

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

Long Term Control Plan Consent Decree Status Report: Quarter No. 3 - 2012

Consolidated Civil Action No. 1:00CV00183TFH

October 2012

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

Long Term Control Plan Consent Decree Status Report Quarter No. 3 - 2012

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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 water.
- 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 July through September 2012, which is Quarter No.3 in 2012.

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	
	None				

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	
	None				

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:

- Low Impact Development Retrofit continue to investigate methods of procuring and constructing the LID retrofits
- Blue Plains and Anacostia River Tunnel planning, design, geotechnical investigations, property rights acquisition, procurement along with construction activities for the Blue Plains Tunnel.

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, VI.A.12.	Fort Stanton Interceptor					
	Award contract for detailed design	8 years from entry	23-Mar-2013			
	Award contract for construction	11 years from entry	23-Mar-2016	DC WATED is manifesting the deadlines and haved		
	Place in operation	13 years from entry	23-Mar-2018	DC WATER is monitoring the deadlines and based on the information currently available, expects to		
	Submit certification to EPA	60 days after place in operation	22-May-2018	meet these deadlines		
	Tunnel From Poplar Point to					
p.13, VI.A.13.	Northeast Boundary					

	-	Requirements Due Af	ter Next Quarter	
Reference	Requirement	Deadline in CD	Calendar Deadline	Status
	Place in operation	13 years from entry	23-Mar-2018	DC WATER is monitoring the deadlines and based
		60 days after place in		on the information currently available, expects to
	Submit certification to EPA	operation	22-May-2018	meet these deadlines
p.13, VI.A.14.	Poplar Point Pumping Station			
	Award contract for construction	10 years from entry	23-Mar-2015	DC WATER is monitoring the deadlines and based
	Place in operation	13 years from entry	23-Mar-2018	on the information currently available, expects to
	Submit certification to EPA	60 days after place in operation	22-May-2018	meet these deadlines
p.14, VI.A.15.	Tunnel Parallel to Northeast Boundary Sewer			
	Award contract for detailed design	10 years from entry	23-Mar-2015	
	Award contract for construction	13 years from entry	23-Mar-2018	DC WATER is monitoring the deadlines and based
	Place in operation	20 years from entry	23-Mar-2025	on the information currently available, expects to
		60 days after place in		meet these deadlines
	Submit certification to EPA	operation	22-May-2025	
p.15, VI.A.16.	NEB Side Tunnels			
	Award contract for detailed design	14 years from entry	23-Mar-2019	
	Award contract for construction	17 years from entry	23-Mar-2022	DC WATER is monitoring the deadlines and based
	Place in operation	20 years from entry	23-Mar-2025	on the information currently available, expects to
	Submit certification to EPA	60 days after place in operation	22-May-2025	meet these deadlines
p.15, VI.A.17.	Anacostia Outfall Consolidation			
	Award contract for detailed design	8 years from entry	23-Mar-2013	
	Award contract for construction	11 years from entry	23-Mar-2016	
	Place in operation	13 years from entry	23-Mar-2018	DC WATER is monitoring the deadlines and based
	Submit certification to EPA	60 days after place in operation	22-May-2018	on the information currently available, expects to meet these deadlines
	Potomac River Projects	speration	22 may 2010	
p.16, VI.B.18.	Potomac Facility Plan			
P.1.0, 11.D.10.	Start Potomac Facility Plan	10 years from entry	23-Mar-2015	

		Requirements Due Aft	er Next Quarter	
Reference	Requirement	Deadline in CD	Calendar Deadline	Status
	Submit summary report & detailed implementation schedule	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
p.16, VI.B.20.	Potomac Tunnel Dewatering Pumping Station			
	Award contract for detailed design	15 years from entry	23-Mar-2020	
	Award contract for construction	18 years from entry	23-Mar-2023	
	Place in operation	20 years from entry	23-Mar-2025	DC WATER is monitoring the deadlines and based
	Submit certification to EPA	60 days after place in operation	22-May-2025	on the information currently available, expects to meet these deadlines
p.17, VI.B.21.	Potomac Storage Tunnel			
	Award contract for detailed design	13 years from entry	23-Mar-2018	
	Award contract for construction	16 years from entry	23-Mar-2021	DC WATER is monitoring the deadlines and based
	Place in operation	20 years from entry	23-Mar-2025	on the information currently available, expects to
	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	
	Award contract for construction	16 years from entry	23-Mar-2021	DC WATER is monitoring the deadlines and based
	Place in operation	20 years from entry	23-Mar-2025	on the information currently available, expects to
	Submit certification to EPA	60 days after place in operation	22-May-2025	meet these deadlines
	Rock Creek Projects			
p.18, VI.C.23.	Rock Creek Facility Plan			
	Start Rock Creek Facility Plan	11 years from entry	23-Mar-2016	
	Submit summary report & detailed implementation schedule	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
p.20, VI.C.27.	Monitoring at CSOs 033, 036, 047, 057			
	Place in operation selected alternative		04-Oct-2013	DC WATER is monitoring the deadlines and based on the information currently available, expects to
	Submit certification to EPA	60 days after place in operation	60 days after place in operation	meet these deadlines

	-	Requirements Due Afte	er Next Quarter	
Reference	Requirement	Deadline in CD	Calendar Deadline	Status
p.20, VI.C.28.	Piney Branch Storage Tunnel			
	Award contract for detailed design	14 years from entry	23-Mar-2019	-
	Award contract for construction	17 years from entry 20 years from entry	23-Mar-2022 23-Mar-2025	DC WATED is manifesting the deadlines and haved
	Place in operation Submit certification to EPA	60 days after place in operation	23-Mar-2025	DC WATER is monitoring the deadlines and based on the information currently available, expects to meet these deadlines
	Blue Plains Projects			
p.21. VI.D.29.	Blue Plains Excess Flow Improvements			
	Place in operation	11 years from entry	23-Mar-2016	DC WATER is monitoring the deadlines and based
	Submit certification to EPA	60 days after place in operation	22-May-2016	on the information currently available, expects to meet these deadlines
	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
	Place in operation	As part of associated construction project	As part of associated construction project	on the information currently available, expects to meet these deadlines
p.27. IX.	Low Impact Development Retrofit			
	Place in operation	6 yrs after EPA approval of plan	18-Mar-2014	DC WATER is monitoring the deadlines and based on the information currently available, expects to
	Monitoring LID Projects	12 months after place in operation	12 months after place in operation	meet these deadlines

	Requirements Due After Next Quarter						
Reference	Requirement	Deadline in CD	Calendar Deadline	Status			
		5 yrs after place in	5 yrs after place in				
	Operate & maintain projects	operation	operation				
	Review results and determine if						
	Potomac or Rock Creek tunnel size	As part of Pot & RC	As part of Pot & RC				
	can be reduced	facility plan	facility plan				
p.29.XI	Reporting						
		Quarterly, 28th day of month after calendar					
	Submit quarterly status reports	quarter	Ongoing	DC WATER prepares status reports quarterly in			
	Post reports on website	Quarterly	Quarterly	accordance with the consent decree.			
				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. 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-Sept2009 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. On July 27, 2010, EPA approved the Anacostia River Projects Facility Plan.		
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.	Anacostia Facility Plan Submit summary report & detailed implementation schedule	3 yrs 6 months from entry	23-Sep-2008	Submitted 18-Sept-2008		
p.12, VI.A.11.	Separate Fort Stanton 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.	Separate Fort Stanton Award contract for construction	3 years from entry	23-Mar-2008	Completed. Contract awarded February 19, 2008 to Sagres Construction Corporation.		
p.12, VI.A.11.	Separate Fort Stanton Place in operation	5 years from entry	23-Mar-2010	Placed in operation on 17-Mar-2010		
P.12, VI.A.11	<u>Separate Fort Stanton</u> Submit Certification to EPA	60 days after place in operation	16-May-2010	Submitted 1-April-2010		

	REQUIRE	MENTS COMPLETED IN	PRIOR QUARTERS	
Reference	Requirement	Deadline in CD	Calendar Deadline	Status
p.13, VI.A.13.	<u>Tunnel From Poplar Point to Northeast</u> <u>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.
p.13, VI.A.13.	<u>Tunnel From Poplar Point to Northeast</u> <u>Boundary</u> Award contract for construction	7 years from entry	23-Mar-2012	The LTCP Consent Decree is in the process of being amended to incorporate the Total Nitrogen/Wet Weather Plan, which is LTCP Supplement #1. In accordance with the agreement between the parties, DC WATER is proceeding as if the agreed-upon amendments to the Decree are in effect. This deadline has been superseded by the agreed-upon amendments to the Decree and will not be enforced.
p.13, VI.A.14.	Poplar Point Pumping Station Award contract for detailed design	7 years from entry	23-Mar-2012	The authority awarded a contract on January 31, 2012 that provides for detailed design.
p.19, VI.C.24.	Rock Creek CSO Outfall Separation Place in operation	6 years from entry	23-Mar-2011	Completed ahead of schedule. DC Water submitted an individual Construction Project Certification letter to EPA on March 21, 2011.
p.19, VI.C.24.	Rock Creek CSO Outfall Separation Submit certification to EPA	60 days after place in operation	22-May-2011	Completed
p.19, VI.C.25	Monitoring at CSO 033, 036, 047, 057 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.	Monitoring at CSOs 033, 036, 047, 057 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.	Monitoring at CSOs 033, 036, 047, 057 Commence implementation of plan to address these CSOs	Within 90 days of EPA approval of plan	02-Jan-2008	DC WATER completed implementation by drafting scopes of work for detailed design of the required CSO controls.
p.20, VI.C.27.	Monitoring at CSOs 033, 036, 047, 057 Award contract for detailed design	1 year after EPA approval	04-Oct-2008	Task order executed with Black & Veatch on 22- Sept-2008.
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	Completed. DC Water awarded contract for construction on March 18, 2011.

	REQUIR	EMENTS COMPLETED IN	PRIOR QUARTERS	5
Reference	Requirement	Deadline in CD	Calendar Deadline	Status
p.21. VI.D.29.	Blue Plains Excess Flow Improvements Award contract for construction	7 years from entry	23-Mar-2012	 Per letter dated March 11, 2009, United States will stay this provision pending negotiation of other binding requirements to replace it. \$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
				 \$11,499,000 was appropriated to DC WATER for implementation of the LTCP for FY2011, pursuant to the Department of Defense and Full –Year Appropriations Act, 2011 Public Law 112-10
	Grant Funding	When DC WATER learns it will be appropriated or	When DC WATER learns it will be appropriated or	 \$15,000,000 was appropriated to DC WATER for implementation of the LTCP for FY2012, pursuant to appropriation act,
p.25. VII.37	Report source, amount, timing to EPA	received	received	2012 Public Law 112-74

	REQUIREMENTS COMPLETED IN PRIOR QUARTERS					
Reference	Requirement	Deadline in CD	Calendar Deadline	Status		
				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		
	Low Impact Development Retrofit			approval in January 2010. DC Water received an		
	Submit plan for LID at DC WATER			approval letter on 4-Nov-2010 from EPA R-III		
p.27. IX.45	Facilities	2 years from entry	23-Mar-2007	approving the revised LID Plan.		

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.			Milestone for	
Div.	Description	Activity	Tracking	Status
	Blue Plains Tunnel and Main Outfall Sewer Diversion			The Authority awarded contracts on March 20, 2009 that provide for
		Award Contract for Detailed Design	23-Mar-2009	detailed design.
А				The Authority awarded a contract on May 05, 2011 that provides for
Π		Award Contract for Construction	1-May-2011	construction.
		Ready to be Placed in Operation	1-Jul-2015	(1)
		Place in Operation	23-Mar-2018	(1)
	Diversion Sewer for CSO 013 and 014			The Authority awarded contracts on March 20, 2009 that provide for
		Award Contract for Detailed Design	1-Oct-2010	detailed design.
В			1.0.4.2012	The authority awarded contract on January 31, 2012 that provide for
		Award Contract for Construction	1-Oct-2012	construction.
		Ready to be Placed in Operation	1-Oct-2014	
		Place in Operation	23-Mar-2018	
	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 Detailed Design	1-Juli-2009	The Authority awarded a contract on August 29, 2011 that provides for
С		Award Contract for Construction	1-Mar-2011	construction.
		Ready to be Placed in Operation	1-Nov-2013	(1)
		Place in Operation	23-Mar-2018	(1)
		Award Contract for Detailed Design	1-Oct-2013	(1)
	Potomac Outfall Sewer Diversion M Street Diversion Sewer for CSOs 015, 016, and 017	Award Contract for Detailed Design	1-Jul-2015	(1)
D		Ready to be Placed in Operation	1-Jul-2013	(1)
		· · ·		(1)
		Place in Operation	23-Mar-2018	· · · · · · · · · · · · · · · · · · ·
Е		Award Contract for Detailed Design	1-Aug-2009	The Authority awarded contracts on March 20, 2009 that provide for detailed design.
		Award Contract for Detaned Design	1-Aug-2007	The authority awarded a contract on March 30, 2012 that provides for
		Award Contract for Construction	1-May-2011	construction
		Ready to be Placed in Operation	1-Nov-2013	(1)
L		Ready to be I faced in Operation	1-1101-2013	(1)

Contr.			Milestone for	
Div.	Description	Activity	Tracking	Status
		Place in Operation	23-Mar-2018	(1)
	CSO 018 Diversion Sewer			The Authority combined this Contract Division with Contract Division H
		Award Contract for Detailed Design	1-Apr-2010	- Anacostia River Tunnel and will award the design-build on 1-Jun-2013
F		Award Contract for Construction	2-Jan-2012	The Authority combined this Contract Division with Contract Division H – Anacostia River Tunnel and will award the design-build on 1-Jun-2013
		Ready to be Placed in Operation	1-Jul-2013	The Authority combined this Contract Division with Contract Division H – Anacostia River Tunnel and will award the design-build on 1-Jun-2013
		Place in Operation	23-Mar-2018	(1)
	CSOs 005 and 007 Diversion Sewer	Award Contract for Detailed Design	1-April-2010	The Authority combined this Contract Division with Contract Division H – Anacostia River Tunnel and will award the design-build on 1-Jun-2013
G		Award Contract for Construction	2-Jan-2012	The Authority combined this Contract Division with Contract Division H – Anacostia River Tunnel and will award the design-build on 1-Jun-2013
		Ready to be Placed in Operation	1-Jul-2013	The Authority combined this Contract Division with Contract Division H – Anacostia River Tunnel and will award the design-build on 1-Jun-2013
		Place in Operation	23-Mar-2018	(1)
	Anacostia River Tunnel	Award Contract for Detailed Design	1-Nov-2011	The Authority awarded contracts on March 20, 2009 that provide for detailed design.
Н		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)
	Main Pumping Station Diversions	Award Contract for Detailed Design	2-Jan-2013	The Authority awarded contracts on March 20, 2009 that provide for detailed design.
Ι		Award Contract for Construction	2-Jan-2015	(1)
	Station Diversions	Ready to be Placed in Operation	31-Dec-2017	(1)
		Place in Operation	23-Mar-2018	(1)
	Northeast Boundary Tunnel	Award Contract for Detailed Design	2-Jan-2019	(1)
J		Award Contract for Construction	2-Jan-2021	(1)
J		Ready to be Placed in Operation	23-Mar-2025	(1)
		Place in Operation	23-Mar-2025	(1)
	Northeast Boundary Branch Tunnels	Award Contract for Detailed Design	2-Jan-2016	(1)
к		Award Contract for Construction	23-Mar-2018	(1)
ĸ		Ready to be Placed in Operation	1-Jul-2022	(1)
		Place in Operation	23-Mar-2025	(1)
L	Northeast	Award Contract for Detailed Design	23-Mar-2014	(1)

Contr.			Milestone for	
Div.	Description	Activity	Tracking	Status
	Boundary Diversions	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)
	Mt. Olivet Road Diversions	Award Contract for Detailed Design	2-Jan-2017	(1)
М		Award Contract for Construction	2-Jan-2019	(1)
101		Ready to be Placed in Operation	31-Dec-2020	(1)
		Place in Operation	23-Mar-2025	(1)
	Blue Plains Tunnel Dewatering Pumping Station and Enhanced	Award Contract for Detailed Design	1-Apr-2013	(1)
		Award Contract for Construction	1-Jul-2015	(1)
Y		Ready to be Placed in Operation	31-Dec-2017	(1)
	Clarification			
	Facility (ECF)	Place in Operation	23-Mar-2018	(1)
	Poplar Point Pumping Station Replacement			The Authority awarded contracts on March 20, 2009 that provide for
		Award Contract for Detailed Design	23-Mar-2012	detailed design.
Z		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