



SPECIAL USE PERMIT

C&O Canal National Historical Park
142 W. Potomac Street
Williamsport, Maryland 21795
Park Permits Coordinator
COPermitsOffice@nps.gov



Permittee information
Permittee name:
Matthew Brown, Chief Operating Officer for DC Water
Company/Organization:
DC Water
Street address:
1385 Canal Street, SE
City:
Washington
State:
DC
Country:
USA
Zip code:
20003
Mobile phone number:
Fax number:
Email address:
Matthew.Brown@dcwater.com

Park alpha code: CHOH (3100)

Permit # 26-026

Type of use:

- ☒ Special event
☐ Filming or still photography
☐ Demonstration, sale or distribution of printed matter, etc.
☐ Agricultural or grazing
☐ Other: _____

NEPA compliance:

- ☐ Categorically excluded
☐ EA/FONSI
☐ EIS
☒ PEPC # 134355/134867
☐ Other _____

Authorizing legislation or other authority:

- ☒ 54 U.S.C. § 100101 (Organic Act)
☒ 54 U.S.C. § 100751(a) (regulations)
☒ 54 U.S.C. § 103104 (cost recovery)
☐ 54 U.S.C. § 100905 (still photography)
☐ Other authority: _____
☐ Park-specific legislation: _____

The Permittee is authorized to use the following described lands or facilities in Chesapeake and Ohio Canal NHP (Park): **LOCATION** (Permitted Area). The Permittee may use those lands or facilities only for the following purpose:
Repair, Rehabilitation, and Environmental Restoration of the Potomac Interceptor and the C&O Canal National Historical Park at the area of the Potomac Interceptor collapse between Locks 14 and 10 of the C&O Canal NHP. This permit begins at **6:00 p.m.** on **01/19/2026** and expires at **6:00 p.m.** on **6/15/2026**.

Application fee	Received ☒	Not Required ☐	Amount \$ <u>NA</u>
Performance bond	Received ☐	Not Required ☒	Amount \$ <u>NA</u>
Liability insurance	Received ☐	Not Required ☒	Amount \$ <u>NA-Other Govt</u>
Cost recovery	Received ☐	Not Required ☐	Amount \$ <u>TBD</u>
Location fee	Received ☐	Not Required ☒	Amount \$ <u>NA</u>
Other authorized fee	Received ☐	Not Required ☒	Amount \$ <u>NA</u>

Issuance of the permit is subject to the below-listed general and park-specific terms and conditions. The undersigned hereby accepts this permit subject to those terms and conditions and agrees to be bound by them.

Permittee signature

Title: COO

Date:

Authorizing NPS official

Title: Superintendent

Date:

General Terms and Conditions (Standard NPS)

1. The Permittee must perform the work or conduct the activities authorized by this permit in accordance with the permit's terms and conditions and in accordance with all applicable federal, state, or local law, including the regulations in 36 C.F.R. chapter I; the regulations in 43 C.F.R. part 5; and all applicable workplace-safety and public-health orders, rules, and requirements. If the Permittee fails to do so, then the Superintendent of Chesapeake and Ohio Canal National Historical Park (Superintendent) may immediately suspend or revoke this permit without notice.
2. The Superintendent may immediately suspend or revoke this permit without notice if destruction of, loss of, or injury to any park property or resource has occurred, is occurring, or appears imminent. In accordance with the System Unit Resource Protection Act, 54 U.S.C. §§ 100721-100725, any person that destroys, causes the loss of, or injures any park system unit resource will be liable to the United States for response costs and damages resulting from the destruction, loss, or injury.
3. The Superintendent may revoke this permit at any time after providing 24-hour written notice to the Permittee setting forth the reasons for the revocation.
4. If this permit is revoked for any reason or upon its expiration, the Permittee must repair all damage to park property or resources in accordance with the Superintendent's direction and must restore the Permitted Area to its original pre-permit condition.
5. The Permittee must obtain all federal, state, or local permits, licenses, inspections, or other reviews or approvals legally required to perform the permitted work or conduct the permitted activities.
6. This permit does not grant the Permittee exclusive use of the Permitted Area. Unless the Superintendent restricts public access to or closes the Permitted Area in accordance with 36 C.F.R. § 1.5, the Permitted Area will remain open to the public to the same extent that it is open to the public during regular park visiting hours, and the permitted work or activities may not unduly interfere with the public's use and enjoyment of the Permitted Area.
7. This permit may not be transferred or assigned to another party without the Superintendent's prior written approval.
8. DC Water will indemnify, save, and hold harmless and defend the United States against all fines, claims, damages, losses, judgments, and expenses arising out of or from any omission or activity of the DC Water, or its employees to the extent allowable under DC law.
9. If the Superintendent requires liability insurance as a condition of issuing this permit, then the Permittee must obtain general liability insurance against claims occasioned by

the acts or omissions of the Permittee and its officers, employees, agents, representatives, and contractors while performing the work or conducting the activities authorized by this permit. The policy must be in the amount of \$1 million per occurrence and \$3 million aggregate; must be issued by a company licensed to do business and in good standing in Maryland, West Virginia, and the District of Columbia; and must name the United States of America as an additional insured. The Permittee must provide the Superintendent with a Certificate of Insurance with the proper endorsements before the permit's effective date.

10. If the Superintendent requires a bond as a condition of issuing this permit, then the Permittee must deposit with the Park, before the effective date of this permit, a bond in the amount of \$NA from a bonding company licensed to do business and in good standing in Maryland, West Virginia, and the District of Columbia or in the form of cash or cash equivalent, to guarantee that all financial obligations to the Park will be satisfied.

11. As authorized by 54 U.S.C. § 103104 or 54 U.S.C. § 100905 and in accordance with other applicable law and policy, the National Park Service will recover all costs of providing necessary services associated with this permit, including the costs of administering the permit and monitoring the permitted work or activities. The National Park Service may bill the Permittee for either actual costs or estimated costs. Payment is due at the time of billing. If the National Park Service bills the Permittee for estimated costs, and actual costs exceed the estimated amounts, then the National Park Service will bill the Permittee for the excess. If the National Park Service bills the Permittee for estimated costs, and actual costs are less than the estimated amounts, then the National Park Service will refund the difference to the Permittee after the permitted work or activities have concluded and the permit has expired or been terminated. Under no circumstances will the National Park Service be liable for interest on any refunded amount.

12. The Permittee will designate on-site persons responsible for adherence to the permit's terms and conditions. The on-site person must have full authority to make all decisions about the permitted work or activities; must be reachable at all times; and is responsible for all persons or entities performing the permitted work or activities, including the Permittee's contractors and subcontractors.

13. Nothing in this permit binds the National Park Service to expend in any one fiscal year any sum in excess of appropriations made by Congress or allocated by the National Park Service for the purpose of this permit, or to involve the National Park Service in any contract or other obligation for the further expenditure of money in excess of such appropriations or allocations.

14. If any provision of this permit is found to be invalid or unenforceable, the remaining provisions of this permit will not be affected and may be enforced to the full extent authorized by applicable law.

15. Use of the National Park Service Arrowhead Symbol is governed by 36 C.F.R. part 11. The Arrowhead Symbol is the official emblem and a registered trademark of the National Park Service. The National Park Service must authorize any use of the Arrowhead Symbol, including incidental use. Using the Arrowhead Symbol for advertising, promotional, or other commercial purposes is prohibited. Unauthorized use of the Arrowhead Symbol may subject an individual to criminal penalties under 18 U.S.C. § 701.

16. Approval of the special use permit does not constitute and should not be construed as a government endorsement of the permittee's views, activities, products, goods, services, or enterprise. The permittee shall not refer to special use permits awarded by the National Park Service for commercial purposes, in advertising, or in a manner which states or implies that, by issuing the special use permit, the views, activities, products, goods, services, or enterprises undertaken pursuant to this permit are approved of or endorsed by the Government.

17. Credit Lines may be approved through additional terms and conditions.

18. Federal regulations prohibit any person from knowingly giving false information on an application for a permit and from knowingly giving a false report for the purpose of misleading a government employee or agent in the conduct of official duties. 36 C.F.R. §§ 2.32(a)(3) and 2.32(a)(4). Any violation of those regulations will result in this permit's immediate revocation.

Park-specific Terms and Conditions

19. Conditions of this permit shall not be interpreted to require obligations or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341 et. seq. or the District of Columbia Anti-Deficiency Act, D.C. Official Code §§ 47-355.01-355.08. {Requested acknowledgement by DC Water}

20. A copy of this permit must be on site during all permitted activities in the park.

21. General National Park Service Regulations can be found in Title 36 of the Code of Federal Regulations, Parts 1-199:
[eCFR : 36 CFR Chapter I - National Park Service, Department of the Interior](#)
Additionally, permittee must adhere to the superintendents compendium:
[Superintendent's Compendium - Chesapeake & Ohio Canal National Historical Park \(U.S. National Park Service\) \(nps.gov\)](#)
Event participants shall be briefed on permit requirements.

22. All incidents, accidents, and/or criminal incidents shall be reported immediately to the National Capital Region Communications Center (NPS Dispatch) at 866-677-6677 or 301-714-2235 or US Park Police Dispatch (202) 610-7500. Within 24 hours, secondary reporting notification shall be made to Park Permits Coordinator copermitsoffice@nps.gov and ed_wenschhof@nps.gov.

23. The Permittee will comply with applicable public health and sanitation standards and codes. This includes adhering to CDC, state, and local health directives and guidelines during pandemic and other emergency periods.
24. All activity conducted by the permittee on C&O Canal land covered by this permit must ensure the safety of park visitors and protection of park resources. Park visitors may not be denied access to C&O Canal land covered by this permit, unless NPS formally establishes a closure.
25. All walkways, roadways, and avenues of ingress/egress must always remain unobstructed by people, equipment, and vehicles so as not to hamper in anyway the normal travel and use of the park by visitors.

DC Water Plan and NPS Comments

26. The *DRAFT – February 17, 2026 DC Water PI Overflow – Rehabilitation Plan* was submitted by DC Water and reviewed by the NPS.

That plan is incorporated into this permit as the work currently authorized to repair the damaged PI pipe and rehabilitate the entire PI sewage overflow, response, and repair area -- from the perspective of the National Park Service.

The NPS comments below are incorporated as conditions of this permit. Certain steps require NPS coordination and approval. These items will be approved by email/memo from the park superintendent and incorporated as an amendment to this special use permit. The “**areas and phases**” identifiers below are aligned with the *DRAFT – February 17, 2026 DC Water PI Overflow – Rehabilitation Plan* “areas and phases”. The “**general**” identifier below applies to all areas.

- Area #1 - Phase 1 – It is understood from onsite discussions that a clear water diversion will be used when working in tributaries. Detail C-6 should be used from the MDE 2011 Standards & Specifications for Soil Erosion and Sediment Control with the refinement of a mechanical pump-around in lieu of a gravity pipe. The use of any sump pits for temporary pumping shall be coordinated with NPS as well as restoration of them after their use is completed.
- Area #1 – Phase 1 – Beyond that which is identified visually, extent of the depth of material to be removed should be based on results of any analytical testing of substrate that remains in-situ. DC Water must coordinate with NPS and MDE regarding a sampling analysis plan that includes methodology, sampling location and density, appropriate analytes, and maximum contaminant levels of those analytes in remaining soil.
- Area #1 – Phase 1 – After initial clean-up is achieved, coordinate any required stabilization of the stream that is necessary to prevent vertical or lateral migration

of the channel. This may require the use of imbricated or dumped stone (i.e. riprap).

- Area #1 – Phase 2 – After initial clean-up is achieved, coordinate with NPS and MDE any required stabilization of the stream that is necessary to prevent vertical or lateral migration of the channel. This may require the use of imbricated or dumped stone (i.e. riprap). Attention to ensuring scour potential is mitigated at the inlet and outlet of the approaches to the historic Rock Run culvert will be required.
- Area #1 – Phase 2 – Upon completion of Phase 1 restoration, DC Water must coordinate with NPS regarding a long-term vegetation maintenance plan for areas of the Potomac Interceptor right-of-way that may fall within Area #1. This will inform appropriate restoration of vegetation during Phase 2.
- Area #2 – Phase 1 – Beyond that which is identified visually, extent of the depth of material to be removed should be based on results of any analytical testing of substrate that remains in-situ. DC Water must coordinate with NPS and MDE regarding a sampling analysis plan that includes methodology, sampling location and density, appropriate analytes, and maximum contaminant levels of those analytes in remaining soil.
- Area #2 – Phase 2 – The rehabilitation plan indicates that in-situ materials will be redistributed to fill voids and re-establish a stable, natural streambed. However, the re-use of any in-situ materials must be supported by any sediment testing results that show that its reuse is compatible with the intended purpose (any contaminants are within any allowable thresholds, and the gradation is suitable for erosion resilience given the anticipated shear stresses from flows). Prepare sampling analysis plan to further refine the rehab.
- Area #3 – Phases 1 & 2 – Any impacts within the Potomac River, which is owned by Maryland, must be approved by the State.
- Area #3 – Phase 1 – Coordinate with MDE and EPA regarding installation of filter socks, as appropriate, to avoid downstream migration of contaminants.
- Area #4 – Phase 1 – Beyond that which is identified visually, extent of the depth of material to be removed should be based on results of any analytical testing of substrate that remains in-situ. DC Water must coordinate with NPS and MDE regarding a sampling analysis plan that includes sampling methodology, sampling location and density, appropriate analytes, and maximum contaminant levels of those analytes in remaining soil.
- Area #4 – Phase 1 – Upon successful removal of contaminated sediments and with approval of NPS, DC Water will be responsible for restoring shape and configuration of the canal prism to the appropriate elevation and satisfaction of

the NPS. Work may necessitate excavation and restoration of the appropriate depth of clay liner.

- General – Flag any trees identified for removal, confirm in-field with NPS, and record diameter at breast height (DBH) and tree species with location prior to removal. All trees greater than 3” DBH must be communicated to NPS with the requisite information as soon as is feasible to ensure appropriate agency coordination under Section 7 of the Endangered Species Act. Tree removal should avoid the time period between May 15 and July 31. Contractors shall remove identified trees in a controlled manner, with the target fall direction chosen to minimize damage to existing live trees (to remain) and any identified resources (e.g., historic structures). Where possible, crane mats shall be used in any sensitive areas to protect existing root mass, wetlands, and waterways.
- General - DC Water shall remove from the site all trees, brush, debris, and excavated contaminated materials to an approved waste disposal site that complies with applicable local, State, and Federal regulations. Removed material should be transported in lined dump trucks or similar equipment to prevent leakage during transport.
- General - DC Water must coordinate with NPS regarding seed collection of *Phacelia covillei*, which should take place in approximately May. For future (Phase 2) restoration, DC Water must coordinate with NPS on appropriate restoration of this plant species through seed collection and dispersal practices throughout Areas #1 and 2.
- General – Erosion control blanket (ECB) shall have a net opening of 2-inch minimum width or be constructed of a woven (leno weave) netting that allows opening to adjust to wide widths or a type that will not entangle snakes as approved by the NPS. Erosion control blankets shall be biodegradable and wildlife friendly. Photo-degradable netting is not acceptable. All ECB shall consist of excelsior, jute, straw, coconut fibers, or other organic 100% biodegradable material blankets with functional longevity of approximately 12-18 months. ECB shall also comply with MDE requirements found in 2011 Standards & Specifications for Soil Erosion and Sediment Control.
- General – DC Water will be responsible for restoring shape and configuration of the canal prism and berm walls to the appropriate elevation and satisfaction of the NPS. Work may necessitate excavation and restoration of the appropriate depth of impervious clay liner, complete restoration of grades at sites of bypass returns (near MH 16 and 15). All areas must be restored to pre-construction conditions or better and plans must be approved by NPS prior to implementation.
- General – Details regarding temporary access routes and ramps into the canal for removal of contaminated soils and restoration of canal components shall be provided for consideration and approval by NPS prior to construction. Access

routes and ramps must be restored to NPS' satisfaction upon project completion. Details regarding proposed restoration, including vegetation species and mixes, must be coordinated with and approved by NPS.

- General – DC Water must coordinate with appropriate regulatory agencies regarding long-term monitoring requirements for waterways and provide resultant data to NPS.
- General – Restoration grass seed mix for both temporary and permanent stabilization must be coordinated with and approved by the NPS.
- General – Restoration plans for shrubs, herbs, and other vegetative material in all project Areas must be coordinated with and approved by the NPS.
- General – Within NPS lands, limits of debris field and extent of combined sewage overflows shall be documented through the collection of X, Y, Z point data collected in feet relative to Maryland State Plane Coordinate System (NAD 83) horizontally and NAVD88 vertically to survey grade accuracies (+/- 0.1' horizontally and vertically). Data shall be collected by the applicant and provided to NPS with FGDC-compliant metadata.
- General – The applicant is responsible for obtaining any necessary permits for the proposed work, disposal of any materials generated from the work, and compliance with any of the permit conditions provided by others.
- General - Same day stabilization should be carried out to ensure that no erosion of stream or access paths occurs.
- General - Provide weekly updates to the NPS. Microsoft Teams (or equivalent virtual method), e-mail communications, or in-person meetings at the Lockhouse 10 area are options. Ad hoc meetings can be organized to review actions or measures that need to be discussed between the permittee and NPS.
- General – Final plans for long-term restoration of the site (i.e., Phase 2) must be coordinated with and approved by NPS prior to physical restoration.
- General – Any changes from the approved plan shall be approved by NPS prior to proceeding.
- General - Install Typar GrassProtecta or similar material according to product specifications to reinforce ground surface to prevent damage to archeological features at Lock 12. Care must be taken to limit ground disturbance during the removal of the bypass pumping pipes at Lock 12.
- General – Access areas to the canal that will be in addition to those already in use must be approved by the NPS. Access routes will require some means of

reducing impacts to the soils, such as placing a geotextile with stone on top, using crane mats for weight distribution, or some product comparable to Typar GrassProtecta, once means and methods of restoration are determined (i.e. what types of equipment are necessary to accomplish the intended outcome).

- General – DC Water must provide a detailed plan for NPS review and approval for cleaning portions of historic structures exposed to the discharge fluids from the PI. Historic structures, which include Rock Run Culvert, Lock 11, Lock 12, Lock 13, Lock 14, various dry-laid masonry walls, etc., can be cleaned using a pressure washer at low pressure (not to exceed 100 psi) and soft bristle brushes/brooms. Always test the pressure washer in a small area to see if it is effective and evaluate if it is causing damage to the stone. If the stone is soft, such as sandstone, pressure washing is not permissible. Rather, cleaning the masonry with clean running water from a hose or hand pump is best. The pressure washer wand should be held at least 12” from the stone at all times and be used with a 45-degree fan tip.
- General - Mortar joints in historic structures will require additional consideration and care to be coordinated with NPS upon receiving a treatment proposal from DC Water and their consultants. Mortar is more absorbent and prone to failure should a pressure washer be used. In places, there is missing mortar. Therefore, cleaning the PI discharge fluid film from within the joints will require special care. Application of clean water into the joint via a low-pressure pump and the use of a soft bristled brush to scrub away residues may be the course of action pending NPS’s review of the proposed treatment proposal.
- General - With respect to cleaning the materials within the floors of the lock chambers and Rock Run Culvert, the applicant should provide NPS with a treatment proposal for review, comment, and approval. Masonry structures like these are typically found on bedrock. However, when bedrock was not present, the structures were built on wooden foundations. Such foundations require care to avoid damage. Field verify the conditions of the foundations using the least impactful means and adjust the cleaning strategy proposal accordingly for NPS review, comment, and approval.
- General - DC Water must capture and appropriately treat/remove any contaminated rinsate from washing structures.

Key National Park Service Contacts for this Plan

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*Primary

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