

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA)	
A municipal corporation)	
1200 First St., N.E., 5 th Floor)	
Washington, DC 20002)	
)	
Plaintiff,)	
)	Civil Action No. 1:11-cv-00282 (BAH)
v.)	
)	
Potomac Electric Power Company)	
701 Ninth Street, N.W.)	
Washington, DC 20068)	
)	
Pepco Energy Services, Inc.)	
701 Ninth Street, N.W.)	
Washington, DC 20068)	
)	
Defendants.)	

**DISTRICT OF COLUMBIA’S STATUS REPORT REGARDING COMPLETION
OF PEPCO REMEDIAL INVESTIGATION REPORT**

On December 1, 2011, the Court entered a Consent Decree between Plaintiff District of Columbia (the District), acting by and through the District of Columbia Department of Energy and Environment (DOEE), and Defendants Potomac Electric Power Company and Pepco Energy Services, Inc. (collectively, Pepco and together with DOEE, the Parties). Electronic Case File (ECF) No. 32. The Consent Decree obligated Pepco to perform a Remedial Investigation / Feasibility Study (RI/FS) at the Benning Service Center site at 3400 Benning Road N.E., Washington, D.C., (the Site) and a nearby portion of the Anacostia River.

On February 3, 2020, the Parties filed a joint status report regarding their progress on the RI/FS and requested that the Court modify the scheduling order to permit completion of the RI by February 28, 2020 instead of February 3, 2020. ECF No. 54. The Court granted the motion.

In the Parties' February 3, 2020 status report, the Parties advised that they would "file a notice with the court by February 28, 2020, to confirm the finalization of the RI Report."

Accordingly, DOEE files this Status Report to confirm that the RI Report is complete for purposes of Pepco's moving forward with developing a focused FS to evaluate alternatives to remediate contaminated surface sediments in an area of the Pepco site referred to as the "Cove." However, DOEE's determination that the RI is complete is not an agreement that Pepco will not be required to conduct further FS, forensics or source evaluations pertaining to deeper sediments within the Cove and/or to media outside the Cove. As noted in the February 3, 2020 status report, Pepco's forensics analysis was not complete by the November 21, 2019 court-ordered deadline, and the Parties are continuing discussions regarding the scope of that report and the nature and extent of contamination outside of the Cove area.

The Parties are on schedule to complete a final Treatability Study by October 21, 2020, as discussed in the February 3, 2020 status report, and a FS for the area of the Cove analyzed in the RI by September 16, 2021.

Dated: February 28, 2020

Respectfully submitted,

Respectfully submitted,

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