



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

By Electronic Mail and UPS

Thomas P. Jacobus, General Manager  
Washington Aqueduct  
5900 MacArthur Blvd., N.W.  
Washington, DC 20016-2514

Dear Mr. Jacobus:

The United States Environmental Protection Agency, Region III (EPA) has received the Washington Aqueduct's written request dated June 20, 2011, for a modification of the Federal Facility Compliance Agreement (FFCA) between the Washington Aqueduct (Aqueduct) and EPA, Docket No. CWA-03-2003-0126DN and its amendments. The requested modification is for an extension of the final compliance deadline listed in paragraph 22 of the FFCA as amended. Paragraph 22 as amended provides in relevant part that the Washington Aqueduct shall implement a schedule for construction of treatment processes that will achieve full compliance with the numeric discharge limitations set forth in the National Pollutant Discharge and Elimination System Permit No. DC0000019 at all sedimentation basins no later than September 30, 2011. By letter dated June 20, 2011, the Aqueduct has requested that the date for achieving full compliance with the numeric discharge limitations at the outfalls associated with the Dalecarlia sedimentation basins be extended to February 14, 2012. By electronic mail on September 26, 2011, the Aqueduct provided a report on the status of construction and operation of the residuals treatment process at the Dalecarlia sedimentation basins.

The Aqueduct's June 20, 2011 letter sets forth the basis for this request. According to the Aqueduct, the extension is necessary because the Aqueduct has encountered unanticipated delays with respect to construction and operation of the basin vacuuming system. These include: the need to design an alternative excavation technique for construction of a necessary underground pumping station in order to address potential impacts to nearby residences; unexpected difficulty locating an appropriate entry point in order to use a 1925 era penstock to transport residuals under MacArthur Boulevard; and the need to allow flexibility to drain the basins in order to gain access to the vacuum equipment to make adjustments during initial start-up. The Aqueduct anticipates and is working toward achieving the final Paragraph 22 milestone on or about December 15, 2011, but has requested an extension to February 14, 2012 to account for potential delays in the event that cold weather causes ice to build up on the Dalecarlia basins, which could delay the Aqueduct's ability to lower the water levels in those basins.

While the Aqueduct also has encountered unexpected difficulties associated with construction and operation of residuals treatment at the Georgetown basins, the Aqueduct is not at this time seeking an extension for achieving full compliance with the numeric discharge limitations at the outfalls associated with the Georgetown basins.



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Consistent with the mutual agreement between the Washington Aqueduct, the EPA the Northeast Region National Marine Fisheries Service ("NMFS"), the Chesapeake Bay Field Office of the US Fish and Wildlife Service ("USFWS"), and the National Capital Region of the National Park Service ("NPS"), ("collectively the Services"), which was entered into in September of 2003, the Washington Aqueduct simultaneously notified the Services regarding this request. The requested extension date is February 14, 2012, which is before the commencement of the spring spawning season for the endangered shortnose sturgeon. Accordingly, the EPA has informally conferred with NMFS and has sent NMFS a letter stating the EPA's view that this extension does not require re-initiation of formal consultation between EPA and NMFS.

The Aqueduct's June 20, 2011 letter demonstrates a need for the extension based upon unanticipated delays in the schedule of work. Accordingly, the Washington Aqueduct's request for an extension of the date for achieving full compliance with the numeric discharge limitations at the outfalls associated with the Dalecarlia sedimentation basins to February 14, 2011 is approved.

EPA expects that the Washington Aqueduct will continue to use its best efforts to avoid any additional delays in this construction project.

Thank you for your continued attention to this matter. If you have any technical questions, please feel free to contact Andrew Seligman at 215-814-2097 or if any legal questions arise you may call Stefania Shamet, senior attorney at 215-814-2682.

Sincerely,



John M. Capacasa, Director  
Water Protection Division

Cc: Colin Burrell, DC DOE

