants removed or the cost-benefit analysis of the project or activity.
5. In the event of a budget shortfall, the Storm Water Administrator shall allocate remaining funds giving priority to the projects that he or she determines would provide the most benefit in reducing storm water pollution. In the event that the Storm Water Administrator determines that the projected fiscal years revenues from the Storm Water Fund will be less than the anticipated costs of the Storm Water Administration, the Storm Water Administrator may request that DDOE, WASA, DDOT, and DPW make up the difference.

6. For FY 2007, the Storm Water Administrator shall administer the Storm Water Permit Compliance Enterprise Fund as follows:

Department of Public Works \$ 1,270,000

District Department of Transportation \$ 1,537,000

DC Water & Sewer Authority \$ 292,999

District Department of the Environment \$ 1,950,000

7. Each agency shall request reimbursement quarterly from the Storm Water Administrator for expenditures related only to complying with the MS4 permit. Reimbursement requests shall include:

(a) Description of the activity performed;

(b) Certification that all expenditures submitted for reimbursement are for direct MS4 permit compliance activities above and beyond storm water activities carried out by the agency prior to April 19, 2000;

(c) Citation of the MS4 Permit section(s) reference for the activity;

(d) Description of which pollutants were targeted for reduction by the project/activity; and

(e) Copies of invoices and other applicable documentation demonstrating MS4 relevant work. Documentation to include invoices outlining storm water-related tasks completed, including description of task, hours incurred including date and time.

8. The Storm Water Administrator may request additional supporting documentation, as required, to evaluate the reimbursement request or to detail how the reimbursement request will address the overall agency Implementation Plan.
9. Reimbursements are subject to total approved budget limits as well as cash or revenues available in fund.

10. Requests approved by the DDOE will be submitted within five business days of approval by the Storm Water Administrator.

II. RESOLUTION OF DISPUTES

The Chief Financial Officer or the City Administrator shall resolve all disputes arising under this MOU.

III. EFFECTIVE DATE AND SPECIAL PROVISIONS FOR TERMINATION OF MOU

1. This MOU shall be effective as of August 1, 2007 through August 19, 2009, unless terminated in writing by the Parties prior to the expiration.
2. This MOU may be extended by agreement of all signatories.
3. DDOE may terminate this MOU on the following grounds:
 - (a) Lack of local funding;
 - (b) Changes in applicable law;
 - (c) Changes in District or federal policy affecting these services;
 - (d) Changes in the structure or nature of the MS4 Permit; and
 - (e) Elimination of DDOE as the Storm Water Administrator or Storm Water Administration.

IV. COUNTERPARTS

This MOU may be executed in separate counterparts, each of which when so executed and delivered shall be an original, but all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have signed this MOU as of the day and year written above.

George S. Hawkins 7/31/07
George S. Hawkins, Acting Director, DDOE Date

Emeka C. Moneme, Director, DDOT Date

William O. Howland, Jr. 8-27-2007
William O. Howland, Jr., Director, DPW Date

Jerry N. Johnson, General Manager, DCWASA Date

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| | Letter Agreement refers to the Letter agreement dated November 27, 2007 distributed to all MS4 task force agencies. | | | |
|---------------|--|-----------------------|---------------------------|--|
| | *The 2000 MOU assigned responsibilities to DPW, WASA and DOH. In October 2002, the newly formed DDOT took on some of the responsibilities formerly assigned to DPW. In 2006, DDOE was formed and Water Quality Division and Watershed Protection Division took over the responsibilities formerly assigned to DOH. | | | |
| | SWMD=storm water management division; WQD = water quality division; WPD= watershed protection division within DDOE | | | |
| | | | | |
| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
| | General | | | |
| New | Legal and administrative issues | | General Counsel DDOE | |
| New | Update 2000 MOU to formally define roles and responsibilities of District Agencies* | Letter Agreement | ALL | Due 8/19/08 |
| New | Implement recommendations for funding mechanisms and fee structure | Letter Agreement | WASA/SWMD | Completed |
| A-1 | Compile and analyze information on pollution sources since Nov 1998: MS4 outfalls (identification and mapping), impact to MS4 due to land use, population, structural controls, landfills, publicly owned lands, and industries. Submit information when requested and during reporting period | Part II | WASA/SWMD/WQD | Mapping was completed |
| A-2 | Outfall Discharge Monitoring Report (DMR) | Part III - A | SWMD/WQD | WQD submits monitoring information to SWMD to prepare report and reviews reports prior to submittal to EPA |
| A-3 | Prepare annual report. | Part III - A | SWMD | |
| A-4 | Prepare annual implementation plan. | Part III - A | SWMD | |
| A-5 | Prepare Upgraded Storm Water Management Plan | Part III - A | SWMD/ALL | Due 2/15/09 |
| A-6 | Implement Upgraded Storm Water Management Plan | Part III - A | ALL | Throughtout the life of the Permit |
| | Administrative Requirements | | | |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|---------------|---|-----------------------|---------------------------|------------------------|
| N-1 | Conduct annual review of program effectiveness. | Part III - C | SWMD/ALL | |
| | - Compare performance with goals | | | |
| | - Review implementation and compliance, | | | |
| | - Review monitoring data, | | | |
| | - Assess effectiveness of controls, | | | |
| | - Describe cost needs budget, | | | |
| | - Determine required program improvements | | | |
| | - Describe inspections, public education activities | | | |
| | violations and enforcement actions, model results | | | |
| | - Water quality improvements, modeling results | | | |
| N-2 | Develop a schedule to achieve full permit compliance within 5 years of permit effective date. | Part III - C | SWMD/ALL | |
| N-3 | Prepare fiscal needs assessment each year. | Part III - C | SWMD/ALL | |
| N-4 | Operate and maintain structural and non-structural hydraulic controls. | Part III - C | WASA | |
| N-5 | Prepare annual report: | Part III - C | SWMD/ALL | |
| | - Cost/benefit and affordability analysis | | | |
| | - Methodology to assess program effectiveness, | | | |
| | - Annual budget and expenditures, | | | |
| | - Evaluate commitments from past year, | | | |
| | - Make commitments for next year, | | | |
| | - Summary of monitoring data, | | | |
| | - Summary of annual review. | | | |
| N-6 | Prepare and submit Annual Implementation Plan: | Part III - E | SWMD/ALL | |
| | - Planned activities | | | |
| | - Budget | | | |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|--|---|-----------------------|---------------------------|--|
| | - Fiscal analysis | | | |
| | Cost/benefit and affordability analysis | | | |
| N-7 | Revise/Update Storm Water Management Plan | Part III - E | SWMD/ALL | |
| N-8 | Ensure adequate legal authority exists. | Part III - E | SWMD/ALL | |
| | Application Requirements | | SWMD | |
| | Assessment of Controls | | WASA/ALL | |
| | Structural controls | | WASA | |
| | Areas of new or significant development | | DDOT/WASA | |
| | Roadways | | DDOT | |
| | Flood control projects | | WPD | |
| | Pesticide, Herbicide, and Fertilizer application | | WPD/OPM | |
| | Illicit discharges and improper disposal | | DPW/WASA | |
| | Industrial and high risk runoff | | ALL | |
| | Priority Industrial Facilities | | WQD | |
| | Municipal Waste Sites | | DPW | |
| | Spills | | ALL | |
| | Infiltration of seepage | | WQD | |
| | Construction site runoff | | WPD | |
| | Public Education | | ALL | |
| | Monitoring Program | | WQD | Maintain a monitoring program to comply with MS4 Permit requirements |
| SWMP Component 1: Storm Water Management Plan for Commercial, Residential, and Government Areas | | | | |
| C-1 | Continue with current practices of road, street and highway maintenance as described in the SWMP and evaluate LID practices for inclusion with either new or retrofitted District and/or federal highway construction projects. | Part III-B-1 | DDOT | |
| C-2 | Management Plan for Commercial, Residential and government properties shall consider functional landscapes and Low Impact Development (LID) projects | Part III -B-1 | WPD/OPM | |
| New | Install environmental catch basins or equivalent BMP in new road construction projects. | Letter Agreement | DDOT/WASA | Submit implementation schedule by 2/2009 to be included in the SWMP |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|---------------|--|-----------------------|---------------------------|--|
| New | Devise a LID plan and schedule for conversion of paved areas into green space such as "pocket parks" or "green streets" and include rain barrels and downspout disconnections | Letter Agreement | DDOT/WPD | Due 12/31/2014 |
| New | Complete a master LID implementation list | Letter Agreement | DDOT/WPD | Revision of Appendix C in Anacostia TMDL. Due: 8/19/2008. On going |
| New | Construct 17 LID projects in the ROW by August 19, 2009 | Letter Agreement | DDOT | Due 8/19/09 |
| New | To the extent possible, comply with all LID options in the AWI Transportation Architecture Design Standards for all DDOT transportation infrastructure projects | Letter Agreement | DDOT | |
| New | No later than 18 months from the date of this package, DDOE shall work with the Mayor's office to determine the best way to develop legislation to establish tax credits or other incentives programs for installation of green roofs on non-governmental buildings. An update will be submitted by August 19, 2010. | Letter Agreement | DDOE | 8/19/2010 |
| New | Complete a structural assessment on all District properties maintained by Office of Property Management (OPM) to determine current roof conditions and the feasibility for green roof installation. | Letter Agreement | OPM | 4/30/2009 |
| New | For the next four years, every new building constructed by OPM will include green roofs where feasible as determined by OPM and all major renovations/rehabilitation projects of District-owned properties within OPM's inventory will include green roofs where feasible as determined by OPM. | Letter Agreement | OPM | Start after structural assesement is completed. |
| New | Submit an implementation schedule including square footage, for the green roofs to be installed in selected District properties, based upon the results of the structural assessment, in the 2009 Implementation Plan. | Letter Agreement | OPM | OPM to submit implementation schedule by July 15, 2008 |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|---------------|--|-----------------------|---------------------------|---|
| New | Continue to review new and retrofit construction (federal, residential, commercial, and District-controlled properties) for green roof installation throughout the District, making available \$500,000 in incentives for these roofs beginning October 1, 2008. | Letter Agreement | WPD | 500,000 available through RFA to non-profit. Grant will include assessment of effectiveness |
| New | After one year, assess the effectiveness of the green roof incentives program and modify as needed, including dedicating up to \$1,000,000 per year if deemed effective in order to make progress toward the Mayor's goal of achieving 20% green roof coverage in the District in 20 years. The Plan and schedule shall provide for steady progress toward the goal throughout the period and be incorporated into the next MS4 permit revision. | Letter Agreement | WPD | |
| New | Annually document and report the square footage of green roof coverage for all buildings in the District. | Letter Agreement | OPM/WPD | OPM to submit square footage for green roofs installed in DC properties and WPD to submit square footage of green roofs installed in private property |
| New | Complete "LID Stormwater Control Structures Maintenance Manual" by 4/30/09 | Letter Agreement | WPD | |
| New | Draft strategy for the District to achieve optimal tree canopy, with input from the Casey Trees foundation, Friends of the Earth (FOE), and other stakeholders. The strategy will utilize GIS technology to determine and to prioritize planting locations. | Letter Agreement | WPD/DDOT | |
| New | Provide final detailed plan for achieving the optimal District tree canopy goal in the 2009 Implementation Plan, dated August 19, 2009. | Letter Agreement | WPD | |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|---------------|--|-----------------------|---------------------------|--|
| New | The District shall make best efforts to achieve optimal tree canopy by planting at least 4,150 trees per year with a goal of planting and maintaining at least 13,500 additional trees by 2014. Trees shall be planted in the manner recommended by <i>The Green Build-out Model: Quantifying the Stormwater Management Benefits of Trees and Green Roofs in Washington, DC</i> (Casey Trees May 15, 2007) and/or other pertinent studies to achieve optimal survival tree rate determined in the strategy. The District shall annually document the survival rate of total trees planted along with an annual estimate of storm capture rates to determine the volume of storm water that is being removed from the MS4 system in a typical year of rainfall as a result of the maturing tree canopy over the life of the permit. | Letter Agreement | DDOT | DDOT to submit survival rate of total trees planted along with an annual estimate of storm water capture |
| New | No later than August 19, 2008, develop and implement a schedule to achieve an optimal tree canopy goal. The District shall make best efforts to implement said schedule no later than December 31, 2014, and will employ a stakeholder process that includes at a minimum Friends of the Earth and Casey Trees. The plan and schedule will be incorporated into the next revision of the MS4 permit. | Letter Agreement | DDOT/WPD | |
| New | Continue current tree planting at the rate of at least 4,150 annually | Letter Agreement | DDOT | |
| C-2 | coordinate solid waste services, inc. leaf collection, | Part III-B-1 | DPW | |
| C-2 | coordinated street sweeping and catch basin cleaning | Part III-B-1 | DPW/WASA | |
| New | Complete the street sweeping study and begin implementing the long-term enhanced street sweeping and fine particle removal schedule and program by December 31, 2007. Provide notice and opportunity for comment on plan by Friends of the Earth (FOE). | Letter Agreement | DPW | |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|---------------|---|-----------------------|---------------------------|------------------------|
| New | Submit the details of the implementation of the enhanced program for street sweeping and fine particle removal in the upgraded Storm Water Management Plan of February 19, 2009. | Letter Agreement | DPW | |
| New | Continue with implementation of current large and enhanced fine particle removal program for street sweeping based on recently completed study recommendations and document annual pollutant removal rates in pounds from the analysis of different materials collected that have been captured to show the amount of pollution from the street sweeping operation that is being diverted from entering the MS4 system. | Letter Agreement | DPW | |
| New | The plan and schedule for the street sweeping program will be incorporated into the next MS4 permit revision and shall represent the District's best efforts at achieving a program designed to achieve optimum removal of fine particulate matter and other pollutants from the MS4 waste stream. | Letter Agreement | DPW | |
| C-2 | preventative maintenance inspections of storm water facilities, | Part III-B-1 | DDOE/WD | |
| | rain leader disconnection program, | Part III-B-1 | DDOE/WD | |
| New | Install 50 rain gardens, 125 rain barrels, and perform 200 downspout disconnections by 12/31/2009 | Letter Agreement | DDOE/WD | |
| | public education on pet waste, fertilizer, etc. | Part III-B-1 | DDOE/WD | |
| | modeling storm water impacts | Part III-B-1 | SWMD | |
| New | Develop a statistical model for estimating pollutant reductions in Microsoft Excel or other database program that will be a combination of Portland's non-structural BMP spreadsheet model and the Watershed Treatment Model (WTM) developed by EPA. A draft of the model will be included in the 2008 MS4 Annual Report and final version will be included in the upgraded Stormwater Management Plan. | Letter Agreement | SWMD | |
| | develop performance measures | Part III-B-1 | SWMD | |
| | strengthen erosion control program for new construction | Part III-B-1 | DDOE/WD | |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|--|--|-----------------------|---------------------------|------------------------|
| C-3 | Control storm water pollution from Federal and District government properties. | Part III -B-1 | WQD | |
| New | Develop a pollution prevention program that will include training to District government workers who are in charge of maintenance facilities and who handle hazardous materials, by September 30, 2008. | Letter Agreement | SWMD | |
| C-4 | Pursue partnerships with federal departments and agencies (e.g., National Park Service, Department of Agriculture, Department of Defense, and General Services Administration) responsible for facilities in the District designed to highlight the District's commitment to "lead by example" in managing storm water runoff. | Part III -B-1 | WPD | |
| C-5 | Maintain the authority to control all types of discharges into the waters of the District | Part III - B-1 | DDOE | |
| SWMP Component 2: Management Plan for Industrial Facilities | | | | |
| D-1 | Update and maintain industrial facilities database | Part III -B- 2 | WQD | |
| D-2 | Perform/provide on-site assistance/inspections | Part III -B- 2 | WQD | |
| D-3 | Perform outreach focused on stormwater Pollution Prevention plan development and NPDES compliance (use wet weather screening to target) | Part III -B-2 | WQD | |
| D-4 | Refine and implement procedures to govern investigations of facilities. | Part III -B- 2 | WQD | |
| D-5 | Monitor and control pollutants in storm water discharged to the D.C. MS4 from: Private Solid Waste Transfer Stations private solid waste transfer stations and Hazardous waste treatment, disposal, and/or recovery plants | Part III -B- 2 | WQD | |
| | Industrial Facilities subject to SARA or EPCRA Title III | Part III -B- 2 | WQD | |
| | Industrial Facilities with NPDES Permits | Part III -B- 2 | WQD | |
| | Industrial facilities with a discharge to the MS4 | Part III -B- 2 | WQD | |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|---|---|-----------------------|---------------------------|------------------------|
| D-6 | Include collection of data on industrial discharges in wet weather screening program. | Part III -B- 2 | WQD/WASA | |
| D-7 | Implement a program to prevent, contain and respond to spills. | Part III -B- 2 | WQD | |
| D-8 | Continue to prohibit illicit discharges, control spills and prohibit dumping. | Part III -B- 2 | WQD/WASA/DPW | |
| D-9 | Report Progress in developing and carrying out industrial related programs | Part III -B- 2 | WQD | |
| SWMP Component 3: Management Plan for Construction Sites | | | | |
| New | Promulgate new stormwater regulations that will require LID construction as a first option, and will incorporate enhanced stormwater management requirements for the District where feasible as proposed in the Anacostia Waterfront Corporation (AWC) standards, by June 30, 2008. | Letter Agreement | DDOE | 6/30/2008 |
| New | Promulgate new regulations that will require construction site managers to have erosion control training by June 30, 2008. | Letter Agreement | DDOE | 6/30/2008 |
| E-1 | Continue implementation of the Program that addresses the discharge of pollutants from construction sites. | Part III -B- 3 | WPD | |
| E-2 | Evaluate and report if the existing practice meets the requirements given in 40 CFR 122.26(d)(2)(iv)(A) and (D). | Part III -B- 3 | WPD | |
| New | Continue review and approval process of sediment and erosion control plan and SW management. Once promulgated, the District will require compliance with AWC standards where feasible | Part III -B- 3 | WPD | |
| E-4 | Submit inspection and enforcement procedures to EPA for review and approval. | Part III -B- 3 | WPD | |
| E-5 | Continue with regular construction site inspections | Part III -B- 3 | WPD | |
| E-6 | Follow existing enforcement procedures and practices for violations of local erosion and sediment control ordinances | Part III -B- 3 | WPD | |
| E-7 | Provide public education and guidance materials to construction site operators. | Part III -B- 3 | WPD | |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|---|---|-----------------------|---------------------------|--|
| E-8 | Report on implementation of construction site management programs including how implementation of these procedures, particularly with regard to District "waivers and exemptions", will meet the requirements of the Clean Water Act. | Part III -B- 3 | WPD | |
| E-9 | Operate and maintain streets to reduce pollution, maintain erosion controls. | Part III -B- 3 | DDOT | |
| E-10 | Minimize soil disturbing activities during road construction, re-vegetate. | Part III -B- 3 | DDOT | |
| E-11 | Address spill prevention, material management practices, and good housekeeping measures at all equipment and maintenance shops that support maintenance activities. | Part III -B- 3 | DPW/DDOT/WASA | |
| SWMP Component 4: Flood Control Projects | | | | |
| F-1 | Assess storm water impacts of all flood management projects | Part III -B- 4 | WPD | |
| F-2 | Evaluate the feasibility of retrofitting pollution controls on existing flood controls. | Part III -B- 4 | WPD | |
| F-3 | Report on the above assessment, mapping program, and feasibility studies | Part III -B- 4 | WPD | |
| F-4 | Submit flood control measures necessary to meet the requirements of the Clean Water Act | Part III -B- 4 | WPD | |
| F-5 | Review all development proposed in flood plains to ensure that the impacts on the water quality of receiving water bodies has been properly addressed | Part III -B- 4 | WPD | |
| F-6 | Information regarding impervious surface area located in the flood plains shall be used (in conjunction with other environmental indicators) as a planning tool | Part III -B- 4 | WPD | |
| F-7 | Collect data on the percentage of impervious surface area located in flood plain boundaries for all proposed development | Part III -B- 4 | WPD | The percentage of impervious area in the flood plains was calculated last year. The percentage needs to be updated using new FEMA layers when available. |
| F-8 | Collect similar data for existing development in flood plain areas, in accordance with the mapping program and other activities designed to improve water quality | Part III -B- 4 | WPD | |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|---|---|-----------------------|---------------------------|--|
| F-9 | Reports on these activities, including an explanation of how the implementation of these procedures will meet the requirements of the Clean Water Act | Part III -B- 4 | WPD | |
| SWMP Component 5: Control Pollutants from Municipal Landfills and Other Municipal Waste Facilities | | | | |
| G-1 | monitor to reduce pollutants in storm water discharges from facilities that handle municipal waste, including sewage sludge | Part III -B- 5 | DPW/WASA | Storm water management plan to be developed for these facilities |
| G-2 | Report results of this activity | Part III -B- 5 | DPW/WASA | |
| G-3 | Reduce pollutants in the storm water discharges from District-operated or owned solid waste transfer stations, maintenance and storage yards for waste transportation fleets and equipment, publicly owned treatment works, and sludge application and/or disposal sites which are not covered by an NPDES permit | Part III -B- 5 | DPW/DDOT | |
| G-4 | Report the results of this effort and provide an explanation as to how the implementation of these procedures will meet the requirements of the Clean Water Act for the above facilities | Part III -B- 5 | DPW/DDOT | |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|--|---|-----------------------|---------------------------|---|
| SWMP Component 6: Control Pollutants from Hazardous Waste Sites | | | | |
| H-1 | Monitor and control pollutants from: hazardous waste recovery, treatment, storage, and disposal facilities; facilities subject to Section 313 of the Emergency Planning and Right-to-Know Act; and any other industrial facility that either the permittee or the Regional Administrator determines is contributing a substantial pollutant loading to the MS4. This work shall be reported in each Annual Report/Implementation Plan | Part III -B- 6 | DDOE | |
| H-2 | Complete an identification of industrial and high risk runoff facilities | Part III -B- 6 | DDOE | |
| H-3 | Develop procedures to map and record details of the facilities | Part III -B- 6 | DDOE | |
| H-4 | Implement procedures to govern the investigation of the identified facilities suspected of contributing pollutants to the MS4, including a review, if applicable, of monitoring data collected by the facility pursuant to its NPDES permit. | Part III -B- 6 | DDOE | |
| H-5 | Submit procedures governing the investigation of identified facilities and the method,schedule,and progress in implementing those procedures | Part III -B- 6 | DDOE | |
| SWMP Component 7: Monitor and Control Pesticide, Herbicide and Fertilizer Application | | | | |
| I-1 | Continue to control the application of pesticides, fertilizers, and the use of other toxic substances according to the SWMP and regulations. | Part III - B-7 | WPD | |
| I-2 | Reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied by employees or contractors, to public right of ways, parks, and other District property. | Part III - B-7 | WPD/OPM/DDOT | DDOT to make sure contractors use friendly products in the ROW. |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|--|---|-----------------------|---------------------------|------------------------|
| I-3 | Implement programs to encourage the reduction of the discharge of pollutants related to the application and distribution of pesticides, herbicides, and fertilizers. | Part III - B-7 | WPD | |
| I-4 | Report on the implementation of the above application procedures, a history of the improvements in the control of these materials, and an explanation on how these procedures will meet the requirements of the Clean Water Act | Part III - B-7 | WPD | |
| I-5 | Complete screening characterization to determine the sources of pesticides, herbicides, and fertilizers that contaminate the storm water runoff as part of the outfall monitoring plan | Part III - B-7 | WQD | |
| I-6 | Develop a priority system for control of these pollutants. | Part III - B-7 | WQD | |
| I-7 | Develop, implement, and report procedures for reducing these pollutants. | | WQD | |
| SWMP Component 8 and 9: Deicing and Snow Removal Activities | | | | |
| J-1 | Continue to evaluate the use, application and removal of chemical deicers, salt, sand, and/or sand/deicer mixtures in an effort to minimize the impact of these materials on water quality. | Part III -B- 8 | DDOT | |
| J-2 | Investigate and implement techniques available for reducing pollution from deicing salts in snowmelt runoff and runoff from salt storage facilities. | Part III -B- 8 | DDOT | |
| J-3 | Make this evaluation part of an overall investigation of ways to meet the requirements of the Clean Water Act. Report and provide an explanation as to how the implementation of procedures resulting from this investigative effort will meet the requirements of the Clean Water Act. | Part III -B- 8 | DDOT | |
| J-4 | Implement a program and operating plan to ensure excessive quantities of snow and ice control materials do not enter the District's waterbodies. | Part III -B- 9 | DDOT | |
| J-5 | Report progress in implementing the program and plan. | Part III -B- 9 | DDOT | |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|---|---|-----------------------|---------------------------|------------------------|
| J-6 | Avoid snow dumping in areas adjacent to water bodies, wetlands, and areas near public or private drinking water wells which would ultimately reenter the MS4 system except during a declared Snow Emergency. | Part III -B- 9 | DDOT | |
| SWMP Component 10. Management Plan to Detect and Remove Illicit Discharges | | | | |
| New | Provide an implementation plan and strategy to reduce pet waste from entering storm drains. Strategy may include the creation of dog parks, and providing pet waste bags/receptacles at dog parks, hiring a contractor to deal with pet waste, and conducting a public education campaign in the District, in the upgraded Storm Water Management Plan. | Letter Agreement | WPD | |
| K-1 | Implement an ongoing program to detect illicit discharges and prevent improper disposal into the storm sewer system. | Part III -B-10 | WQD | |
| New | Continue with current and new trash removal programs to document that trash removal efforts from all sources are increased from the previous year, with annual incremental increases over the life of the permit and that such trash is diverted from the waste stream that contributes to the MS4 system. | Letter Agreement | DPW | |
| New | Require water quality catch basins for trash/sediment removal devices for new roadway reconstruction projects. | Letter Agreement | DDOT/WASA | |
| New | By the end of FY 2009, complete a trash survey and trash removal strategy / trash reduction plan for the Anacostia River and include in the 2010 Implementation Plan | Letter Agreement | WPD/WQD | |
| New | Determine the type of trash control devices that would be the most effective in retaining large debris and sediments in the hot spot areas identified by the trash survey to be included in the 2010 Implementation Plan | Letter Agreement | WASA/DPW | |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|---------------|--|-----------------------|---------------------------|--|
| New | Identify a suitable location for one end-of-pipe litter trap in the 2009 Implementation Plan, to be installed by a contractor in the following year. If effective, describe efforts to increase installations of end-of-pipe litter traps in the 2010 Implementation Plan. | Letter Agreement | WASA/WDP | |
| New | Retrofit 50 catch basins to address trash control, in conjunction with enhancements to the District's street sweeping efforts, by February 19, 2009. | Letter Agreement | WDP/DPW | Install bar screens. Pilot project along Nannie Helen Avenue |
| New | Develop a total maximum daily load (TMDL) implementation plan for the Anacostia River towards the goal of a "Trash-Free Potomac River" to be provided by October 31, 2010. | Letter Agreement | WQD | |
| New | Continue current trash removal program and document trash removal efforts including household hazardous waste, leaves, and litter cans from all sources showing that at least 50% is currently being removed from the trash stream that contributes to the MS4 system. | Letter Agreement | DPW | |
| New | Commit \$1 million annually for retrofitting existing catch basins with vortex separator systems or other effective structural BMPs that the District determines to be the best practicable technology available to maximize storm water pollution reduction, beginning October 1, 2009. Retrofitting will be part of subwatershed implementation plans. | Letter Agreement | SWMD/WASA | |
| K-2 | Report the accomplishments of this program. | Part III -B-10 | WQD/WASA | |
| K-3 | Implement a program to prevent illicit discharges, as defined at 40 CFR 122.26(b)(2). and those discharges listed at 40 CFR 122.26(d)(2)(iv)(B)(1) are identified by the permittee as sources of pollutants. | Part III -B-10 | DDOE/WASA | |
| New | Continue to enhance the District's illicit discharge program by targeting potential discharge sources (e.g. Laundromats, dry cleaners, auto repair shops). | Letter Agreement | WQD | |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|---------------|---|-----------------------|---------------------------|------------------------|
| New | Complete a strategy for proactive inspection and enforcement of illicit discharges of pollutants to storm sewers and drains - targeting each item listed in the chart on Pg. 5 of the District's Sept. 24, 2007 proposal | Letter Agreement | WQD | Due January 31, 2008. |
| New | Annually target 20 percent of the MS4 area to achieve 100 percent coverage in the permitting cycle. | Letter Agreement | WQD | |
| K-4 | Further reduce the discharge of floatables (e.g. litter and other human-generated solid refuse). The floatables program shall include source controls and, where necessary, structural controls. | Part III -B-10 | DPW/WASA | |
| K-5 | Continue to implement the prohibition against the discharge or disposal of used motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, and animal waste into separate storm sewers. | Part III -B-10 | DPW | |
| K-6 | Ensure the implementation of programs to collect used motor vehicle fluids (at a minimum oil and anti-freeze) for recycle, reuse, and proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal. Such programs shall be readily available to all private residents and shall be publicized and promoted on a regular basis, pursuant to the Public Education Plan in this permit at Part III.B.12. | Part III -B-10 | DPW/WASA | |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|---------------|---|-----------------------|---------------------------|------------------------|
| K-7 | Detection and elimination of illicit discharges shall include, but not be limited to: - Implementation of an illicit connection detection and enforcement program to perform dry weather flow inspections in target areas; · Visual inspections of targeted areas; and · Issuance of fines, tracking and reporting illicit discharges, and reporting progress on stopping targeted illicit discharges, and in appropriate cases, chemical testing immediately after discovery of an illicit discharge. | Part III -B-10 | WQD | |
| K-8 | Implement an enforcement plan for illicit discharges | Part III -B-10 | WQD | |
| K-9 | Provide justification for the control plan in terms of meeting the requirements of the Clean Water Act. | Part III -B-10 | WQD | |
| K-10 | Carry out all necessary inspection, surveillance, and monitoring procedures to remedy and prevent illicit discharges. | Part III -B-10 | WQD | |
| K-11 | The District shall carry out the necessary monitoring activities with the goal of meeting the requirements of the Clean Water Act. | Part III -B-10 | WQD | |
| K-12 | Submit an inspection plan (include a schedule and allocation of resources), inspection criteria, and documentation regarding protocols and parameters of field screening. | Part III -B-10 | WQD | |
| K-13 | Implement procedures to prevent, contain, and respond to spills that may discharge into the MS4. | Part III -B-10 | WQD | |
| K-14 | Provide for the training of appropriate personnel in spill prevention and response procedures | Part III -B-10 | WQD | |
| K-15 | Report the implementation of this program | Part III -B-10 | WQD | |
| New | Submit the number of catch basins and structural components of the MS4 conveyance system to be retrofitted as part of the Watts Branch restoration project in the upgraded Storm Water Management Plan. | Letter Agreement | WASA | |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|-------------------------------------|--|-----------------------|---------------------------|------------------------|
| New | Begin the Watts Branch project which will include stream restoration, catch basin retrofits, and storm drain stenciling in the Watts Branch watershed. Storm drain stenciling will begin by April 30, 2008. Report progress in the 2008 Annual Report. | Letter Agreement | WASA/YPD | |
| 11. Enforcement Plan | | | | |
| L-1 | Implement an enforcement plan for carrying out the objectives of the SWMP | Part III -B-11 | ALL | |
| L-2 | Use a listing of all violations and enforcement actions to assess the effectiveness of the Enforcement Program | Part III -B-11 | ALL | |
| L-3 | Enforcement shall be maintained at its current level. | Part III -B-11 | ALL | |
| 12. Public Education Program | | | | |
| New | Enhance program to prevent illicit discharges by increasing publicity of the need to prevent illicit discharges. Enhancements to be identified in the upgraded Storm Water Management Plan. | Letter Agreement | ALL | |
| New | Install 1,000 storm drain markers per year starting in April 2008. | Letter Agreement | YPD | |
| New | Distribute “scoop your pet’s poop” educational materials to all veterinarian clinics and pet shops in the District by March 2008. | Letter Agreement | YPD | |
| M-1 | Implement a public education program that address all topics required by 40 CFR 122.26. | Part III -B-12 | ALL | |
| M-2 | An educational and outreach program to control household hazardous waste (required under Part III.B.10). | Part III -B-12 | DPW | |
| M-3 | Implement programs and materials to inform and educate the public on proper management and disposal of used oil, other automotive fluids, and household chemicals. | Part III -B-12 | DPW | |
| M-4 | Promote the proper use of pesticides, herbicides, and fertilizers through the development and dissemination of either new or existing educational materials (as required under Part III.A.7). | Part III -B-12 | YPD | |

UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)

| TASK # | TASK DESCRIPTION (note that Task N also contains administrative requirements) | PERMIT SECTION | RESPONSIBLE AGENCY | DEADLINES/NOTES |
|--|--|-----------------------|---------------------------|---|
| M-5 | Implement an industrial facility outreach program to monitor and control pollutants from industrial facilities (required under Part III.A.2). Program should focus on informing industries about storm water permitting and pollution prevention plans and the requirement that they develop structural and non-structural control systems, pursuant to 40 CFR 122.26(d)(2)(iv)(C) and (iv)(A)(5). | Part III -B-12 | WQD | |
| M-6 | Continue providing construction site operators with technical guidance documents as outreach and educational materials. | Part III -B-12 | WPD | |
| M-7 | Develop public educational materials in cooperation and coordination with other agencies and organizations in the District with similar responsibilities and goals. | Part III -B-12 | ALL | |
| M-8 | Provided progress reports on public education including an explanation as to how this effort will reduce pollution loadings to meet the requirements of the Clean Water Act. | Part III -B-12 | ALL | |
| M-9 | Maintain a file of public education materials at the DC Public Library. | Part III -B-12 | SWMD | The District is proposing to make all MS4 public documents available from its website |
| Part IV. Monitoring and Reporting Requirements | | | | |
| O-13 | Locate sources and eliminate illicit connections. | Part IV - B-3 | WQD/WASA | |
| Part VI. Hickey Run TMDL | | | | |
| P-5 | Use best efforts to negotiate an agreement with all parties to construct a multi purpose BMP and have it operational and ready for monitoring its effectiveness during the permitting cycle. | Part VI | WASA/SWMD/DDOT | A new strategy is being proposed instead of the End of pipe control proposed in the 2002 SWMP |
| Waivers and Exemptions | | Part IX.1 | | |
| Compliance Monitoring of Effluent Limits for Waste Load Allocations | | | | |
| | | | | |
| | | | | |

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DISTRICT DEPARTMENT OF THE ENVIRONMENT
AND
THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY:
MS4 PERMIT ACTIVITIES**

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I. INTRODUCTION AND PURPOSE

This Memorandum of Understanding ("MOU") is entered into between the District Department of the Environment ("DDOE") and the District of Columbia Water and Sewer Authority ("DC Water") collectively referred to herein as the "Parties," for the period of Fiscal Years 2014 and 2015.

The purpose of this MOU is for DDOE to secure the services of DC Water to help implement discrete provisions of the District of Columbia's ("District's") U.S. Environmental Protection Agency National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit ("MS4 Permit") related to the maintenance of water quality catch basins and the repair of outfalls. Another purpose is to fund such work with assistance from the MS4 Enterprise Fund.

II. PROGRAM GOALS AND OBJECTIVES

The goal of this MOU is to improve water quality in the Anacostia and Potomac Rivers for the benefit of District residents, visitors, wildlife, and the environment.

The objectives of this MOU are to reduce stormwater pollutants entering the local waters (i.e., rivers, streams, and estuaries) of the District of Columbia as required under the current applicable MS4 Permit. The MS4 Permit obligates the District to: clean and maintain catch basins; develop an optimal catch basin inspection, cleaning, and repair plan; and develop an MS4 outfall inspection and repair schedule to meet local water quality goals for surface water.

Under the MS4 Permit's Settlement Agreement, dated January 11, 2013, DC Water will undertake specific tasks towards compliance with the requirements of the MS4 Permit.

III. SCOPE OF SERVICES/RESPONSIBILITIES OF THE PARTIES

A. DC Water shall:

1. Provide water quality catch basin maintenance services and reports in accordance with DDOE Standard Operating Procedures for Water Quality Catch Basins Maintenance Service ("DDOE's SOP") (Attachment B):
 - a. Inspect and clean each DDOE-identified water quality catch basin within the MS4 area at least once during each fiscal year;
 - b. DC Water or its contractor may use any equipment to inspect and clean the water quality catch basins; and
 - c. Within one (1) month of the end of each fiscal year, provide a report of the cleaning and inspection dates for each catch basin,

including the percentage of the basin that was filled with debris at the start and finish of each inspection;

2. Purchase and operate one (1) new truck for maintenance of water quality catch basins as follows:
 - a. This truck shall include an industrial, air-conveying vacuum system with a high-pressure water pump-hose reel that is capable of removing grit, grease, sludge, and other debris, meeting specifications for the DC Water-through-NJPA, procured in 2013–2014 of one Vac-Con vehicle in NJPA Awarded Contract #0317010-AMI, line item 2, PO131396, from Atlantic Machinery, Inc., for DC Water’s Department of Sewer Services, or equivalent, as approved by DDOE; and
 - b. This new water quality catch basin maintenance truck shall be used for the purpose of maintaining water quality catch basins in the District of Columbia;
3. Finalize DC Water’s “MS4 Report on Optimal Plan for Catch Basin Cleaning, Inspection, and Repair” (June 2013), in response to EPA Region III’s comments and any DDOE comments;
4. Finalize DC Water’s “MS4 Outfall Repair Schedule and Report” (June 2013), in response to EPA Region III’s comments and any DDOE comments;
5. Develop and implement the asset management and tracking system detailed in Recommendation 1, Section 5 of DC Water’s “MS4 Report on Optimal Plan for Catch Basin Cleaning, Inspection, and Repair” (June 2013);
6. Participate in and support the District’s MS4 Technical Working Group activities, presently chaired by DDOE;
7. With respect to work identified in Attachment C:
 - a. Commence activities on outfall repairs and stream restorations;
 - b. Submit a funding proposal for DDOE to pay DC Water for the costs related to each stream restoration project that is not due to outfall structural failure (“Non-failure Funding Proposal”). Each Non-failure Funding Proposal must clearly define the cause of the stream channel issue and show that the damage was not caused by structural failure of the outfall; and

- c. If DDOE approves the Non-failure Funding Proposal, submit the designs and specifications at the 30%, 65%, and 90% phases of the design process for DDOE's review and approval.

B. DDOE shall:

1. By August 1 of each year, provide an updated list of newly installed water quality catch basins located in the MS4 area and a Geographic Information System layer of water quality catch basins for which DDOE has X and Y coordinates;
2. Provide funding for activities listed in the Cost of Services table, found in Attachment A;
3. Be available for the technical matters required by this MOU;
4. Timely review proposals, plans, designs, reports, and other transmittals requiring a response; and
5. Approve or deny each Non-failure Funding Proposal.

IV. DURATION OF MOU

- A. The period of this MOU shall be from October 1, 2013, through September 30, 2015, unless terminated in writing by a Party prior to the expiration.
- B. The duration may be extended only in writing.
- C. The extension of this MOU shall be subject to the availability of funds at the time.
- D. The Parties contemplate extending this MOU.

V. AUTHORITY FOR MOU

- A. D.C. Official Code § 1-301.01(k) (District agencies) authorizes the Parties to enter into this MOU for orders placed with other departments, at actual cost.
- B. DC Water is authorized to enter into this MOU pursuant to D.C. Official Code §34-2202.03(10), which authorizes DC Water to enter into contracts with the District.
- C. DDOE is further authorized to enter into this MOU pursuant to the following:

1. The Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188, as amended), D.C. Official Code §8-103.01 *et seq.*, including §8-103.13 (Mayor regulates construction bearing upon water quality);
2. The District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51, §§101 *et seq.*, as amended), including D.C. Official Code §8-151.03 (establishment of DDOE and consolidation of environmental functions); § 8-151.03(b)(2) (stormwater administration, including the monitoring and coordinating the activities of all District agencies that are required to maintain compliance with the storm water permit, receiving and expending funds from the Storm Water Permit Compliance Enterprise Fund); §8-151.07 (Director guides and enforces environmental services and federal actions, promulgates and enforces rules and programs, and liaises with other agencies);
3. The Comprehensive Stormwater Management Enhancement Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-371, §2(b), as amended), including D.C. Official Code §8-152.01 (monitor, coordinate, and secure information from District agencies required to comply with the MS4 Permit and administer the stormwater program within DDOE); §8-152.03 (stormwater fee discount program); §8-152.04 (establish an enterprise grant fund program); and
4. Mayor's Order 2006-61, dated June 14, 2006 (delegation and transfer of authority to DDOE Director).

VI. FUNDING PROVISIONS

A. Cost of services, if any:

1. Unless DDOE specifically authorizes a change in funding in writing, total cost for services under this MOU for all activity items listed in Attachment A shall not exceed the following:
 - a. Three hundred and ten thousand two hundred and sixty dollars (\$310,260) for Fiscal Year 2014; and
 - b. Eight hundred and thirty-three thousand dollars (\$833,000) for Fiscal Year 2015, subject to availability of funds;
2. Funding for the activities listed in Attachment A shall not exceed the actual costs of the goods and services. Overhead costs for DC Water staff are not funded;

3. Funding for each activity shall not exceed the cost specified in Attachment A, unless DDOE specifically authorizes a change in writing; and
4. Notwithstanding any other provision of this MOU, DDOE may not, and will not, guarantee payment of funds for which it has not received budget authority for a fiscal year.

B. Payment:

1. DDOE shall pay DC Water for services detailed in this MOU by check or electronic funds transfer based on an itemized invoice, within 45 days of receipt of each invoice;
2. DC Water shall submit a monthly budget and status update, including a management report that compares budget to actual funds spent and includes the following:
 - a. Description of the activity that was performed;
 - b. List of materials and their costs; and
 - c. DC Water staff and consultant services costs; and
3. Payment to DC Water shall not exceed the total amount of this MOU.

C. Anti-deficiency considerations:

The Parties acknowledge and agree that DDOE's and DC Water's obligations to fulfill financial obligations of any kind pursuant to any and all provisions of this MOU, or any subsequent agreement entered into by the parties pursuant to this MOU, are and shall remain subject to the provisions of the following: (1) the federal Anti-Deficiency Act, 31 U.S.C. §§1341, 1342, 1349, 1351; (2) the District of Columbia Anti-Deficiency Act, D.C. Official Code §§ 47-355.01-355.08; (3) D.C. Official Code § 47-105; and (4) D.C. Official Code § 1-204.46, as the foregoing statutes may be amended from time to time, regardless of whether a particular obligation has been expressly so conditioned.

VII. DISPUTE RESOLUTION

The Parties shall resolve adjustments and/or disputes arising from services between agencies under this MOU with the following procedures:

- A. DC Water and DDOE will make every effort to resolve any disputes concerning this MOU at the staff level;

- B. In the event that the Parties' staff are unable to resolve a dispute, the matter will be elevated to the Director of DDOE and the General Manager of DC Water, as appropriate, for resolution within thirty (30) days; and
- C. If the DDOE Director and DC Water General Manager are unable to resolve the dispute, the aggrieved party may invoke the Termination procedures, unless the Director and General Manager agree on an alternate dispute resolution procedure.

VIII. COMPLIANCE AND MONITORING

Since this MOU's funds include District of Columbia funds, DC Water will be subject to scheduled and unscheduled monitoring reviews by the District to ensure compliance with all applicable requirements. If funding is federal, in whole or in part, DC Water will be subject to monitoring reviews of the District and the federal government.

IX. RECORDS AND REPORTS

Since this MOU's funding includes District of Columbia funds, DC Water and each of its contractors/grantees paid under this MOU shall maintain records and receipts for the expenditure of all funds provided for a period of no less than three (3) years from the date of expiration or termination of each activity. DC Water shall arrange with its contractors to make these documents immediately available for inspection by request of representatives of DDOE or the District. If funding is federal, in whole or in part, documents must be made similarly available to representatives of the District or the federal government.

X. CONFIDENTIAL INFORMATION

The Parties to this MOU will use, restrict, safeguard, and dispose of all information related to services provided pursuant to this MOU in accordance with all relevant federal and District of Columbia statutes, regulations, and policies.

XI. SPECIAL PROVISIONS FOR TERMINATION OF THE MOU

Any Party may terminate this MOU in whole or in part by giving twenty-eight (28) days advance written notice to the other Party on one of the following grounds:

- A. Lack of funding;
- B. Changes in applicable law;
- C. Changes in the structure or nature of the program;
- D. Elimination of the program or service;

- E. Failure of either Party to follow Federal or District laws, rules, or regulations; or
- F. Failure of either Party to follow the terms of this MOU.

However, DC Water shall be reimbursed for costs incurred (or irreversibly committed to) performing the above approved services as of the day following the date on which DC Water received written notice of termination. DC Water shall not be obligated to perform any services for which it is to be reimbursed under this MOU following receipt of any notice of termination from DDOE. The writing may be by email or fax.

XII. NOTICE

The following individuals are the official contacts for each Party under the MOU:

FOR DDOE:

Mr. Jeffrey Seltzer, P.E.
Associate Director, Stormwater Management Division
District Department of the Environment
1200 First Street, NE, 5th Floor
Washington, DC 20002
Phone: 202-535-1603
Fax: 202-535-1363
Email jeffrey.seltzer@dc.gov

FOR DC WATER:

Dr. Mohsin Siddique
Supervisor, Environmental Planning
District of Columbia Water and Sewer Authority
5000 Overlook Avenue, SW
Washington, DC 20032
Phone 202-787-2634
Fax: 202-787-2453
Email mohsin.siddique@dcwater.com

XIII. MODIFICATIONS

The terms and conditions of this MOU may be modified only upon prior written agreement by the Parties.

XIV. MISCELLANEOUS – FOLLOW THE LAW

The Parties shall comply with all applicable laws, rules, and regulations whether now in force or hereafter enacted or promulgated.

XV. SIGNATURES

IN WITNESS WHEREOF, the Parties hereto have executed this MOU as follows:


DISTRICT DEPARTMENT OF THE ENVIRONMENT

for 

Keith A. Anderson
Director

9/8/14

Date

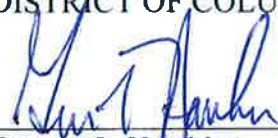


Amy E. McDonnell
General Counsel, for legal sufficiency

9/8/14

Date

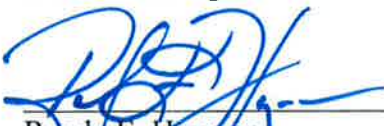
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY



George S. Hawkins
General Manager

9/10/14

Date



Randy E. Hayman
General Counsel, for legal sufficiency

9/8/14

Date

ATTACHMENT A**DDOE Funding for Activities**

This MOU addresses the following activities. By signing this MOU, DDOE and DC Water have agreed to the cost of items listed below.

COST OF SERVICES

| | Activities | Type of Service | FY 2014 Amount (Dollars) | FY 2015 Amount (Dollars)* |
|----------|---|---|---|--|
| 1 | Water quality catch basin cleaning and maintenance | Provide water quality catch basin maintenance services and reports, per Attachment B. Cost per water quality catch basin is \$230. Item III.A.1 | \$106,260 | \$0 |
| 2 | Purchase appropriate equipment suitable for water quality catch basin maintenance | Secure one (1) truck for maintenance of water quality catch basins . Item III.A.2 | \$0 | \$600,000 |
| 3 | Finalize optimal catch basin inspection, cleaning, and repair plan | Revise, as needed, the "Optimal Plan for Catch Basin Cleaning, Inspection, and Repair." Item III.A.4 | \$15,000 | \$25,000 |
| 4 | Finalize stormwater outfall inspection plan and repair schedule | Revise, as needed, the "Outfall Repair Schedule and Report." Item III.A.5 | \$20,000 | \$35,000 |
| 5 | Asset management and Tracking System | Develop and implement a tracking system as recommended in the "Optimal Plan for Catch Basin Cleaning, Inspection, and Repair." Item III.A.6 | \$51,000 | \$0 |
| 6 | DC Water MS4 Technical Workgroup Staff Activities | Participate in and support the District's MS4 Technical Working Group activities. Item III.A.7 | \$8,000 | \$8,000 |
| 7 | Stream Restoration Design | Submit proposals to DDOE for stream restoration funding and develop alternative evaluations and designs per Attachment C. Item III.A.8 | \$110,000 | \$165,000 |
| | | Total Funding for Activities in FY 2014 | \$310,260 | |
| | | Total Funding for Activities in FY 2015 | | \$833,000 |

* FY 2015 Funding amounts are subject to availability of funds.

ATTACHMENT B

DDOE Standard Operating Procedure for Water Quality Catch Basin Maintenance Service

BEFORE SERVICE

1. Once a water quality catch basin (WQCB) has been scheduled for service, the District Department of the Environment (DDOE) Inspection and Enforcement Branch (IEB) is to be notified. Notification must be made at least seventy-two (72) hours before service to a WQCB is to begin.

Contacts are: (202) 535-2977 or ieb.scheduling@dc.gov.

AT THE SERVICE SITE

1. When you arrive, record the date of inspection and the percentage of the basin that was filled with debris (round up): 100%; 75%; 50%; 25%; or 0 %.
2. All chambers of the WQCB are to be vacuumed with a vacuum truck or similar type of equipment. All standing water, grit, and debris are to be evacuated. All large debris (e.g., construction materials, plastic bottles, sediment, branches, leaves, and those too large to vacuum) are to be bagged and disposed of or recycled at an approved disposal facility.
3. If at the beginning of the maintenance service, the WQCB grit, storage, or weir chambers are dry (i.e., no standing water) upon inspection and the joints and corners require resealing, then conduct resealing with caulk, hydraulic cement, or similar approved material that will create a water-tight seal within these chambers.
4. In order to remove accumulated sediment, clear water may be decanted to the clear well of the WQCB using a submersible pump after all oil and grease has been removed from the surface of the grit chamber.
5. After evacuation of the bulk of the trash and debris from the WQCB, the vacuum truck should then be positioned at the storage chamber or clear well outlet chamber of the WQCB. Then, the other chambers should be power washed, and the remaining debris and sediment and wash water should be recovered by vacuuming.
6. All wash water should then be recovered by the vacuum truck at the clear well

FY14/FY15 MS4 MOU between DDOE and DC Water

chamber. Then the WQCB should be inspected at this time for cracks or physical damage that may require repair.

7. If cracks or physical damage are apparent, then the joints and corners require resealing with caulk, hydraulic cement, or similar approved material that will create a water-tight seal within these chambers.
8. After power washing and vacuuming the wash water, the WQCB should be recharged with clean water to the elevation of the overflow weirs in the grit, storage, and weir chambers.
9. A standard DC Water or other service sticker should then be placed on the WQCB indicating the date of service.
10. When you leave, record the percentage of the basin that was filled with debris (round up): 100%; 75%; 50%; 25%; or 0 %.

AFTER SERVICE

1. Wastewater and waste materials should be properly disposed of and records made of the disposal.
2. Disposal records for waste material are to be submitted within thirty (30) days of service to DDOE's IEB.

Revised: 9-3-14 wkc

FY14/FY15 MS4 MOU between DDOE and DC Water

ATTACHMENT C

DC Water's Outfall Repair and Stream Restoration Estimated Schedule and Costs

| Outfall # | Location | Stream Restoration Estimated Costs and Schedule | | | |
|---------------------------|----------------|---|-----------------------------------|-----------------|--|
| | | FY14 Alternative Evaluation | FY15 Alternative Evaluation | FY 15 Design | Stream Repair Construction Cost |
| F-034 | Foundry Branch | \$20,000 | \$0 | \$10,000 | \$100,000 |
| F-117 | Soapstone | \$10,000 | \$0 | \$5,000 | \$50,000 |
| F-140 | Soapstone | \$40,000 | \$0 | \$20,000 | \$200,000 |
| F-853 | Foundry Branch | \$20,000 | \$0 | \$10,000 | \$100,000 |
| F-855 | Glover Park | \$20,000 | \$0 | \$10,000 | \$100,000 |
| F-079 | Fenwick | N/A | \$60,000 | \$0 | \$300,000 |
| F-080 | Fenwick | N/A | \$10,000 | \$0 | \$50,000 |
| F-353 | Portal | N/A | \$10,000 | \$0 | \$50,000 |
| F-405 | Suitland | N/A | \$20,000 | \$0 | \$100,000 |
| F-865 | Fenwick | N/A | \$10,000 | \$0 | \$50,000 |
| F-102 | Fenwick | N/A | N/A | N/A | \$0 |
| F-109 | Fenwick | N/A | N/A | N/A | \$0 |
| TOTALS | | \$110,000 | \$110,000 | \$55,000 | \$1,100,000 |
| FY14 STREAM TOTALS | | \$110,000 | | | |
| FY15 STREAM TOTALS | | | \$165,000 | | |

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of the Environment



Office of the Director

September 22, 2014

Mr. Matthew Brown
Acting Director
The District Department of Transportation
55 M St SE, Suite 400
Washington, DC 20003

Subject: Amendment to FY12 MS4 Enterprise Fund MOU with DDOE

Dear [✓]Mr. Brown:

Attached you will find a copy of an amendment extending your FY12 MS4 Enterprise Fund MOU with the District Department of the Environment. This MOU will fund the installation of low impact development projects throughout the District which are vital to restoring the District's water bodies.

Please sign the attached amendment and return to DDOE at your convenience. If you have any questions concerning the MOU please contact Mr. Jeffrey Seltzer, Associate Director of DDOE's Stormwater Management Division, at (202)535-1603. Once again DDOE appreciates the constructive collaboration with DDOT on important environmental initiatives. We look forward to continuing that relationship in the future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Keith A. Anderson".

Keith A. Anderson
Director



INTRODUCTION

GOVERNMENT OF THE DISTRICT OF COLUMBIA



**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF GENERAL SERVICES (DGS) AND
THE DISTRICT DEPARTMENT OF THE ENVIRONMENT (DDOE)**

I. INTRODUCTION

This Memorandum of Understanding (“MOU”) is entered into between the District of Columbia Department of General Services, the seller agency (“DGS”) and the District of Columbia District Department of the Environment, the buyer agency (“DDOE”), collectively referred to herein as the “PARTIES.” This introduction section appears for the parties’ convenience, and statements in it shall not be read to modify the express provisions below.

DGS has requested the assistance of DDOE in funding two Low Impact Development projects on DGS property. These projects are a stormwater harvest and reuse system and a large-scale bioretention and tree-planting project.

As a condition of DDOE funding, the ability of both of these projects to generate Stormwater Retention Credits (SRCs) will be limited as specified in Attachment A.

To implement this MOU, DDOE and DGS will coordinate financial transfers, project management, tracking progress, media exposure and resources.

II. PROGRAM GOALS AND OBJECTIVES

This section appears for the convenience of the parties. Other than using the terms in this section to resolve ambiguities, statements in it shall not be read to modify the express provisions below.

DGS will be responsible for installing a stormwater harvest and reuse system at Brookland Middle School. The system will capture stormwater from the middle school’s roof, and filter and reuse the water for grey water flushing on-site.

DGS will also be responsible for installing bioretention cells and tree box planters along O St NW. These bioretention cells must capture and retain runoff from at least a 1.2 inch storm which falls on the project's drainage area. All plantings will be native species.

DDOE will purchase DGS's services described in the Scope of Services/Responsibilities of the Parties section.

III. SCOPE OF SERVICES/RESPONSIBILITIES OF THE PARTIES

A. DGS SHALL:

1. Install a stormwater harvest and reuse system at Brookland Middle School. The system will be designed to capture and filter at least 23,000 gallons of stormwater runoff from a 17,449 square foot roof for use in grey water flushing.
2. Install no fewer than 32 bioretention cells and three tree boxes along O St NW, adjacent to the Paul Laurence Dunbar High School. The bioretention cells shall be designed and constructed to retain 1.2 inches of runoff from a 1.2 acre drainage area.
3. Manage construction and maintenance as stated in the DDOE approved stormwater management plan (DDOE Plan number 3688) for the Brookland Middle School rainwater harvest and reuse system.
4. Manage construction and maintenance as stated in the DDOE approved stormwater management plan (DDOE Plan number 3257) for the O St NW bioretention and street tree planting project.
5. Notify DDOE at least one month in advance if maintenance of either project is ever transferred to another entity.
6. Obtain all required permits.
7. Schedule a pre-construction meeting for both projects with the DDOE Watershed Protection Division Inspection and Enforcement Branch.
8. On a frequency that DDOE shall state in writing, monitor construction and installation milestones, and provide updates to DDOE.
9. Seek DDOE advance approval of modifications that might affect the estimated quantity of pollutants removed or the cost-benefit of the project or activity; and

when in doubt, ask DDOE. For example, if any bioretention cell being constructed as part of the O St NW project needs to be reduced in size or eliminated because of an unforeseen utility conflict, DDOE must be consulted before a design change is made.

10. Submit to DDOE the final as-built architectural and engineering plans for both projects, in hard copy or electronic form, as DDOE specifies.
11. Be bound by the terms of Attachment A, addressing SRC certification.
12. Be bound by the terms of Attachment B, which details funding provisions required for funding coming from a Chesapeake Bay Trust grant.

B. DDOE SHALL

1. Timely seek clarification of design, specification and construction decisions for both projects.
2. Review and approve/deny modifications that might affect the estimated quantity of pollutants removed or the cost-benefit of the project or activity.
3. Respond within five (5) business days to DGS for a request to modify designs or proposed change orders.
4. Advise DGS as to which document submissions can be made exclusively electronically, if any.
5. Timely transfer the funds, as provided below.
6. Track the limited ability of these projects to generate SRCs, in conformance with Attachment A.

IV. DURATION OF MOU

The period of this MOU shall be from the date of signing until the end of fiscal year 2015, unless terminated in writing by either Party prior to the expiration.

V. AUTHORITY FOR MOU

D.C. Official Code § 1-301.01(k).

VI. FUNDING PROVISIONS

A. COST OF SERVICES

1. Total cost under this MOU shall not exceed one million nine hundred eight thousand four hundred and ninety two dollars and zero cents \$1,735,754.00.
2. The cost for each project shall not exceed what is detailed in the following table:

| Project | Total Cost | Total to be funded from MS4 Enterprise Capital | Total to be funded from Chesapeake Bay Trust grant funds |
|---|-----------------|--|--|
| Brookland Middle School stormwater harvest and reuse system | \$ 598,300.00 | \$ 598,300.00 | \$ 0.00 |
| O St NW Bioretention and Tree Planting Project | \$1,137,454.00 | \$ 1,042,454.00 | \$ 95,000.00 |
| Total | \$ 1,735,754.00 | \$ 1,640,754.00 | \$95,000.00 |

3. DDOE shall pay no more than the actual cost(s) of materials, supplies, or equipment furnished, and work, and services performed, by vendors and contractors, as determined by DGS through its contracting process.

B. PAYMENT

1. DDOE shall pay for goods and services detailed in this MOU through an Intra-District Advance to DGS for the amount stated in subpart A of this section.
2. If DDOE receives In Lieu Fee payments under its stormwater management regulations, DDOE intends to use some or all of these payments to reimburse the MS4 Enterprise Fund for construction of the Brookland Middle School stormwater harvest and reuse system

3. DDOE shall make the transfer after:
 - a. The Parties sign the MOU; and
 - b. Within 10 business days after the District Office of the Chief Financial Officer (“OCFO”) approves the transfer.
4. DGS shall provide financial reports every three (3) months for each District financial quarter following commencement of this MOU, no later than 14 days after the end of each quarter. The reports shall detail the amounts charged to the project’s budget for the preceding quarter, with each reconciliation, to include:
 - a. Description of the activities performed; and
 - b. Identification of materials and their costs.
5. DGS shall provide a financial report of the expenditures associated with project expenses by the completion date of the project. A report for expenditures made with Chesapeake Bay Trust funds should be provided to DDOE in accordance with the provisions outlined in Attachment B.
6. Payment shall not exceed the total amount of this MOU.
7. If funds remain upon the termination of this MOU, those funds shall be returned to DDOE.
8. DGS must return funds at termination of the MOU by the later of:
 - a. The date when all fiscal reconciliation of funds has been completed; or
 - b. At the conclusion of four (4) months from the date of notice of the termination.

C. ANTI-DEFICIENCY CONSIDERATIONS

The Parties acknowledge and agree that their respective obligations to fulfill financial obligations of any kind pursuant to any and all provisions of this MOU, or any subsequent agreement entered into by the parties pursuant to this MOU, are and shall remain subject to the provisions of : (1) the federal Anti-Deficiency Act, 31 U.S.C. §§1341, 1342, 1349, 1351; (2) the District of Columbia Anti-Deficiency Act, D.C. Official Code §§ 47-355.01-355.08 (2014); (3) D.C. Official Code § 47-105 (2014); and (4) D.C. Official Code § 1-204.46 (2014), as the foregoing statutes may be amended from time to time, regardless of whether a particular obligation has been expressly so conditioned.

VII. COMPLIANCE AND MONITORING

As this MOU is funded by District of Columbia funds, DGS will be subject to scheduled and unscheduled monitoring reviews to ensure compliance with all applicable requirements.

VIII. RECORDS AND REPORTS

DGS shall maintain records and receipts for the expenditure of all funds provided for a period of no less than three (3) years from the date of expiration or termination of the MOU and, upon request, make these documents available for inspection by duly authorized representatives of DDOE, and other officials as DDOE may specify.

IX. CONFIDENTIAL INFORMATION

The Parties to this MOU will use, restrict, safeguard, and dispose of all information related to services provided pursuant to this MOU in accordance with all relevant federal and local statutes, regulations, and policies. DGS shall “own” the information, but DDOE shall have a non-exclusive right to use the information.

X. TERMINATION

Either Party may terminate this MOU in whole or in part by giving thirty (30) calendar days advance written notice to the other Party. Written notice includes email with confirmation that the message was received and read.

XI. NOTICE

The following individuals are the contact points for each party:

DDOE: District Department of the Environment
Jeffrey Seltzer, P.E.
Associate Director, Stormwater Management Division
1200 First Street NE, 5th Floor
Washington, DC 20002
Email: Jeffrey.seltzer@dc.gov
Desk: 202-535-1603

SELLER: District Department of General Services
Mark Chambers
Sustainability Manager
District Department of General Services
2000 14th Street NW, 8th Floor,
Washington, DC 20009

Email: mark.chambers@dc.gov
Desk: 202-236-5084

XII. MODIFICATIONS

The terms and conditions of this MOU may be modified only upon prior written agreement by the PARTIES.

XIII. PROCUREMENT PRACTICES ACT

If a District of Columbia agency or instrumentality plans to utilize the goods or services of an agent or third party (e.g., contractor, consultant) to provide any of the goods or services specified under this MOU, then the agency or instrumentality shall abide by the provisions of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Official Code § 2-351.01 *et seq.*) to procure the goods or services of the agent or third party.

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XIV. COMPLIANCE WITH THE LAW

The Parties shall comply with all applicable laws, rules and regulations whether now in force or hereafter enacted or promulgated.

XV. DISPUTE RESOLUTION

The PARTIES' directors, or their designees, shall resolve disputes under this MOU.

In the event that the Parties are unable to resolve a dispute, either party may refer the matter to the Office of the City Administrator ("OCA"). The decision of OCA shall be final.

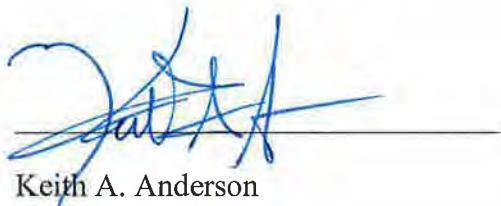
IN WITNESS WHEREOF, the PARTIES AGREE to this MOU by their authorized signatories:



Brian J. Hanlon

Director, District Department of General Services

Date: 5/12/14

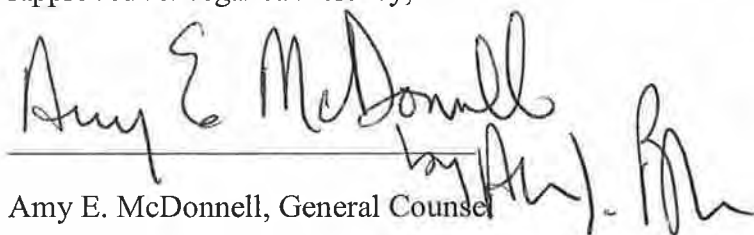


Keith A. Anderson

Director, District Department of the Environment

Date: 05/08/14

Approved for legal sufficiency,



Amy E. McDonnell, General Counsel

Date: 5/8/14

Attachment A - Limitation on SRC Generation by DDOE-Funded Stormwater Retention BMPs

Background

DDOE offers numerous programs that fund, either wholly or in part, the creation of stormwater retention capacity, either through installation of Best Management Practices (BMPs) (e.g. green roofs, bioretention, permeable pavement, and stormwater harvest-reuse systems) or conversion of land cover (e.g. converting impervious surface to compacted or natural cover).

These DDOE stormwater funds are limited to those projects installing retention capacity voluntarily and not for sites regulated under the 2013 Rule on Stormwater Management and Soil Erosion and Sediment Control (2013 SW Rule, available at ddoe.dc.gov/swregs), unless those regulated sites are exceeding their regulatory obligations. This ensures that DDOE's stormwater funds provide benefits to District waterbodies in excess of what regulated sites are required to achieve.

Similarly, for projects that DDOE supports with stormwater funds after the finalization of the 2013 SW Rule, DDOE has committed to limiting the generation of Stormwater Retention Credits (SRCs), since those SRCs can be sold to a regulated site to achieve its regulatory obligations. If DDOE-funded retention capacity does not generate SRCs, then that retention capacity provides a benefit for District waterbodies that is in excess of the benefit being achieved by regulated sites. Limiting SRCs for DDOE-funded projects also helps reduce the competitive disadvantage for SRC-generating projects that are not subsidized by DDOE.

By limiting SRC generation by a DDOE-funded BMP for a period of time, DDOE can recoup the stormwater retention value of its funding, without permanently removing the incentive for maintenance. For example, assume that DDOE provides \$1,000 to support the installation of a BMP with 100 gallons of SRC-eligible retention capacity and that the SRC market price is \$1.00. If SRC generation were not restricted, the BMP could generate 100 SRCs annually, worth \$100, and it could generate 1,000 SRCs over 10 years, worth \$1,000. If DDOE prohibited the BMP from generating SRCs for that 10-year period, then DDOE would have recouped the stormwater retention value of its \$1,000 investment.

A permanent prohibition on the generation of SRCs by DDOE-funded retention capacity that would otherwise be SRC eligible would have the unintended consequence of removing the incentive for maintenance that comes from the recurring opportunity to certify SRCs every three years. This would be undesirable, since maintenance is critical for retention capacity to perform as designed and to continue providing benefits to District waterbodies. Consequently, DDOE has decided to limit SRC generation to 50% of the SRC-eligible retention capacity for DDOE-funded retention capacity until DDOE has recouped the stormwater retention value of its investment.

Limitation

SRC-eligible retention capacity funded with DDOE stormwater funds is limited to earning SRCs for fifty percent (50%) of the SRC-eligible retention capacity until DDOE recoups the full

stormwater retention value of its funding, based on the annual average SRC market price. For example, 1,000 gallons of DDOE-funded SRC-eligible retention capacity applying for three years' worth of SRCs (the maximum period for which SRCs can be certified) would be able to receive 1,500 SRCs. For each year of that period, DDOE would recoup a stormwater retention value equal to 500 times the annual average SRC market price, expressed as: $50\% * 1,000 * \text{annual average SRC market price}$.

Notes:

- This limitation only applies to projects that DDOE funds with stormwater funding after July 19, 2013. Projects that DDOE funded prior to July 19, 2013 will not be subject to this limitation.
- DDOE stormwater funds include stormwater impervious fee revenue, bag bill fee revenue, and federal funding for stormwater management.
- DDOE will calculate the annual average SRC market price and apply it each year as described above to determine the stormwater retention value that has been recouped by DDOE.
- After DDOE has recouped the stormwater retention value of its funding for a project, this limitation no longer applies to the project.
- If DDOE recoups the stormwater retention value of its funding for a project partway through a year, DDOE may pro-rate SRCs for the project, assuming the project applies for SRCs and remains eligible.
- This limitation will be included as part of the terms under which DDOE provides stormwater funding, and will transfer to subsequent owners of the property.
- This limitation is intended for BMPs that would otherwise satisfy SRC eligibility requirements, including having a Stormwater Management Plan (SWMP) approved by DDOE. If a DDOE-funded BMP that is initially not SRC eligible subsequently becomes SRC eligible, this limitation would be applied at that point. For example, if a RiverSmart Homes project without a SWMP subsequently has a formal SWMP approved and meets the other eligibility requirements, DDOE would calculate the stormwater retention value of the project back to the date of installation.

--End--

Attachment B – Funding Restrictions Associated with Chesapeake Bay Trust Grant

DGS shall adhere to the following provisions in spending the Chesapeake Bay Trust funds for the O St NW bioretention project:

1. DGS shall only spend the funds in accordance with the final budget approved by the Chesapeake Bay Trust.
2. DGS shall account separately for funds provided by the Chesapeake Bay Trust.
3. For all public communications and promotions associated with the projects, including but not limited to press releases, print publications, signage, and online messaging, DGS shall acknowledge the Chesapeake Bay Trust and include the Trust's logo license plate. Logo files should be downloaded from www.cbtrust.org/logos.
4. DGS must inform DDOE and the Chesapeake Bay Trust of any significant changes to project scope in advance of the change. When in doubt, DGS should consider a change to be a significant change. Significant changes include but are not limited to:
 - a. Change in key personnel, including the project manager at your agency or for the contractor;
 - b. Change in budget that results in a greater than 10% shift in funds across budget categories;
 - c. Change in budget that results in addition of a new line item; and
 - d. Change in a project deliverable.

-- End --

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DISTRICT DEPARTMENT OF THE ENVIRONMENT
AND
THE DEPARTMENT OF PUBLIC WORKS
REGARDING MS4 STORMWATER PERMIT FISCAL ADMINISTRATION
AMENDMENT # 1**

The MOU between DPW and DDOE, dated July 24, 2013, is amended to specify the amount of funds to be transferred to DPW from the FY 2014 MS4 enterprise fund, and to identify the activities to be conducted for FY 2014 by DPW to comply with the MS4 Permit and the duration of the MOU.

SECTION III.B.2: Delete Section B.2 on page 4 and replace it with the following text:

- a. For FY 14 DDOE has received the following DPW budget for MS4 funds necessary for complying with DPW's obligations under the MS4 Permit.
- b. For FY 14 DDOE approves the total cost for DPW services under the MOU to not exceed the amount stated in the table below, based on the actual cost spent by DPW.
- c. DDOE will approve reimbursement only for the activities listed below. The total amount shall be used to conduct the following activities in the priority indicated:

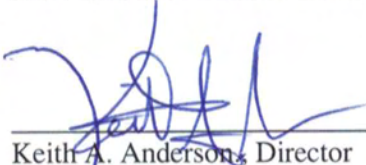
| Activity | Amount | Priority |
|---|------------|----------|
| Hazardous waste collection from permanent DPW drop-off facility (Fort Totten) | \$ 325,000 | 1 |
| Public Education (leaf collection brochures and new sweeper route advertising). | \$ 30,000 | 2 |
| Operation and maintenance of MS4 regenerative air sweepers | \$ 200,000 | 3 |
| Total Amount | \$ 555,000 | |

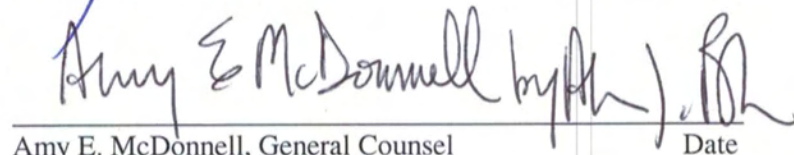
SECTION IV: Delete the Section and replace it with the following text:

This MOU shall be effective until September 30, 2014.

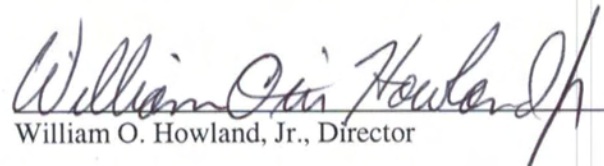
All other provisions of the MOU shall remain the same.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

 07/17/14
Keith A. Anderson, Director Date

 7-15-14
Amy E. McDonnell, General Counsel Date
For legal sufficiency

DISTRICT DEPARTMENT OF PUBLIC WORKS

 7-30-2014
William O. Howland, Jr., Director Date

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DISTRICT DEPARTMENT OF THE ENVIRONMENT (DDOE)
AND
THE DEPARTMENT OF PUBLIC WORKS (DPW)
REGARDING MS4 STORMWATER PERMIT FISCAL ADMINISTRATION
(NOT FOR ENHANCED STREET SWEEPING)**

I. INTRODUCTION

This Memorandum of Understanding ("MOU") is entered into between the District of Columbia Department of the Environment, the buyer agency ("DDOE") and the Department of Public Works, the seller agency ("DPW"), collectively referred to herein as the "Parties." The purpose of this MOU is to administer finances and reimbursements from the Storm Water Permit Compliance Enterprise Fund ("Storm Water Fund") for activities conducted to reduce pollutants to the District of Columbia, under the municipal separate storm sewer system (MS4) National Pollution Discharge Elimination System (NPDES) Permit (MS4 Permit).

DDOE has requested the services of DPW to conduct activities to reduce pollutants to the District of Columbia, under the MS4 Permit.

This MOU specifies the amount of funds to be transferred to DPW from the FY 2013 Storm Water Fund, and identifies the activities to be conducted by DPW to comply with the MS4 Permit and states the duration of the MOU. This MOU does NOT address implementation of an enhanced street sweeping program; that is the subject of a separate MOU.

II. PROGRAM GOALS AND OBJECTIVES

WHEREAS, storm water discharges from the MS4 are authorized by the NPDES Permit issued to the District of Columbia as Permittee, No. DC0000221 (Nov. 9, 2012)(Final Signed Limited Modification, available at <http://www.epa.gov/reg3wapd/npdes/dcpermits.htm>);

WHEREAS, on November 9, 2012, the Environmental Protection Agency ("EPA") re-issued the District's MS4 Permit Number DC0000221, to authorize storm water discharges, to the District of Columbia as Permittee;

WHEREAS, the NPDES permit commits the District to undertake measures to improve the quality of stormwater discharges authorized;

WHEREAS, each of the Parties have been assigned activities in the MS4 Permit Implementation Plan;

WHEREAS, the MS4 Task Force has been established with representatives from DDOE, DPW,

MOU MS4 STORMWATER PERMIT FY 2013 – DDOE and DPW

the District Department of Transportation (“DDOT”), the District of Columbia Water and Sewer Authority (“DC Water”, formerly “WASA”), Department of General Services (“DGS”), Department of Parks and Recreation (“DPR”), and the Office of Planning (“OP”), to manage activities required in the MS4 Permit, pursuant to the Comprehensive Stormwater Management Enhancement Amendment Act of 2008, D.C. Official Code § 8-152.01 *et seq.*;

WHEREAS, the Director of DDOE, or his designee, was made the Storm Water Administrator, with primary responsibility for heading the Storm Water Administration, pursuant to the District Department of the Environment Establishment Act of 2005, D.C. Official Code § 8-151.03(b)(2);

WHEREAS, the storm water management activities in the Implementation Plan are supported by fees collected by DC Water and deposited in the Storm Water Fund, and the Storm Water Administrator is authorized to certify the sufficiency of the Storm Water Fund to meet MS4 Permit budget requests;

WHEREAS, the Parties acknowledge that it may be necessary for some or all parties in the MS4 Task Force to take action to amend, program, reprogram or supplement their respective budgets in order to lawfully undertake activities required by the MS4 permit, and wish to set forth how these actions will be taken; and

WHEREAS, in the event that not all the projects can be funded, priority will be given to the projects that provide the most benefit in reducing storm water pollution and can be implemented most expeditiously, as determined by DDOE and DPW;

NOW THEREFORE, in consideration of the promises mutually exchanged, the receipt and sufficiency of which are acknowledged by each of the Parties, both agree to administer Storm Water Fund monies as follows:

III. SCOPE OF SERVICES

Pursuant to the applicable authorities and in the furtherance of the shared goals of the Parties to carry out the purposes of this MOU expeditiously and economically, the Parties do hereby agree:

A. RESPONSIBILITIES OF DPW

1. DPW shall submit a proposed budget to DDOE for the immediate fiscal year by October 1, the first day of the fiscal year in question.
2. For each activity included in DPW's budget request the agency will detail:
 - a. A description of the activity to be funded;

MOU MS4 STORMWATER PERMIT FY 2013 – DDOE and DPW

- b. MS4 Implementation Plan reference for the activity;
 - c. MS4 Permit section reference for the activity;
 - d. Explanation that this activity is above and beyond storm water activities carried out by the agency prior to April 19, 2000;
 - e. Cost-benefit discussion, including:
 - i. which pollutants are targeted for reduction by this project/activity, estimated reduction per year to be achieved;
 - ii. estimated cost/pound of pollutant removed over the life of the project/activity; and
 - iii. A statement whether DPW's proposed budget contains sufficient funds to successfully carry out the indicated activities.
3. For FY 2013, DPW has submitted its budget, below, for MS4 funds necessary to comply with DPW's obligations under the MS4 Permit for FY 2013.
4. DPW shall carry out the budgeted and funded activities.

B. RESPONSIBILITIES OF DDOE

1. DDOE will use DPW's budget submittal to program budget authority from the Storm Water Fund.
 - a. DDOE may request additional information from DPW to justify the project/activity.
 - b. DDOE shall review and approve all programmatic changes or codifications that might affect the estimated quantity of pollutants removed or the cost-benefit analysis of the project or activity.
 - c. In the event of a budget shortfall, DDOE shall allocate remaining funds giving priority to the projects that the agency determines would provide the most benefit in reducing storm water pollution.
 - d. In the event that DDOE determines that the fiscal year's revenues from the Storm Water Fund will be less than the anticipated costs of the Storm Water Administration, DDOE may request that DPW and other District agencies make up the difference.

MOU MS4 STORMWATER PERMIT FY 2013 – DDOE and DPW

- e. DDOE shall authorize the transfer of funds from DDOE to DPW for the expenditures conducted by DPW for the activities listed in this Part, subject to total approved budget limits, as well as cash or revenues available in the Storm Water Fund.
 - f. DDOE may request supporting documentation to evaluate the status of the activities or to detail how the activities will address the overall MS4 Permit Implementation Plan.
 - g. DDOE may pre-approve projects, and their expenditures, in advance of approving a detailed budget.
2. For FY 2013, DDOE has approved the following funding to DPW, as follows:
- a. DDOE has received the following DPW budget for MS4 funds necessary for complying with DPW's obligations under the MS4 Permit for FY 2013.
 - b. DDOE approves the total cost for DPW services under this MOU to not exceed the amount stated in the table below, based on the actual cost spent by DPW.
 - c. DDOE will approve reimbursement only for the activities listed below. The total amount shall be used to conduct the following activities in the priority indicated:

| Activity | Amount | Priority |
|---|---------|----------|
| Hazardous waste collection from permanent DPW drop-off facility (Fort Totten) | 260,000 | 1 |
| Public Education (leaf collection brochures) | 30,000 | 2 |
| Operation and maintenance of MS4 regenerative air sweepers | 200,000 | 3 |
| Total Amount | 490,000 | |

IV. DURATION OF MOU

The period of this MOU shall be from October 1, 2012, through September 30, 2013, unless terminated in writing by the Parties prior to the expiration.

V. AUTHORITY FOR MOU

The Parties are authorized to enter into this MOU pursuant to D.C. Official Code §1-301.01(k).

MOU MS4 STORMWATER PERMIT FY 2013 – DDOE and DPW

VI. FUNDING PROVISIONS

A. COST OF SERVICES

1. Total cost for services under this MOU shall not exceed the amount stated in Part III.B.
2. The estimated cost of this MOU is based on the proposed Scope of Services, as outlined above.
3. In the event of termination of the MOU, DPW shall return all unspent funds, with a reconciliation, to DDOE no later than November 30 of the following fiscal year.

B. PAYMENT

1. Payment shall be made through an Intra-District advance by DDOE to DPW based on the total amount of this MOU.
2. DPW shall submit reconciliations by November 30 of the following fiscal year which shall explain the amounts charged for the period. The invoices shall include copies of: (1) list of materials and their costs; (2) Labor costs, including hourly rates for each class of workers; and (3) contractor overheads.
3. Advances to DPW for the services to be performed/goods to be provided shall not exceed the amount of this MOU.
4. DPW will receive the advance through the Intra-District process only for actual costs incurred for those goods or services actually provided pursuant to the terms of this MOU. Any unobligated funds, at the end of the fiscal year, will be returned to DDOE's Storm Water Fund.

VII. DISPUTES

The Parties' Directors or their designees shall resolve all adjustments and disputes arising from services performed under this MOU. In the event that the Parties are unable to resolve a financial issue, the matter shall be referred to the D.C. Office of the Chief Financial Officer.

VIII. ANTI-DEFICIENCY CONSIDERATIONS

MOU MS4 STORMWATER PERMIT FY 2013 – DDOE and DPW

The Parties acknowledge and agree that their respective obligations to fulfill financial obligations of any kind pursuant to any and all provisions of this MOU, or any subsequent agreement entered into by the parties pursuant to this MOU, are and shall remain subject to the provisions of (i) the federal Anti-Deficiency Act, 31 U.S.C. §§1341, 1342, 1349, 1351, (ii) the District of Columbia Anti-Deficiency Act, D.C. Official Code §§ 47-355.01-355.08 (2001), (iii) D.C. Official Code § 47-105 (2001), and (iv) D.C. Official Code § 1-204.46 (2006 Supp.), as the foregoing statutes may be amended from time to time, regardless of whether a particular obligation has been expressly so conditioned.

IX. COMPLIANCE AND MONITORING

As this MOU is funded by District of Columbia funds, DPW will be subject to scheduled and unscheduled monitoring reviews to ensure compliance with all applicable requirements.

X. RECORDS AND REPORTS

DPW shall maintain records and receipts for the expenditure of all funds provided for a period of no less than three years from the date of expiration or termination of the MOU and, upon the District of Columbia's request, make these documents available for inspection by duly authorized representatives of DDOE and other officials as may be specified by the District of Columbia at its sole discretion.

XI. CONFIDENTIAL INFORMATION

The Parties to this MOU will use, restrict, safeguard and dispose of all information related to services provided by this MOU, in accordance with all relevant federal and local statutes, regulations, and policies. Information received by either Party in the performance of responsibilities associated with the performance of this MOU shall remain the property of the buyer agency.

XII. TERMINATION

Either Party may terminate this MOU in whole or in part by giving 30 calendar days advance written notice to the other Party.

MOU MS4 STORMWATER PERMIT FY 2013 – DDOE and DPW

XIV. NOTICE

The following individuals are the contact points for each Party under this MOU:

Hallie Clemm
Department of Public Works
2000 14th Street, NW, 6th Floor
Washington, DC 20009
Phone 202- 645-5141
hallie.clemm@dc.gov

Jeffrey Seltzer, P.E.
Stormwater Administrator
District Department of Environment
1200 First Street, NE
Washington, DC 20002
Phone 202-535-1603
jeffrey.seltzer@dc.gov

XV. MODIFICATIONS

The terms and conditions of this MOU may be modified only upon prior written agreement of the Parties.

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MOU MS4 STORMWATER PERMIT FY 2013 – DDOE and DPW

XIII. COMPLIANCE WITH LAWS

The Parties shall comply with all applicable laws, rules and regulations whether now in force or hereafter enacted or promulgated.

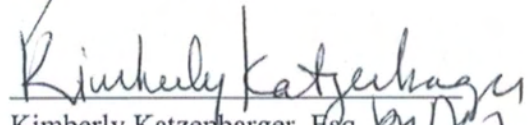
IN WITNESS WHEREOF, the Parties hereto have executed this MOU as follows:

DISTRICT DEPARTMENT OF THE ENVIRONMENT



Keith A. Anderson, Director

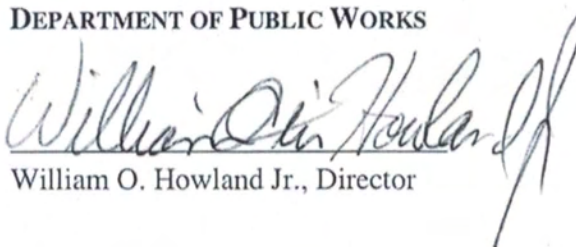
Date: 07/02/13



Kimberly Katzenbarger, Esq.
General Counsel

Date 7-3-13

DEPARTMENT OF PUBLIC WORKS

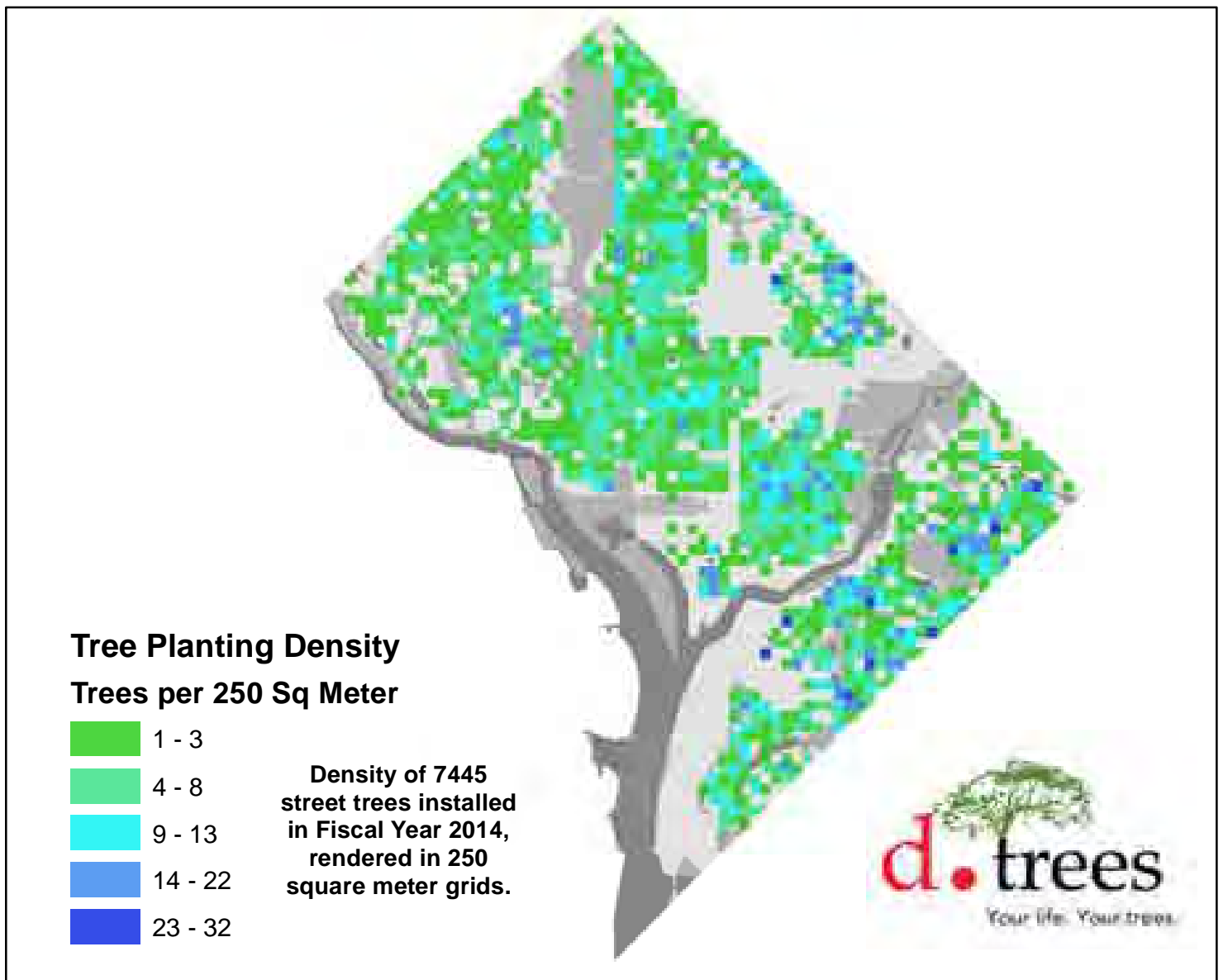
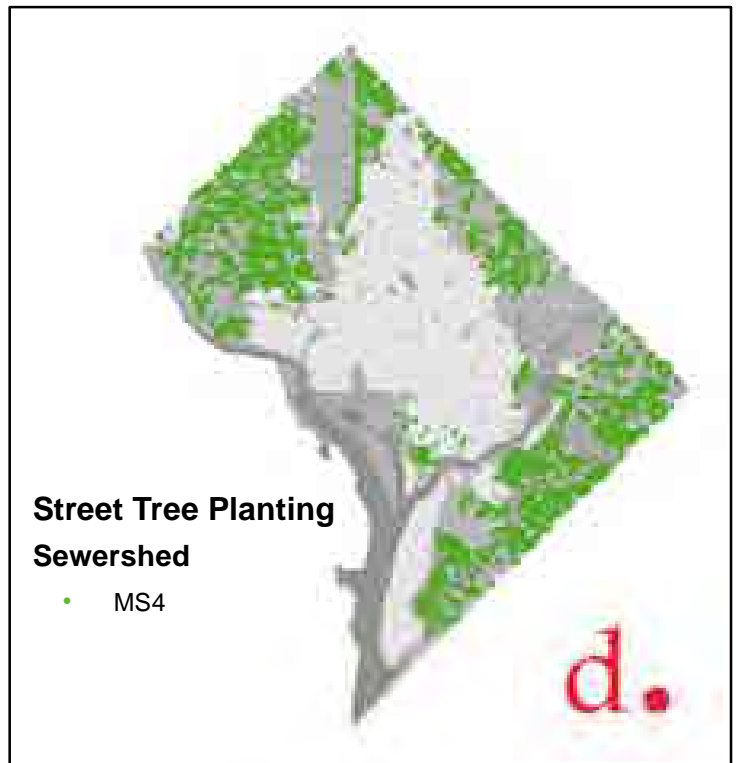
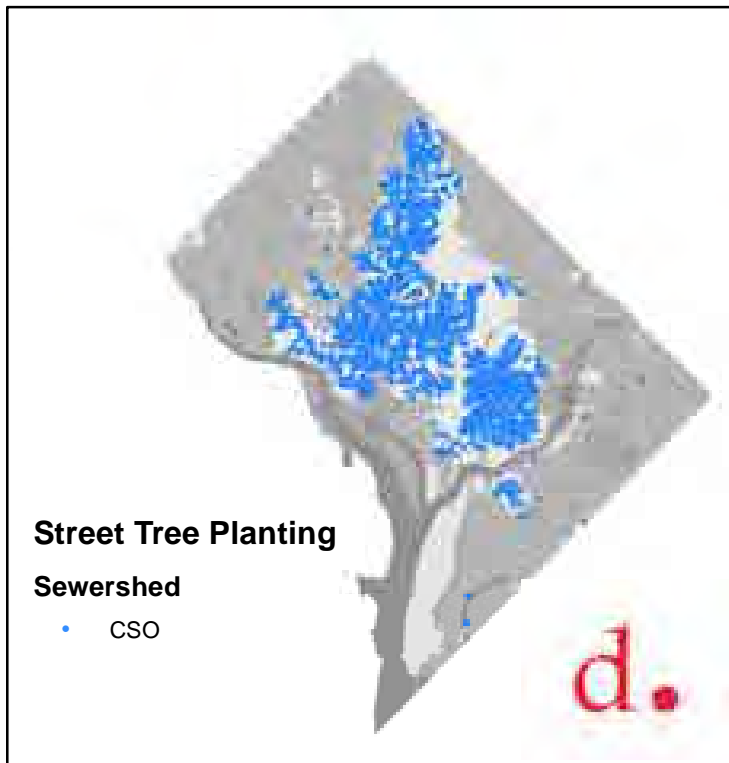


William O. Howland Jr., Director

Date: 7-24-2013

B Map of Tree Planting

Fiscal Year 2014 Citywide Street Tree Planting



C DPW Street Sweeping Data

Daytime and Nighttime Mechanical Sweeping Miles and Tonnage for YTD 2014

| Day of Week | Mon | Tue | Wed | Thu | Fri | Total |
|--|-------|-------|-------|-------|-------|--------|
| Total Daytime Miles Swept | | | | | | |
| Scheduled | 3,658 | 4,136 | 4,542 | 4,762 | - | 17,098 |
| Unscheduled | 122 | 228 | 45 | 50 | 1,788 | 2,233 |
| Total | 3,780 | 4,364 | 4,587 | 4,812 | 1,788 | 19,331 |
| Average Daytime Miles Swept per Route | | | | | | |
| Scheduled | 9.8 | 9.9 | 9.1 | 9.3 | - | 9.5 |
| Unscheduled | 9.4 | 8.1 | 9.0 | 12.5 | 11.4 | 10.8 |
| Total Daytime Sweeping Tons Collected | | | | | | |
| Scheduled | 296 | 329 | 343 | 351 | 8 | 1,326 |
| Unscheduled | 37 | 49 | 23 | 22 | 151 | 283 |
| Total | 333 | 379 | 366 | 372 | 159 | 1,609 |

| Nighttime Sweeping | | |
|---------------------------|-------------|----------------|
| Type | Miles Swept | Tons Collected |
| Downtown | 7,153 | 744 |
| Highway | 4,758 | 22 |
| Total | 11,911 | 766 |

| Month | Daytime Sweeping | | | | Nighttime Sweeping | | |
|--------|-----------------------|-------------------------|--------------------------|----------------------------|----------------------|---------------------|-----------------------------------|
| | Scheduled Miles Swept | Unscheduled Miles Swept | Scheduled Tons Collected | Unscheduled Tons Collected | Downtown Miles Swept | Highway Miles Swept | Downtown & Highway Tons Collected |
| Jan-14 | - | - | - | - | 60 | 125 | 26 |
| Feb-14 | - | - | - | - | - | 260 | - |
| Mar-14 | 799 | 174 | 147 | 31 | 92 | 134 | - |
| Apr-14 | 2,850 | 162 | 360 | 47 | 931 | 385 | 173 |
| May-14 | 2,964 | 274 | 220 | 54 | 686 | 49 | 61 |
| Jun-14 | 2,645 | 223 | 168 | 37 | 552 | 834 | 136 |
| Jul-14 | 2,947 | 450 | 193 | 49 | 1,431 | 810 | 110 |
| Aug-14 | 2,509 | 463 | 150 | 46 | 1,842 | 1,092 | 128 |
| Sep-14 | 2,384 | 487 | 88 | 18 | 1,559 | 1,069 | 103 |
| Total | 17,098 | 2,233 | 1,326 | 283 | 7,153 | 4,758 | 766 |

D District Facilities with a Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP)

| Tracking Number | Date of Coverage | Application Type | Name | Status |
|-----------------|-------------------|------------------|---|--------|
| DCR05A760 | April 09, 2009 | Industrial | District Yacht Club | Active |
| DCR05AA04 | November 25, 2012 | Industrial | Total Civil Construction Engineering | Active |
| DCR05A757 | February 04, 2009 | Industrial | NSA Washington | Active |
| DCR05AA24 | June 09, 2013 | Industrial | Southwest Airlines Co. at DCA | Active |
| DCR05AA20 | April 19, 2013 | Industrial | Virginia Concrete - SWDC Plant | Active |
| DCR05AA18 | February 19, 2013 | Industrial | WMATA - Shepard Parkway Bus Division | Active |
| DCR05AA17 | February 17, 2013 | Industrial | CMK DEV, LLC - 5333 Connecticut Ave | Active |
| DCR05AA15 | January 09, 2013 | Industrial | Monumental Concrete Joint Venture -DC Village | Active |
| DCR05AA06 | October 21, 2012 | Industrial | john driggs co. | Active |
| DCR05AA05 | October 24, 2012 | Industrial | Superior Concrete Materials Inc | Active |
| DCR05A762 | February 22, 2009 | Industrial | Delta Air Lines, Inc. | Active |
| DCR05A763 | February 25, 2009 | Industrial | Signature Flight Support at DCA | Active |
| DCR05A764 | February 26, 2009 | Industrial | United Airlines Inc. at DCA | Active |
| DCR05A765 | February 27, 2009 | Industrial | Midwest Airways at DCA | Active |
| DCR05A766 | February 27, 2009 | Industrial | US Airways @DCA | Active |
| DCR05A768 | February 28, 2009 | Industrial | National Railroad Passenger Corporation | Active |
| DCR05A769 | February 28, 2009 | Industrial | International Limosine Service INC | Active |
| DCR05A772 | March 12, 2009 | Industrial | American Eagle Airlines at DCA | Active |
| DCR05A773 | March 14, 2009 | Industrial | Sibley Memorial Hospital | Active |
| DCR05A785 | May 07, 2009 | Industrial | American Airlines at DCA | Active |
| DCR05A787 | May 13, 2009 | Industrial | MR BP Office #1 LLC - Half St Office | Active |
| DCR05A789 | June 19, 2009 | Industrial | IBM Corporation | Active |
| DCR05A741 | December 25, 2008 | Industrial | USPS Friendship Station | Active |
| DCR05A744 | March 08, 2009 | Industrial | The Washington Marina Company | Active |
| DCR05A816 | November 28, 2009 | Industrial | DOD- Bolling Airforce Base | Active |
| DCR05A856 | October 01, 2010 | Industrial | Half Street SE, LLC | Active |

| Tracking Number | Date of Coverage | Application Type | Name | Status |
|-----------------|--------------------|------------------|---|--------|
| DCR05A857 | September 26, 2010 | Industrial | NPS East Potomac Park Mainenance Facility | Active |
| DCR05A873 | December 02, 2010 | Industrial | JetBlue Airways at DCA | Active |
| DCR05A745 | January 22, 2009 | Industrial | Aircraft Service International Incorporated at DCA | Active |
| DCR05A875 | December 14, 2010 | Industrial | Rock Creek Park, NPS Maintenance Yard | Active |
| DCR05A747 | May 01, 2009 | Industrial | Metropolitan Washington Airports Authority at DC | Active |
| DCR05A748 | January 18, 2009 | Industrial | Federal Express Corporation | Active |
| DCR05A885 | December 02, 2010 | Industrial | WMATA Western Bus Division | Active |
| DCR05A886 | December 02, 2010 | Industrial | WMATA Bladensburg Facility | Active |
| DCR05A910 | March 19, 2011 | Industrial | GSA Potomac River Gen Station | Active |
| DCR05A924 | June 25, 2011 | Industrial | MRP Realty - Washington Harbour | Active |
| DCR05A940 | August 18, 2011 | Industrial | FLEETPRO at DCA | Active |
| DCR05A950 | November 26, 2011 | Industrial | Worldwide Flight Services at DCA | Active |
| DCR05A957 | December 11, 2011 | Industrial | USDA/ARS US National Arboretum | Active |
| DCR05A751 | January 28, 2009 | Industrial | Allied Aviation Fueling Company of National Airport | Active |
| DCR05A989 | April 22, 2012 | Industrial | CSX Transportation Inc. Benning Yard | Active |
| DCR05AA30 | October 27, 2013 | Industrial | CSX Transportation, Inc. Benning Yard | Active |
| DCNOEAA33 | December 17, 2013 | No Exposure | First Transit, Inc. | Active |
| DCNOEAA25 | April 09, 2013 | No Exposure | Bombardier Services Corp | Active |
| DCNOEA971 | November 29, 2011 | No Exposure | Seafarers Yacht Club | Active |
| DCNOEA881 | October 26, 2010 | No Exposure | GSA Central Heating and Refrigeration Plant | Active |
| DCNOEA880 | October 26, 2010 | No Exposure | GSA West Heating Plant | Active |
| DCNOEA874 | October 07, 2010 | No Exposure | Waste Management of Maryland, Inc North East Transfer | Active |

| Tracking Number | Date of Coverage | Application Type | Name | Status |
|-----------------|--------------------|------------------|---|--------|
| DCNOEA812 | September 21, 2009 | No Exposure | Eastern Power Boat Club, Inc. | Active |
| DCNOEA809 | September 02, 2009 | No Exposure | DEPARTMENT OF THE TREASURY | Active |
| DCNOEAA42 | October 20, 2014 | No Exposure | NRG POTOMAC RIVER LLC | Active |
| DCRNEA054 | March 13, 2004 | No Exposure | DEPARTMENT OF THE TREASURY Bureau of Engraving and Printing | Active |
| DCNOE0002 | May 23, 2005 | No Exposure | BAE System Information | Active |

E Illicit Discharge Detection and Elimination Program Inspection and Enforcement Strategy

**Government of the District of Columbia
Washington, D.C.**

**Municipal Separate Storm Sewer System
NPDES Permit No. DC0000221**

**Illicit Discharge Detection and Elimination Program
A Strategy for Proactive Inspection and Enforcement**



Submitted By

**Stormwater Management Administration
District Department of the Environment**

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1. INTRODUCTION

The District of Columbia (DC) Municipal Separate Storm Sewer System (MS4) Permit requires implementation of controls to reduce pollutant loads from the DC storm sewers. To meet the requirements of the Permit, the District of Columbia upgraded its Storm Water Management Plan (SWMP) in 2002. The DC SWMP includes a management plan to detect and remove illicit discharges. During the implementation of the plan in the last five years, significant accomplishments have been made and some valuable insights have been gained.

This document serves as a general overview of the District of Columbia's illicit discharge prevention activities and presents the strategy for the implementation of a systematic proactive approach to an effective Illicit Discharge Detection and Elimination (IDDE) program. Ongoing efforts and methodologies are reviewed in order to gain an insight into the current practices and developing an effective strategy.

2. PROGRAM OBJECTIVE

The Code of Federal Regulations, 40 CFR &122.26(b)(2) defines an Illicit Discharge as

“any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges from fire fighting activities.”

General objectives of the IDDE Program include:

- Meet the IDDE requirements of the NPDES Permit No. DC0000221, including quick and effective responses to illicit discharges to the District's MS4.
- Promote proper and consistent illicit discharge detection and elimination methodologies.
- Facilitate the proper management and disposal of floatables, household toxics, pet waste and leaf litter.
- Educate residents, businesses, employees and property owners on the importance of preventing, detecting, and eliminating illicit discharges through adherence to the District's IDDE Program.
- Reduce or eliminate careless or illegal discharges to the MS4 system that can result in pollutants reaching local water bodies or areas of natural importance via stormwater.
- Reduce or eliminate pollutant discharges that can affect safety and health, water quality, wildlife, and eventually damage the quality of life in the District.

In summary, the objective of District of Columbia MS4 Illicit Discharge Detection and Elimination Program is to detect and eliminate unauthorized discharges that will

contribute to the degradation of the waters of the District of Columbia and meet the IDDE requirements of the NPDES Permit No. DC0000221.

3. OVERVIEW OF THE DISTRICT OF COLUMBIA IDDE PROGRAM

The DC MS4 permit specifically authorizes discharges, when properly managed, from the following sources: clear water flows, roof drainage, water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated infiltration and pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation waters, springs, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, fire fighting activities and similar activities.

The DC SWMP outlines the implementation of the DC IDDE program. One unique aspect of the program is that it not only addresses illicit discharges, as required by NPDES, but also includes the control of floatables (solids) which are introduced into storm sewers as a result of littering and/or direct dumping. The control of floatables was necessitated by the chronic discharge of trash and debris that has been observed at some outfalls. The IDDE program also addresses improper disposal of household toxics, grass clippings, leaf litter and improper disposal of animal waste. Table 1 shows a number of the District's agencies that are responsible for implementing the elements of the program.

Table 1: Agencies Responsible for Implementing the DC IDDE Program

| Responsible Agency | Compliance Activity |
|---------------------------|---|
| DDOE | Source identification Wet/dry weather monitoring program Wet weather screening program Illicit discharge detection Inspection/enforcement |
| DCWASA | Floatables reduction program Illicit discharge detection |
| DPW | Household hazardous waste collection Seasonal leaf and holiday tree collection program Trash/floatable reduction program |
| All Agencies | Public outreach and education |

Most of the illicit discharge investigations were and continue to be prompted by residents' reports of unusual discharges from storm sewer outfalls. According to the latest surveys, there are a total of over 400 outfalls identified in the system. A number of the outfalls carry stream flows that have been piped in the early development of the city.

While about one third of the outfalls discharge directly into the major water bodies, the Potomac and the Anacostia rivers, the majority of the outfalls discharge to Rock Creek and other second order tributaries. The close proximity of secondary streams to residential and recreational areas has gained the streams, and by extension the outfalls, a large contingency of stewardship. Residents and visitors make calls reporting unusual discharges. The most common types of resident complaints received by DDOE include the presence of an unusual color or cloudiness, strong pungent or musty odor, floating debris, surface scum or foam, oil sheen, algae, dead vegetation or stains on a channel bottom or sides.

3.1 Enforcement Authority to Prevent Illicit Discharges

This program component refers to the legal and administrative authority established to regulate, respond and enforce illicit discharges in the District. Regulatory mechanisms prohibiting illicit discharges have been established by DDOE and other District agencies involved in MS4 regulation. The District already has legislation that prohibits the discharge or disposal of used motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, and animal waste into separate storm sewers. The Water Pollution Control Act of 1984 (D.C. Official Code 8-103.07 (e)) provides that no person shall discharge a pollutant to the waters of the District. The Water Pollution Control Act defines “pollutant” as any substance which may alter or interfere with the restoration or maintenance of the chemical, physical, radiological, and biological integrity of the waters of the District; or any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemicals, chemical wastes, hazardous wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, oil, gasoline and related petroleum products, and industrial, municipal, and agricultural wastes.

DDOE enforcement procedures are now addressed in *The Environmental Enforcement Process in the District of Columbia*. This document details the written enforcement strategy outlining how enforcement actions, such as violation notices, notices of infraction, and cease and desist orders, are issued and adjudicated. The strategies outlined in the manual provide the standard operating procedures for inspection and enforcement efforts within the District.

3.2 Mapping the Sewer System

The first and foremost requirement for an effective IDDE program is to develop maps to identify sewersheds, outfalls, and the conveyance network of the system. Existing maps of the separate storm sewer conveyance system have been digitized and combined with data regarding sewersheds and outfall locations, creating a database of the MS4 infrastructure. Final verification of the District outfalls has also been completed. The database contains information including outfall size, type and condition. There are approximately 800 outfalls in the District, of which 410 are located in the MS4 area. The

remaining outfalls are located outside of the MS4. Figure 1 shows the outfall locations and the sewer infrastructure.

Maps are used to identify potential hot spots and prioritize sewersheds based on the number and types of industrial facilities, the number of past illicit discharges and the water quality condition of the receiving water. The maps are also used to trace the source of an illicit discharge and evaluate and assess our IDDE program.

Industrial facilities are a priority source of pollutants and DDOE has developed a database of high priority facilities, including auto repair shops, car washes, dry cleaners, and laundromats. A database of the facilities with individual NPDES permits is also maintained. Various analyses are conducted by overlaying GIS layers of industrial facilities and illicit discharge incident locations. This allows for the identification of potential links to sources of an illicit discharge. The storm sewer maps are also used to trace possible sources of the dry weather flows to a general area. Combined with the storm sewer map, facility maps provide a more complete representation of conditions in the field, and allow the District to direct program resources more effectively. As the IDDE program progresses, the District plans to enhance its GIS and database capabilities to conduct more complex analyses for implementing the program.

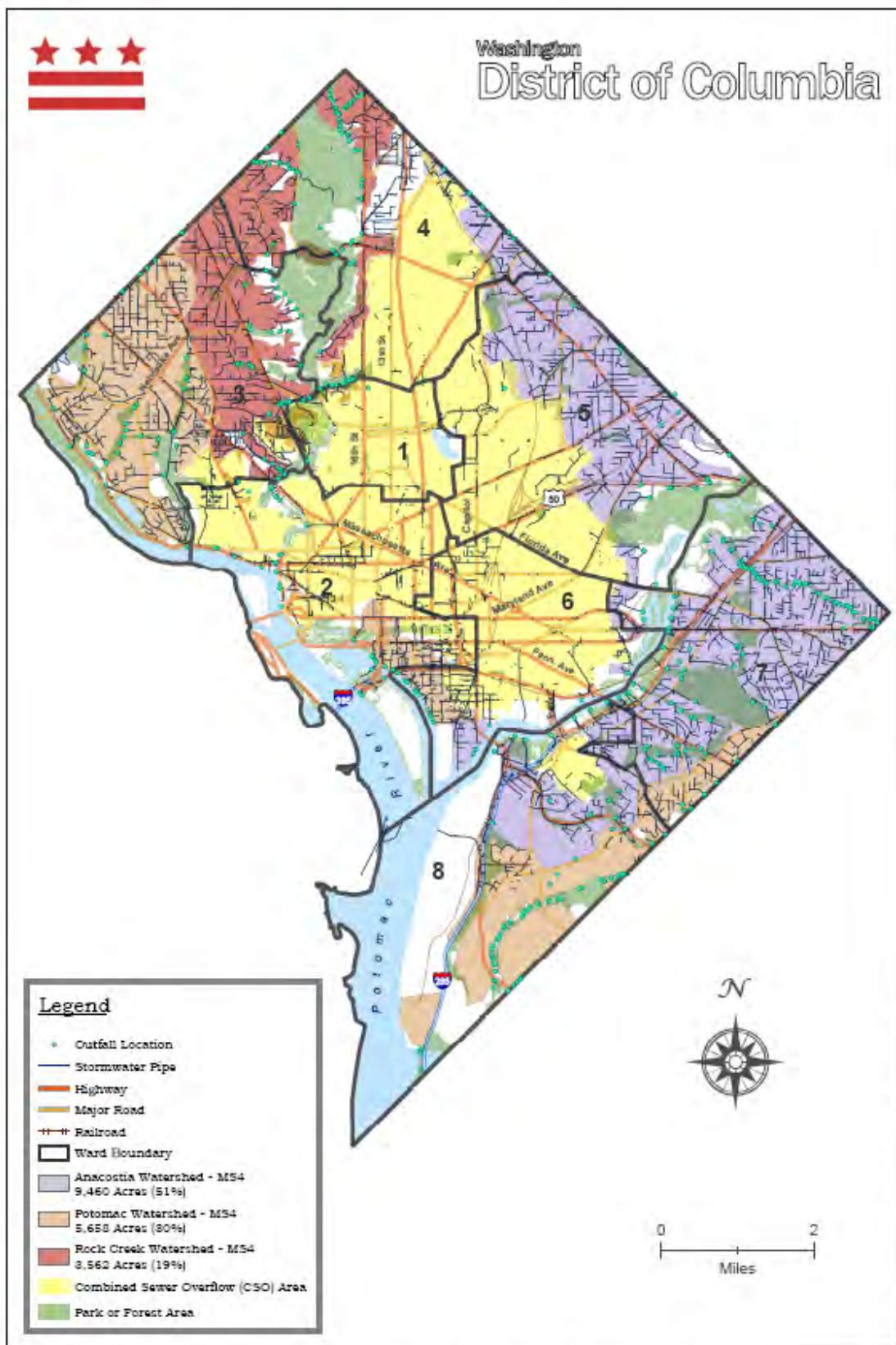


Figure 1. Infrastructure and Outfall Locations

3.3 Field Screening Procedure

Once general geographic priority areas have been determined, dry-weather surveys of outfalls are undertaken to look for non-storm water flows. DDOE makes visual observations of outfalls during dry weather. Because illicit discharges are often intermittent, DDOE inspectors ideally check for discharges multiple times in a given location, particularly in a priority location.

DDOE also conducts wet weather screening which mainly consists of sampling representative outfalls during storm events. Data collected during wet weather samplings are reviewed in order to identify areas that may be contributing excessive levels of pollutants to the MS4 and for possible illicit discharges. The representative outfalls selected for the wet weather monitoring and screening are listed in the NPDES Permit No. 0000221, and include outfalls for the Anacostia, Rock Creek, and Potomac River subwatersheds. The results of the wet weather screening are analyzed to identify which outfalls and sewersheds show signs of contamination. DDOE reviews the collected screening data to discern any spatial or temporal patterns that may assist the program in prioritizing sewersheds for additional regulatory, educational or structural pollution controls. Illicit discharges are also identified through routine facility inspections.

3.4 Procedures to Investigate and Remove Illicit Discharges

Illicit discharges are identified through regular dry and wet weather screening programs, routine facility inspections, and reports of unusual discharges or illegal dumping by the public. Once an incident is identified, a desktop analysis of the facility database and the storm water network system is conducted to obtain a general understanding of the area, then potential sources are identified and the best course of action is determined. A field crew then inspects the site and conducts a detailed investigation to pin point the cause of the discharge. Several techniques, many of which are already employed by the District, may be used to identify the source of illicit discharge. The techniques include dye testing, video inspection, interview of facility owners/operators, review of facility documents, visual inspection of stains, inspections of manholes leading to the storm sewer, tracking illegal dumping, flow monitoring, and water quality testing.

Once the source is identified, the offending discharger is notified and directed to correct the problem. Depending on the nature of the discharge, notification combined with education is enough to resolve the problem before taking legal action. Often, home or business owners are not aware of the existence of illegal connections between their buildings and the storm sewer systems. In these cases, DDOE inspectors provide the responsible party with information about the connection, its environmental consequences, the applicable regulations, and how to remedy the problem. These actions may be enough to secure voluntary compliance.

However, if these measures are not effective, the inspectors issue formal site directives, notices of violation, and notices of infraction. Noncompliance of notices of violation

results in a notice of infraction and fines. DDOE follows these summarized steps for enforcement:

- DDOE inspectors send the property owner a Notice of Violation (NOV), which may require the violator to take steps such as eliminating an illicit connection or discharge.
- If the person receiving the NOV does not comply in a timely manner, DDOE inspectors will then issue them a notice of infraction (NOI) that carries a fine.
- The person receiving the NOI may admit and pay the fine, admit with explanation and request a reduction of the fine, or deny the infraction(s) and adjudicate the NOI. The violator is required to pay the fine levied in the NOI and abate the illicit discharge unless an Administrative Law Judge rules that the person is not responsible for the illicit discharge.
- If the violator fails to correct the violation; DDOE may take appropriate measures necessary to abate the violation. The agency then may require reimbursement from the violator for the cost of the abatement, including administrative costs.
- DDOE also has the ability to seek an injunction against the violator “restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.”

As a final step, all actions taken under the investigation are documented. This illustrates that progress is being made to eliminate illicit connections and discharges. Documented actions are reported in annual reports and include information such as: the number of outfalls screened, complaints received and corrected, the number of illicit discharges eliminated, and the number of dye tests conducted.

3.5 Procedures to Limit Infiltration of Sewage into the Storm Sewer System

Illicit discharges of sewage into the storm sewer system typically occur due to a cross connection between the sanitary sewer system and the storm sewer system. Sewage can also enter the storm sewer system due to a failure of the sanitary/storm system and sanitary overflows. Cross-connections could also occur due to damaged or deteriorating storm/sanitary sewer pipes or due to faulty connections during repair or construction. Dry-weather field screening and outfall monitoring helps identify portions of the system that are experiencing discharges of sanitary sewage. In some cases, facility inspections, including review of facility piping diagrams, and dye testing also reveals sanitary cross-connections. Many of the same investigative and removal techniques used to identify other illicit discharge sources described earlier are also used in evaluation of cross connections. DDOE inspectors work closely with DCWASA to determine such connections and eliminate the source(s).

3.6 Procedure to Prevent, Contain, and Respond to Spills

The District developed and is implementing the procedures specified in the Water Pollution Control Contingency Plan (WPCCP) for spills and chemical releases. The

WPCCP provides guidance on timely and effective response to hazardous substance releases that threaten to impact the natural resources of the District. The plan also addresses the pollution and resource assessment, mitigation, cleanup, and follow-up actions resulting from non-permitted discharges. The District continues to operate under the plan developed in 1999.

The Permit discusses implementing procedures to prevent, contain, and respond to spills that may discharge into the MS4, including the training of personnel in spill prevention and response procedures. The contingency plan outlines procedures for notifying the incident commander and the trustees of the natural resources in the event of a spill and procedures for oil and hazardous substances emergency response. DDOE continues to perform compliance and enforcement activities in accordance with EPA regulations under the CWA and District regulations under the District of Columbia Water Pollution Control Act that address illegal discharge of potentially hazardous materials.

The District plans to provide pollution prevention outreach to managers of facilities, and in-house spill training to the District agencies. DPW, DDOT, and WASA have incorporated spill response activities and best housekeeping practices into employee training at equipment storage and maintenance facilities. DDOE plans to revise the current contingency plan in the future.

3.7 Improper Disposal of Floatables and Other Household Waste

Floatables Reduction Program

The DPW Solid Waste Education and Enforcement Program (SWEEP) seeks to maintain clean private and public spaces by investigating illegal dumping complaints, overgrown lots, poor trash containerization and other sanitation violations. Generally, SWEEP staff attempt to work with out-of-compliance property owners to bring the property into compliance with the District code. If SWEEP staff cannot obtain voluntary compliance from a delinquent property owner, the Department may clean their property and charge the property owner twice the cost of the cleanup effort. This cost is added to the property owner's next property tax bill. DDOE also visually inspects MS4 outfalls and the waters to which they discharge in efforts to detect and eliminate illicit discharges in selected sewersheds. WASA personnel also perform visual inspections while maintaining catch basins and the MS4 infrastructure.

The District also operates a river pollution control program that seeks to reduce the floating debris found in the District's rivers. The District continues to conduct the Floatables Reduction Program for the Potomac and Anacostia Rivers. The WASA Floatables Debris Removal Program was initiated in August 1992 to remove floating debris from the Anacostia and Potomac Rivers on a routine basis.

Waste Collection Program

The Permit prohibits the discharge of used motor vehicle fluids, household hazardous wastes, grass clipping, leaf litter, and animal waste into separate storm sewers. The District provides household hazardous waste collection biannually and seasonal leaf collection each fall. The existing program for the collection of motor vehicle fluids and household hazardous waste has been expanded to include paint, batteries, pesticides, solvents, motor oil, furniture polish, nail polish and remover, and other possibly toxic items. Bagged grass clippings and leaves are also collected throughout the year with regular garbage collection. Leaf litter is collected during November, December, and January by DPW utilizing vacuum trucks.

In addition, DDOE has developed an education and outreach program entitled “Scoop Your Pet’s Poop” to educate District residents on the proper use and disposal of pet waste. This program is designed to inform citizens of their legal obligation to manage their pet’s waste and to explain the reasons why doing so is important. Currently there are laws in the District requiring pet owners to remove animal waste. A brochure outlining the requirements of the law are available to registered pet owners to inform them that runoff from animal waste is a source of nutrient pollution in the waters of the District.

3.8 Facilitate Reporting of Illicit Discharges

As part of the education and outreach efforts outlined in the following section, the District provides a mechanism for receiving reports of illicit discharge from the general public. Currently, citizens are able to report illicit discharges by calling the Mayor’s Command Center which will direct them to the appropriate staff within DDOE. The reports are documented with relevant information including time, place, nature of the discharge and any contact information volunteered by the caller. Additionally, citizens report illicit discharges directly to DDOE.

3.9 Public Education

Outreach to public employees, businesses, property owners, and the general community regarding ways to detect and eliminate illicit discharges is an integral part of the IDDE program.

The storm water pollution control public education program entails a mixture of programs including:

- Public web site development.
- Education related to household hazardous waste collection and disposal.
- Pesticide, fertilizer and pet waste education program.
- Industrial facility education program.

- Construction site operators' education program.
- Agency cooperation program.
- District-wide science fairs and outreach events, i.e., presenting storm water education materials or activities at such public events.
- Library submittals.

The Stormwater Management Administration at DDOE maintains a public web site which seeks to discuss all pertinent aspects of the MS4 program. The "MS4 Permit" section gives information about the current regulations governing MS4s. The "What Can I Do" section gives information on what residents can do to help local water quality and the "Contact Information" section lists various contacts for additional information and resources for the MS4 related issues.

4. PROACTIVE IDDE IMPLEMENTATION STRATEGY

The District, in the past, has used two different approaches to illicit discharge investigation: the first approach was to conduct a complete investigation of all potential sources in a particular sewershed, and the second approach was to target one or multiple high priority industries/activities that possessed the most frequent violations. The first approach presented a challenge due to limited staffing resources. It was lengthy and did not result in rapid improvement, whereas the second approach was found to be much more manageable and provided quick resolution of the cases investigated. Although relative benefits in using one approach over the other for any particular sewershed can be justified, a balance between the two approaches is necessary in achieving overall maximum benefit.

The objective of the proactive strategy of the District's inspection and enforcement of illicit discharges is to target high risk facilities that include auto repair shops, car wash facilities, dry cleaners and laundromats to reduce toxics and other harmful substances from entering the storm sewer system and ultimately to the District's waters. The strategies of the District's IDDE program targeting a range of sources are presented in Table 2.

Table 2. Strategy of the District's IDDE Program

| Targeted Pollution Sources | Strategies |
|----------------------------|---|
| Sanitary Wastewater | <ul style="list-style-type: none"> - Conduct dry weather inspections of 20 percent of the outfalls per year with all the outfalls inspected over a five year period. - Conduct repeat inspections of outfalls in sewersheds prioritized based on density of high risk facilities, report of illicit discharges, water quality assessment of streams, and field visits. - In addition to using water quality field test kits, expand the scope of investigation through |

| | |
|--|--|
| | <p>laboratory analysis of suspected discharges as appropriate.</p> <ul style="list-style-type: none"> - Coordinate with other DC agencies in order to prioritize problem areas. |
| Auto Repair, Car Wash, Dry Cleaners, Laundromats | <ul style="list-style-type: none"> - Inspect 20 percent of the facilities per year with all the facilities inspected over a five year period. - Conduct repeat inspections of facilities located in high priority sewersheds as necessary. - In addition to using water quality field test kits, expand the scope of investigation through laboratory analysis of suspected discharges as appropriate. - Implement aggressive educational programs for owners and operators. - Develop model spill prevention plans for the facilities. - Develop best management practices guidance documents for facilities. - Make educational materials available on the internet. - Implement aggressive enforcement for repeat offenders. - Enhance current data reporting and tracking databases and establish links to the DDOE enforcement tracking system which is under development for enforcement cases. |
| Spills | <ul style="list-style-type: none"> - Continue to use current spill response procedures and identify gaps and areas of possible enhancement. - Update the current WPCCP if funding is available. |
| Household Hazardous Waste, Grass Clippings and Leaf Litter | <ul style="list-style-type: none"> - Develop additional education materials on best management practices. - Make educational materials available on the internet. - Implement aggressive stormdrain stenciling program in targeted sewersheds. |
| Discharge of Floatables | <ul style="list-style-type: none"> - Enhance current DPW illegal dumping programs. - Work with members of the Metropolitan Police Department to enhance illegal dumping enforcement. - Work with DPW to install cameras in order to record illegal dumping activities and assist with enforcement actions. |

| | |
|--------------|---|
| | <ul style="list-style-type: none"> - Implement recommended strategies in the Trash Reduction Plan for the Anacostia watershed once it is developed. The plan is slated to be developed by 2010. - Implement aggressive stormdrain stenciling program in targeted sewersheds. - Publish educational materials on the internet. - Make DC dumping and enforcement laws available on the DDOE stormwater administration's website or other websites where they are more visible. - Continue the WASA floatable collection program to collect floatables from the river. |
| Animal Waste | <ul style="list-style-type: none"> - Continue with the current education program. - Work with the DC Department of Parks and Recreation in the establishment of dog parks. |

5. EVALUATION OF THE IDDE PROGRAM

Annually, the District intends to evaluate the successes of the illicit discharge detection and elimination program implementation. The following benchmarks will be used to measure the effectiveness of the IDDE program:

- The number of facilities inspected
- The number of outfalls inspected
- The number of illicit discharges investigated
- The number of eliminated/closed investigations related to illicit discharges
- The number of complaints received from neighborhoods with history of illicit discharges compared to previous years.
- The number of enforcement actions taken
- The number of educational materials (e.g., brochures) developed and distributed
- The number of dog parks established
- The amount of pollution entering tributaries (e.g., reduced concentrations of pollutants) compared to previous years.

F Pollution Prevention Training Log

| Date | Agency | Event | Training conducted by: | Description |
|----------------|----------|--|------------------------|--|
| FY 2013 | | | | |
| 9/11/2013 | DC Water | Staff training Main and O, and Northeast Boundary Swirl facilities | Michael DeVito | The training included an introductory meeting with staff to discuss the goals of the SWPPP and pollution prevention efforts. We conducted a site walk through training that revealed minor house keeping concerns but an overall well maintained facility. The vehicle repair garage on site was particularly clean and well maintained with labeled containers and secondary containment. |
| 9/27/2013 | DDOT | Staff training at 1403 W St. NE | Michael DeVito | The training included an introductory meeting with staff to discuss the goals of the SWPPP and pollution prevention efforts. I discussed with them my position, the role of compliance assistance and next step. We had a productive question and answer period that covered spill clean up procedure, spill reporting and general good housekeeping practices. The rest of the training consisted of a site walk through and hands on training. The site walk through included observing and discussing areas of improvement, highlighting areas of existing good practices, fielding questions, and discussing next steps. |

| Date | Agency | Event | Training conducted by: | Description |
|----------------|--------|------------------------------------|------------------------|--|
| FY 2014 | | | | |
| 12/5/2013 | DDOT | Staff training at 1735 15th St. NE | Michael DeVito | Training started with introductory discussion of overall MS4 permit, P2 goals, role of DDOE in compliance assistance and role of EPA. I handed out copies of the 2013 DDOE pollution prevention guidance to Julie, and the facility manager Melony Pree. I gave everyone in attendance a copy of the new good housekeeping checklist and solicited feedback on the document. Feedback was generally positive. The second half of the training was a facility walk through, including recommendations for improvements. |
| 12/12/2013 | DDOT | 1338 G street SE | Michael DeVito | Training started with introductory discussion of overall MS4 permit, P2 goals, role of DDOE in compliance assistance and role of EPA. I handed out copies of the 2013 DDOE pollution prevention guidance. I gave everyone in attendance a copy of the new good housekeeping checklist and solicited feedback on the document. The staff said that the feedback would be useful. The staff was engaged and had a lot of questions. One particular area that we covered was cleaning up and safely disposing of the silica and other debris that is the result of street sign installation. The second half of the training was a facility walk through, including recommendations for improvements. |

| Date | Agency | Event | Training conducted by: | Description |
|------------|--------|--------------------------|------------------------|---|
| 12/19/2013 | DCHA | 1133 North Capitol St NE | Michael DeVito | This was an introductory training/meeting to go over pollution prevention, the MS4 permit and the broader goals of protecting District waterways. DCHA had not previously been informed of the requirements of the MS4 permit, so this introduction started very generally with the Clean Water Act, discharges to waterways, combined sewer versus MS4 and the role of District agencies in carrying out the |
| 12/30/2013 | DPW | 1725 15th St NE | Michael DeVito | This training was specifically for the newly formed four person pollution prevention team. The team will spearhead efforts to update the SWPPP and implement training routines. Training started with my usual introductory discussion of overall MS4 permit, P2 goals, role of DDOE in compliance assistance and role of EPA. The team had a significant number of questions relating to what DPW needs to do to meet compliance. We set out plans for the team to determine the best approach to training the rest of the relevant staff. I handed out copies of the 2014 DDOE pollution prevention guidance. I gave out copies of the updated document templates. The second half of the training was a facility walk through, including recommendations for improvements. |

| Date | Agency | Event | Training conducted by: | Description |
|-----------|----------|---------------------------------|------------------------|--|
| 1/10/2014 | DC Water | 301 Bryant St., pumping station | Michael DeVito | Training started with introductory discussion of overall MS4 permit, P2 goals, role of DDOE in compliance assistance and role of EPA. I handed out copies of the 2013 DDOE pollution prevention guidance. I gave everyone in attendance a copy of the new good housekeeping checklist and solicited feedback on the document. The staff said that the feedback would be useful. The second half of the training was a facility walk through, including recommendations for improvements. |
| 3/20/2014 | DCHA | Facility review | Michael DeVito | This was a facility review in preparation for developing the DCHA SWPPP. We went to the vehicle storage yard and a few maintenance facilities. We discussed pollution prevention in general. I pointed out areas that would need to be improved and we discussed the connection between the workspace, drains on site and the health of the rivers. |

| Date | Agency | Event | Training conducted by: | Description |
|-----------|----------|---------------------|------------------------|--|
| 3/26/2014 | DDOT | Annex #9 Bryant St. | Michael DeVito | This facility is where DDOT conducts asphalt and concrete testing to ensure quality control. The set up and location of the site is odd because the buildings are located within the grounds of the DC Water Bryant St facility. This is a holdover from when the site was mixed use. Over time, DC Water has taken over most of the facility, except for two buildings and four trailers. The buildings house testing equipment and store core samples and bags and buckets full of materials waiting to be tested. There are long term plans to move the testing facilities to a more permanent location, but so far all attempts have fallen through. There is currently no definite plan in place to move the testing to another facility. |
| 3/18/2014 | DC Water | 80 M. Street | Michael DeVito | The Large Group Staff Meeting is the monthly management meeting for DC Water. I gave my pollution prevention PowerPoint presentation to assembled managers and supervisors, including the agency assistant general manager Charles Kiely. I discussed the MS4 permit and pollution prevention efforts in general as well as good housekeeping recommendations for DC Water specifically. |

| Date | Agency | Event | Training conducted by: | Description |
|-----------|--------|---|------------------------|--|
| 5/14/2014 | DPW | 1725 15th St NE Fleet Management | Michael DeVito | <p>This was a central training for facility staff and supervisors. Rather than conduct individual training at each of the facilities, the DPW SWPPP team requested that I conduct a training for managers and supervisors who can then disseminate the information. I started with a PowerPoint presentation covering the importance of the MS4 permit, the requirements, potential fines, and general good housekeeping. After that, we watched the "Rain Check" employee training video. Next, we went through the "Rain Check" training quiz. Rather than having everyone take the quiz individually we worked through the questions and answers as a group, including discussing the why certain answers were correct or incorrect maintenance strategies. Lastly we had a round table discussion of the specific issues facing DPW, went over questions and answers and recommendations moving forward.</p> |
| 6/4/2014 | OSSE | 1345 New York Avenue NE bus Terminal | Michael DeVito | <p>This was a training session for the terminal manager. The plan is for the terminal manager to disseminate the information to the terminal staff. I started with the SWPPP PowerPoint covering the importance of the MS4 permit, the requirements, potential fines, and general good housekeeping. Following the PowerPoint I answered several facility specific questions and we had a helpful discussion of their challenges and where P2 efforts stand.</p> |

| Date | Agency | Event | Training conducted by: | Description |
|-----------|--------|------------------------------|------------------------|--|
| 6/5/2014 | OSSE | 4 DC Village Lane Terminal | Michael DeVito | <p>This was a training session for the terminal manager and assistant terminal manager. The plan is for the terminal manager to disseminate the information to the terminal staff. I started with the SWPPP PowerPoint covering the importance of the MS4 permit, the requirements, potential fines, and general good housekeeping. Following the PowerPoint I answered several facility specific questions and we had a helpful discussion of their challenges and where P2 efforts stand.</p> |
| 6/18/2014 | OSSE | 2000 Adams Place NE Terminal | Michael DeVito | <p>This was a training session for the terminal manager and assistant terminal manager. The plan is for the terminal manager to disseminate the information to the terminal staff. I started with the SWPPP PowerPoint covering the importance of the MS4 permit, broad Clean Water Act compliance and the goals of cleaning the District waterways. I covered the combined and separate sewer systems and the links between the work place and the health of the rivers. We discussed procedures and protocols for staff to prevent releases of pollutants. We looked at document templates for checklists and good housekeeping. Afterwards we did a facility walk through, covering good housekeeping for vehicle storage and fueling, trash clean up, etc.</p> |

| Date | Agency | Event | Training conducted by: | Description |
|-----------|--------|--------------------|------------------------|--|
| 6/19/2014 | OSSE | 5th St NE Terminal | Michael DeVito | <p>This was a training session for the terminal manager and assistant terminal manager. The plan is for the terminal manager to disseminate the information to the terminal staff. I started with the SWPPP PowerPoint covering the importance of the MS4 permit, broad Clean Water Act compliance and the goals of cleaning the District waterways. I covered the combined and separate sewer systems and the links between the work place and the health of the rivers. We discussed procedures and protocols for staff to prevent releases of pollutants. We looked at document templates for checklists and good housekeeping. Afterwards we did a facility walk through, covering good housekeeping for vehicle storage and fueling, trash clean up, etc.</p> |

| Date | Agency | Event | Training conducted by: | Description |
|-----------|--------|----------------------------|------------------------|--|
| 8/20/2014 | OSSE | 4 DC Village Lane Terminal | Michael DeVito | <p>This was a training session for the supervisory staff at each of the terminals that are below the level of the terminal managers. These are the supervisors that report to the terminal managers. This effort was a continuation of the OSSE strategy to conduct top down training of staff in a trickle down approach to pollution prevention knowledge. I delivered my standard P2 training. We then watched some chapters of the Rain Check employee training video, followed by the corresponding quiz. We then proceeded to walk through the terminal facility and review pollution prevention practices. We looked at the fueling are and discussed better fueling techniques to prevent spills or drips of fuel. We looked at catch basins and discussed</p> |

| Date | Agency | Event | Training conducted by: | Description |
|-----------|--------|---------------------|------------------------|---|
| 9/26/2014 | DGS | 2200 Adams Place NE | Michael DeVito | <p>This training included a mixture of staff but was primarily for area managers and those in a supervisory role. I started with the P2 PowerPoint presentation, starting with an overview of the MS4 permit and narrowing down to good housekeeping and BMP maintenance. After that I showed the chapters of the Rain Check video on good housekeeping, spill prevention, SPCC, vehicle fueling and materials management. The training session finished with a site walk through, specifically focusing on the fueling area outside of the building that DGS shares with DCPS. The fuel pumps on this site are actually under the purview of DPW, but the area is useful for training purposes. We looked at a spill of fuel at the pumps where someone had applied absorbent material, demonstrating good housekeeping was taking place there. I opened the spill kit located next to the pumps and demonstrated how to use the materials inside and went over the importance of staff awareness and timely response to spills.</p> |

| Date | Agency | Event | Training conducted by: | Description |
|----------------|---------------|-------------|--|--|
| FY 2015 | | | | |
| 10/9/2014 | Autobody shop | DDOE office | Michael DeVito for P2, other DDOE staff for related topics | This was a broad training, primarily for auto body shop owners and fleet maintenance for a few of the local universities. We had a few folks from WMATA and DPW present as well. I presented on general pollution prevention, but other presenters also covered air pollution, inspections and other requirements. The participants were very engaged and there was a robust dialogue and questions asked throughout the presentation. |

G DDOE Environmental Enforcement Guidelines



GOVERNMENT OF THE DISTRICT OF COLUMBIA

**DISTRICT DEPARTMENT OF THE
ENVIRONMENT**

**ENVIRONMENTAL ENFORCEMENT
GUIDELINES**

**Prepared By
THE OFFICE OF ENFORCEMENT AND ENVIRONMENTAL JUSTICE**

**KENDOLYN HODGES-SIMONS
DIRECTOR**

SEPTEMBER 10, 2009

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Special thanks to the following people who participated in the District Department of the Environment Enforcement Guidelines Working Group for their assistance in the development of this document:

| | |
|-----------------------|---|
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| Stephen Ours | Air Quality Division |
| Arthur Ray | Office of Enforcement and Environmental Justice |
| James Sweeney | Toxic Substances Division |
| Deborah Thomas | Office of Environmental Protection |



MESSAGE FROM THE DIRECTOR

DDOE Team,

All of us play an important role in protecting the natural environment of the District of Columbia. Our air, water and wildlife are in excellent hands, thanks to the commitment and talent of the District Department of the Environment's professional staff.

When it comes to enforcement, the District has some of the nation's strongest environmental laws and regulations. The document you are about to read will help you ensure compliance with them. From a simple warning letter to a settlement of hundreds of thousands of dollars, all of the tools in our enforcement tool belt are explained in the following pages.

I want to thank the Office of Enforcement and Environmental Justice for assembling this manual, and all of you for your hard work every day to make the District a better place.

Sincerely,

George S. Hawkins, Esq.
Director

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DISTRICT DEPARTMENT OF THE ENVIRONMENT ENVIRONMENTAL ENFORCEMENT GUIDELINES

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DISTRICT DEPARTMENT OF THE ENVIRONMENT ENVIRONMENTAL ENFORCEMENT GUIDELINES

I. POLICY OVERVIEW AND GENERAL CONSIDERATIONS

A. Introduction

This document discusses regulatory enforcement by the District Department of the Environment (DDOE) or (the Department) and provides guidelines for DDOE staff to use in monitoring compliance, taking enforcement actions to address violations and assisting violators in returning to compliance. The policies and procedures stated herein do not carry the force of law and are intended solely to provide guidance. If a conflict were to arise between these guidelines and District of Columbia statutes and regulations, the statutes or regulations would control.

In some instances, program-specific Standard Operating Procedures (SOPs) may identify additional priorities and procedures not included in these guidelines. The programs must consult their SOPs to address timely and appropriate enforcement responses to violations that are designated as high priority violations (HPVs) or significant non-compliance (SNC). These SOPs may also identify special tracking systems for documenting suspected violations, including a time schedule for resolving such cases. Any conflicts between these general guidelines and the program-specific procedures should be brought to the attention of the Director of the Office of Enforcement and Environmental Justice (OEEJ), who will work with enforcement staff, their managers, and the Office of the General Counsel (OGC) to provide resolution.

B. DDOE's Mission and Vision

1. Mission

DDOE's mission is to protect and restore the environment; conserve natural resources; provide energy-related policy, planning, and direct services; and improve the quality of life in the District of Columbia.

2. Vision

As the nation's capital city, the District will become the model of environmental protection and sustainable environmental practices. DDOE will partner with other District agencies, the federal government, business groups, non-profit organizations and residents to help instill environmental awareness through innovation and best practices.

C. DDOE Enforcement Policy

DDOE was established to, among other things, improve the quality of District urban life and to streamline the enforcement and administration of District and federal environmental laws and regulations. Through its many enabling authorities and promulgated regulations, DDOE has developed and implemented processes that direct its limited resources to best advantage in order to provide assistance to the regulated community and achieve necessary compliance assurance. While enforcement is an important and valuable tool for assuring compliance with environmental laws and regulations, enforcement actions are not considered to be goals in and of themselves.

DDOE is committed to providing consistent, timely and appropriate enforcement actions that protect the public health and the environment while creating a credible deterrent to possible future violations. It is DDOE's practice to consider all enforcement options, select the most appropriate and effective option commensurate with the nature of the violation and assess fair and equitable penalties based on specific factors identified in the Department's penalty policies.

In implementing its regulatory enforcement responsibilities, DDOE seeks to:

- Ensure that facilities are complying with environmental requirements,
- Stop repeat violations and correct ongoing violations,
- Deter future violations,
- Remove the economic benefit of noncompliance,
- Remediate the environmental impact of past violations, and
- Take timely, appropriate, fair, consistent, and effective enforcement actions when necessary.

The District's Civil Infraction Schedule of Fines categorizes, or classifies, a substantial number of environmental regulations DDOE is authorized to enforce. Classifications are made according to the nature and severity of the violations and their potential to impact human and environmental health. Under the Schedule of Fines, Class 1 and Class 2 violations are considered the most egregious and serious violations. Class 3 violations contain mixed minor/serious violations and Classes 4 and 5 are generally minor violations. The Schedule of Fines is found in 16 District of Columbia Municipal Regulations (DCMR) Chapters 32 – 38 and is discussed in greater detail in other sections of this document.

The classifications in the Schedule of Fines provided a useful benchmark for these guidelines and were used to help establish appropriate enforcement responses and protocols for the Department. Proper execution of these guidelines will help DDOE to carry out its mission and achieve its vision for the city.

D. Enforcement Roles within DDOE

The following are the key DDOE offices and programs with enforcement responsibilities:

1. DDOE's Environmental Offices

The Offices of Environmental Protection, Natural Resources and Energy are the three primary offices within DDOE with environmental enforcement responsibility. Inspectors in these Offices are assigned to divisions and serve as the primary contacts for the regulated community and the public. These inspectors are the Department's first responders to instances of environmental noncompliance.

The divisions are further organized into branches and programs that address specific environmental areas. The Office of the Director and the managers of these divisions, in conjunction with the Director of the Office of Enforcement and Environmental Justice and the Office of the General Counsel, determine DDOE's enforcement priorities. DDOE divisions and branches with environmental mandates are as follows:

Environmental Protection Administration

Air Quality Division

- Permitting and Enforcement Branch
- Monitoring and Assessment Branch

Toxic Substances Division

- Land Remediation and Development Branch
- Hazardous Materials Branch

Lead and Healthy Housing Division

- Compliance and Enforcement Branch
- Childhood Lead Poisoning Prevention Branch

Natural Resources Administration

Water Quality Division

- Planning and Enforcement Branch
- Monitoring and Assessment Branch

Watershed Protection Division

- Inspection and Enforcement Branch
- Planning and Restoration Branch
- Technical Services Branch

Fisheries & Wildlife Division

- Fisheries Management Branch
- Wildlife Management Branch

Stormwater Management Division

Energy Division

- Conservation Division
- Energy Assistance Division

An agency reorganization is currently pending.

2. The Office of Enforcement and Environmental Justice

OEEJ supports DDOE's environmental programs and coordinates enforcement-related activities. OEEJ provides guidance to the divisions regarding enforcement matters by developing appropriate enforcement authorizations, policies and procedures. OEEJ assists the program offices by providing case-by-case strategies on key enforcement matters and by facilitating training of staff on enforcement and case management matters.

3. The Office of the General Counsel

OGC attorneys provide legal advice to DDOE's enforcement programs, including legal sufficiency reviews of documents such as correspondence, contracts, settlement agreements, rules, and legislation. OGC also provides litigation support and representation for administrative cases initiated by inspectors, cases referred to the Environmental Protection Agency ("EPA") and cases referred to the Office of the Attorney General for civil or criminal judicial prosecution.

E. Other Entities That Support DDOE Enforcement

1. The District of Columbia Office of Administrative Hearings

The District of Columbia Office of Administrative Hearings (OAH) is a central administrative body that processes Notices of Infraction (NOIs) issued under the civil infractions process and conducts formal adjudicatory hearings pursuant to the District's Administrative Procedures Act for several District of Columbia agencies, including DDOE.

2. The District of Columbia Metropolitan Police Department

The District of Columbia Metropolitan Police Department (MPD) is vested with authority to investigate and prosecute environmental crimes and is available to assist DDOE with such cases. The designation of an environmental violation as "criminal" may be based upon factors such as the knowledge, intent, or willfulness of the actor.

3. The District of Columbia Office of the Attorney General

Attorneys from the District's Office of the Attorney General (OAG) are assigned to DDOE's OGC. When matters require civil or criminal litigation in courts, rather than through an administrative process, OAG's litigation section will try the case with active support from DDOE's OGC and technical support from DDOE staff.

4. The District of Columbia Department of Consumer and Regulatory Affairs

The District of Columbia Department of Consumer and Regulatory Affairs (DCRA) issues professional and technical licenses and permits, conducts inspections, enforces building, housing, and safety codes, regulates land use and development, and provides consumer education and advocacy services. DCRA is vested with authority to implement and enforce several laws and regulations that impact DDOE activities mainly through licensure, permitting, and land use development. The two agencies proactively coordinate certain permitting functions and also reactively assist each other when investigating violations.

5. The U. S. Environmental Protection Agency

The U. S. Environmental Protection Agency (EPA) is the federal agency with primary environmental enforcement authority, except regarding matters such as hazardous wastes, underground storage tanks, and air quality where EPA has authorized the District to administer and enforce its own laws in lieu of the federal programs. In such instances, EPA may still conduct activities in the District, including initiating enforcement, and will notify District officials of its activities. EPA may also file its own federal actions even when the District has initiated an enforcement action when EPA feels the District's penalty is too low¹ or the District's enforcement has been inadequate such as when a facility/source has been on EPA's "Watch List" for an extended period without a District resolution. The District may also refer environmental violations to EPA for enforcement according to proper referral protocol.

¹ This is commonly referred to as "overfiling".

II. THE ENFORCEMENT PROCESS

A. Inspections and Compliance Audits

DDOE's first steps in enforcement may include a number of activities such as conducting a records review, audit or site inspection resulting from a scheduled or unscheduled compliance audit; or responding to a citizen complaint or an emergency. Such activities help to determine whether a facility is in compliance with all applicable permits, regulations and statutes.

As part of the inspection or compliance audit, an inspector may conduct a visual observation of a site or a facility's operations, review records, interview plant personnel, take samples, or any combination thereof. The results of any inspection activity and/or record review constitute the agency's findings.

Details such as who, what, when, where, why, and how help to provide an adequate picture of the inspection findings and should be addressed in the inspection report. The inspection report may also contain recommendations of additional review activity. Typical enforcement responses may include taking or requiring collection of additional samples or requesting the provision of additional documents, such as information regarding the ownership of the facility or financial assurance.

The inspector should consult the relevant statutes and regulations, program SOPs, and OEEJ SOPs before conducting the inspection and preparing the inspection report. An inspection report should be prepared as soon as possible after the inspection is completed or within 30 days, unless the relevant SOPs provide a different timeframe.

B. Elements of an Inspection Report

General guidelines for conducting inspections and preparing inspection reports will be provided in SOPs developed by OEEJ. Each program's SOP will identify the inspection procedures and protocols specific to the types of inspections it conducts. Program SOPs shall also specify the policies for supervisory review of inspection reports. It is important to prepare an inspection report thoroughly, accurately, and according to approved protocols, because inspection reports may be used as evidence in an enforcement action.

The following elements are generally included in an inspection report:

1. General Information

The general information establishes necessary site information, the responsible parties, witnesses, and points of contact for future inspections and related matters. General information to be included, should, at a minimum include the following:

- Date and time the inspection was conducted
- Location of the inspection
- Individual or business name, address, telephone and other contact information
- Name, title, address, telephone and other contact information for an appropriate contact person
- Names, titles, and contact information for all DDOE personnel, other government representatives, and facility or site personnel directly involved in the inspection

2. Purpose of the Inspection

An inspection report should clearly state the reason or reasons for the inspection. This allows the reviewer to understand the purpose and scope of the inspection, and to determine whether proper procedures were followed. DDOE may conduct inspections for some of the following reasons:

- Routine Compliance
- Follow-up/Re-inspection
- Complaint Investigation
- Emergency Response
- Oversight of regulated activity (e.g., installation, removal or closure of underground storage tanks)

3. Information About the Regulated Entity's Operations and Activities

An inspection report should discuss the nature of the business or activity being inspected and contain a site-specific discussion of the operations. This will help provide a better understanding of any potential regulatory requirements. Names and titles of the sources providing the information about the activities or operations should be identified.

4. Inspection Procedures Followed

An inspection report should identify the procedures the inspector used to conduct the inspection. These procedures should be in accordance with governing laws and regulations and approved SOPs.

5. Inspection Checklists

Approved inspection checklists may be used to facilitate conducting inspections where common elements of operations or documents must be reviewed to address statutory or regulatory requirements. Checklists may be appended to an inspection report; however, they are not substitutes for an inspection report.

6. Collection of Evidence

It is imperative that the inspector gathers sufficient evidence during the inspection that will be useful for building a case if it is later determined that further enforcement action is warranted. An inspector should use professional judgment regarding the amount and type of evidence needed. Useful evidence generally includes the following:

- **Photographs**

Photos should be taken as necessary to establish evidence of violations. Photos should include an object to show scale and should include the date and time the photo was taken using a time stamp, if available. The name of the photographer and identification of any persons in the photo should be provided. A precise description of the location where the photograph was taken (e.g., "8 foot deep pit in northwest corner of parking lot") should also be provided. The inspector should maintain a log of all photographs taken during his or her inspection and include the log in the inspection report.

- **Samples**

An inspector should be aware of the relevant statutes, regulations and program SOPs when taking samples. All laboratory reports and supporting documentation, including chain of custody related to samples, must be included in the inspection report. If these details are not available at the time the report is issued, a notation of this should be included in the report.

- **Documents**

Documents or copies of documents that support the alleged violations, such as permits and licenses obtained during the inspection, should be included or referenced in the inspection report.

- **Relevant Statements**

Any statements made during the course of the inspection that provide evidence for a violation or potential violation or describe an operational process in a unique manner should be documented. The source of the statement must be reported.

The inspection report should discuss the evidence collected during the inspection. When possible the evidence, such as photographs and laboratory results, should be appended to the inspection report. As stated, checklists used during an inspection may also be included as a part of an inspection report, but such tools are not to be considered as inspection reports in and of themselves.

7. Other Legal Considerations

An inspection report should contain sufficient documentation to establish that the inspector has appropriately addressed any legal issues that might otherwise invalidate the inspection report or compromise any subsequent enforcement action. The legal considerations are varied and should be discussed in detail with program attorneys; however, the inspectors should be mindful of one important consideration – that of consent to conduct the inspection to obtain necessary evidence.

Normally the authority to conduct the inspection is not an issue as the inspection authority is granted in governing laws and regulations and tied to the issuance of licenses and permits. In addition, owners, operators, or other persons normally grant consent to inspect at the site. In circumstances where some consent issues may be raised (such as when the owner or operator is absent from the premises), the inspector should clearly document that consent has been obtained from a person with authority to grant consent to conduct the inspection or to collect necessary evidence. Where inspectors are unable to obtain consent, they should consult with OEEJ and/or OGC regarding the possibility of obtaining access through alternative means (e.g., an administrative warrant). Inspections tied to suspected criminal activity may pose consent issues and should be authorized by a valid search warrant. In such circumstances, appropriate protective measures (such as being accompanied by MPD) should be followed.

8. Concerns and Recommendations

An inspection report should contain only objective statements regarding observed facts and concerns raised by those observations. It should not contain statements regarding conclusions or discussions about potential or specific violations. Inspectors who believe non-compliance issues are present or who have concerns that may warrant further review or enforcement action, may need additional documentation depending upon whether the inspection report findings suggest potential minor violations, potential minor/serious mixed violations or potential serious violations. Enforcement recommendations should not be made in the inspection report.

C. Post-Inspection Communications and Evaluations

Generally, once an inspector has completed his or her inspection report and concluded that a facility is in compliance with applicable laws and regulations, no further enforcement action is required. The inspector should clearly note in the inspection report when no concerns are observed and no recommendations made as a result of the inspection. The inspector may also prepare a written communication to an owner or operator that summarizes the inspection findings. Program SOPs should provide guidance on the appropriateness of sending other documentation such as sample results along with inspection results. Information related to the inspection should be entered into DDOE's tracking system and any other required national databases. Once cost-recovery tracking procedures are developed, information should be included in the tracking database to allow a determination of DDOE time and resources expended to address matters at a particular site or facility.

If, however, facts are observed or evidence is obtained which suggest non-compliance issues the inspector should prepare the appropriate post-evaluation analyses and/or take the appropriate enforcement action. Selecting the appropriate enforcement action will depend upon the nature and severity of the alleged violations and specific facts about the alleged violator.

Inspection reports should be reviewed by supervisors in accordance with program SOPs or for periodic quality consistency purposes. At a minimum, DDOE supervisors should review (and document the review of) inspection reports at high-profile sites, e.g., RCRA large-quantity generators, major air sources, facilities of interest to more than one program, repeat violators, or facilities that are the subject of an enforcement initiative (such as RCRA generators who are required to obtain District permits, or old Underground Storage Tank cases).

In some instances, an appropriate post-inspection evaluation will include a written Enforcement Analysis. The details of such analysis are discussed in greater detail below.

D. The Enforcement Analysis

A post-inspection Enforcement Analysis is a written document prepared by an inspector of record (or other personnel as appropriate) that addresses potential enforcement against an alleged violator based upon facts observed, documents received, and other evidence associated with an inspection or compliance audit.

An Enforcement Analysis represents an enforcement work product that is provided for inspector-supervisor and attorney-client deliberations and is prepared in anticipation of possible litigation. Therefore it should be marked "**Enforcement Confidential**". The Enforcement Analysis should, at a minimum, contain the following information:

1. Violation documentation - Each alleged violation that is identified must be adequately supported with the facts necessary to establish the elements of each violation. It is not enough to simply state that the law was violated. The details should be clear enough so that a third party can understand the nexus between the concerns raised and the violations alleged,
2. Evidence discussion- Evidence must be obtained to support all elements of the alleged violations and recorded in the report in conjunction with each violation. In many cases the inspector's properly documented observation of a violation provides sufficient evidence of a violation. In other situations additional evidence may be needed for enforcement follow-up,
3. The alleged violator's relevant compliance history including whether the alleged violator is a first-time or repeat offender, and
4. Recommendation(s) for enforcement action (including corrective actions and fines and penalties, if warranted).

Unless otherwise stated², an Enforcement Analysis should be prepared whenever:

1. Findings suggest that a Class 1 or Class 2 violation has been committed,
2. Findings suggest that a serious violation (as defined in section III of these Guidelines) has been committed,
3. Findings suggest that minor violations with fines exceeding \$10,000 have been committed,
4. Findings suggest non-compliance issues by the District or federal governments, or
5. OGC, OEEJ, or other appropriate supervisory personnel request the analysis to address a specific concern.

An Enforcement Analysis should be in writing and prepared within at least 30 days of the inspection, unless the violation poses an immediate threat to public health and the environment, in which case the inspector should not wait 30 days. Supervisors should make a decision on the appropriate enforcement action within 30 days of receipt of the Enforcement Analysis. The decision must be in writing and forwarded to OGC for further action. Enforcement action should generally be initiated within 90 days of the inspection.

OEEJ may exempt the requirement to prepare an Enforcement Analysis for certain types of violations for which the evidentiary requirement is relatively simple and proof of the violation can be addressed adequately by basic information in the inspection report.³ OEEJ will provide a list of such violations to the programs.

The inspector who prepared the Enforcement Analysis is responsible for ensuring that once an enforcement decision is made, the enforcement action is reflected in the enforcement tracking system and that all relevant documents and notations are included in the case file.

E. Enforcement Against the District and Federal Governments

Sovereign immunity and other similar issues may exist when the District seeks to take enforcement action against other District government agencies or offices or the federal government. Issues of non-compliance with sister agencies should be addressed in accordance with the DC Changes strategy developed by DDOE in April, 2008. In addition, no enforcement action should be taken against the District or federal government without the review and concurrence of OGC and OEEJ and the approval of the Director.

² An Enforcement Analysis does not have to be prepared if circumstances require that action must be taken quickly. In this case, however, a written document must be prepared to explain the justification for the quick action.

³ An example might be an exemption of the requirement to prepare Enforcement Analyses for Class 1 or 2 violations that involve failure to obtain required permits. In these instances the evidentiary requirements are fairly simple; the activity is or is not covered and a permit exists or does not exist. In such cases a well-written inspection report will provide sufficient evidentiary information to support a penalty enforcement action.

III. DETERMINING WHETHER VIOLATIONS ARE MINOR OR SERIOUS

A. Minor Violations

For purposes of this guidance, minor violations are defined as violations that have minimal potential to negatively affect human or environmental health and have not caused actual damage.⁴ These may include:

- Minor excursions from numerical standards which may be prescribed in program SOPs.
- Minor reporting and record keeping violations.
- First offenses that have minimal potential to negatively impact human or environmental health.
- Violations that have minimal potential to pose a threat to human or environmental health and can be corrected quickly.

Minor violations may be designated as serious violations if they are part of a recurring pattern or if they remain uncorrected. Determining whether minor violations will be treated as minor violations or elevated to the status of serious violations is left to the judgment of the inspector or supervisor in consultation with the OGC, as necessary. Factors for consideration include: past compliance history, willfulness of the violation, the degree of harm or potential harm, the ability of the violator to make timely corrections, and any other appropriate factors.

B. Serious Violations

Serious violations are defined as violations that have significant potential to harm human or environmental health or are otherwise flagrant and egregious. In addition, any fraudulent activity, such as intentional falsification of self-monitoring reports, or recalcitrant behavior are serious violations and may potentially be criminal (see Section V of these Guidelines). Other examples of serious violations are:

- Major excursions from numerical standards prescribed in program SOPs
- Major reporting and record keeping violations
- Offenses that pose a threat to public health or the environment
- Offenses that are part of a pattern of chronic, non-compliant behavior
- Offenses that require a significant amount of time, resources, or capital to correct

In addition, several federal regulations have specific definitions and criteria to distinguish between degrees of "seriousness." For instance, EPA's Enforcement Response Policies define

⁴ Actual damage that is *de minimus* may, in some cases, still be considered minor.

“high priority violation” (HPV) and “significant non-compliance” (SNC) See the program-specific SOPs or protocols for guidance on how to address these violations.

IV. DETERMINING THE APPROPRIATE ENFORCEMENT RESPONSE TO VIOLATIONS

DDOE's enforcement response to violations will depend upon a variety of factors and circumstances. Some of these criteria include: whether certain actions are prescribed by federal delegation or enforcement agreements or District laws or regulations, the severity of the violation, the degree of harm or potential harm to public health or the environment, the willingness of the facility to correct the violation, the past compliance history of the facility and the willfulness of the act. If a penalty is warranted other factors, such as those discussed in Section V, DDOE Penalty Policy, may be considered as part of the decision-making process. DDOE also has the option of choosing the most appropriate forum in which to pursue its enforcement action. Accordingly, DDOE can use either administrative or judicial actions to achieve compliance.

A. Administrative Actions

1. Warning Letters (Site Directives and Notices of Violation)

DDOE has available a number of non-penalty administrative enforcement tools that can be used as a preliminary approach to addressing minor issues of noncompliance. Depending on the program SOP, either a site directive⁵ or a notice of violation (NOV) may be used when an inspector observes facts that suggest that a noncompliance situation may exist. While NOVs can be issued for any degree of violation (minor or serious) and may be used in conjunction with other enforcement tools, NOVs are normally used in the following circumstances:

- The suspected deficiencies can usually be corrected within 30 days or less,
- The facility is an infrequent violator,
- The violation is minor and does not pose a threat to human or environmental health, or
- The facility is cooperative.

The warning letter should generally include the following:

- A statement of facts (not opinions, conclusions or conjectures),
- Citations to applicable laws or regulations,
- A specific request for corrective action including a compliance plan and schedule, if necessary,
- A date certain for performance,

⁵ These directives are alternatively called "corrective action notices" by some of the programs.

- A warning that failure to resolve the suspected problem may result in further enforcement activity, and
- Contact information for the appropriate DDOE representative.

All contacts and requests to the respondent must be documented in the case file. The inspector should continue to monitor the matter through appropriate document review or follow-up inspections until he or she has sufficient information to verify that the requested correction has occurred. The inspector may provide compliance assistance consistent with program SOPs to facilitate correction of violations.

The corrective action outcome should be memorialized in an inspection report/form or other document in accordance with program SOPs. All follow-up activities should be documented in the case file and entered into the enforcement database tracking system. If the noted deficiencies are corrected within the specified time, generally no penalties are assessed and no further enforcement action is required.⁶ No consent orders or agreements are required for NOV's and site directives and management may be only minimally involved above the inspector level.

If a respondent is unable to meet a compliance deadline, it may request a reasonable extension of the deadline provided that:

- It has exhibited good faith and diligence in its compliance efforts,
- The delay is caused by circumstances beyond its control, and
- The request is made prior to the due date for completion of the corrective action.

Any request for an extension of a corrective action deadline shall be in writing and shall specify the reason for the extension. Failure to meet a deadline without just cause or failure to notify DDOE of the inability to perform should result in an escalation of the type of enforcement pursued by the Department. A first extension to a corrective action deadline should not be granted without supervisory approval. A second extension should only be granted for compelling circumstances and with supervisory approval. Requests for extensions beyond a second extension may only be granted with the approval of OEEJ.

B. Compliance Orders and Consent Agreements

1. What They Are and When to Use Them

When serious violations occur or when the violations are persistent and ongoing, DDOE can work cooperatively with the alleged violator to develop and execute a compliance order. These orders are useful when the parties want to achieve compliance but avoid litigation. Compliance Orders are usually initiated through issuance of a DDOE Notice of Non-Compliance (NONC) and include:

⁶ However, complete and timely corrective action does not preclude an enforcement action levying a monetary penalty.

- Factual background information,
- The specific regulations which have been violated,
- An explanation of the nature of the violation,
- DDOE's statutory authority for enforcement, and
- A Proposed Consent Agreement containing corrective action and/or penalties.

Final Consent Agreements resulting from the NONCs are developed cooperatively between DDOE and the violator and are entered into by mutual agreement. They must include documented compliance plans and enforceable schedules, penalty provisions, and provisions mandating that failure to meet the terms of the agreement without just cause will result in further enforcement action.

For clarification, these Consent Agreements are not the same as court-approved consent decrees. Notices of Non-Compliance with attached Consent Agreements are administrative orders issued by DDOE whereas consent decrees are issued by OAH or by a court. The use of the NONC process is our primary vehicle for handling environmental deficiencies involving federal facilities and other District agencies.

Serious consideration should be given to use of a NONC, as opposed to initiation of an action before OAH, because the agreements are not published and respondents generally do not admit guilt or liability in Compliance Orders. This means that some NONC violations cannot be counted for purposes of escalating the penalty for subsequent violations or otherwise used as precedent.⁷

2. Approval of Compliance Orders and Consent Decrees

In addition to OGC and OEEJ approval, all compliance orders and consent decrees assessing fines or penalties must receive the following minimal level of management approval⁸:

| | |
|---------------------|--------------------|
| \$1 - \$24,999 | Branch Chief |
| \$25,000 - \$49,999 | Associate Director |
| \$50,000 - \$99,999 | Deputy Director |
| \$100,000 or above | DDOE Director |

C. Emergency Orders

DDOE programs are authorized to issue stop work and cease and desist orders, or similar "Emergency Orders" when special circumstances exist that require immediate action to abate imminent and substantial injury or damage. Such Emergency Orders are the administrative

⁷ DDOE is exploring a systematic public notice of these agreements, such as a public notice in the D.C. Register, once they are concluded.

⁸ Issues of settlement authority will be further delineated in delegations currently being drafted by OEEJ in consultation with DDOE'S OGC.

equivalent of temporary injunctions and are considered serious enforcement actions. An Emergency Order is effective upon service and is issued without the consent of the facility to which it is directed. Often the facility is given little or no prior notice or opportunity to comment on the directives of the order. Each program's laws address the issuance of these Emergency Orders, including appeal and hearing rights of the recipients. Procedures for addressing emergency orders should be clearly addressed in program SOPs.

D. Notices of Infraction (Civil Infractions Ticket)

1. General Usage

The District's Civil Infractions Act of 1985, as amended, and the DDOE Establishment Act of 2006 authorize DDOE to issue Notices of Infractions or Civil Infractions Tickets to address violations of the District's environmental laws and regulations.

Issuing a Notice of Infraction (NOI) under the civil infractions regulations, (16 DCMR Chapters 32-38), is a common enforcement tool that is useful for penalizing violators and deterring future violations. Although NOIs can be used in many situations and for large fine amounts, DDOE's policy is to issue NOIs primarily for minor violations that total \$10,000 or less.⁹

The civil infractions program authorizes inspectors to write NOIs for specific violations of District environmental regulations that are listed or scheduled on the Civil Infractions Schedule of Fines. Effective October 1, 2008, OEEJ will process all of DDOE's NOIs. Matters for which respondents have requested a hearing or submitted an admit with explanation (a request for mail adjudication) will be forwarded to OAH for adjudication. Unanswered NOIs will also be forwarded to OAH for default adjudication. All settlements of NOIs must be approved by OEEJ.

The following guidelines should be followed when using the civil infractions process:

- NOIs may only be issued for violations listed on the Schedule of Fines covering DDOE's violations (16 DCMR Chapter 36)
- NOIs may only be issued on forms approved by OEEJ
- No NOIs may be issued for fines exceeding \$10,000¹⁰ without prior supervisory, OGC, or OEEJ approval.

2. Class 1 and 2 Violations

Violations that are classified as Class 1 or Class 2 violations on the Civil Infractions Schedule of Fines or are otherwise egregious and serious normally warrant enforcement

⁹ The decision to issue an NOI for amount larger than \$10,000 or for serious violations should be supported by an Enforcement Analysis.

¹⁰ This \$10,000 amount does not include any penalties that may later be assessed for respondent's failure to reply to the NOI.

actions that involve more than just a warning (NOV) or site directive. If the findings of an inspection report suggest Class 1 or 2 violations, or otherwise serious violations, the inspector should prepare the Enforcement Analysis, unless the violation has been exempted from the analysis, and make appropriate enforcement recommendations. A consultation with the inspector, his or her supervisors, OGC and OEEJ based on the Enforcement Analysis memorandum, will determine whether the NOI or another enforcement tool is most appropriate to address the matter.

3. Class 3 Violations

Class 3 of the Civil Infractions Schedule of Fines addresses violations that are of a mixed minor/serious nature. Although defined as serious in the schedule of fines, many of those violations would meet the definition of "minor violations" under this guidance. If the findings of an inspection report suggest non-compliance issues and potential Class 3 violations, the inspector should proceed directly with the issuance of a NOI for these alleged violations. The inspector will not need to prepare an Enforcement Analysis before issuing the Class 3 NOI.

If the inspector does not write the NOI, he or she must recommend another penalty-based enforcement action which must be supported by an Enforcement Analysis. The inspector may, at his or her discretion and in accordance with approved program SOPs, issue a NOV (warning letter), corrective action notice or directive in these cases.

If the inspector does not prepare an Enforcement Analysis for the matter, he or she should ensure that sufficient facts and evidence are documented to support the issuance of the NOV, directive or corrective action and/or the prosecution of the NOI, if applicable.

4. Class 4 and 5 Violations

If the findings of an inspection report suggest non-compliance issues and potential Class 4 or 5 violations, or otherwise minor violations, unless otherwise stated in the program SOPs, the inspector may issue a NOV, or corrective action or directive to address the non-compliance. In the alternative the inspector may issue an NOI. The NOI may be accompanied with a corrective action or directive. However, an NOV and NOI should not be issued together as one is a warning, and thus a reprieve, and the other is a penalty action. The Enforcement Analysis will not be required for enforcement actions taken to address Class 4 and 5 violations. The issuing inspector, however, should ensure that sufficient facts and evidence are documented to support the issuance of the NOV, directive or corrective action and/or the prosecution of the NOI.

5. Chart of Actions

To recap, the NOI process and Enforcement Analyses should be used in the following manner:

| | | |
|--|--|---|
| Class 1 or 2 or otherwise serious violations | Prepare an Enforcement Analysis unless the violation is exempted from the analysis requirement | If the violation is exempted from the analysis requirement, issue a NOI (not to exceed \$10,000 without further approval) If the violation is not exempted prepare the analysis and consult with OGC or OEEJ |
| Class 3 violations | Preparation of the Enforcement Analysis is discretionary | Issue a NOV or Issue a NOI (not to exceed \$10,000 without further approval) |
| Class 4 or 5 or otherwise minor violations | Preparation of the Enforcement Analysis is discretionary | Issue a NOV or Issue a NOI (not to exceed \$10,000 without further approval) |

6. Other Administrative Actions or Hearings

Administrative actions, including hearings can be used whenever authorized in statutes. DDOE can also elect to request a hearing before OAH when a case has not been resolved by consent. Administrative hearings will be appropriate for the following situations:

- Where required by statute, including a respondent's request for a hearing after the receipt of a NOI, an appeal of the issuance of an Emergency Order, or a challenge to a directive¹¹,
- When DDOE seeks to revoke a permit or similar grant of right, or
- When the parties mutually agree that a hearing is appropriate.

E. Judicial Actions

1. Civil

¹¹ Some environmental statutes provide that challenges to directives may be appealed to the Department, in lieu of OAH. The inspector should consult with OGC and/or OEEJ to determine whether this route is authorized by statute or regulations.

After consideration of all relevant factors, DDOE may determine that court action is the most appropriate enforcement response. Court remedies include temporary and permanent injunctions, civil penalties, cost-recovery, and natural resource damages. Civil judicial actions are recommended when:

- A consent order or administrative order has been violated and/or has not yielded compliance
- A serious threat to human health and the environment has resulted and/or is present
- Violation are ongoing
- The party has a history of noncompliance
- DDOE has expended funds and wants to recover them
- The case is part of an enforcement initiative
- The case is one of first impression (the issue has never been brought before OAH, and/or has never been decided by a court)
- The case is multi-media (i.e., of interest to more than one program office)

Judicial actions may be selected by collaboration of OGC, program management, and OEEJ. The actions must be prepared by OGC and approved by the Director before they are sent to a litigating division of the Office of the Attorney General for further action.

2. Criminal Actions

Similarly, after consideration of all relevant factors, DDOE may determine that criminal enforcement is the most appropriate enforcement response. As a general matter, referral for criminal prosecution should be considered in cases in which:

- Sufficient evidence has been collected that make it likely that the occurrence of violations can be proved in court beyond a reasonable doubt
- The violations caused, or could have caused, significant harm to public health, safety, or welfare, or the environment
- The violations were the result of willfulness and/or indifference by the alleged violator

Because of the challenges of criminal prosecution, and the severe consequences of criminal convictions (harsh punishment and the stigma of a conviction), criminal cases are most appropriately pursued by OAG, EPA's Criminal Investigations Division (EPA/CID), or the U.S. Department of Justice. DDOE support for such cases is coordinated by OEEJ in consultation with OGC and program staff. The consequences of criminal convictions make criminal enforcement the most severe environmental enforcement option and, therefore, should represent the exception rather than the rule.

It should be noted that a criminal referral does not preclude DDOE from exercising its other administrative enforcement options. All Departmental compliance and enforcement activities may continue after the criminal matter is referred. Civil actions should proceed

unless written notification to contrary is provided by the Attorney General's Office and/or OEEJ. Efforts should be made to minimize interference and overlap.

F. Referrals to EPA for Enforcement

While DDOE uses all available means to address violations of the laws and regulations it is mandated to enforce, circumstances occasionally require that the agency decline further action and refer the case to EPA. Such referrals are made on a case-by-case basis, using the following criteria:

- All reasonable administrative options have been attempted and were unsuccessful
- DDOE has insufficient resources to pursue the matter adequately because of its nature and/or complexity
- The matter has interstate interests or is one of a national priority
- Federal remedies are more appropriate to address the matter
- The responsible party is out-of-state
- The matter involves multimedia interests

EPA and the District will occasionally take joint actions against a violator. OEEJ should be consulted and concur with a recommendation to refer a matter to EPA for enforcement before the referral is made.

V. DDOE PENALTY GUIDELINES

DDOE is committed to a consistent, timely and appropriate enforcement program, which is protective of public health and the environment while creating a strong, credible deterrent against future violations. DDOE seeks to assess fair and equitable penalties in keeping with factors specified in governing statutes and/or applicable case law, and commensurate with the nature of the violations. Thus, when calculating the penalty, DDOE considers the degree of violation, impact on the health and the environment due to the violation, and other relevant factors. Consideration is also given to the status of the facility's compliance history and other factors that DDOE program deems reasonable.

A. Considerations in Assessing Penalties

The penalty calculation and potential adjustment factors used in assessing penalties include:

1. Harm to human or environmental health, including the degree of injury to, or impairment of, the air, waters, or natural resources of the District
2. The extent to which the location of the violation, including the areas of human population, creates the potential for harm to sensitive ecosystems or vulnerable populations
3. The willfulness of the violation
4. Compliance history of the violator (regarding the same or similar type of violation)
5. Length of time of the violation
6. Violator's cooperation in mitigating the violation and/or impact thereof
7. The financial impact of a penalty on the violator
8. Removal of economic benefit of noncompliance, thereby placing the respondent in the same position it would have been if compliance had been achieved on time

DDOE programs consider each of these specific factors on a case-by-case basis. While all of these factors are considered, it is not necessary for all of them to be present before the statutory maximum penalty amount may be assessed. A single factor may warrant the imposition of the maximum penalty. Furthermore, all factors, even if applicable in a given case, are not necessarily weighed equally in determining a reasonable penalty. Individual programmatic SOPs may contain specific administrative penalty policies for calculating the gravity and economic benefit components of penalties assessed.

B. Statutory Civil and Criminal Penalties

The District's environmental laws generally authorize DDOE to levy civil as well as criminal fines and penalties for environmental violations. The civil fines and penalties are identified in

specific statutes. The criminal penalties are also identified in the specific environmental statutes and generally combine a penalty amount with a term of imprisonment upon conviction.

C. Civil Infractions Fines and Penalties

As previously stated, DDOE environmental programs are authorized to use civil infractions fines as an alternative to the statutory civil or criminal penalties. DDOE's civil infraction fines are "scheduled" or listed in 16 DCMR Chapter 36, which establishes the fines and penalties selected by the Mayor for violations of District's environmental laws and regulations.

The monetary fine for a first offense ranges from \$50 to \$2,000 depending upon the class of the violation. Violations that are considered egregious or imminently dangerous to health and welfare are scheduled as Class 1 violations (\$2,000 for the first offense). Violations that are considered a nuisance but not a threat to human or environmental health are Class 5 and the fine amount is \$50. Even though civil infraction fines may be relatively small compared to fines and penalties that can be imposed under environmental statutes, and frequently do not recover the economic benefit of a violation, they are a useful tool in achieving compliance.

Another important consideration in the imposition of fines under the civil infractions process is that the fine amount doubles for subsequent violations of the same regulation (second, third and fourth offenses) committed within a three-year period. Any subsequent violations of the same regulation, after the fourth offense within the three-year period, are fined at the same level as the fourth offense.

Penalties are assessed in the civil infractions process only after the respondent, without good cause, fails to timely respond to the notices of infraction issued.

VI. SETTLING ENFORCEMENT ACTIONS

A. Settlement Guidance

The following settlement guidance is proposed to govern the settlement of cases involving fines and penalties and to ensure that settlement amounts are appropriate. When a proceeding is before a court or administrative body, the judge will typically review a settlement before entering it as a final order to determine whether the settlement is fair, equitable, and in the public interest. This guidance is developed to ensure that violators are treated fairly, transparently, and predictably in the Department's settlement decisions.

B. Settlement Considerations

Decisions to settle cases should be made through a collaboration of the inspector of record, his or her managers, OEEJ, OGC, and in some instances, OAG. The Department Director should also be consulted for high profile or controversial matters. As a general rule, there should be no fine reductions or settlements without simultaneously obtaining compliance unless compliance is impossible, i.e., property has already been converted or sold. Factors to be considered in the evaluation of a settlement include:

1. Avoidance/Minimization of Litigation

This factor considers the efficiency and financial benefits of settlements. Although crafting and executing an appropriate settlement involves some work on the part of the parties, successful and timely settlement generally minimizes the time the parties spend addressing the matter, and the time, energy, and costs of litigation.

2. Compliance History

This factor considers a responsible party's previous history of compliance with environmental laws and regulations. A responsible party with good compliance history is a better candidate for settlement than a responsible party with a poor compliance history.

3. Compliance Efforts

This factor considers a responsible party's efforts to correct the violation and/or efforts to reduce the likelihood that the violation will occur again. Corrective efforts may include not only stopping the violation, but also taking measures such as installing technology (such as electronic monitoring systems) to prevent subsequent violations, and increasing staff training. The compliance and prevention efforts must be both appropriate and timely to impact a settlement decision.

4. Mitigating Circumstances

This factor considers circumstances generally beyond a responsible party's control that may have affected the ability to achieve compliance. Examples of mitigating circumstances may include, among other things, illness, insolvency, emergency during the infraction time, governmental intervention or acts of God. All claims of mitigating circumstances must be substantiated. A reduction in fines or penalties will not be considered for lack of knowledge of the regulations; DDOE will not accept ignorance of the law as a mitigating circumstance. A claim of lack of knowledge because someone within the respondent's organization did not provide information to responsible individuals also will not be accepted as a mitigating circumstance because responsible parties must maintain proper oversight of their operations that have the potential to negatively impact human or environmental health.

In each case the settlement considerations will be weighed against evidence of actual harm to humans, animals, or the environment as the result of violations. When there is evidence of actual harm some or all of the settlement considerations may not be applied.

C. Supplemental Environmental Projects

DDOE may use Supplemental Environmental Projects (SEPs) to satisfy a portion of fines or penalties assessed against an alleged violator. A SEP is part of the settlement of an enforcement action where the violator voluntarily agrees to undertake an environmentally beneficial project in exchange for a reduction in fines or penalties.

The SEP program is based on a long standing program developed by EPA in its enforcement programs. The use of SEPs may be appropriate in the settlement of an enforcement action for three reasons. First, SEPs are intended to achieve improvements in environmental conditions that could not otherwise be accomplished through the imposition of traditional fines and penalties. Second, the use of SEPs adds value to enforcement settlements because SEP resources inure directly to specific environmental projects. Lastly, SEPs require violators to go beyond actual technical compliance with recognized legal standards and thereby create a greater level of environmental stewardship. SEPs afford the alleged violator an opportunity to provide a benefit that is focused on improving the environment of the affected community as a whole.

In enforcement settlements in which the respondent commits to conduct a SEP, the final settlement amount (cash penalty + SEP value) must equal or exceed the value that the traditional penalty settlement would have been without the SEP. In many instances the method for determining the actual cost of implementing a SEP and the formula for determining the amount that the SEP mitigates the penalty amount may be established by the SEP Policy. EPA's SEP policy requires that a violator must pay at least 20% in fines and can mitigate up to 80% of the penalty. In general, federal and non-profit organizations can mitigate penalties 1:1, but private entities must mitigate penalties at the higher rate of 2:1, unless circumstances are present that would justify a different ratio.¹²

¹² For example, the ratio may be reduced for the implementation of an energy conservation SEP that might result in an additional economic benefit to the respondent such as reduced energy bills.

To be approved as a SEP, DDOE requires that the project meet the criteria set out below:

1. The Project Must Primarily Benefit Public Health or the Environment

A SEP must improve, protect, or reduce risks to public health, or the environment. While in some cases a SEP may provide the alleged violator with certain benefits, there must be no doubt that the project primarily benefits public health and/or the environment. To qualify as a benefit to public health/environment, a SEP must fit into at least one of the following categories:

- **Public Health** - include projects that address the health concerns of residents in a community and may include examining residents in a community or their health data to determine a pattern of health problem due to the violations.
- **Pollution Prevention** - involves changes in activities or operations so that a company no longer generates some form of pollution. For example, a company may make its operation more efficient so that it reduces or eliminates its hazardous waste stream.
- **Pollution Reduction** - reduces the amount and/or danger presented by some form of pollution, often by providing better treatment and disposal of the pollutant.
- **Environmental Restoration and Protection** - improves the condition of the land, air or water in the area damaged by the violation.
- **Emergency Planning and Preparedness** - includes projects that provide assistance to a District emergency response or planning entity to enable these types of organizations to fulfill their obligations under the federal Emergency Planning and Community Right-to-Know Act. Such assistance may include the purchase of computers and/or software, communication systems, chemical emission detection and inactivation equipment, HAZMAT equipment, or training. Cash donations to District emergency response organizations are not acceptable SEPs.
- **Assessments and Audits** - allow a violator to agree to examine its operations to determine if it is causing any other pollution problems or can run its operations better to avoid violations in the future. These audits go well beyond standard business practice.
- **Environmental Compliance Promotion** - allows an alleged violator to provide training or technical support to other members of the regulated community to achieve, or go beyond, compliance with applicable environmental requirements. For example, the violator may train other companies on how to comply with the law.
- **Other Types of Projects** - include proposed SEPs that have environmental merit but do not fit within the categories listed above. These types of projects must be fully consistent with all other provisions of the SEP Policy and be approved by the respective DDOE program.

2. The Project Must Meet All Other Legal Requirements

Since SEPs are part of an enforcement action, they must meet certain legal requirements, such as:

- There should be no direct relationship between the SEP and the underlying violation. Environmental improvements directly tied to the underlying violation are traditionally viewed as a correction action per se. Merely correcting a violation does not constitute a SEP. The SEP must represent improvements that go beyond compliance.
- A SEP must be voluntary, i.e., the project must not be one which the violator is legally obligated to perform under another law, regulation, administrative order or settlement document. SEPs may include activities which the violator will become legally obligated to undertake two or more years in the future, as long as the regulation or statute does not provide a benefit to the violator for early compliance.
- A SEP cannot have been committed to or started before DDOE identifies the violation(s) (e.g., issued a NOV, NONC, or complaint). This is because the primary purpose of this policy is to obtain environmental or public health benefits that may not have occurred "but for" the SEP.
- All SEPs must be defined in sufficient detail to meet the requirement of enforceability. There must be objective quantifiable deliverables, deadlines, and consequences. If a SEP is not completed satisfactorily, pursuant to the terms of the settlement, a stipulated penalty may be imposed for this failure. The determination of whether the SEP has been satisfactorily completed and whether the violator made a good faith, timely effort to implement the SEP is reserved to the sole discretion of DDOE program.
- A SEP's performance or its funding cannot be managed or controlled by a District agency. However, DDOE may perform oversight to ensure that a project is implemented pursuant to the provisions of the settlement. The District may have legal recourse if the SEP is not adequately performed.

Since SEPS will be part of the settlement process, the proposed SEP will normally be presented to program attorneys in OGC as part of settlement negotiations. Prior to their acceptance, however, the SEPs must be presented to the appropriate program personnel for technical analysis. The technical analysis and program approval of the SEP must be in writing. Final proposals of SEPS must be approved by the Division manager, the Administration Deputy, OEEJ, and OGC.

VII. CASE CLOSURE AND RECORD RETENTION

A. Case Closure

When no further action is required and satisfactory compliance has been achieved, a case is ready to be closed. In closing a case, program management determines, along with compliance and legal staff, if necessary, whether all terms of site directives, consent orders, compliance agreements, and other requirements have been met. This includes, among other things, confirming that permits have been obtained, closure plans have been implemented, civil charges have been paid, and that any other requirement imposed as part of the enforcement action have been completed. Case closure should be accompanied in all instances by a closeout memorandum to file and, in some instances, by closeout correspondence to the respondent.

1. Case Closure Memorandum

Within 30 days of the date that satisfactory compliance has been achieved, the inspector of record or other designated staff member should prepare a case closure memorandum for the file. This memorandum should contain sufficient information to provide an outside reader with information about the relevant matters in the case. The closure memorandum should, at a minimum, include the following information:

- The inspectors name, badge number, and telephone number,
- Case start and end dates,
- The name and address of the responsible party,
- The location of the site inspected,
- The violations addressed,
- Any corrective action performed,
- Dates and nature of enforcement actions taken,
- Dates of administrative or judicial actions taken, and
- Justification for the case closure.

2. Case Closure Form

For enforcement matters concluded by a final administrative order (such as an OAH final Order and Notice of Payment Order), the closure requirements above may be abbreviated and may be entered on a case closure form approved by OEEJ. The case closure form must include the following:

- Inspector's name, badge number and telephone number,
- The respondent's name,

- The location of the violation,
- The docket or other identifying case number,
- A brief summary of the nature of the case (i.e., Violation of 20 DCMR 900.1- engine idling),
- The date the final order was issued¹³,
- The date the case closure order was issued, and
- The judgment summary including any fines or penalties assessed.

The case closure form should also be completed within 30 days of date that satisfactory compliance (and complete payment) has been achieved.

Any relevant final administrative order and case closure order should be attached to the closure memorandum or form or easily identified in the case file. The enforcement staff and appropriate management should sign the case closure memorandum or form. Once the case closure memorandum and/or form is finalized, it should be placed prominently in the file identifying the case as closed.

3. Case Closure Correspondence

Unless a third party such as OAH or a judicial court provides a closure document (such as final notice of payment), the program should notify the respondent by letter that the case is closed for the reasons specified in the case closure memorandum. This letter serves as sufficient notice to a responsible party that the enforcement action has been terminated.

B. Record Retention

Unless otherwise noted, all documents relevant to an enforcement action such as inspection reports and notes, photographs and other evidence, correspondence and official documents (including directives and NOVs) should be maintained in the case file until the conclusion of the final appeal of the enforcement action. Specific retention periods may be prescribed by relevant statutes, grant requirements, District government record retention policies, or DDOE record retention policies.

¹³ OAH Final Orders generally do not close cases especially when liability is found and fines remain unpaid. OAH often issues Notices of Payment orders to close cases once the payments are made. OAH, will, however, occasionally issue a Final Order which also contains information about payments received. If the Final Order states that the judgment is paid in full then the case is closed.

GLOSSARY/ACRONYMS

DCMR - *The District of Columbia Municipal Regulations*

DDOE - *District Department of the Environment*

EPA - *Environmental Protection Agency*

OAG - *Office of the Attorney General*

OAH - *Office of Administrative Hearings*

OGC - *Office of the General Counsel*

NOI - *Notice of Infraction*

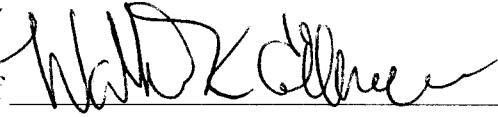
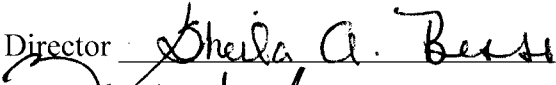
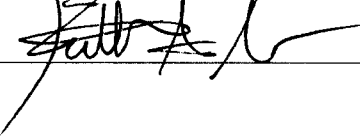
NONC - *Notice of Non-Compliance*

NOV - *Notice of Violation*

OEEJ - *Office of Enforcement and Environmental Justice*

SOP - *Standard Operating Procedures*

H Standard Operating Procedures for Erosion and Sediment Control Inspections

| Watershed Protection Division | DOCUMENT NUMBER SOP # WPD-305 | | | | | | | | | | | | | | | | | | | | | | |
|---|---|----------------|-------------|--|---|-----------------------------------|---|------------------------------------|---|---------------------------------|---|--|---|-----------------------------------|---|--|---|--|---|--|---|-------------------------------|---|
| TYPE Inspection and Enforcement Branch | REVISION 0 | | | | | | | | | | | | | | | | | | | | | | |
| TITLE Stormwater Management Facility Construction Inspections | EFFECTIVE DATE MAY 20 2014 | | | | | | | | | | | | | | | | | | | | | | |
| PURPOSE This procedure provides instructions for conducting inspections in the District of Columbia for compliance with stormwater management facility construction regulations. | | | | | | | | | | | | | | | | | | | | | | | |
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| REVISION SUMMARY Revision 0 is new procedure. | | | | | | | | | | | | | | | | | | | | | | | |
| APPROVED BY <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;"> Branch Chief <u></u> Associate Director <u></u> Director <u></u> </div> <div style="width: 35%; text-align: right;"> Date <u>4/1/2014</u> Date <u>4/3/14</u> Date <u>05/20/14</u> </div> </div> | | | | | | | | | | | | | | | | | | | | | | | |

The Inspection and Enforcement Branch (IEB) of the District Department of the Environment (DDOE) Watershed Protection Division (WPD) is authorized to inspect land-disturbing activities in the District of Columbia for compliance with stormwater management (SWM) regulations set forth in Title 21 DCMR Chapter 5, as amended. As part of the requirements of the District of Columbia building permit process, IEB inspectors conduct on-site inspections of SWM facility construction and installation at different stages of construction, as specified in the SWM plan. These procedures set forth the steps for conducting SWM facility construction inspections and for preparing the Final Approval Notice for the facility construction.

1.0 Pre-construction Meeting Requirements

1.1 After obtaining a building permit from the D.C. Department of Consumer and Regulatory Affairs (DCRA), an owner/agent must contact the Inspection and Enforcement Branch (IEB) of the Watershed Protection Division (WPD) at 202-535-2977 to schedule a pre-construction meeting at least 72 hours before beginning construction of the SWM facility.

1.2 The Program Specialist enters the information regarding the pre-construction meeting and inspection request into the IEB data system. In the absence of the program specialist, the Branch Chief or the Branch Chief's designee may be contacted for processing inspection requests. The program specialist's voice mail message should include the Branch Chief's telephone number and the scheduling email address, ieb.scheduling@dc.gov, as alternatives for scheduling pre-construction meetings and inspections.

1.3 To create an assignment, the program specialist enters the following information into the database:

- 1.3.1 Construction permits (building permit, raze permit, etc.);
- 1.3.2 Property address;
- 1.3.3 Name of developer;
- 1.3.4 Contractor/permittee contact information;
- 1.3.5 Date inspection request received;
- 1.3.6 Type of inspection requested (Erosion & Sediment Control or Stormwater); and
- 1.3.7 Contact Information.

1.4 Once the data is entered, the system will automatically generate an e-mail informing the inspector and the Branch Chief that a request for a pre-construction meeting or inspection has been received for the inspector's attention. The email should include all information needed by the inspector to conduct the pre-construction meeting or requested inspection.

1.5. Inspectors assigned to a specific construction site will be responsible for inspecting for both erosion and sediment control (ESC) and for construction of the Stormwater Management (SWM) best management practice(s) (BMPs) approved for the site. Thus, the assigned inspector will conduct both ESC inspections and SWM facility construction inspections, if required, for the site location.

1.6. Inspectors receiving pre-construction requests directly from permit holders or their agents should be directed to contact the program specialist at (202) 535-2977, as described on the DDOE plan approval sticker affixed to approved ESC and SWM Plans and also stipulated in the SWM and ESC Guidebooks, DDOE Website, and informational brochure.

2.0 Pre-Construction Meeting

2.1 Once the inspector receives the assignment, it is his/her responsibility to follow up with the owner/agent/contractor/permittee to arrange the pre-construction meeting. The pre-construction meeting is the first step in all stormwater management facility construction inspections.

2.2 Inspections are performed at different stages of construction of the SWM facility. At the pre-construction meeting an inspection schedule and requirements for compliance with District regulations for construction of stormwater management facilities are discussed.

2.3 Inspectors attend the pre-construction meetings to review and discuss the implementation of the SWM plan (SWMP) with the owner/agent of the SWM facility before the start of construction.

2.4 The Inspector prepares a SWM Facility Construction File for the facility that includes:

2.4.1 "General Information" from the storm water approval;

2.4.2 A copy of the Building Permit;

2.4.3 The appropriate Stormwater Management Facility Construction Inspection Report; and

2.4.4 An Erosion and Sediment Inspection Report.

2.5 Any inspector who enters a construction site where the contractor failed to schedule a pre-construction meeting shall ask the permit holders or their agents to contact the IEB at (202) 535-2297 to schedule a pre-construction meeting and, where appropriate, issue an enforcement notice for noncompliance with District regulations as described in the Standard Operating Procedure Enforcement Guidance for failure to schedule a pre-construction meeting.

3.0 Pre-Inspection Procedures

3.1 Prior to the inspection, the inspector should review available documents, such as permits and copies of the SWMP. Check for any previous inspections, violations and enforcement actions.

3.2 Before going to the site, the inspector must have the necessary inspection materials, such as:

3.2.1 Proper DDOE credentials;

3.2.2 Copies of the permit and appropriate inspection forms;

3.2.3 Field notebook;

3.2.4 Digital camera. Ensure that the date/time stamp is accurate, the battery is fully charged (or take extra batteries), and enough memory is available (or take extra memory cards);

3.2.5 Cell phone;

3.2.6 Computer or tablet (if assigned); and

3.2.7 Personal Protective Equipment, as necessary, such as:

3.2.7.1 Hard hat;

3.2.7.2 Steel-toed boots;

3.2.7.3 Protective goggles; and

3.2.7.4 Protective vest.

3.3 Vehicle. When using a government vehicle, complete an online reservation form. Log in and out the inspection destination and mileage in the logbook that is maintained in the vehicle. Inspectors with an assigned government vehicle must leave the keys for the vehicle with the Branch Chief before going on leave.

4.0 Scheduling Inspections

4.1 Initial Inspection. After the pre-construction meeting and after approval for the construction of the SWM facility has been given, the inspector conducts an initial inspection before construction may begin.

4.2 Inspectors conduct inspections at pre-determined stages of the facility construction, as specified in the approved SWMP and the Stormwater Management Facility Construction Inspection Report, or determined at the pre-construction meeting. DDOE may require additional inspections at a particular stage of construction by specifying that requirement in the pre-construction inspection report or in the report of the pre-construction meeting.

4.3 The owner/operator may not proceed with work past a stage of construction that has been identified as requiring an inspection until:

4.3.1 The inspector inspects the work previously completed, records the inspection event on the appropriate Stormwater Management Facility Construction Inspection Report, and enters the Inspection Event into the BMP tracking database;

4.3.2 DDOE has approved a plan modification that eliminates the inspection requirement; or

4.3.3 DDOE otherwise eliminates or modifies the inspection requirement in writing.

4.4 DDOE shall make reasonable efforts to accommodate a request by the owner/operator for an inspection outside of DDOE's normal business hours if the request:

- 4.4.1 Is made during the DDOE's normal business hours;
- 4.4.2 Includes the information the DDOE requires, including the matters to be inspected, the location of the site work to be inspected, and details for site access; and
- 4.4.3 Includes payment or proof of payment of the after-hours inspection fee.

4.5 If the inspector is not contacted for inspections as determined at the pre-construction meeting and specified on the SWM Facility Construction report, the inspector who conducted the pre-construction meeting or the inspector assigned to the permitted site for SWM facility construction inspections shall conduct an inspection within six months of the pre-construction meeting to obtain an update of the status of the SWM facility construction.

4.6 In order to schedule an inspection required for a stage of construction or other construction event, the owner/agent must contact IEB at least three (3) business days before the anticipated inspection.

4.7 Final Inspection. The owner/agent is responsible for notifying the IEB to request a final construction inspection within one week of completion of the SWM facility. See procedures below for final SWM facility construction approval.

5.0 SWM Facility Construction Inspection Procedures

5.1 Act in a courteous and professional manner. Be on time for the inspection and call the owner/agent if running late. Develop a working relationship with the construction operator or other members of the public at the site.

5.2 Take safety precautions. The inspection of construction sites always poses a certain degree of safety risk. To avoid unnecessary risks, the inspector should be familiar with all safety obligations and practices and should:

- 5.2.1 Use safety equipment in accordance with available guidance and labeling instructions;
- 5.2.2 Maintain safety equipment in good condition and proper working order;
- 5.2.3 Dress appropriately for the particular activity and wear appropriate protective clothing. For example, wear a hard hat when on the construction site;
- 5.2.4 Use any safety equipment customary in the establishment being inspected (e.g., hard hat, safety vest, or safety glasses);
- 5.2.5 Never enter confined spaces unless properly trained, equipped, and permitted (if applicable); and
- 5.2.6 For any safety-related questions, check with supervisor.

5.3 Upon entering a construction site for inspection, the inspector identifies himself by presenting a picture identification with badge to the owner or agent in charge of the construction activity. The following steps should be taken once an inspector arrives on-site:

5.3.2 Introduce yourself as a DDOE inspector, show credentials, and explain the authority and purpose of the inspection. The proper DDOE badge indicates that the holder is a lawful representative of the agency and is authorized to perform inspections. The badge must be presented whether or not identification is requested.

5.3.3 Establish the identity of all responsible parties, including the person you are interviewing, from the owner/contractor. Document the names, titles, address, telephone numbers, and email of all parties with whom you speak during the inspection. Collect business cards if possible.

5.4 The professional engineer of record or agent responsible for certifying the As-built plans for the project may accompany the inspector on facility construction inspections at any time, but is not required to do so.

5.5 Each inspection should be thorough, consistent, and cover all areas of the construction site to ensure compliance with the SWM regulations and that the construction is in compliance with the approved SWMP.

5.6 Document the Inspection. The inspector should document and track all findings at the construction site using inspection checklists, photographs, notes, or written logs. The inspector enters all inspection events into the IEB BMP Tracking Database. This documentation will aid the inspector in supporting enforcement actions, escalating enforcement, or pursuing more stringent penalties if the site is in continuous noncompliance. As much as possible, the inspector should fill out inspection reports while at the construction site being inspected. See Storm Water Management Facilities Inspection Report. All documents should be retained in the SWM site construction file maintained by the inspector or Central Records.

5.6.1 Immediately record observations, conversations, and documentation in the notebook using coherent sentences and precise terminology. The inspection notebook should contain sufficient detail to allow the inspector to complete his/her inspection report and to support observed issues of compliance.

5.6.1.1 Use a bound notebook and record entries in ink.

5.6.1.2 Record facts and pertinent observations. Avoid ambiguity to prevent problems when the information is reviewed at a later date.

5.6.1.3 Do not record personal feelings or terminology.

5.6.2 In addition to completing the inspection checklist, the inspector may record the following types of information that will validate evidence:

5.6.2.1 Weather conditions. Note weather conditions such as snowfalls/rain events prior to and during the inspection;

5.6.2.2 Unusual conditions and problems. Describe in detail unusual conditions and problems;

5.6.2.3 Names and Titles. List the names and titles of the construction personnel and any statements they have made;

5.6.2.4 Permit information. List information regarding the presence or absence of permits on the site; and

5.6.2.5 Samples collected.

5.6.3 When possible, photographs should be taken to document problems and to identify areas where contractors may need to make corrections.

5.6.3.1 Document each photograph so that its content can be identified with the site, date and time, (if a date and time stamp are not set by the camera) who took the photograph, and a short description

5.6.3.2 Photograph, diagram, if necessary, and identify the location of each potential violation or regulatory concern.

5.6.3.3 Photos should be clear, well lit, and at proper range to show that the photo was taken at the inspected site and to show the violation in context.

6.0 Changes to the SWM Plan (SWMP)

6.1 An approved SWM Plan (SWMP) must be on-site at the time of the inspection.

6.2 A person may not change an approved SWMP or its implementation without DDOE approval.

6.3 If the change is not substantial, the owner/operator may secure written approval from the inspector in the field or WPD staff. If an inspector is not sure whether the change is substantial, he or she should see the SWM Guidebook (5.1.2 Resubmission of SWMP) or ask for guidance from the Branch Chief.

6.4 If the change is substantial, the owner/operator must resubmit a revised plan to DDOE for approval of any revisions, alternative designs, or any changes to approved plans.

6.5 A change in an approved plan is substantial if it may result in failure to comply with the SWM requirements or has a significant effect on the discharge of pollutants to the District's waters.

6.6 Substantial and Non-Substantial changes are defined in the DDOE Stormwater Guidebook 2013.

7.0 SWM Facility Construction Inspection Reports

7.1 The SWM Facility Construction Case File should contain:

7.1.1 A copy of the building permit;

7.1.2 Plan approval general information sheet;

7.1.3 All inspection reports with the file number and site address;

7.1.4 Event dates;

7.1.5 Copies of all enforcement notices (if any);

7.1.5 Copies of all enforcement notices (if any);

7.1.6 Photos of the site;

7.1.7 Final Approval Notice; and

7.1.8 Any other information the inspector deems pertinent to the case.

7.2 Inspectors should maintain and update the SWM Facility Construction File in the BMP Tracking Database within 24 hours or one business day of inspection.

7.3 The inspection report documents all inspections and enforcement actions. Record the dates and times of all phone calls made or received regarding the inspections of the site. Describe any follow-up action taken (if any) in response to the calls.

7.4 If a digital camera was used to take pictures, download and authenticate your pictures immediately for your file. Record the following information on each picture:

7.4.1 Name and address of the property and owner/contractor;

7.4.2 When the picture was taken – date and time;

7.4.3 Brief description of the photo; and

7.4.4 Your signature.

7.5 Complete, sign and date the inspection report.

7.6 A signed copy of each inspection report for SWM facility construction is to be given to the owner/agent and maintained in the SWM case file.

8.0 Enforcement of SWM Facility Construction Requirements

8.1 If, upon final inspection, or during any interim inspections, the inspector determines that the owner/agent has failed to comply with the SWMP, the inspector shall use appropriate enforcement action(s) as described in the Enforcement SOP.

8.2 Re-inspection. Re-inspection of properties for which there are pending violations is imperative. Violations cannot be considered abated without re-inspection. Unabated items cannot be referred for enforcement action unless it has been verified that the violations still exist and efforts at compliance have not been made. After re-inspection of the facility:

8.2.1 Indicate the item or condition on the deficiency list of the inspection report that has been abated.

8.2.2 Indicate those conditions on the deficiency list that have been partially corrected.

8.2.3 Attempt to contact by telephone the responsible person to ascertain the reason for non-compliance and/or to verify the receipt of orders. If unable to contact the responsible person during working hours, telephone in the evening, early morning, or on weekends. Record the essentials of the call and how, where and when to contact the responsible person in the future.

8.2.4 Take the following action if the responsible person is contacted:

8.2.4.1 If a valid reason is given, recommend an additional reasonable time for compliance.

8.2.4.2 In the absence of a valid reason for non-compliance, proceed with a notice of infraction.

8.2.5 Add the record of the re-inspection report to the case history/file.

8.3 If an inspector discovers a violation at a construction site that they have not been assigned to, he or she should either search the IEB BMP Tracking Database for the assigned inspector or contact his/her supervisor to determine if the site is assigned to another inspector. Prior to taking any enforcement action, the inspector must check with the inspector assigned to the site.

9.0 As-Built Plan Review and Approval

9.1 The inspector provides a signed copy of the Final Inspection Report for the SWM facility construction to the owner/agent, with a notice of the due date that the owner/agent must submit the As-built plans to the IEB for review and approval. A copy of the Final SWM Facility Construction Inspection Report is kept in the case file.

9.2 Within twenty-one (21) days of the final facility construction inspection date, the owner/agent must submit an as-built package containing a Mylar copy of the as-built SWMP certified by a professional engineer licensed in the District of Columbia and the supporting documents specified in the DDOE Stormwater Management Guidebook (SWMG).

9.3 The inspector reviews the As-built plan using the As-built plan checklist or review sheet.

9.4 If the As-built plan does not meet DDOE requirements, it is returned with comments to the project engineer or agent for revision.

9.5 If the As-built plan does meet DDOE requirements and is approved, the arrival date of the As-built is entered into the BMP Tracing Database.

9.6 After receipt and approval of the As-built plan, the inspector prepares a SWM Final Approval Notice (FAN) for distribution to the permit holder and the IEB maintenance team. The FAN is addressed to the owner/agent listed on the building permit and sent within 30 days of the As-built approval date.

9.7 The date of the FAN is recorded in the BMP Tracking Database within one business day of its issuance.

9.8 The inspector submits the As-built Plan and complete SWM Facility Construction File to Central Records for archive within five business days of issuance of the FAN.

8.2.4 Take the following action if the responsible person is contacted:

8.2.4.1 If a valid reason is given, recommend an additional reasonable time for compliance.

8.2.4.2 In the absence of a valid reason for non-compliance, proceed with a notice of infraction.

8.2.5 Add the record of the re-inspection report to the case history/file.

8.3 If an inspector discovers a violation at a construction site that they have not been assigned to, he or she should perform an inspection documenting the violation(s) and contact the inspector assigned to the area and inform them of your intent to issue an Enforcement Notice for the site, and provide the assigned inspector with a copy of the Inspection Report and Enforcement Notice (for the SWM site construction file). The inspector shall then update the BMP tracking database with information about the Inspection type and date, and the date and type of Enforcement Notice.

9.0 As-Built Plan Review and Approval

9.1 The inspector provides a signed copy of the Final Inspection Report for the SWM facility construction to the owner/agent, with a notice of the due date that the owner/agent must submit the As-built plans to the IEB for review and approval. A copy of the Final SWM Facility Construction Inspection Report is kept in the case file.

9.2 Within twenty-one (21) days of the final facility construction inspection date, the owner/agent must submit an as-built package containing a Mylar copy of the as-built SWMP certified by a professional engineer licensed in the District of Columbia and the supporting documents specified in the DDOE Stormwater Management Guidebook (SWMG).

9.3 The inspector reviews the As-built plan using the As-built plan checklist or review sheet.

9.4 If the As-built plan does not meet DDOE requirements, it is returned with comments to the project engineer or agent for revision.

9.5 If the As-built plan does meet DDOE requirements and is approved, the arrival date of the As-built is entered into the BMP Tracing Database.

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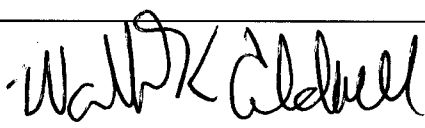
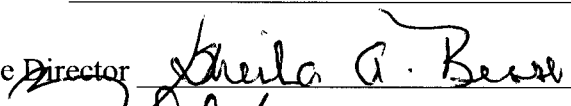
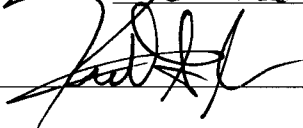
9.7 The date of the FAN is recorded in the BMP Tracking Database within one business day of its issuance.

9.8 The inspector submits the As-built Plan and complete SWM Facility Construction File to Central Records for archive within five business days of issuance of the FAN.

10.0 Reference Documents

10.0 Reference Documents

- 10.1 Soil Erosion and Sediment Control Inspections SOP
- 10.2 Storm Water Management Facilities Inspection Report
- 10.3 Enforcement of Soil Erosion and Sedimentation Control and Storm Water Management SOP
- 10.4 Stormwater Management Guidebook 2013, found at:
http://ddoe.dc.gov/sites/default/files/dc/sites/ddoe/page_content/attachments/2013%20SW%20Rule.pdf

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|---|---|--|
| Watershed Protection Division | | DOCUMENT NUMBER SOP #WPD-320 |
| TYPE Inspection and Enforcement Branch | | REVISION 0 |
| TITLE Soil Erosion and Sediment Control Inspections | | EFFECTIVE DATE MAY 20 2014 |
| PURPOSE This procedure provides instructions for conducting inspections in the District of Columbia for compliance with erosion and sedimentation control regulations. | | |
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| REVISION SUMMARY Revision 0 is new procedure. | | |
| APPROVED BY | | |
| Branch Chief |  | Date <u>4/3/14</u> |
| Associate Director |  | Date <u>4/3/14</u> |
| Director |  | Date <u>05/20/14</u> |

The Inspection and Enforcement Branch (IEB) of the District Department of the Environment (DDOE) Watershed Protection Division is authorized to inspect land disturbing activities in the District of Columbia for compliance with erosion and sediment control regulations set forth in Title 21 DCMR Chapter 5. As part of the requirements of the District of Columbia building permit process, IEB inspectors conduct periodic inspections to enforce compliance with approved erosion and sediment control plans and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation for land disturbing activities. These procedures set forth the steps for conducting soil erosion and sediment control inspections.

1.0 Pre-Construction Meeting Requirements

1.1 After obtaining a building permit from the D.C. Department of Consumer and Regulatory Affairs (DCRA), an owner/agent must contact the Inspection and Enforcement Branch (IEB) of the Watershed Protection Division at 202-535-2977 to schedule a pre-construction meeting at least 72 hours before the start of excavation or the land disturbing activity.

1.2 The Program Specialist enters the information regarding the pre-construction meeting and inspection request into the IEB database. In the absence of the program specialist, the Branch Chief, or the Branch Chief's designee, may be contacted for processing inspection requests. The program specialist's voice mail message should provide the Branch Chief's telephone number and the scheduling email address, ieb.scheduling@dc.gov, as alternatives for scheduling pre-construction meetings and inspections.

1.3 To create an assignment, the program specialist enters the following information into the database:

- 1.3.1 Permit type and number (Building permit, raze permit, etc.);
- 1.3.2 Property address;
- 1.3.3 Name of developer;
- 1.3.4 Contractor/permittee contact information;
- 1.3.5 Date inspection request received;
- 1.3.6 Type of inspection requested (Erosion & Sediment Control or Stormwater); and
- 1.3.7 Contact information.

1.4 Once the data is entered, the system will automatically generate an e-mail informing the inspector and the Branch Chief that a request for a pre-construction meeting or inspection has been received for the inspector's attention. The email should include all information needed by the inspector to conduct the pre-construction meeting or the requested inspection.

1.5 Inspectors assigned to a specific construction site will be responsible for inspecting for both erosion and sediment control (ESC) and for construction of the Stormwater Management (SWM) best management practice(s) (BMPs) approved for the site. Thus, the assigned inspector will conduct both ESC inspections and SWM facility construction inspections, if required, for the site location.

1.6 Inspectors receiving pre-construction requests directly from permit holders or their agents should direct them to contact the program specialist at (202) 535-2977, as described on the DDOE plan approval sticker affixed to approved ESC and SWM Plans and also stipulated in the SWM and ESC Guidebooks, DDOE Website, and informational brochure.

2.0 Pre-Construction Meeting

2.1 Once the inspector receives the assignment, it is his/her responsibility to follow up with the owner/agent/contractor/permittee to arrange the pre-construction meeting. The inspector will also be responsible for arranging any subsequent inspections of the site.

2.2 Inspectors shall attend pre-construction meetings to review and discuss the implementation of the soil erosion and sediment control measures before the start of excavation. At the pre-construction meeting, the inspector should review with the owner/agent/contractor/permittee:

2.2.1 A description of all pollutant control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in stormwater discharges. Each major activity in the site construction process should be clearly defined and the BMPs related to that activity should be listed;

2.2.2 A description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented;

2.2.3 A description of the intended construction sequencing and timing of major events, including major grading activities, when construction activities are to cease temporarily or permanently on a portion of the site and when stabilization measures are to be initiated;

2.2.4 A description of structural practices to divert flows from exposed soils, retain/detain flows or otherwise limit runoff and/or the discharge of pollutants from exposed areas of the site;

2.2.5 A description of all post-construction stormwater management measures that will be installed during the construction process to control pollutants in stormwater discharges after construction operations have been completed;

2.2.6 A description of the measures to prevent the discharge of solid or hazardous materials or any other pollutant other than sediment, including building materials, to the waters of the United States, as required by the Stormwater Pollution Prevention Plan (SWPP), where applicable; and

2.2.7 A description of the measures to minimize, to the extent practicable, off-site vehicle tracking of sediments onto paved surfaces and the generation of dust.

2.3 A pre-construction meeting with IEB is optional for minor construction activity (where less than 50 square feet of disturbance will occur, the total construction cost does not exceed \$2,500, and an ESC plan is not required).

2.4 Any inspector who enters a construction site where the contractor failed to schedule a pre-construction meeting should ask the permit holders or their agents to call (202) 535-2297, the telephone number at IEB, to schedule a pre-construction meeting. Where appropriate, the inspector may issue an enforcement notice for noncompliance with District regulations as described in the Standard Operating Procedure Enforcement Guidance for failure to schedule a pre-construction meeting.

3.0 Pre-Inspection Procedures

3.1 Prior to the inspection, the inspector should review available documents, such as permits and copies of the site plan. Check for any previous inspections, violations and enforcement actions.

3.2 Before going to the site, the inspector must have the necessary inspection materials, such as:

3.2.1 Proper DDOE credentials;

3.2.2 Copies of the permit and appropriate inspection forms;

3.2.3 Field Inspection Notebook;

3.2.4 Digital camera. Ensure that the date/time stamp is accurate, the battery is fully charged (or take extra batteries), and enough memory is available (or take extra memory cards);

3.2.5 Cellphone;

3.2.6 Computer or tablet, if assigned; and

3.2.7 Personal Protective Equipment, as necessary, such as:

3.2.7.1 Hard hat;

3.2.7.2 Steel-toed boots;

3.2.7.3 Protective goggles; and

3.2.7.4 Protective vest.

3.3 Vehicle. When using a government vehicle, complete an online reservation form. Log in and out the inspection destination and mileage in the logbook that is maintained in the vehicle. Inspectors with an assigned government vehicle must leave the keys for the vehicle with the branch chief before going on leave.

4.0 ESC Inspection Procedures

4.1 Scheduling Inspections.

4.1.1 Where applicable, after the pre-construction meeting and approval for the installation of the soil erosion and sediment BMPs has been given, the inspector shall conduct an initial inspection before grading and/or excavation may begin at the site to ensure that the ESC measures have been installed in accordance with the approved ESC plan and District Standards and Specifications for Erosion and Sediment Control. After excavation begins, the inspector shall conduct periodic inspections throughout the construction process as are deemed necessary to ensure that all control measures installed are being maintained until construction is complete.

4.1.2 Site inspections shall be conducted on a routine basis throughout the duration of the land-disturbing activity. The number of inspections shall be scheduled based on project phase. For example, during heavy grading activities, the inspections should be more frequent, while once interior building activity has begun, less frequent inspections are required. Wet-event inspections of construction sites shall be completed within 24-hours of an appreciable rainfall event.

4.1.3 The inspector should plan his or her inspection schedule to target sites that are in priority areas, such as sites discharging to water quality-impaired waters, sites near surface waters, areas undergoing rapid development, large construction sites over an acre, or sites with a history of noncompliance.

4.1.4 Inspectors shall conduct a Final Inspection for ESC of the completed earth disturbance, stabilization and landscaping as per the approved ESC plan within two (2) weeks after receiving a notice or request for Final Inspection for ESC.

4.2 Act in a courteous and professional manner. Be on time for the inspection and call the owner/agent if running late. Develop a working relationship with the construction operator or other members of the public at the site.

4.3 Take safety precautions. The inspection of construction sites always poses a certain degree of safety risk. To avoid unnecessary risks, the inspector should be familiar with all safety obligations and practices and should:

4.3.1 Use safety equipment in accordance with available guidance and labeling instructions.

4.3.2 Maintain safety equipment in good condition and proper working order.

4.3.3 Dress appropriately for the particular activity and wear appropriate protective clothing. For example, wear a hard hat when on the construction site.

4.3.4 Use any safety equipment customary in the establishment being inspected (e.g., hard hat or safety glasses).

4.3.5 Never enter confined spaces unless properly trained, equipped, and permitted (if applicable).

4.3.6 For any safety-related questions check with supervisor.

4.4 Upon entering a construction site for inspection, inspectors shall identify themselves by presenting their picture identification with badge to the owner or agent in charge of the construction activity. The following steps should be taken once an inspector arrives on-site:

4.4.1 Request to see the owner, operator or site foreman/supervisor.

4.4.2 Introduce yourself as a DDOE inspector, show credentials, and explain the authority and purpose of the inspection. The proper DDOE badge indicates that the holder is a lawful representative of the agency and is authorized to perform inspections. The badge must be presented whether or not identification is requested.

4.4.3 Establish the identity of all responsible parties, including the person you are interviewing, from the owner/contractor. Document the names, titles, addresses, telephone numbers, and email of all parties with whom you speak during the inspection. Collect business cards if possible.

4.4.4 Establish an understanding of the procedures being implemented.

4.5 The owner/agent shall be given the opportunity to accompany the inspector during the inspection.

4.6 Each inspection should be thorough, consistent, and cover all areas of the construction site and all BMPs. Throughout the life of the project, the inspector needs to ensure that erosion and sediment controls are installed and maintained properly and are in working order in accordance with the construction site plan. The inspector should:

4.6.1 Assess perimeter controls (e.g., silt fence);

4.6.2 Assess construction entrances;

4.6.3 Perform a walk-through of the site to assess stabilization practices (e.g., seeding), structural sediment control practices (e.g. sediment trap), discharge points, and housekeeping practices described on the plan (e.g., general construction site waste management); and

4.6.4 Assess off-site areas to determine if adjacent properties or receiving waters are being adversely affected by construction activities.

4.7 Document the Inspection. The inspector should document and track all findings at the construction site using inspection forms and checklists, photographs, and field notes. This documentation will aid the inspector in supporting enforcement actions, escalating enforcement, or pursuing more stringent penalties if the site is in continuous noncompliance.

4.7.1 As much as possible, the inspector should fill out inspection reports while at the construction site being inspected and have the owner/agent sign to receive a copy of the inspection report or forward a copy to the owner/agent.

4.7.2 In addition to documenting observations as part of the specific ESC Field Inspection Report, field notes may be recorded in an Inspection Notebook or secure electronic file. The notes should contain sufficient detail to allow the inspector to complete his/her inspection report and to support observed issues of compliance.

4.7.2.1 Record facts and pertinent observations. Avoid ambiguity to prevent problems when the information is reviewed at a later date.

4.7.2.2 Do not record personal feelings or terminology.

4.7.3 In addition to completing the inspection checklist, the inspector may record the following types of information that will validate evidence:

4.7.3.1 Weather conditions. Note weather conditions such as snowfalls/rain events prior to and during the inspection;

4.7.3.2 Unusual conditions and problems. Describe in detail unusual conditions and problems;

4.7.3.3 Names and Titles. List the names and titles of the construction personnel and any statements they have made;

4.7.3.4 Permit information. List information regarding the presence or absence of permits on the site; and

4.7.3.5 Samples collected.

4.7.4 When possible, photographs should be taken to document problems and to identify areas contractors will need to take corrective action to be in compliance.

4.7.4.1 Document each photograph so that its content can be identified with the site, date, who took the photograph, and a short description of the purpose of the picture (if this information is not entered into the camera).

4.7.4.2 Photograph, diagram, if necessary, and identify the location of each potential violation or regulatory concern.

4.7.4.3 Photos should be clear, well lit, and at proper range to show that the photo was taken at the inspected site and to show the violation in context.

4.8 All ESC Inspection Events are to be entered into the ESC database within 24 hours or the next business day. All documents should be retained in the soil erosion and sediment control or SWM Construction site File maintained by the inspector or Central Records. See Section 6.0, below.

5.0 Changes to the ESC Plan

5.1 Except for minor construction activity, an approved ESC plan must be on-site at the time of the inspection.

5.2 During an inspection, if it is determined by the inspector that the soil erosion and sediment control measures in the approved plan are inadequate, the inspector is authorized to request that the owner/agent install additional control measures or make minor changes (such as seed and straw for temporary ground cover, additional silt or super silt fencing, additional straw bale dikes, use of portable sediment traps or relocation of construction entrance locations and tire wash stations). A justification as to why minor changes are needed for the approved ESC are to be included in the Inspection summary of the ESC Inspection Report.

5.3 Major or substantial plan changes as described by the ESC Guidebook (structural measures including earth dike use and location, excavated sediment traps and ponds as well as grading changes) require a revised Erosion and Sediment Control plan to be submitted to Technical Services Branch (TSB) through the Department of Consumer and Regulatory Affairs (DCRA) One Stop Permit and Business Center for review and approval by the TSB.

6.0 ESC Construction File

6.1 The ESC Construction Site File should contain ESC inspection reports with the file number, site address, copy of the building permit, copy of notice of any violation/infraction (if any), event dates, and photos of the site.

6.2 Inspectors should maintain and update the Construction Site file and BMP Tracking Database within 24 hours or the next business day after inspection.

6.3 Complete an ESC Field Inspection Report for every ESC inspection event (Pre-Construction, Initial, Routine, Final).

6.3 Record the dates and times of all phone calls made or received regarding the inspections of the site. Describe any follow-up action taken (if any) in response to the calls.

6.4 If a digital camera was used to take pictures, download and authenticate your pictures immediately for the ESC Construction File. Record the following information on each picture:

6.4.1 Name and address of the site;

6.4.2 When the picture was taken – date and time;

6.4.3 Your signature.

6.5 Sign and date the inspection report.

6.6 A signed copy of each inspection report for ESC is to be given to the owner/agent and maintained in the case file for ESC, and where applicable, in the Stormwater Management Facility Construction file.

6.7 Tracking Inspections.

6.7.1 For the purpose of tracking the number of inspections, inspection of all temporary erosion and sediment control measures should be considered one inspection event.

6.7.2 Use a specific inspection form for each SWM BMP and for all inspection events during its construction.

6.7.3 Use one inspection form for each inspection event for ESC inspections.

7.0 Enforcement

7.1 If upon final inspection, or during any interim inspection, the inspector determines that the owner/agent has failed to comply with the ESC plan, the inspector shall use appropriate enforcement action(s) as described in the SOP for Enforcement of Soil Erosion and Sedimentation Control and Stormwater Management.

7.2 Re-inspection. Re-inspection of properties for which there are pending violations is imperative. Violations cannot be considered abated without re-inspection. Unabated items cannot be referred for enforcement action unless it has been verified that the violations still exist and efforts at compliance have not been made. After re-inspection of the site:

7.2.1 Indicate the item or condition on the deficiency list of the inspection report that has been abated.

7.2.2 Indicate those conditions on the deficiency list that have been partially corrected.

7.2.3 Attempt to contact by telephone and/or email the responsible person to ascertain the reason for non-compliance and/or to verify the receipt of orders. If unable to contact the responsible person during working hours, telephone in the evening, early morning, or on weekends. Record the essentials of the call and how, where and when to contact the responsible person in the future.

7.2.4 Take the following action if the responsible person is contacted:

7.2.4.1 If a valid reason is given, recommend an additional reasonable time for compliance.

7.2.4.2 In the absence of a valid reason for non-compliance, proceed with a Corrective Action Notice (CAN), Notice of Violation (NOV), or Notice of Infraction (NOI).

7.2.5 Add the record of the re-inspection report to the case history/file.

7.3 If an inspector discovers a violation at a construction site that they have not been assigned to, he or she should perform an inspection documenting the violation (s) and contact the inspector assigned to the area and inform them of your intent to issue an Enforcement Notice for the site, and provide the assigned inspector with a copy of the Inspection Report and Enforcement Notice (for the SWM/ESC site construction file). Update the BMP tracking database with information about the Inspection type and date, and the date of the Enforcement Notice

8.0 Reference Documents

- 8.1 Stormwater Management Facility Construction Inspection SOP
- 8.2 Erosion and Sediment Control Field Inspection Report Site Inspection Checklist
- 8.3 Enforcement of Soil Erosion and Sedimentation Control and Stormwater Management SOP
- 8.4 Stormwater Management Guidebook 2013, found at:
http://ddoe.dc.gov/sites/default/files/dc/sites/ddoe/page_content/attachments/2013%20SW%20Rule.pdf

I List of FY 2013 and FY 2014 Erosion and Sediment Control Enforcement Actions

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|--------------------------|--------------------|--------------------|------------------------------|---|
| 2 M St NE | NOV | 10/2/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 3134 Ellicott ST NW | NOV | 10/4/2012 | Erosion and Sediment Control | Provide approved Stormwater Management Plan and install/maintain perimeter controls |
| 4601 Western Ave NW | NOV | 10/9/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 1601 16th St SE | NOV | 10/11/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 1400 Block Foxhall Rd NW | NOV | 10/11/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|-----------------------------------|--------------------|--------------------|------------------------------|---|
| 5000 Block of Rockwood Parkway NW | NOV | 10/11/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and provide approved Erosion and Sediment Control Plan |
| 3314-3440 Wisconsin Ave NW | NOV | 10/15/2012 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan and obtain required permits. |
| 100 Florida Ave NE | NOV | 10/18/2012 | Erosion and Sediment Control | Stabilize area |
| 2725 Newlands St NW | NOV | 10/18/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 2840 Newlands St NW | NOV | 10/18/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and clean public space |
| First Sterling Access Road | NOV | 10/19/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and clean catch basin within site |
| 2000 G St NW | NOV | 10/25/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and clean sediment from public space |
| Brown Elementary School NE | NOV | 10/26/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 1212 4th St SE | NOV | 10/31/2012 | Erosion and Sediment Control | Install and maintain a dewatering structure and clean, maintain, and protect storm drain inlets |
| 815-825 Juniper St NW | NOV | 11/7/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and provide approved Erosion and Sediment Control Plan |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|----------------------------|--------------------|--------------------|------------------------------|--|
| 6000 Block Willow St NW | NOV | 11/7/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 5207 Sherier Pl NW | NOV | 11/13/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 4507 River Rd NW | NOV | 11/16/2012 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan and install and maintain erosion and sediment control measures |
| 2828 Brandywine St NW | NOV | 11/20/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and provide approved Erosion and Sediment Control Plan |
| 2108 | NOV | 11/20/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 0 Willow St NW | NOV | 11/21/2012 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan, provide Building Permits, install and maintain erosion and sediment control measures |
| 801 Monroe St NE | NOV | 11/27/2012 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 712 Anacostia Ave NE | NOV | 1/17/2013 | Erosion and Sediment Control | Stabilize area |
| 5025 Garfield St NW | NOV | 1/29/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 3336-3406 Wisconsin Ave NW | NOV | 1/31/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 5204 Sherier Place NW | NOV | 2/12/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|--------------------------------------|--------------------|--------------------|------------------------------|--|
| 3134 Ellicott ST NW | NOV | 6/25/2013 | Erosion and Sediment Control | Provide approved permits, provide approved Erosion and Sediment Control Plan, install and maintain erosion and sediment control measures, and clean sediment from public space |
| 5224 Manning Pl NW | NOV | 6/26/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and provide approved Erosion and Sediment Control Plan |
| 206 P St NW | NOV | 6/27/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 4340 Nebraska Ave NW | NOV | 6/27/2013 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan and permits, and install erosion and sediment control measures |
| 514 V St. NW | NOV | 7/1/2013 | Erosion and Sediment Control | Stabilize area and clean street |
| Eagle Point Management | NOV | 7/5/2013 | Storm Water Management | Clean stormwater management facilities |
| 1335 Maryland Ave NE | NOV | 7/8/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and stabilize area |
| 5827 Field Pl NE | NOV | 7/8/2013 | Erosion and Sediment Control | Prove building permits and approved Erosion and Sediment Control Plan |
| Shrine of the Most Blessed Sacrament | NOV | 7/8/2013 | Storm Water Management | maintain and repair stormwater management facility |
| 1714 and 1716 3rd St NE | NOV | 7/9/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|--------------------------------|--------------------|--------------------|------------------------------|---|
| 5116 Macomb St NW | NOV | 2/13/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures, obtain required permits, provide approved Erosion and Sediment Control Plan |
| 1 Anacostia Ave SE | NOV | 2/15/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| Raymond Durford Athletic Field | NOV | 2/21/2013 | Storm Water Management | Comply with approved Stormwater Management Plan and Provide As-Built Plan |
| 131 Tingey St SE | NOV | 2/21/2013 | Erosion and Sediment Control | Submit approved Erosion and Sediment Control Plan, install and maintain erosion and sediment control measures, and clean public space |
| 1212 4th St SE | NOV | 2/22/2013 | Erosion and Sediment Control | sweep and maintain public space and comply with plan |
| Raymond Durford Athletic Field | NOV | 2/28/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment measures |
| 3642 New Hampshire Ave NW | NOV | 2/28/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and provide approved Erosion and Sediment Control Plan |
| 5115 D St SE | NOV | 3/8/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and schedule appropriate inspections |
| 4130 Albermarle St NW | NOV | 3/13/2013 | Erosion and Sediment Control | Develop plan for on-site management of stormwater discharge and erosion |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|----------------------|--------------------|--------------------|--|--|
| 628 14th St NE | NOV | 3/14/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures, provide approved Erosion and Sediment Control Plan |
| 30 Channing St NW | NOV | 3/14/2013 | Erosion and Sediment Control | Obtain building permits and submit approved Erosion and Sediment Control Plan |
| 36 Channing St NW | NOV | 3/14/2013 | Erosion and Sediment Control | Obtain building permits, install erosion and sediment control measures, and submit approved Erosion and Sediment Control Plan |
| 1150 Varnum St NE | NOV | 3/18/2013 | Storm Water Management | Remove soil from batch basin and roadway and stabilize area |
| 4720 Woodway Land NW | NOV | 3/18/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 515 M St. SE | NOV | 3/21/2013 | Erosion and Sediment Control | Obtain required building permits and install erosion and sediment control measures |
| 2220 Bryan Pl SE | NOV | 3/28/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and clean public space |
| 1800 Erie St SE | NOV | 3/28/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and clean public space |
| 1900 8th St NW | NOV | 3/28/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 4865 Potomac Ave NW | NOV | 4/2/2013 | Erosion and Sediment Control and Stormwater Water Management | Install and maintain erosion and sediment control measures, obtain and provide an approved Erosion and Sediment Control Plan, comply with granted waiver |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|---------------------------|---------------------------|---------------------------|------------------------------|---|
| 4821 Bending Lane NW | NOV | 4/2/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 255 and 235 Carroll St NW | NOV | 4/4/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and clean sediment from public space |
| 300 3rd St NE | NOV | 4/11/2013 | Erosion and Sediment Control | Provide preventative maintenance |
| 904 Shepard ST NW | NOV | 5/16/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 4860 Glenbrook Rd NW | NOV | 6/5/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and provide approved Erosion and Sediment Control Plan |
| 5200 2nd St NW | NOV | 6/11/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 5136 Palisade Lane NW | NOV | 6/12/2013 | Erosion and Sediment Control | Provide Erosion and Sediment Control Plan, install and maintain erosion and sediment control measures, stabilize site |
| 5505 5th ST NW | NOV | 6/20/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 401 15th ST SE | NOV | 6/24/2013 | Erosion and Sediment Control | Provide an approved Erosion and Sediment Control Plan, stabilize area, install erosion and sediment control measures |
| 2121 Dunmore Land NW | NOV | 6/24/2013 | Erosion and Sediment Control | Obtain required permits and install required erosion and sediment control measures |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|--------------------------|--------------------|--------------------|--|--|
| 1250 Constitution Ave NE | NOV | 10/22/2013 | Erosion and Sediment Control and Stormwater Water Management | Provide approved Erosion and Sediment Control Plan and submit a Stormwater Management Plan |
| 1001 H St NE | NOV | 10/28/2013 | Erosion and Sediment Control | Stabilize site, install erosion and sediment control measures |
| 2912 South Dakota Ave NW | NOV | 2/24/2014 | Erosion and Sediment Control | Obtain approved Erosion and Sediment Control Plan |
| 2701 Wisconsin Ave NW | NOV | 2/25/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 4711 Brandywine St NW | NOV | 3/7/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures, work within scope of approved permits, and schedule pre construction meeting |
| 4421 Chestnut Lane NW | NOV | 3/10/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures, work inside the scope of approved plans |
| 5333 Connecticut Ave NW | NOV | 3/12/2014 | Erosion and Sediment Control | Clean sediment from public space, install and maintain erosion and sediment control measures, and call for inspections. |
| 4115 45th St NW | NOV | 3/19/2014 | Erosion and Sediment Control | Clean catch basins, install and maintain erosion and sediment control measures and work within the scope of approved plans |
| 1251 Saratoga St NE | NOV | 3/20/2014 | Erosion and Sediment Control | Stabilize area |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|-----------------------------------|--------------------|--------------------|--|--|
| 1st St NE | NOV | 7/9/2013 | Erosion and Sediment Control | Prove building permits and approved Erosion and Sediment Control Plan |
| 1373 Florida Ave NE | NOV | 7/10/2013 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan |
| 3432 Newark St NW | NOV | 7/11/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and provide approved Erosion and Sediment Control Plan |
| 1375 Mount Oliver Rd NE | NOV | 7/11/2013 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan |
| 1700 New York Ave NW | NOV | 7/12/2013 | Storm Water Management | Provide engineering report |
| 3103 20th St NE | NOV | 7/15/2013 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan |
| 1510 Monroe St NE | NOV | 7/15/2013 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan and obtain required permits. |
| 300 Van Buren St NW | NOV | 7/16/2013 | Erosion and Sediment Control and Stormwater Water Management | Obtain required permits, provide Erosion and Sediment Control plan, and install required erosion and sediment control measures |
| 4651 Nannie Helen Boroughs Ave NE | NOV | 7/24/2013 | Erosion and Sediment Control | Provide a building permit and install erosion and sediment control measures |
| 3111 Macomb St NW | NOV | 8/12/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 3310 Ross Pl NW | NOV | 8/12/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|----------------------------|---------------------------|---------------------------|------------------------------|--|
| 4544-4528 Westhall Dr. NW | NOV | 8/14/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 5308 Dosett Pl NW | NOV | 8/14/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 1307 Euclid St NW | NOV | 8/20/2013 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan |
| 3501 Springland Lane NW | NOV | 8/28/2013 | Erosion and Sediment Control | Schedule required inspection and provide approved Erosion and Sediment Control Plan |
| 2929 49th St NW | NOV | 8/28/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 1020 Kearny St NE | NOV | 8/29/2013 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan |
| 4305 38th St NW | NOV | 8/29/2013 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan, schedule appropriate inspections, and install and maintain erosion and sediment control measures |
| 636 Kenyon St NW | NOV | 9/3/2013 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan |
| 2100 Whitehaven Parkway NW | NOV | 9/3/2013 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan, schedule appropriate inspections, and install and maintain erosion and sediment control measures |
| 1001 Harvard St NW | NOV | 9/9/2013 | Erosion and Sediment Control | Follow approved plan |
| 2905 11th St NW | NOV | 9/9/2013 | Storm Water Management | Follow approved plan |
| 1625 14th St NW | NOV | 9/13/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and schedule appropriate inspections |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|---------------------------|---------------------------|---------------------------|-----------------------------------|--|
| 501 New York Ave NE | NOV | 9/17/2013 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan |
| 4400 Massachusetts Ave NW | NOV | 9/20/2013 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan, schedule appropriate inspections, and install and maintain erosion and sediment control measures |
| 2532 11th St NW | NOV | 10/1/2013 | Erosion and Sediment Control | Install erosion and sediment control measures |
| 1706 Columbia Rd NW | NOV | 10/2/2013 | Erosion and Sediment Control | Follow approved plan |
| 800 Florida Ave NE | NOV | 10/4/2013 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan |
| 1100 Michigan Ave NE | NOV | 10/8/2013 | Erosion and Sediment Control | Stabilize area and install and maintain erosion and sediment control measures |
| 3030 Chain Bridge Rd NW | NOV | 10/9/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and clean public space |
| 4920 45th NW | NOV | 10/15/2013 | Erosion and Sediment Control Plan | install and maintain erosion and sediment control measures |
| 3675 Ely Place SE | NOV | 10/16/2013 | Storm Water Management | Remove construction and schedule inspections |
| 4306 Hutching Pl NW | NOV | 10/17/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 4351 Klinge St NW | NOV | 10/22/2013 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and schedule appropriate inspections |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|--------------------------|---------------------------|---------------------------|------------------------------|--|
| 2025 14th St NW | NOV | 3/20/2014 | Erosion and Sediment Control | Clean catch basins |
| 920 Randolph St NW | NOV | 3/21/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures, stabilize area, clean catch basins |
| 4616 Ellicott ST NW | NOV | 3/25/2014 | Erosion and Sediment Control | Working outside the scope of approved Erosion and Sediment Control Plan |
| 4811 MacArthur Blvd NW | NOV | 3/25/2014 | Erosion and Sediment Control | Obtain approved Erosion and Sediment Control Plan and failure to comply with approved Stormwater Management Plan |
| 1401 New York Ave NE | NOV | 4/3/2014 | Erosion and Sediment Control | Provide an approved Erosion and Sediment Control Plan and install erosion and sediment control measures |
| 24 Seaton Place NW | NOV | 4/9/2014 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan |
| 625 H St NE | NOV | 4/10/2014 | Erosion and Sediment Control | Stabilize site |
| 3221 12th St NE | NOV | 4/15/2014 | Erosion and Sediment Control | Obtain approved Erosion and Sediment Control Plan |
| 619 D St SE | NOV | 4/17/2014 | Erosion and Sediment Control | Stabilize area and clean public space |
| Lock 7 Development | NOV | 4/18/2014 | Storm Water Management | Submit a Stormwater Management Plan and stop all activity |
| 2007 Trumbull Terrace NW | NOV | 4/23/2014 | Storm Water Management | Provide engineering report, schedule inspections |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|-------------------------|--------------------|--------------------|------------------------------|---|
| 1734 6th ST NW | NOV | 4/23/2014 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan, stabilize area, and install erosion and sediment control measures |
| 1251 Saratoga St NE | NOV | 4/28/2014 | Erosion and Sediment Control | Install erosion and sediment control measures |
| 915 12th St NE | NOV | 5/6/2014 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan and install erosion and sediment control measures |
| 4656 Garfield St NW | NOV | 5/7/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and schedule appropriate inspections |
| 5333 Connecticut Ave NW | NOV | 5/7/2014 | Erosion and Sediment Control | Clean catch basin |
| 2709 36th ST NW | NOV | 5/8/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and stabilize area |
| 1369 New York Ave NE | NOV | 5/12/2014 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan for new work |
| 4900 32nd ST NW | NOV | 5/21/2014 | Erosion and Sediment Control | Provide Erosion and Sediment Control Plan, install and maintain erosion and sediment control measures |
| 3717 Military Rd NW | NOV | 5/22/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and schedule appropriate inspections |
| 1601 5th St NW | NOV | 5/23/2014 | Erosion and Sediment Control | Work inside the scope of plan |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|---------------------------|---------------------------|---------------------------|------------------------------|---|
| 5034 Reno Rd NW | NOV | 5/27/2014 | Erosion and Sediment Control | Obtain approved Erosion and Sediment Control Plan |
| 3145 Mount Pleasant St NW | NOV | 6/9/2014 | Erosion and Sediment Control | Stabilize area and install and maintain erosion and sediment control measures |
| 5619 56th Place NE | NOV | 6/13/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 4411 16th St NW | NOV | 6/19/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 301 Bryant St NW | NOV | 6/20/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 640 Anacostia Ave SE | NOV | 6/30/2014 | Storm Water Management | Conduct maintenance on stormwater facilities |
| 415 NJ Ave NW | NOV | 7/3/2014 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan |
| 5020 Palisade Lane NW | NOV | 7/9/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures, obtain Erosion and Sediment Control Plan, and schedule inspection and meeting |
| 801 9th St NE | NOV | 7/10/2014 | Erosion and Sediment Control | Schedule pre-construction meeting and stabilize site |
| 1805 Horband Rd NW | NOV | 7/16/2014 | Erosion and Sediment Control | Discontinue activity |
| 3018 South Dakota Ave NE | NOV | 7/17/2014 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan and Building Permits |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|----------------------------|--------------------|--------------------|--|--|
| 4249 Wisconsin Ave NW | NOV | 7/17/2014 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan, Install and maintain erosion and sediment control measures, schedule inspections |
| 4869 Glenbrook Rd NW | NOV | 7/21/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and obtain approved Erosion and Sediment Control Plan |
| 4550 Klinge St NW | NOV | 7/22/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and schedule appropriate inspections |
| 2930 Mills Ave NE | NOV | 7/28/2014 | Erosion and Sediment Control | Stabilize area, schedule a pre-construction meeting and obtain Erosion and Sediment Control Plan |
| 1834 47th Pl NW | NOV | 7/29/2014 | Erosion and Sediment Control and Stormwater Water Management | Provide approved Erosion and Sediment Control Plan, install and maintain erosion and sediment control measures, obtain approved Stormwater Management Plan, schedule inspections |
| 4400 Massachusetts Ave NW | NOV | 7/31/2014 | Storm Water Management | Obtain inspection and approval |
| 3201 Fort Lincoln Drive NE | NOV | 8/12/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control and sweep public space |
| 2468 Baldwin Crescent | NOV | 8/12/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and clean public space |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|---------------------------|--------------------|--------------------|------------------------------|---|
| 2938 Maccomb St NW | NOV | 8/13/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 1930 Fox View Circle NW | NOV | 8/14/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 2601 30th ST NW | NOV | 8/19/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures, stabilize area, work within approved plan |
| 1200 17th ST NW | NOV | 8/21/2014 | Storm Water Management | Obtain inspection and approval |
| 633 E St SE | NOV | 8/28/2014 | Erosion and Sediment Control | Obtain approved Erosion and Sediment Control Plan |
| 30 P St. NW | NOV | 9/9/2014 | Erosion and Sediment Control | Install and maintain erosion and clean public space |
| 1045 Wisconsin Ave NW | NOV | 9/11/2014 | Storm Water Management | Provide approved Stormwater Management Plan |
| 4106 46th St NW | NOV | 9/15/2014 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan and install and maintain erosion and sediment control measures |
| 920 Randolph St NW | NOV | 9/18/2014 | Storm Water Management | Comply with Stormwater Pollution Prevention Plan and comply with approved Stormwater Management Plan |
| 5700 Chevy Chase Pkway NW | NOV | 9/18/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 435 R ST NW | NOV | 9/19/2014 | Erosion and Sediment Control | Stabilize area and install and maintain erosion and sediment control measures |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|--------------------------|--------------------|--------------------|--|---|
| 1310 Childress St NE | NOV | 9/22/2014 | Erosion and Sediment Control | Obtain approved Erosion and Sediment Control Plan and obtain approved Stormwater Management Plan |
| 5016-5022 C St SE | NOV | 9/22/2014 | Erosion and Sediment Control and Stormwater Water Management | Install erosion and sediment control measures, provide approved Stormwater Management Plan and install stormwater management facilities |
| 220 P St NW | NOV | 9/23/2014 | Erosion and Sediment Control | Install erosion and sediment control measures |
| 4418 MacArthur BLVD NW | NOV | 9/24/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and schedule a pre-construction meeting |
| 3933 Garrison St NW | NOV | 9/25/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and request inspection |
| 3233 E St SE | NOV | 10/2/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and call for inspection |
| 1500 Pennsylvania Ave SE | NOV | 10/7/2014 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan |
| 3504 36th St NW | NOV | 10/9/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and provide approved Erosion and Sediment Control Plan |
| 3602 Ordway St NW | NOV | 10/9/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures and obtain approved Erosion and Sediment Control Plan |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|--------------------------|--------------------|--------------------|--|--|
| 2913 Brandywine St NW | NOV | 10/16/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 3101 Wisconsin Ave NW | NOV | 10/16/2014 | Erosion and Sediment Control | Clean catch basins and install and maintain erosion and sediment control measures |
| 4948 Lowell St NW | NOV | 10/20/2014 | Erosion and Sediment Control | Schedule inspections and pre-construction meeting, work in the scope of approved plans, install and maintain erosion and sediment control measures |
| 1230 Pennsylvania Ave SE | NOV | 10/21/2014 | Erosion and Sediment Control | Comply with approved Erosion and Sediment Control Plan |
| 1101 9th St NE | NOV | 10/23/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 440 K St NW | NOV | 10/25/2014 | Erosion and Sediment Control | Stabilize area and install and maintain erosion and sediment control measures |
| 4334 Klinge St NW | NOV | 10/28/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 1310 Childress St NE | NOV | 10/29/2014 | Erosion and Sediment Control and Stormwater Water Management | Schedule inspection, comply with approved stormwater management plan, maintain and comply with off site retention volume |
| 3401 4th St SE | NOV | 10/29/2014 | Erosion and Sediment Control | Perform preventative maintenance, stabilize site, and clean public space |
| 5200 2nd St NW | NOV | 11/3/2014 | Erosion and Sediment Control | Provide As-Built Plan |
| 800 22nd St NW | NOV | 11/10/2014 | Storm Water Management | Schedule inspections and approval |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|--------------------------------|--------------------|--------------------|------------------------------|---|
| Anacostia River Walk Area E | NOV | 11/14/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures |
| 4125 Fessenden St NW | NOV | 11/20/2014 | Erosion and Sediment Control | Install and maintain erosion and sediment control measures, obtain an approved soil and erosion control plan |
| 100 Block of Xenia St SE | NOV | 11/20/2014 | Erosion and Sediment Control | Provide an approved Erosion and Sediment Control Plan, install adequate erosion and sediment control measures, stabilize area, call for site inspection |
| 132 Mississippi Ave SE | NOV | 12/1/2014 | Erosion and Sediment Control | Provide an approved Erosion and Sediment Control Plan, install adequate erosion and sediment control measures, stabilize area. |
| 43 Galveston Pl SW | NOV | 12/1/2014 | Erosion and Sediment Control | Provide an approved Erosion and Sediment Control Plan, install adequate erosion and sediment control measures, stabilize area |
| 154 Forrester St SW | NOV | 12/2/2014 | Erosion and Sediment Control | Obtain an approved erosion and sediment control plan, install erosion and sediment control measures, stabilize area |
| 41 Forrester St SW | NOV | 12/2/2014 | Erosion and Sediment Control | Provide an approved Erosion and Sediment Control Plan, install adequate erosion and sediment control measures, stabilize area. |
| 119, 121, 123, 125 Wayne St SE | NOV | 12/10/2014 | Erosion and Sediment Control | Stabilize area, obtain and provide an approved Erosion and Sediment Control Plan, install adequate erosion and sediment control measures |

| Location | Enforcement Action | Date of Inspection | Nature of Inspection | Corrective Action |
|-------------------------|---------------------------|---------------------------|------------------------------|---|
| 111 New Jersey Ave SE | NOV | 12/16/2014 | Erosion and Sediment Control | Stabilize area, perform preventative maintenance |
| 420 Conn Ave NW | NOV | 12/26/2014 | Erosion and Sediment Control | Install adequate erosion and sediment control measures and stabilize site |
| 1714 and 1716 3rd St NE | NOV | 6/14/2013 and 6/17/2013 | Erosion and Sediment Control | Provide approved Erosion and Sediment Control Plan and install and maintain erosion and sediment control measures |

| Respondent #1 Name | Location | Enforcement Action | Date of Inspection | DDOE Date of Service | DDOE Fine Payment Amount | OAH - Amount Paid | Case Closure Information | INTERNAL (DDOE) NOI NUMBER | |
|--------------------------------|-------------------------|---------------------------|---------------------------|-----------------------------|---------------------------------|--------------------------|---------------------------------|-----------------------------------|--|
| Steuart-H St LLC | 360 H Street NE | NOI | 9/28/2012 | 10/5/2012 | \$2,000 | | Paid | DDOE-12-K500599 | |
| Essex Construction, LLC | 50 Irving Street, NW | NOI | 9/24/2012 | 11/13/2012 | \$1,000 | | Paid | DDOE-12-K500526 | |
| 6000 New Hampshire Avenue LLC | 98 Peabody Street, NE | NOI | 1/8/2013 | 1/15/2013 | \$2,000 | | Paid | DDOE-13-E500609 | |
| Salmon & Salmon, LLC | 1333 Euclid Street, NW | NOI | 10/2/2012 | 10/5/2012 | | | Other | DDOE-12-K500601 | |
| Lend Lease Construction Inc. | 1401 S St. NW | NOI | 8/9/2012 | 3/8/2013 | \$15,000 | | Paid | DDOE-13-E500626 | |
| Smoot Gilbane Construction | 101 N Street, NW | NOI | 2/7/2013 | 2/12/2013 | \$1,000 | | Paid | DDOE-13-E500613 | |
| Sigal Construction Corporation | 1200 Clifton Street, NW | NOI | 10/2/2012 | 10/5/2012 | | \$1,000 | Paid | DDOE-12-K500598 | |
| Foster, Douglas | 3725 10th St. NW | NOI | 1/2/2013 | 4/3/2013 | | | Open | DDOE-13-E500631 | |
| 786 Harvard Street LLC | 786 Harvard Street NW | NOI | 12/21/2012 | 1/9/2013 | \$2,000 | | Paid | DDOE-13-E500604 | |
| 3232 Georgia Residential LLC | 3232 Georgia Avenue, NW | NOI | 1/2/2013 | 1/9/2013 | \$1,000 | | Paid | DDOE-13-E500603 | |
| Unity-Parkside Property, Inc. | Kenilworth Terrace, NE | NOI | 1/8/2013 | 1/14/2013 | \$1,000 | | Paid | DDOE-13-E500606 | |
| New Hampshire Ave Ventures LLC | 100 Peabody Street, NE | NOI | 1/8/2013 | 1/14/2013 | \$2,000 | | Paid | DDOE-13-E500607 | |
| Catholic University of America | 716 Monroe Street, NE | NOI | 1/29/2013 | 2/1/2013 | \$3,000 | | Paid | DDOE-13-E500610 | |
| 1515 14th Street, LLC | 1525 14th Street, NW | NOI | 2/5/2013 | 2/8/2013 | \$2,000 | | Paid | DDOE-13-E500612 | |
| 3511 13th Street, LLC | 3511 13th Street, NW | NOI | 1/2/2013 | 1/10/2013 | \$1,000 | | Paid | DDOE-13-E500605 | |

| Respondent #1 Name | Location | Enforcement Action | Date of Inspection | DDOE Date of Service | DDOE Fine Payment Amount | OAH - Amount Paid | Case Closure Information | INTERNAL (DDOE) NOI NUMBER | |
|--------------------------------|------------------------|---------------------------|---------------------------|-----------------------------|---------------------------------|--------------------------|---------------------------------|-----------------------------------|--|
| Bellview Development, Inc. | 1333 Euclid Street, NW | NOI | 10/2/2012 | 2/6/2013 | | \$2,000 | Paid | DDOE-13-E500611 | |
| Hamel Builders | 2515 Alabama Avenue SE | NOI | 2/12/2013 | 2/12/2013 | \$750 | | Paid | DDOE-13-E500616 | |
| Catholic University of America | 625 Monroe Street, NE | NOI | 3/28/2013 | 4/2/2013 | \$2,000 | | Paid | DDOE-13-E500632 | |
| Catholic University of America | 625 Michigan Ave, NE | NOI | 4/15/2013 | 4/19/2013 | \$1,000 | | Paid | DDOE-13-E500633 | |
| Catholic University of America | 625 Monroe Street, NE | NOI | 4/8/2013 | 4/22/2013 | \$5,000 | | Paid | DDOE-13-E500635 | |
| Clark Builders Group | 360 H St. NE | NOI | 2/28/2013 | 4/3/2013 | | \$2,000 | Paid | DDOE-13-E500614 | |
| 2951 Mills Ave Inc. | 1401 1st Street NW | NOI | 4/17/2013 | 4/23/2013 | \$500 | | Paid | DDOE-13-E500638 | |
| Essex Construction, LLC | 50 Irving St. NW | NOI | 9/28/2012 | 4/19/2013 | | \$500 | Paid | DDOE-13-E500634 | |
| Sikder, Mohammad | 5311 Bass Place, SE | NOI | 5/20/2013 | 6/17/2013 | | \$800 | Paid | DDOE-13-E500617 | |
| S2 Asset Company LLC | 1928 3rd St. NE | NOI | 10/2/2012 | 11/21/2012 | | | Sent to CCU | DDOE-12-K500600 | |
| Goodeon Kingston LLC | 401 15th St. SE | NOI | 11/15/2013 | 11/19/2013 | \$4,000 | | Paid | DDOE-13-E500647 | |
| Plaza Construction | 701 2nd St. NE | NOI | 11/6/2013 | 11/13/2013 | \$2,000 | | Paid | DDOE-13-E500644 | |
| Baylor, Anthony D. | 4903 Grant Street, NE | NOI | 4/15/2013 | 4/22/2013 | | | Paid | DDOE-13-E500637 | |
| New Hampshire Ave Ventures LLC | 6141 Sligo Mill Rd. NE | NOI | 11/12/2013 | 11/14/2013 | \$2,000 | | Paid | DDOE-13-E500645 | |
| 1845 North Capitol St NE, LLC | 1845 N. Capitol St NE | NOI | 10/12/2012 | 10/19/2012 | | | Open | DDOE-12-K500602 | |

| Respondent #1 Name | Location | Enforcement Action | Date of Inspection | DDOE Date of Service | DDOE Fine Payment Amount | OAH - Amount Paid | Case Closure Information | INTERNAL (DDOE) NOI NUMBER | |
|-----------------------------|------------------------------------|---------------------------|---------------------------|-----------------------------|---------------------------------|--------------------------|---------------------------------|-----------------------------------|--|
| 3517 14th LLC | 3517 14th Street NW | NOI | 4/11/2013 | 4/22/2013 | | | Sent to CCU | DDOE-13-E500636 | |
| Sherman, Jason B. | 3205 Georgia Ave. NW | NOI | 5/2/2013 | 5/8/2013 | | | Sent to CCU | DDOE-13-E500628 | |
| Bozzuto Management | Pennsylvania Ave. SE | NOI | 1/11/2013 | 7/17/2013 | | | Open | DDOE-13-E500640 | |
| Powell Family LLC | St. NW also known as 1630 14th St. | NOI | 11/13/2013 | 2/10/2014 | | | Open | DDOE-14-E500652 | |
| Veneto LLC | Dakota Ave. NE | NOI | 2/24/2014 | 2/27/2014 | | | Other | DDOE-14-E500658 | |
| Kershner, Charles M. | Dakota Ave. NE | NOI | 2/24/2014 | 2/27/2014 | | | Open | DDOE-14-E500657 | |
| 2012 D Street LLC | NE | NOI | 2/4/2014 | 2/7/2014 | | | Open | DDOE-14-E500649 | |
| Capitol Petroleum Group | Ave. NE | NOI | 6/10/2013 | 11/6/2013 | \$1,000 | | Paid | DDOE-13-E500641 | |
| 21st Street NE LLC | 400 21st St. NE | NOI | 2/4/2014 | 2/7/2014 | \$2,000 | | Paid | DDOE-14-E500651 | |
| 1110 6th Street LLC | 1110 6th St NE | NOI | 11/6/2013 | 11/13/2013 | | | Other | DDOE-13-E500642 | |
| MCN Build | 1375 Mount Olivet Rd. NE | NOI | 3/12/2014 | 3/20/2014 | \$2,000 | | Paid | DDOE-14-E500662 | |
| 233 S Street Inc. | 233 S St. NE | NOI | 11/12/2013 | 11/18/2013 | | \$2,000 | Paid | DDOE-13-E500646 | |
| 1110 6th Street LLC | 1110 6th St. NE | NOI | 2/4/2014 | 2/7/2014 | | | Open | DDOE-14-E500648 | |
| Ryan Homes/Washington North | Lincoln Dr. NE | NOI | 1/14/2014 | 3/18/2014 | | | Other | DDOE-14-E500656 | |
| 901 Monroe Street, LLC | 901 Monroe St. NE | NOI | 2/19/2014 | 2/27/2014 | \$6,000 | | Paid | DDOE-14-E500659 | |

| Respondent #1 Name | Location | Enforcement Action | Date of Inspection | DDOE Date of Service | DDOE Fine Payment Amount | OAH - Amount Paid | Case Closure Information | INTERNAL (DDOE) NOI NUMBER | |
|---|------------------------|---------------------------|---------------------------|-----------------------------|---------------------------------|--------------------------|---------------------------------|-----------------------------------|--|
| Skanska USA Building Inc. | Michigan Ave. NE | NOI | 2/19/2014 | 2/26/2014 | \$2,000 | | Paid | DDOE-14-E500655 | |
| Richardson, Estelle J. | NE | NOI | 2/4/2014 | 2/7/2014 | | \$1,015 | Paid | DDOE-14-E500650 | |
| 1908 Bladensburg Road LLC | Bladensburg Rd. NE | NOI | 3/24/2014 | 4/2/2014 | | | Paid | DDOE-14-E500664 | |
| 1830 Bladensburg Road LLC | Bladensburg Rd. NE | NOI | 3/24/2014 | 4/3/2014 | | | Paid | DDOE-14-E500673 | |
| 1910 Bladensburg Road LLC | Bladensburg Rd. NE | NOI | 3/24/2014 | 4/2/2014 | | | Paid | DDOE-14-E500665 | |
| 1826 Bladensburg Road LLC | Bladensburg Rd. NE | NOI | 3/24/2014 | 4/2/2014 | | | Paid | DDOE-14-E500672 | |
| 1900 Bladensburg Rd Limited Partnership | Bladensburg Rd. NE | NOI | 3/24/2014 | 4/3/2014 | | | Paid | DDOE-14-E500674 | |
| Goodeon Kingston LLC | 401 15th St. SE | NOI | 4/21/2014 | 4/25/2014 | \$4,000 | | Paid | DDOE-14-E500679 | |
| J. River 901 D Street LLC | 901 D Street NE | NOI | 4/21/2014 | 4/24/2014 | \$2,000 | | Paid | DDOE-14-E500680 | |
| 1601 15th Street LLC | 1601 5th St. NW | NOI | 5/22/2014 | 5/29/2014 | \$1,000 | | Paid | DDOE-14-E500684 | |
| Catholic University of America | 620 Michigan Ave. NE | NOI | 5/13/2014 | 6/3/2014 | \$4,000 | | Paid | DDOE-14-E500685 | |
| 1830 Bladensburg Road LLC | Bladensburg Rd. NE | NOI | 3/24/2014 | 4/3/2014 | \$15,000 | | Paid | DDOE-14-E500671 | |
| Woodridge Bible Way Church | 2226 Evarts St. NE | NOI | 4/17/2014 | 5/29/2014 | | | Open | DDOE-14-E500683 | |
| Otis Place LLC SGA Companies | 3700 12th St. NE | NOI | 5/28/2014 | 6/3/2014 | \$1,500 | | Paid | DDOE-14-E500686 | |
| Bruce, Colin A. / Drummond, Nadine | 4833 Dexter Terrace NW | NOI | 4/7/2014 | 4/22/2014 | | | Open | DDOE-14-E500677 | |

| Respondent #1 Name | Location | Enforcement Action | Date of Inspection | DDOE Date of Service | DDOE Fine Payment Amount | OAH - Amount Paid | Case Closure Information | INTERNAL (DDOE) NOI NUMBER | |
|--|---------------------------|---------------------------|---------------------------|-----------------------------|---------------------------------|--------------------------|---------------------------------|-----------------------------------|--|
| 1900 Bladensburg Road LLC | Bladensburg Rd. NE | NOI | 3/24/2014 | 4/2/2014 | \$15,000 | | Paid | DDOE-14-E500663 | |
| 1826 Bladensburg Road LLC | Bladensburg Rd. NE | NOI | 3/24/2014 | 4/3/2014 | | | Paid | DDOE-14-E500675 | |
| Hess Construction Engineering Services | 3401 4th St. SE | NOI | 4/24/2014 | 5/16/2014 | | | Open | DDOE-14-E500667 | |
| Fort Myer Construction Corp. | 2860 South Capitol St. SE | NOI | 4/24/2014 | 5/16/2014 | | | Open | DDOE-14-E500666 | |
| 1133 5th Street LLC | 1131 - 1133 5th St. NE | NOI | 11/6/2013 | 11/13/2013 | | \$4,060 | Paid | DDOE-13-E500643 | |
| Economides, Frank | 4825 Dexter Terrace NW | NOI | 4/3/2014 | 4/22/2014 | | \$1,000 | Paid | DDOE-14-E500678 | |
| Van Hoose Properties LLC | 613 21st St. NE | NOI | 2/6/2014 | 2/10/2014 | | | Open | DDOE-14-E500653 | |
| Renovation Specialists 100 LLC | 2013 E St. NE | NOI | 2/6/2014 | 2/10/2014 | | \$1,000 | Paid | DDOE-14-E500654 | |
| Israel Manor | Washington Place NE | NOI | 5/13/2014 | 5/20/2014 | | \$2,000 | Paid | DDOE-14-E500682 | |
| Jackson Place LLC | 3221 12th St. NE | NOI | 5/5/2014 | 5/8/2014 | | | Paid | DDOE-14-E500681 | |
| Hu, Yeping | 1320 Monroe St. NE | NOI | 6/10/2014 | 8/13/2014 | | | Open | DDOE-14-E500687 | |
| Kessington Place LLC | 2112 and 2114 3rd St. NE | NOI | 6/12/2014 | 6/19/2014 | | | Open | DDOE-14-E500688 | |
| 3rd and Randolph NE LLC | 1714 & 1716 3rd St. NE | NOI | 2/19/2014 | 2/27/2014 | | | Open | DDOE-14-E500660 | |
| Samuels, Troy | Dakota Ave. NE | NOI | 2/24/2014 | 3/10/2014 | | | Open | DDOE-14-E500661 | |
| Akinleye, Monreti | 1838 3rd St. NE | NOI | 7/21/2014 | 7/29/2014 | \$1,000 | | Open | DDOE-14-E500692 | |

| Respondent #1 Name | Location | Enforcement Action | Date of Inspection | DDOE Date of Service | DDOE Fine Payment Amount | OAH - Amount Paid | Case Closure Information | INTERNAL (DDOE) NOI NUMBER | |
|----------------------------|-----------------------|---------------------------|---------------------------|-----------------------------|---------------------------------|--------------------------|---------------------------------|-----------------------------------|--|
| Horizon Hill Ventures | 1214 Montello Ave. NE | NOI | 7/29/2014 | 8/4/2014 | | | Other | DDOE-14-E500694 | |
| ARS Consulting | 0 Delaware Ave. SW | NOI | 8/12/2014 | 8/13/2014 | | | Open | DDOE-14-E500696 | |
| Turner Construction Co. | 3779 Ely Pl. SE | NOI | 7/21/2014 | 8/13/2014 | | | Open | DDOE-14-E500695 | |
| Intrangienc Group, LLC | 3350 9th St. NE | NOI | 7/21/2014 | 7/29/2014 | | | Open | DDOE-14-E500693 | |
| 1362 H Street NE, LLC | 1362 H Street NE | NOI | 5/29/2013 | 6/24/2013 | | | Open | DDOE-13-E500639 | |
| 2724 12th Street, LLC | 2728 12th St. NE | NOI | 7/11/2014 | 7/16/2014 | | | Other | DDOE-14-E500690 | |
| 2724 12th Street, LLC | 2726 12th St. NE | NOI | 7/11/2014 | 7/16/2014 | | | Other | DDOE-14-E500691 | |
| The Ella LLC | 1839 6th St. NW | NOI | 3/13/2014 | 4/14/2014 | | | Open | DDOE-14-E500676 | |
| 2724 12th Street, LLC | 1049 Franklin St. NE | NOI | 7/11/2014 | 7/16/2014 | | | Open | DDOE-14-E500689 | |
| Richardson, Clyde | 1459 S St. NW | NOI | 9/16/2014 | 9/24/2014 | | | Open | DDOE-14-E500697 | |
| R Street Manor LLC | 435 R St. NW | NOI | 9/19/2014 | 9/25/2014 | \$1,000 | | Paid | DDOE-14-E500698 | |
| Third Street Church of God | Jersey Ave NW | NOI | 9/15/2014 | 9/25/2014 | | | Open | DDOE-14-E500699 | |
| C. & F. Evans Seafood Inc. | 1100 Maine Ave. SW | NOI | 2/27/2013 | 4/4/2013 | \$4,000 | | Paid | DDOE-13-I500504 | |
| DNM Seafood Inc. | 1100 Maine Ave. SW | NOI | 6/6/2012 | 4/8/2013 | \$400 | | Open | DDOE-13-I500506 | |
| DNM Seafood Inc. | 1100 Maine Ave. SW | NOI | 6/5/2012 | 4/8/2013 | \$400 | | Open | DDOE-13-I500505 | |

| Respondent #1 Name | Location | Enforcement Action | Date of Inspection | DDOE Date of Service | DDOE Fine Payment Amount | OAH - Amount Paid | Case Closure Information | INTERNAL (DDOE) NOI NUMBER | |
|----------------------------|--------------------|---------------------------|---------------------------|-----------------------------|---------------------------------|--------------------------|---------------------------------|-----------------------------------|--|
| Braxton, Walter | 1950 M St. SE | NOI | 12/18/2012 | 4/24/2013 | | | Sent to CCU | DDOE-13-I500507 | |
| BRW Inc. | 1100 Maine Ave. SW | NOI | 12/4/2013 | 1/24/2014 | \$2,000 | | Paid | DDOE-14-I500510 | |
| Stanley Steemer | 355 I St. SW | NOI | 5/20/2014 | 6/4/2014 | | | Open | DDOE-14-I500511 | |
| Right Hour Auto Sales Inc. | Channing St. NE | NOI | 3/27/2013 | 5/21/2013 | | | Paid | DDOE-13-I500508 | |
| Right Hour Auto Sales Inc. | Channing St. NE | NOI | 4/9/2013 | 5/21/2013 | | | Paid | DDOE-13-I500509 | |
| Estate of Mary Turner | 613 Fern Pl. NW | NOI | 8/25/2014 | 9/2/2014 | | | Open | DDOE-14-I500512 | |

J Household Hazardous Waste Collection

WASHINGTON D.C. PERMANENT FACILITY HHW SUMMARY REPORT- FORT TOTTEN

2013-2014

CATEGORIES AND AMOUNTS OF WASTE

| Event Date | OCT. | NOV. | DEC. | JAN. | FEB. | MAR. | APRIL | MAY | JUNE | JULY | AUG. | SEPT. | |
|--|-------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| PARTICIPATION (# of cars) | 295 | 322 | 510 | 216 | 329 | 238 | 658 | 673 | 585 | 571 | 282 | 601 | 5280 |
| WASTE CATEGORY | TOTAL GALLONS OR POUNDS | | | | | | | | | | | | TOTALS |
| Lab Pack Waste Propane(Recycling) Unit Pounds | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 800 | 200 | 400 | 200 | 400 | 3400 |
| Lab Pack Waste Fire Extinguishers (Unit Pounds) | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 600 | 200 | 200 | 0 | 600 | 3000 |
| Lab Pack WasteFlammable Solid (Unit Pounds) | 200 | 0 | 0 | 0 | 0 | 25 | 0 | 200 | 0 | 0 | 0 | 0 | 425 |
| Bulk Waste Flammable Liquid (Gas, Thinners, Solvents, Automotive Products, Kerosene, Paint) unit gallons | 330 | 660 | 605 | 330 | 990 | 350 | 450 | 850 | 250 | 450 | 150 | 300 | 5715 |
| Lab Pack Waste Flammable Liquid (Paints, Roofing Tar, Driveway Sealers) unit gallons | 600 | 1400 | 2000 | 1500 | 1120 | 1700 | 4000 | 4650 | 3300 | 3700 | 1950 | 2700 | 28620 |
| Lab Pack Waste Oxidizers (Pool Chemicals, Household Cleaners) unit pounds | 200 | 400 | 200 | 200 | 400 | 200 | 600 | 200 | 400 | 400 | 0 | 1000 | 4200 |
| Lab Pack Organic Peroxides (Treatment) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lab Pack Waste Pesticides Liquid (Insecticides) unit pounds | 600 | 600 | 400 | 600 | 1000 | 400 | 800 | 1800 | 400 | 1200 | 400 | 800 | 9000 |
| Lab Pack Waste Pesticides Solid (Insecticides) unit pounds | 400 | 600 | 400 | 600 | 1200 | 400 | 800 | 1000 | 400 | 1200 | 400 | 600 | 8000 |
| Lab Pack Waste Corrosive Acid (Household Cleaners, Photographic Supplies, Battery Fluid) unit pounds | 400 | 400 | 400 | 400 | 400 | 200 | 1000 | 800 | 200 | 400 | 0 | 1000 | 5600 |
| Lab Pack Waste Corrosive Basic (Household Cleaners, Photographic Supplies, Battery Fluid) unit pounds | 1000 | 1800 | 800 | 800 | 1600 | 800 | 2200 | 3800 | 1200 | 1400 | 800 | 1200 | 17400 |
| Lab Pack Waste Toxic unit pounds | 0 | 0 | 200 | 400 | 0 | 200 | 400 | 400 | 200 | 0 | 0 | 0 | 1800 |

WASHINGTON D.C. PERMANENT FACILITY HHW SUMMARY REPORT- FORT TOTTEN

2013-2014

CATEGORIES AND AMOUNTS OF WASTE

| Event Date | OCT. | NOV. | DEC. | JAN. | FEB. | MAR. | APRIL | MAY | JUNE | JULY | AUG. | SEPT. | |
|--|------|------|------|------|------|------|-------|-------|------|------|------|-------|-------|
| Lab Pack Mercury Light Bulbs (fluorescent bulbs & mercury lamps) unit pounds | 100 | 1000 | 200 | 0 | 450 | 500 | 1050 | 1350 | 200 | 250 | 200 | 600 | 5900 |
| Lab Pack Rechargeable Batteries (Recycling) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lab Pack Non Regulated Dry Cell Batteries (AA, A, C & D) unit pounds | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Asbestos (Secure Landfill) | 0 | 0 | 0 | 0 | 0 | 400 | 600 | 600 | 0 | 1200 | 600 | 600 | 4000 |
| Lab Pack Mercury unit pounds | 0 | 0 | 0 | 0 | 0 | 300 | 0 | 200 | 0 | 0 | 0 | 400 | 900 |
| Bulk Non-Regulated Motor Oil unit gallons | 55 | 0 | 0 | 55 | 0 | 150 | 0 | 100 | 100 | 100 | 200 | 0 | 760 |
| Bulk Non-Regulated Antifreeze unit gallons | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Car Batteries (Recycling) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Propane Tanks | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 9 | 0 | 0 | 0 | 15 |
| Lab Pack FlammableAerosols unit pounds | 600 | 600 | 600 | 600 | 1200 | 600 | 1000 | 1800 | 800 | 1200 | 800 | 1200 | 11000 |
| PROJECT SUBTOTAL | | | | | | | | | | | | | |
| Total Drums | 36 | 64 | 47 | 41 | 67 | 49 | 106 | 137 | 73 | 90 | 50 | 76 | 836 |
| Total Gallons | 985 | 2060 | 2805 | 2285 | 2110 | 2800 | 5450 | 6600 | 3850 | 5450 | 2900 | 3600 | 40895 |
| Total Pounds | 3900 | 5800 | 3400 | 3600 | 6650 | 3825 | 7850 | 12550 | 4000 | 0 | 2800 | 7800 | 62175 |

K Trash Cleanup Event Data

| Entity | Date | Location | Watershed | Number of Volunteers | Bags of Trash | Tires | Bags of Beverage Containers | Pounds of Bulk Trash | Gross Total Weight (pounds) | Method for Data Collection |
|--------------------------------|-----------|--------------------------------|-----------------|----------------------|---------------|-------|-----------------------------|----------------------|-----------------------------|--|
| Alice Ferguson Foundation | 4/5/2014 | Diamond Teague Park | Anacostia River | 57 | 15 | 0 | 0 | 100 | 475 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Horton's Kids Community Center | 5/18/2014 | Horton's Kids Community Center | Anacostia River | 100 | 47 | 2 | 0 | 100 | 1,325 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/26/2014 | Kimball Elementary School | Anacostia River | 23 | 18 | 8 | 15 | 0 | 650 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/26/2014 | Burrville Elementary School | Anacostia River | 34 | 10 | 6 | 15 | 150 | 550 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 5/1/2014 | Houston Elementary School | Anacostia River | 91 | 30 | 0 | 0 | 0 | 750 | Assumed weight of 25 lbs per bag and 25 lbs per tire |

| Entity | Date | Location | Watershed | Number of Volunteers | Bags of Trash | Tires | Bags of Beverage Containers | Pounds of Bulk Trash | Gross Total Weight (pounds) | Method for Data Collection |
|--------------------------------|-----------|---|-----------------|----------------------|---------------|-------|-----------------------------|----------------------|-----------------------------|---|
| Anacostia Watershed Society | 4/5/2014 | Kingman & Heritage Islands (RFK) | Anacostia River | 277 | 268 | 3 | 0 | 250 | 7,025 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 8/2/2014 | Rhode Island Avenue Cleanup | Anacostia River | 5 | 2 | 0 | 3 | 0 | 50 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| DDOE | 4/5/2014 | River Terrace/Anacostia Fringe Wetlands | Anacostia River | 200 | 118 | 2 | 133 | 500 | 3,127 | All bags and unusual items were weighed. Total weight of tires is based on assumed weight of 25 lbs per item. |
| Horton's Kids Community Center | 5/18/2014 | Horton's Kids | Anacostia River | 100 | 47 | 2 | 0 | 100 | 1,325 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Anacostia Watershed Society | 4/5/2014 | Joint Base Anacostia Bolling | Anacostia River | 213 | 154 | 1 | 0 | 30 | 3,905 | Assumed weight of 25 lbs per bag and 25 lbs per tire |

| Entity | Date | Location | Watershed | Number of Volunteers | Bags of Trash | Tires | Bags of Beverage Containers | Pounds of Bulk Trash | Gross Total Weight (pounds) | Method for Data Collection |
|-----------------------------|-----------|----------------------|-----------------|----------------------|------------------|-------|-----------------------------|----------------------|-----------------------------|--|
| Alice Ferguson Foundation | 5/14/2014 | WPGC Cleanup 1 | Anacostia River | 30 | 22 | 49 | 13 | 1375 | 3,150 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Anacostia Watershed Society | 4/5/2014 | Seafarers Yacht Club | Anacostia River | 318 | 415 | 5 | 0 | 500 | 11,000 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Anacostia Park | Anacostia River | 120 | 65 | 0 | 0 | 0 | 1,625 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| The Ocean Conservancy | 9/20/2014 | Anacostia Park | Anacostia River | 100 | All bags weighed | 0 | 0 | 0 | 741 | All bags were weighed |

| Entity | Date | Location | Watershed | Number of Volunteers | Bags of Trash | Tires | Bags of Beverage Containers | Pounds of Bulk Trash | Gross Total Weight (pounds) | Method for Data Collection |
|----------------------------|----------|-------------------------|-----------------|----------------------|---------------|-------|-----------------------------|----------------------|-----------------------------|--|
| DDOE/National Park Service | 4/5/2014 | Fort Dupont Park | Anacostia River | 75 | 110 | 38 | 0 | 0 | 2,166 | Average weight was taken for several full bags. That average weight was then multiplied by the number of bags. The total weight of tires was calculated using the assumed 25 pounds per tire weight. |
| Alice Ferguson Foundation | 4/5/2014 | Melvin Hazen East-Trash | Rock Creek | 23 | 19 | 3 | 0 | 181 | 731 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Mouth of Rock Creek | Rock Creek | 51 | 81 | 1 | 0 | 3000 | 5,050 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Mouth of Rock Creek | Rock Creek | 52 | 82 | 1 | 0 | 3,645 | 5,720 | Assumed weight of 25 lbs per bag and 25 lbs per tire |

| Entity | Date | Location | Watershed | Number of Volunteers | Bags of Trash | Tires | Bags of Beverage Containers | Pounds of Bulk Trash | Gross Total Weight (pounds) | Method for Data Collection |
|---------------------------|----------|---------------------------------------|------------|----------------------|---------------|-------|-----------------------------|----------------------|-----------------------------|--|
| Alice Ferguson Foundation | 4/6/2014 | Normanstone Creek | Rock Creek | 10 | 7 | 0 | 0 | 0 | 175 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/1/2014 | Sherrill Drive and Beach Drive | Rock Creek | 10 | 20 | 0 | 0 | 0 | 500 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Picnic Area 22 (Ross Dr. & Joyce Rd.) | Rock Creek | 21 | 7 | 0 | 0 | 75 | 250 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Soapstone Valley | Rock Creek | 40 | 11 | 0 | 0 | 40 | 315 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Piney Branch-Crestwood | Rock Creek | 46 | 32 | 0 | 0 | 360 | 1,160 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Luzon Branch | Rock Creek | 8 | 29 | 0 | 9 | 0 | 438 | All bags were weighed |

| Entity | Date | Location | Watershed | Number of Volunteers | Bags of Trash | Tires | Bags of Beverage Containers | Pounds of Bulk Trash | Gross Total Weight (pounds) | Method for Data Collection |
|---------------------------|----------|---|------------|----------------------|---------------|-------|-----------------------------|----------------------|-----------------------------|--|
| Alice Ferguson Foundation | 4/5/2014 | Pinehurst Tributary, Rock Creek Park | Rock Creek | 10 | 11 | 1 | 10 | 150 | 450 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | P Street | Rock Creek | 22 | 23 | 0 | 0 | 200 | 775 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Broad Branch Tributary | Rock Creek | 57 | 31 | 5 | 0 | 100 | 1,000 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Pierce Mill | Rock Creek | 52 | 49 | 0 | 0 | 0 | 1,225 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Fenwick Tributaries to Rock Creek | Rock Creek | 25 | 30 | 0 | 0 | 100 | 850 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Piney Branch- Mt. Pleasant | Rock Creek | 19 | 26 | 0 | 0 | 100 | 750 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Dumbarton Oaks Tributary at Rock Creek Park | Rock Creek | 20 | 10 | 0 | 0 | 0 | 250 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Melvin Hazen West | Rock Creek | 25 | 12 | 0 | 0 | 50 | 350 | Assumed weight of 25 lbs per bag and 25 lbs per tire |

| Entity | Date | Location | Watershed | Number of Volunteers | Bags of Trash | Tires | Bags of Beverage Containers | Pounds of Bulk Trash | Gross Total Weight (pounds) | Method for Data Collection |
|---------------------------|----------|----------------------------|------------|----------------------|---------------|-------|-----------------------------|----------------------|-----------------------------|--|
| Alice Ferguson Foundation | 4/5/2014 | 16th St and Holly St | Rock Creek | 13 | 10 | 3 | 0 | 150 | 475 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Carter Barron | Rock Creek | 30 | 8 | 0 | 0 | 0 | 200 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Piney Branch Rock Creek | Rock Creek | 46 | 32 | 0 | 0 | 350 | 1,150 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | National Zoo | Rock Creek | 21 | 23 | 0 | 0 | 200 | 775 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Rosemount- Mt. Pleasant | Rock Creek | 18 | 16 | 0 | 0 | 0 | 400 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Glover Archbold Park South | Rock Creek | 15 | 35 | 0 | 0 | 300 | 1,175 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | West Beach Drive | Rock Creek | 4 | 4 | 0 | 0 | 60 | 160 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/6/2014 | Pinehurst Tributary | Rock Creek | 10 | 11 | 1 | 0 | 150 | 450 | Assumed weight of 25 lbs per bag and 25 lbs per tire |

| Entity | Date | Location | Watershed | Number of Volunteers | Bags of Trash | Tires | Bags of Beverage Containers | Pounds of Bulk Trash | Gross Total Weight (pounds) | Method for Data Collection |
|---------------------------|-----------|---------------------|---------------|----------------------|---------------|-------|-----------------------------|----------------------|-----------------------------|--|
| Restore Sheperd Parkway | 4/22/2014 | Shepherd Parkway | Potomac River | 8 | 12 | 15 | 0 | 425 | 1,100 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Restore Sheperd Parkway | 6/14/2014 | Shepherd Parkway | Potomac River | 120 | 129 | 41 | 0 | 0 | 4,250 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Restore Sheperd Parkway | 6/14/2014 | Shepherd Parkway | Potomac River | 150 | 129 | 41 | 0 | 1475 | 5,725 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Restore Sheperd Parkway | 9/13/2014 | Shepherd Parkway | Potomac River | 13 | 19 | 3 | 0 | 0 | 550 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Restore Sheperd Parkway | 11/8/2014 | Shepherd Parkway | Potomac River | 34 | 15 | 3 | 0 | 75 | 525 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Fletchers Cove | Potomac River | 41 | 13 | 5 | 0 | 350 | 800 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 7/1/2014 | Southern Ridge-CPDC | Potomac River | 11 | 8 | 0 | 0 | 0 | 200 | Assumed weight of 25 lbs per bag and 25 lbs per tire |

| Entity | Date | Location | Watershed | Number of Volunteers | Bags of Trash | Tires | Bags of Beverage Containers | Pounds of Bulk Trash | Gross Total Weight (pounds) | Method for Data Collection |
|---------------------------|-----------|---------------------------------------|---------------|----------------------|---------------|-------|-----------------------------|----------------------|-----------------------------|--|
| Alice Ferguson Foundation | 4/5/2014 | Tidal Basin | Potomac River | 44 | 20 | 0 | 4 | 0 | 500 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Glover Archbold Park @ Reservoir Road | Potomac River | 100 | 30 | 0 | 0 | 0 | 750 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 4/5/2014 | Glover Archbold Park-Whitehaven | Potomac River | 10 | 12 | 0 | 0 | 100 | 400 | Assumed weight of 25 lbs per bag and 25 lbs per tire |
| Alice Ferguson Foundation | 6/28/2014 | Wheeler Terrace Community Clean Up | Potomac River | 13 | 2 | 0 | 0 | 0 | 50 | Assumed weight of 25 lbs per bag and 25 lbs per tire |

| Summary | Total |
|--|--------|
| Total collected from Rock Creek Watershed (lbs) | 24,774 |
| Total collected from Potomac River Watershed (lbs) | 14,850 |
| Total collected from Anacostia River Watershed (lbs) | 37,864 |
| Total Trash Collected (lbs) | 77,488 |
| Total number of volunteers engaged throughout year | 2,935 |

L Trash Monitoring Locations



- | | |
|-------------------------------------|-------------------------------------|
| Monitored Outfall | Mixed Use |
| Monitoring Site Drainage Area | Institutional |
| Existing Land Use | Federal Public |
| Land Use Designation | Local Public |
| Low Density Residential | Public, Quasi-Public, Institutional |
| Low-Medium Density Residential | Parks and Open Spaces |
| Medium Density Residential | Parking |
| High Density Residential | Roads, Alleys, Median |
| Commercial | Transportation Right of Way |
| Transport, Communication, Utilities | Undetermined |
| Industrial | Water |







- | | |
|-------------------------------------|-------------------------------------|
| Monitored Outlet | Mixed Use |
| Monitoring Site Drainage Area | Institutional |
| Existing Land Use Designation | Federal Public |
| Low Density Residential | Local Public |
| Low-Medium Density Residential | Public, Quasi-Public, Institutional |
| Medium Density Residential | Parks and Open Spaces |
| High Density Residential | Parking |
| Commercial | Roads, Alleys, Median |
| Transport, Communication, Utilities | Transportation Right of Way |
| Industrial | Undetermined |
| | Water |



M Dry Weather Monitoring Data

| | | Anacostia High | | Gallatin & 14th St, NE | | Walter Reed/Fort Stevens | | Soapstone Creek | | Battery Kemble | | Oxon Run | |
|----------------------------------|-------------------------|----------------|-----------|------------------------|-----------|--------------------------|-----------|-----------------|-----------|----------------|-----------|----------|-----------|
| | | 4/3/2014 | 7/22/2014 | 4/3/2014 | 7/23/2014 | 4/3/2014 | 7/22/2014 | 4/3/2014 | 7/22/2014 | 4/3/2014 | 7/23/2014 | 4/3/2014 | 7/22/2014 |
| Parameter | Units | Dry 1 | Dry2 | Dry 1 | Dry2 | Dry 1 | Dry2 | Dry 1 | Dry2 | Dry 1 | Dry2 | Dry 1 | Dry2 |
| 1,1,2,2-Tetrachloroethane | ug/L | ND | ND | ND | ND | ND | ND | ND | ND | ND | NDF | ND | ND |
| 1,1,2-Trichloroethane | ug/L | ND | ND | ND | 1.4 | ND | ND | ND | ND | ND | NDF | ND | ND |
| Arsenic | mg/L | 0.0022 | ND | 0.0041 | ND | ND | ND | ND | ND | ND | NDF | ND | ND |
| Bis(2-Ethylhexyl)phthalate | ug/L | 5.03 | ND | 93.6 | ND | ND | ND | ND | ND | ND | NDF | ND | ND |
| BOD | mg/L | 6.2 | 2.1 | ND | 2.3 | ND | ND | ND | 2.7 | ND | NDF | ND | ND |
| Cadmium | mg/L | 0.00074 | ND | ND | ND | 0.00058 | ND | 0.0007 | ND | ND | NDF | ND | ND |
| Chloroform | ug/L | 1.95 | ND | 0.541 | ND | ND | ND | 0.229 | ND | 0.383 | NDF | 0.934 | ND |
| Chlorophyll a | ug/L | 2.2 | ND | ND | 1.9 | 27 | ND | 6.7 | 4.4 | ND | NDF | ND | ND |
| Chromium | mg/L | 0.01 | ND | 0.051 | ND | ND | ND | 0.002 | ND | ND | NDF | ND | ND |
| COD, Total | mg/L | 58 | 20 | ND | 14 | ND | ND | ND | 16 | 11 | NDF | 11 | 13 |
| Copper | mg/L | 0.048 | 0.0032 | 0.011 | 0.0042 | 0.0024 | ND | 0.027 | 0.0092 | 0.0032 | NDF | 0.003 | 0.0017 |
| Cyanide, Total | mg/L | 0.014 | ND | 0.07 | ND | ND | ND | ND | ND | ND | NDF | ND | ND |
| Dieldrin | ug/L | ND | ND | ND | 0.0158 | ND | ND | ND | 0.0159 | 0.0176 | NDF | 0.0168 | 0.0256 |
| E. Coli | MPN/100 mL | >1600 | >1600 | 46 | 1600 | 2 | 1600 | >1600 | >1600 | 130 | NDF | >1600 | 170 |
| Fecal Coliform | MPN/100 mL | >1600 | >1600 | 46 | 1600 | 2 | 1600 | >1600 | >1600 | 130 | NDF | >1600 | 170 |
| Fecal Streptococcus | MPN/100 mL | >1600 | >1600 | 46 | 1600 | 2 | 1600 | >1600 | >1600 | 130 | NDF | >1600 | 170 |
| gamma-BHC | ug/L | ND | ND | ND | ND | ND | ND | ND | ND | ND | NDF | ND | ND |
| Hardness (As CaCO ₃) | mg CaCO ₃ /L | 200 | 240 | 200 | 240 | 280 | 310 | 330 | 310 | 480 | NDF | 140 | 170 |

[illegible]