



**DISTRICT OF COLUMBIA
WATER AND SEWER AUTHORITY**
Serving the Public • Protecting the Environment

**Long Term Control Plan Consent Decree
Status Report:
Quarter No. 2 - 2010**

Consolidated Civil Action No. 1:00CV00183TFH

July 2010

DISTRICT OF COLUMBIA
WATER AND SEWER AUTHORITY
Washington, D.C.

*Long Term Control Plan Consent Decree Status Report
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1. INTRODUCTION

The District of Columbia Water and Sewer Authority (DC WATER or Authority) entered into a Consent Decree (CD) with the U.S. Government to establish a schedule for implementation of DC WATER's Long Term Control Plan (LTCP). The CD was entered by the court on March 23, 2005 in Consolidated Civil Action No. 1:CV00183TFH by the United States District Court for the District of Columbia.

The CD requires that DC WATER submit written status reports to the Environmental Protection Agency (EPA) by the 28th day of the month following the end of each calendar quarter. The CD requires that the following be provided in each status report:

- The deadlines and other terms that DC WATER is required to meet since the date of the last quarterly statement, whether and to what extent DC WATER has met these requirements, and the reasons for any noncompliance.
- A statement tracking DC WATER's progress against the detailed implementation schedules. This is to be completed after completion of facility planning for each receiving waters.
- A general description of the work completed in the quarter, and a projection of work to be performed in the next quarter.

This report covers April through June 2010, which is Quarter No. 2 in 2010.

2. ITEMS REQUIRING GOVERNMENT ACTION

The following is a status report for items requiring government action this quarter:

ITEMS REQUIRING GOVERNMENT ACTION				
Reference	Requirement	Deadline in CD	Calendar Deadline	Status
p.11, VI.A.9. and p. 28, X.47	EPA approval of Anacostia River Projects Facility Plan Summary Report and Detailed Implementation Schedule submitted per p.11, VI.A.9.	-	-	Submitted 18-Sept-2008. On 27-April-2009 EPA responded with a list of questions. On 15-May-2009 DC WATER provided responses to these questions. On 29-July-2009 EPA provided a second set of questions. On 03-Sept.-2009 DC WATER responded. On 17-March-2010 EPA provided a third set of comments; however, these were duplicates of prior comments. On April 27 and May 25, 2010, EPA provided a fourth set of comments. On June 23, 2010, DC WATER provided a response. DC WATER is currently waiting for EPA approval of the Anacostia River Projects Facility Plan.

3. REQUIREMENTS DUE IN CURRENT QUARTER

The following is a status report for requirements due this quarter:

REQUIREMENTS DUE THIS QUARTER				
Reference	Requirement	Deadline in CD	Calendar Deadline	Status
p.12, VI.A.11.	Separate Fort Stanton			
	Submit certification to EPA	60 days after place in operation	16-May-2010	A letter was sent to EPA from DC WATER on 1-April-2010 certifying that the project was designed, constructed and will be operated in accordance with the terms of the Consent Decree and its NPDES permit.

4. REQUIREMENTS DUE NEXT QUARTER

The following is a status report for requirements due in the next quarter:

REQUIREMENTS DUE NEXT QUARTER				
Reference	Requirement	Deadline in CD	Calendar Deadline	Status
	None			

5. PROJECTION OF WORK TO BE PERFORMED NEXT QUARTER

Next quarter, DC WATER anticipates working on the following items:

- Rock Creek CSO Outfall Separation – work on the construction of this project.
- Low Impact Development Retrofit – continue to investigate methods of procuring and constructing the LID retrofits
- Blue Plains and Anacostia River Tunnel – planning, geotechnical investigations, right-of-way investigations and construction of a site preparation project for the Blue Plains Tunnel within the Treatment Plant site.

6. REQUIREMENTS DUE AFTER NEXT QUARTER

The following are requirements due after next quarter. Only those activities which are not addressed in prior tables are included.

Requirements Due After Next Quarter				
Reference	Requirement	Deadline in CD	Calendar Deadline	Status
	Anacostia River Projects			
p.12, VIA.12.	Fort Stanton Interceptor			
	Award contract for detailed design	8 years from entry	23-Mar-2013	DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Award contract for construction	11 years from entry	23-Mar-2016	
	Place in operation	13 years from entry	23-Mar-2018	
	Submit certification to EPA	60 days after place in operation	22-May-2018	
p.13, VIA.13.	Tunnel From Poplar Point to Northeast Boundary			
	Award contract for construction	7 years from entry	23-Mar-2012	DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Place in operation	13 years from entry	23-Mar-2018	
	Submit certification to EPA	60 days after place in operation	22-May-2018	
p.13, VIA.14.	Poplar Point Pumping Station			
	Award contract for detailed design	7 years from entry	23-Mar-2012	DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Award contract for construction	10 years from entry	23-Mar-2015	
	Place in operation	13 years from entry	23-Mar-2018	
	Submit certification to EPA	60 days after place in operation	22-May-2018	
p.14, VIA.15.	Tunnel Parallel to Northeast Boundary Sewer			
	Award contract for detailed design	10 years from entry	23-Mar-2015	DC WATER is monitoring the deadlines and based on the information currently available, expects to
	Award contract for construction	13 years from entry	23-Mar-2018	

Requirements Due After Next Quarter				
Reference	Requirement	Deadline in CD	Calendar Deadline	Status
	Place in operation	20 years from entry	23-Mar-2025	meet these deadlines
	Submit certification to EPA	60 days after place in operation	22-May-2025	
p.15, VI.A.16.	NEB Side Tunnels			
	Award contract for detailed design	14 years from entry	23-Mar-2019	DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Award contract for construction	17 years from entry	23-Mar-2022	
	Place in operation	20 years from entry	23-Mar-2025	
	Submit certification to EPA	60 days after place in operation	22-May-2025	
p.15, VI.A.17.	Anacostia Outfall Consolidation			
	Award contract for detailed design	8 years from entry	23-Mar-2013	DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Award contract for construction	11 years from entry	23-Mar-2016	
	Place in operation	13 years from entry	23-Mar-2018	
	Submit certification to EPA	60 days after place in operation	22-May-2018	
	Potomac River Projects			
p.16, VI.B.18.	Potomac Facility Plan			
	Start Potomac Facility Plan	10 years from entry	23-Mar-2015	DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Submit summary report & detailed implementation schedule	13 years from entry	23-Mar-2018	
p.16, VI.B.20.	Potomac Tunnel Dewatering Pumping Station			
	Award contract for detailed design	15 years from entry	23-Mar-2020	DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Award contract for construction	18 years from entry	23-Mar-2023	
	Place in operation	20 years from entry	23-Mar-2025	
	Submit certification to EPA	60 days after place in operation	22-May-2025	
p.17, VI.B.21.	Potomac Storage Tunnel			
	Award contract for detailed design	13 years from entry	23-Mar-2018	DC WATER is monitoring the deadlines and based on the information currently available, expects to
	Award contract for construction	16 years from entry	23-Mar-2021	
	Place in operation	20 years from entry	23-Mar-2025	

Requirements Due After Next Quarter				
Reference	Requirement	Deadline in CD	Calendar Deadline	Status
	Submit certification to EPA	60 days after place in operation	22-May-2025	meet these deadlines
p.18, VI.B.22.	Potomac Outfall Consolidation			
	Award contract for detailed design	13 years from entry	23-Mar-2018	DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Award contract for construction	16 years from entry	23-Mar-2021	
	Place in operation	20 years from entry	23-Mar-2025	
	Submit certification to EPA	60 days after place in operation	22-May-2025	
	Rock Creek Projects			
p.18, VI.C.23.	Rock Creek Facility Plan			
	Start Rock Creek Facility Plan	11 years from entry	23-Mar-2016	DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Submit summary report & detailed implementation schedule	14 years from entry	23-Mar-2019	
p.19, VI.C.24.	Rock Creek CSO Outfall Separation			
	Place in operation	6 years from entry	23-Mar-2011	DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Submit certification to EPA	60 days after place in operation	22-May-2011	
p.20, VI.C.27.	Monitoring at CSOs 033, 036, 047, 057			
	Award contract for construction	2.5 years after award of design contract	22-Mar 2011	DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Place in operation selected alternative	6 years after EPA approval of plan	04-Oct-2013	
	Submit certification to EPA	60 days after place in operation	60 days after place in operation	
p.20, VI.C.28.	Piney Branch Storage Tunnel			
	Award contract for detailed design	14 years from entry	23-Mar-2019	DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Award contract for construction	17 years from entry	23-Mar-2022	
	Place in operation	20 years from entry	23-Mar-2025	

Requirements Due After Next Quarter				
Reference	Requirement	Deadline in CD	Calendar Deadline	Status
	Submit certification to EPA	60 days after place in operation	22-May-2025	
	Blue Plains Projects			
p.21. VI.D.29.	Blue Plains Excess Flow Improvements			
	Award contract for construction	7 years from entry	23-Mar-2012	DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Place in operation	11 years from entry	23-Mar-2016	
	Submit certification to EPA	60 days after place in operation	22-May-2016	
	Other Requirements			
p.6, II.3.	General			
	Copy of decree to consultants/contractors	As required	As required	DC WATER will send copies of the CD to consultants/ contractors as they are retained for projects required by the CD.
p.22. VI.E.30.	Public Notification			
	Submit plan with details	As part of Facility Plans for each receiving water	As part of Facility Plans for each receiving water	DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Place in operation	As part of associated construction project	As part of associated construction project	
p.27. IX.	Low Impact Development Retrofit			
	Place in operation	6 yrs after EPA approval of plan	18-Mar-2014	DC WATER submitted a revised LID Retrofit Plan in January 2010 for EPA Region III approval and have received no response yet. DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Monitoring LID Projects	12 months after place in operation	12 months after place in operation	
	Operate & maintain projects	5 yrs after place in operation	5 yrs after place in operation	
	Review results and determine if Potomac or Rock Creek tunnel size can be reduced	As part of Pot & RC facility plan	As part of Pot & RC facility plan	
p.29.XI	Reporting			

Requirements Due After Next Quarter				
Reference	Requirement	Deadline in CD	Calendar Deadline	Status
	Submit quarterly status reports	Quarterly, 28th day of month after calendar quarter	Ongoing	DC WATER prepares status reports quarterly in accordance with the consent decree.
	Post reports on website	Quarterly	Quarterly	Reports are on DC WATER's web site at http://www.DC.WATER.com/education/css/css_reports.cfm . This report will be posted on DC WATER's web site after submittal to EPA.

7. REQUIREMENTS COMPLETED IN PRIOR QUARTERS

The following is a summary of requirements completed in prior quarters:

REQUIREMENTS COMPLETED IN PRIOR QUARTERS				
Reference	Requirement	Deadline in CD	Calendar Deadline	Status
p.11, VI.A.9.	<u>Anacostia Facility Plan</u> Start Anacostia Facility Plan	6 months from entry	23-Sep-2005	Completed. DC WATER initiated the Anacostia Facility Plan on April 4, 2005. Notice to proceed to consultant issued September 22, 2005.
p.11, VI.A.9.	<u>Anacostia Facility Plan</u> Submit summary report & detailed implementation schedule	3 yrs 6 mos from entry	23-Sep-2008	Submitted 18-Sept-2008
p.12, VI.A.11.	<u>Separate Fort Stanton</u> Award contract for detailed design	1 year from entry	23-Mar-2006	Completed ahead of schedule. Contract awarded March 3, 2006 to Black & Veatch under Agreement No. DCFA #389-WSA, Task Order No. 8.
p.12, VI.A.11.	<u>Separate Fort Stanton</u> Award contract for construction	3 years from entry	23-Mar-2008	Completed. Contract awarded February 19, 2008 to Sagres Construction Corporation.
p.13, VI.A.13.	<u>Tunnel From Poplar Point to Northeast Boundary</u> Award contract for detailed design	4 years from entry	23-Mar-2009	Completed. The Authority awarded contracts on March 20, 2009 to Greeley and Hansen and Jacobs Underground that provide for detailed design.

REQUIREMENTS COMPLETED IN PRIOR QUARTERS

Reference	Requirement	Deadline in CD	Calendar Deadline	Status
p.12, VI.A.11.	<u>Separate Fort Stanton</u> Place in operation	5 years from entry	23-Mar-2010	Placed in operation on 17-Mar-2010
p.19, VI.C.24.(2)	<u>Rock Creek CSO Outfall Separation Award</u> contract for detailed design	2 years from entry	23-Mar-2007	Completed ahead of schedule. Contract awarded March 15, 2007 to Black & Veatch under Agreement No. DCFA #389-WSA, Task Order No. 25.
p.19, VI.C.24.	<u>Rock Creek CSO Outfall Separation Award</u> contract for construction	4 years from entry	23-Mar-2009	Completed. Contract awarded March 17, 2009 to Anchor Construction Corporation.
p.19,VI.C.25	<u>Monitoring at CSO 033, 036, 047, 057</u> Submit monitoring data	30 days from entry	22-Apr-2005	Completed. DC WATER submitted the monitoring data on April 15, 2005, and EPA approved the data in a letter dated November 23, 2005.
p.19,VI.C.25	<u>Monitoring at CSO 033, 036, 047, 057</u> Start additional monitoring at Rock Creek CSO 033, 036, 047, 057 if req'd by EPA	60 days after notification by EPA	60 days after notification by EPA	In a letter dated November 23, 2005, EPA indicated that no additional monitoring was required.
p.20, VI.C.27.	<u>Monitoring at CSOs 033, 036, 047, 057</u> Submit report with results of monitoring , selection of control alternative and schedule for design, award of construction contract and placing facilities in operation	6 mos after notification by EPA that monitoring is approved	23-May-2006	Submitted to EPA May 19, 2006. DC WATER received a letter from EPA on October 4, 2007 approving the proposed CSO controls for these CSOs.
p.20, VI.C.27.	<u>Monitoring at CSOs 033, 036, 047, 057</u> Commence implementation of plan to address these CSOs	Within 90 days of EPA approval of plan	02-Jan-2008	DC WATER has begun implementation by drafting scopes of work for detailed design of the required CSO controls.
p.20, VI.C.27.	<u>Monitoring at CSOs 033, 036, 047, 057</u> Award contract for detailed design	1 year after EPA approval	04-Oct-2008	Task order executed with Black & Veatch on 22-Sept-2008.
p.21. VI.D.29.	<u>Blue Plains Excess Flow Improvements</u> Award contract for detailed design	4 years from entry	23-Mar-2009	The U.S. Department of Justice transmitted a letter to DC WATER dated March 11, 2009 agreeing to stay this requirement in recognition that it will be replaced with a provision to construct enhanced clarified facilities at Outfall 001 and the appropriate deadlines for that work.
p.22. VI.E.30.	<u>Public Notification (Anacostia)</u> Submit plan with details	As part of Facility Plans for each receiving water	23-Sep-2008 for Anacostia	Included in Anacostia Facility Plan submitted 18-Sept-2008

REQUIREMENTS COMPLETED IN PRIOR QUARTERS

Reference	Requirement	Deadline in CD	Calendar Deadline	Status
p.25. VII.37	<u>Grant Funding</u> Report source, amount, timing to EPA	When DC WATER learns it will be appropriated or received	When DC WATER learns it will be appropriated or received	<ul style="list-style-type: none"> • \$6,930,000.00 was received from Congress for FY 2006 for the LTCP • \$8,000,000 was appropriated to DC WATER for the LTCP for FY2008 in the Consolidated Appropriations Act, 2008 P.L. 110-161 • \$16,000,000 was appropriated to DC WATER for implementation of the LTCP for FY2009, pursuant to the Omnibus Appropriations Act, 2009 P.L. 111-8 • \$20,000,000 was appropriated to DC WATER for implementation of the LTCP for FY2010, pursuant to the Consolidated Appropriations Act, 2010 Public Law 111-117
p.27. IX.45	<u>Low Impact Development Retrofit</u> Submit plan for LID at DC WATER Facilities	2 years from entry	23-Mar-2007	Submitted to EPA March 23, 2007. DC WATER received EPA's comments on the plan on October 10, 2007 and provided a response on November 14, 2007. DC WATER received a letter from EPA on March 18, 2008 approving the plan for LID at DC WATER facilities. DC WATER submitted a revised Plan for EPA approval in January 2010, and have not received the approval yet.

8. PROGRESS REPORT ON ANACOSTIA RIVER PROJECTS

The Facility Plan for the Anacostia River Projects submitted on September 18, 2008 included a detailed implementation schedule. Per the consent decree, the quarterly consent decree status reports are required to include a statement tracking DC WATER's progress against the detailed implementation schedule. The decree indicates that the deadlines in the detailed implementation schedule serve to track and report progress and are not enforceable obligations of the consent decree. The statement tracking progress is provided below:

Contr. Div.	Description	Activity	Milestone for Tracking	Status
A	Blue Plains Tunnel and Main Outfall Sewer Diversion	Award Contract for Detailed Design	23-Mar-2009	The Authority awarded contracts on March 20, 2009 that provide for detailed design.
		Award Contract for Construction	1-May-2011	(1)
		Ready to be Placed in Operation	1-Jul-2015	(1)
		Place in Operation	23-Mar-2018	(1)
B	Tingey Street Diversion Sewer for CSO 013 and 014	Award Contract for Detailed Design	1-Oct-2010	(1)
		Award Contract for Construction	1-Oct-2012	(1)
		Ready to be Placed in Operation	1-Oct-2014	(1)
		Place in Operation	23-Mar-2018	(1)
C	CSO-019 Overflow and Diversion Structure	Award Contract for Detailed Design	1-Jun-2009	The Authority awarded contracts on March 20, 2009 that provide for detailed design.
		Award Contract for Construction	1-Mar-2011	(1)
		Ready to be Placed in Operation	1-Nov-2013	(1)
		Place in Operation	23-Mar-2018	(1)
D	Bolling AFB Overflow and Potomac Outfall Sewer Diversion	Award Contract for Detailed Design	1-Oct-2013	(1)
		Award Contract for Construction	1-Jul-2015	(1)
		Ready to be Placed in Operation	1-Jul-2017	(1)
		Place in Operation	23-Mar-2018	(1)
E	M Street Diversion Sewer for CSOs 015, 016, and 017	Award Contract for Detailed Design	1-Aug-2009	The Authority awarded contracts on March 20, 2009 that provide for detailed design.
		Award Contract for Construction	1-May-2011	(1)
		Ready to be Placed in Operation	1-Nov-2013	(1)
		Place in Operation	23-Mar-2018	(1)
F	CSO 018 Diversion Sewer	Award Contract for Detailed Design	1-Apr-2010	The Authority awarded contracts on March 20, 2009 that provide for detailed design.
		Award Contract for Construction	2-Jan-2012	(1)

Contr. Div.	Description	Activity	Milestone for Tracking	Status	
		Ready to be Placed in Operation	1-Jul-2013	(1)	
		Place in Operation	23-Mar-2018	(1)	
G	CSOs 005 and 007 Diversion Sewer	Award Contract for Detailed Design	1-Apr-2010	The Authority awarded contracts on March 20, 2009 that provide for detailed design.	
		Award Contract for Construction	2-Jan-2012		(1)
		Ready to be Placed in Operation	1-Jul-2013		(1)
		Place in Operation	23-Mar-2018		(1)
H	Anacostia River Tunnel	Award Contract for Detailed Design	1-Nov-2011	(1)	
		Award Contract for Construction	1-Nov-2013	(1)	
		Ready to be Placed in Operation	23-Mar-2018	(1)	
		Place in Operation	23-Mar-2018	(1)	
I	Main Pumping Station Diversions	Award Contract for Detailed Design	2-Jan-2013	(1)	
		Award Contract for Construction	2-Jan-2015	(1)	
		Ready to be Placed in Operation	31-Dec-2017	(1)	
		Place in Operation	23-Mar-2018	(1)	
J	Northeast Boundary Tunnel	Award Contract for Detailed Design	2-Jan-2019	(1)	
		Award Contract for Construction	2-Jan-2021	(1)	
		Ready to be Placed in Operation	23-Mar-2025	(1)	
		Place in Operation	23-Mar-2025	(1)	
K	Northeast Boundary Branch Tunnels	Award Contract for Detailed Design	2-Jan-2016	(1)	
		Award Contract for Construction	23-Mar-2018	(1)	
		Ready to be Placed in Operation	1-Jul-2022	(1)	
		Place in Operation	23-Mar-2025	(1)	
L	Northeast Boundary Diversions	Award Contract for Detailed Design	23-Mar-2014	(1)	
		Award Contract for Construction	23-Mar-2016	(1)	
		Ready to be Placed in Operation	23-Mar-2018	(1)	
		Place in Operation	23-Mar-2025	(1)	
M	Mt. Olivet Road Diversions	Award Contract for Detailed Design	2-Jan-2017	(1)	
		Award Contract for Construction	2-Jan-2019	(1)	
		Ready to be Placed in Operation	31-Dec-2020	(1)	
		Place in Operation	23-Mar-2025	(1)	
Y	Blue Plains Tunnel	Award Contract for Detailed Design	1-Apr-2013	(1)	

Contr. Div.	Description	Activity	Milestone for Tracking	Status
	Dewatering Pumping Station and Enhanced Clarification Facility (ECF)	Award Contract for Construction	1-Jul-2015	(1)
		Ready to be Placed in Operation	31-Dec-2017	(1)
		Place in Operation	23-Mar-2018	(1)
Z	Poplar Point Pumping Station Replacement	Award Contract for Detailed Design	23-Mar-2012	(1)
		Award Contract for Construction	23-Mar-2015	(1)
		Ready to be Placed in Operation	23-Mar-2018	(1)
		Place in Operation	23-Mar-2018	(1)

Notes:

1. DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines