



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

6/28/18

Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region III
1650 Arch Street
Philadelphia, PA 19103

RE: In the Matter of the Government of the District of Columbia
Docket No. CWA-03-2018-0019DN

Dear Regional Hearing Clerk:

Enclosed for filing is a Corrected Administrative Order on Consent (CAOC) concerning the District of Columbia's compliance with the permit for discharges from its municipal separate storm sewers. An Administrative Order on Consent was filed on June 13, 2018. However, that document was missing the signature of the respondent and Appendix A referenced in paragraph 49(b) of the order. The CAOC supersedes the prior June 13 order. As stated in Section IV of the COAC, the effective of the CAOC is immediately after receipt by the District of Columbia.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nina Rivera".

Nina Rivera
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency--Region III



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

Mr. Rashad M. Young, City Administrator
John A Wilson Building
1350 Pennsylvania Avenue, NW, Suite 513,
Washington, DC 20004

6/28/18

Mr. Jeffrey Seltzer, Associate Director
Water Quality Division
District Department of Energy and the Environment
1200 First St NE
Washington, DC 20002

Dear Sirs:

Enclosed is a file-stamped copy of the Corrected Administrative Order on Consent requiring correction of alleged violations of the Clean Water Act by the District of Columbia that relate to discharges of stormwater. The Administrative Order on Consent sent to you earlier this month was missing Appendix A. The effective date of the Corrected Administrative Order on Consent is upon your receipt of the order. Thanks.

Sincerely,

A handwritten signature in black ink, appearing to read "Nina Rivera".

Nina Rivera
Office of Regional Counsel (3RC20)

cc: Kristen DeWire, DOEE General Counsel Office

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

U.S. EPA-REGION 3-RHC
FILED-28JUN2018AM10:08

In the Matter of:

**CORRECTED ADMINISTRATIVE
ORDER ON CONSENT**

Government of the District of Columbia,

Docket No. CWA-03-2018-0019DN

Respondent.

I. STATUTORY AND REGULATORY BACKGROUND

1. The United States Environmental Protection Agency (“EPA”) has made the following findings of fact and issues in this Administrative Order on Consent (“Consent Order”) pursuant to the authority vested in the Administrator of EPA under Section 309(a) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1319(a). This authority has been delegated by the Administrator to the Regional Administrator of EPA Region III, and further delegated to the Director, Water Protection Division, Region III.

2. Section 309(a) of the Act, 33 U.S.C. § 1319(a), provides, *inter alia*, that whenever on the basis of any information available to her the Administrator finds that any person is in violation of any permit condition or limitation implementing certain CWA sections in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342, he shall issue an order requiring such person to comply with such section or requirement.

3. Respondent, the District of Columbia (the District), has agreed to the issuance of this Consent Order.

4. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant (other than dredged or fill material) from a point source into waters of the United States except in compliance with a permit issued pursuant to the National Pollutant Discharge Elimination System (“NPDES”) program under Section 402 of the Act, 33 U.S.C. § 1342.

5. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States, to ensure compliance with the requirements of the CWA. The

discharges are subject to specific terms and conditions, as prescribed in the permit. *See also* 33 U.S.C. § 1311.

6. An NPDES permit is required for discharges of pollutants from a municipal separate storm sewer system serving a population of 100,000 or more. Section 402(p)(2)(C) of the Act, 33 U.S.C. § 1342(p); 40 C.F.R. § 122.26(a), 40 C.F.R. § 122.21.

7. “Discharge of a pollutant” includes “any addition of any pollutant or combination of pollutants to waters of the United States from any point source.” 40 C.F.R. § 122.2.

8. “Municipal separate storm sewer system” (“MS4”) is defined at 40 C.F.R. § 122.26(b)(8).

9. “Storm water” means “storm water runoff, snow melt runoff and surface runoff and drainage.” 40 C.F.R. § 122.26(b)(13).

10. “Waters of the United States” means those waters that are defined in Section 502(7) of the Act, 33 U.S.C. § 1362(7), and 40 C.F.R. § 122.2.

11. Definitions. The following definitions apply to this Consent Order:

a. A “stormwater control measure” (“SCM”) is a management practice, structure or policy that captures, diverts or manages the volume of stormwater or minimizes or eliminates the concentration of pollutants in stormwater discharges.

b. Inspections:

i. “Regulatory inspection” means an inspection conducted by the District Department of Energy and Environment (“DOEE”) personnel, or a DOEE designee, to determine compliance with a regulatory requirement.

ii. “Self-inspection” means an inspection carried out by or for a District agency of its own facilities or operations.

c. “Program Year” is:

i. For the first Program Year, the period that begins immediately after the effective date of this Consent Order and ends on the next September 30; and

ii. Thereafter the period congruent with a fiscal year that begins on October 1 and ends on September 30 of the following year.

d. “Writing” or “written” or “in writing” includes electronic format, including email with confirmation that the message was received and read. The term denotes a tangible or electronic record of a communication or representation, including (a) handwriting, (b) typewriting, (c) printing, (d) photostat, (e) fax, (f) photograph, (g) word processing,

spreadsheet or database computer output or upload, and (g) e-mail. An electronic writing file may include any of the following formats: docx, .wpd, .xlsx, .pdf, .html, or database format readable by MS Access. A "signed" writing includes an electronic symbol or process attached to, or logically associated with, a writing. An electronic signature is a writing executed or adopted by a person with the intent to sign the writing, and may include an electronic code or alphanumeric string, a statement stating that it constitutes a signature, or an image of a manual signature.

II. FINDINGS OF FACT, JURISDICTIONAL ALLEGATIONS AND CONCLUSIONS OF LAW

12. The District is a "municipality" within the meaning of Section 502(4) of the Act, 33 U.S.C. § 1362(4).
13. The District is a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
14. At all times relevant to this Order, Respondent has owned and/or operated a MS4.
15. Respondent's MS4 is located within the jurisdictional boundaries of the District.
16. The District encompasses a total area of approximately 43,712 acres. At least half of that area drains into the MS4.
17. The MS4 discharges into the Potomac River, the Anacostia River, and Rock Creek, and to tributaries of these waters.
18. The MS4 discharges into waters of the United States.
19. According to the U.S. Census Bureau, as of 2014, the District's population was approximately 658,000 people.
20. EPA issued to Respondent an NPDES MS4 Discharge Permit No. DC0000221, that became effective on January 22, 2012, (the "MS4 Permit").
21. The MS4 Permit identifies Respondent as the permittee, with the District Department of the Environment ("DDOE") as the agency responsible for managing the activities to comply with the MS4 Permit. This agency is now known as the Department of Energy and Environment ("DOEE").
22. The MS4 Permit requires the permittee to submit a report every year (the "Annual Report"). The Annual Report must address each permit requirement, including a review of program implementation and compliance. The District has submitted Annual Reports every year, as required by the MS4 Permit.
23. The MS4 Permit requires the District to comply with all the conditions of the permit.

24. On May 6 through 8, 2013, an EPA compliance inspection team inspected Respondent's MS4 program (the "MS4 Inspection"). The team visited a number of facilities owned by the District as well as private facilities subject to stormwater regulation. As part of the MS4 Inspection, EPA requested documents relevant to the implementation of the MS4 Permit. EPA made the requests before and shortly after the MS4 Inspection.

25. In July 2014, EPA finalized an inspection report documenting the inspection of the District's MS4 program.

26. Respondent received a copy of EPA's inspection report on or about July 18, 2014. The District responded to EPA's inspection report on or about October 16, 2014. ("District's October Response")

27. Based upon the MS4 Inspection, review of the documents provided in response to EPA's request, review of the relevant District MS4 Annual Reports, and review of the District's October Response, EPA has identified the following violations of the MS4 Permit and the CWA.

Count I: Failure to adequately maintain an electronic inventory of stormwater control practices that includes information on the maintenance verification

28. Section 4.2.2 of the MS4 Permit requires the District to develop mechanisms to ensure maintenance of stormwater controls on private property. To insure maintenance, the permittee must include a long-term verification process of operation and maintenance, which may include inspections, owner/operator certification, or other mechanism.

29. The MS4 Permit also requires that the District maintain an electronic inventory of stormwater control practices that includes information on the mechanism used to verify maintenance.

30. As of the dates of the MS4 Inspection, the District had an electronic inventory listing stormwater control practices on private property in the District.

31. However, when asked by EPA inspectors about randomly selected private property parcels, the District could not locate particular stormwater control practices on some of the private property in the District's databases or records, or otherwise show how the District was tracking particular control practices on those parcels.

32. Respondent's failure to maintain complete and current information on all stormwater control practices in the electronic inventory resulted in a failure to adequately monitor and ensure maintenance of retention practices on private property, in violation of the MS4 Permit and Section 301 of the Act, 33 U.S.C. § 1311.

Count II: Failure to practice good housekeeping in all municipal facilities

33. Section 4.3.7 of the MS4 Permit requires the District to incorporate good housekeeping components at all municipal facilities, including implementing maintenance standards at all municipal facilities, implementing an inspection schedule of not less than one inspection per facility per year, implementing recordkeeping and tracking of inspections and maintenance at all municipal facilities, and ensuring proper operation of treatment management practices and maintenance of such practices as necessary.
34. As of the date of the MS4 inspection, the District had not implemented an inspection and maintenance program that included and tracked yearly inspection of all municipal facilities.
35. On or about May 6, 2013, EPA inspected a District Department of General Services vehicle maintenance facility located at 4 DC Village Lane, SW. The inspection team observed, among other maintenance concerns, catch basins without oil-water separators, catch basins clogged with sediment, fuel storage containers without secondary storage containment, and salt spreading machinery stored outside without cover. This facility drains into the District's MS4.
36. On or about May 6, 2013, EPA inspected a District Department of Public Works ("DPW") waste transfer station facility located at 3200 Benning Road, NE. The inspection team observed, among other maintenance concerns, numerous stormwater inlets filled with sediment and debris, and an overgrown vegetated swale. The team requested maintenance records for this facility but the District was not able to provide any. This facility drains into the District's MS4.
37. On or about May 6, 2013, EPA inspected a District Department of Transportation ("DDOT") street maintenance facility located at 1403 W Street, NE. The inspection team observed, among other maintenance concerns, fluid spills around machinery, as well as asphalt spilled on the ground. The team also observed a stormwater management control structure filled with sediment, litter and organic contaminants. This facility drains into the District's MS4.
38. On or about May 6, 2013, EPA inspected a District DDOT vehicle maintenance and salt storage facility located at 414 Farragut NE. The inspection team observed, among other maintenance concerns: an open drain valve in the secondary containment of the brine tank; a salt tank without secondary containment, with salt around it on the ground; salt staining visible around the storm sewer inlet; and other chemical containers stored without secondary containment. The facility also had three sand filters that were improperly below grade and one had a broken concrete apron. Inspections conducted by DOEE (then DDOE) at this facility in 2010, 2011 and 2012 had identified the same maintenance problems with the sand filters. This facility drains into the District's MS4.
39. On or about May 6, 2013, EPA inspected the District DPW Fort Totten waste transfer station located at 4900 Bates Road, NE. The inspection team observed trash and debris accumulated near storm sewer inlets. The Vortechs® filtering systems in the inlets were filled with trash and debris. Documents on the maintenance of the filtering systems failed to show that the systems had received maintenance in several years. This facility drains into the District's MS4.

40. On or about May 7, 2013, EPA accompanied DOEE personnel during an inspection of stormwater control practices at the District's Department of Parks and Recreation Langdon Park Playground, located at 2901 20th Street, NE. One of the stormwater control practices, a bioretention cell, was overgrown with invasive trees. This facility drains into the District's MS4.

41. Respondent's failure to implement the required good housekeeping practices, to ensure the proper operation of treatment management practices, and to implement a yearly inspection schedule, violates the MS4 Permit and Section 301 of the Act, 33 U.S.C. § 1311.

Count III: Failure to adequately implement and document training program

42. Section 4.3.10 of the MS4 Permit requires the District to implement on-going training for specified employees, as well as for an employee whose function may impact the stormwater program implementation. The training program must address, among other things, the requirements of the District's MS4 permit, maintenance standards, inspection procedures, and ways to perform the municipal work that minimize impacts to the receiving waters. The training program must include at a minimum yearly refresher or follow-up training.

43. During the May 2013 inspection, the EPA inspection team requested training documentation and attendance lists for stormwater training. The District asserted that it had conducted the required training, but no training documentation or attendance lists were provided for training that occurred prior to the inspection.

44. Respondent's failure to adequately implement and document the required ongoing training program for District employees violates the MS4 Permit and Section 301 of the Act, 33 U.S.C. §1311.

Count IV: Failure to include all required data for critical sources in the District's commercial and institutional databases

45. Section 4.4.1.1 of the MS4 Permit requires the District to maintain an inventory or database of all facilities within its jurisdiction that are critical sources of stormwater pollution in commercial and institutional areas. Critical sources include, among others, industrial activities, as defined in 40 C.F.R. §122.26(b)(14), and construction sites exceeding one acre. Section 4.4.1.2 specifies the information that must be included for each critical source. The critical sources inventory must be updated at least annually, as provided in Section 4.4.1.3 of the MS4 Permit.

46. As of May 2013, the District maintained separate databases, that, when considered together, included most, but not all, of the facilities identifiable as critical sources carrying out industrial activities, as defined in 40 C.F.R. § 122.26(b)(14).

47. Within the totality of the records of the databases, one or more of the required data fields that Permit Section 4.4.1.2 requires was missing or the data were out of date.

48. Respondent's failure to maintain an inventory of critical sources as specified in the MS4 Permit is a violation of the MS4 Permit and Section 301 of the Act, 33 U.S.C. § 1311.

III. ORDER

AND NOW, Pursuant to section 309(a) of the Act, 33 U.S.C. § 1319(a), having taken into account the seriousness of the violations and good faith efforts by Respondent to comply with section 301(a) of the Act, Respondent is hereby ORDERED to do the following:

49. The Respondent shall take all actions necessary to comply with its MS4 Permit, including:

a. Continue to update its Stormwater Database that documents stormwater control measures (SCM), as follows:

i. Add prior existing SCMs in the geographic area of the District's MS4 which have not yet been added to the Stormwater Database.

ii. For each SCM, document information related to its effectiveness, including:

(1) Type of SCM;

(2) Date of most recent regulatory inspection;

(3) Date of most recent reported self-inspection, as the District may require;

(4) SCM condition;

(5) Planned regulatory inspection frequency; and

(6) Principal inspection findings or determinations.

iii. Complete the update by the time specified in the timelines section.

b. Complete development and implementation of an operations and maintenance program ("the Program"), as described in Appendix A attached to this AOC, at municipal facilities located in the MS4 Permit area and covered by the MS4 permit specified in paragraph 50 ("the Facilities").

c. The Program shall:

i. Address the following functions:

(1) Operations;

- (2) Maintenance and good housekeeping practices;
 - (3) Self-inspection;
 - (4) Regulatory inspection; and
 - (5) Corrective action.
- ii. Require identification of responsible staff and managers at each of the Facilities responsible for compliance with the Program.
- iii. Require identification of the staff and managers responsible for conducting and tracking self-inspections.
- iv. Specify:
- (1) Self-inspection frequencies for SCMs;
 - (2) Self-inspection frequencies of each Facility to assure good housekeeping;
 - (3) Maintenance frequency of SCMs; and
 - (4) Requirements for tracking self-inspections, deficiencies identified, and completion of corrective action.
 - (5) Timelines for the completion and implementation of stormwater pollution prevention plans in the following municipal facilities in the MS4 Permit area:
 - (a) Each automotive service facility;
 - (b) Each facility conducting an industrial activity, as defined by 40 C.F.R. § 122.26;
 - (c) Each maintenance yard for streets, infrastructure or grounds;
 - (d) Each municipal wastewater or potable drinking water facility; and
 - (e) Each other Facility that the District identifies as a critical source.
- d. The Program may allow for different operations and maintenance practices and

different self-inspection frequencies for different types of Facilities, based on the potential of each type of Facility to discharge pollutants through stormwater.

- e. Submit a periodic Program report to EPA, as provided below, that:
 - i. Documents the implementation of the Program in the preceding Program Year;
 - ii. Identifies each Program implementation result that was found to be deficient, and for each such result briefly addresses causes;
 - iii. Describes each action that Respondent determined to take in order to address each deficiency;
 - iv. Includes a summary of the findings of the reporting period's regulatory inspections conducted in the Facilities, as required by the Permit;
 - v. Includes a summary of recurring maintenance and good housekeeping issues, and how Respondent's agencies are addressing these recurring issues; and
 - vi. Is concurrently posted on the District's website page where the MS4 Annual Reports are posted.

- f. Submit a periodic training report to EPA, as provided below, that:
 - i. Identifies the stormwater training events conducted in the preceding Program Year for District employees who must receive training under the MS4 Permit specified in paragraph 50;
 - ii. Identifies the length of each event;
 - iii. Separately groups trainings conducted for:
 - (1) Respondent's regulatory staff responsible for regulatory inspections of stormwater or MS4 program work; and
 - (2) Other staff at District agencies;
 - iv. Identifies for each training event:
 - (1) The trainee's agency;
 - (2) The trainee's facility or multiple facilities;
 - (3) Description of the content of the training event;

- (4) The number of employees trained at each event; and
- (5) Hyperlink or other identifier to the location of the materials, summaries, or recordings from the event, or, if none, includes the material.

g. Follow these timelines and deadlines:

- i. Database: Complete the Stormwater Database update no later than two years after the effective date of this Consent Order.
- ii. Program: Implement the Program no later than two years after the effective date of this Consent Order.
- iii. Reports: Provide the following reports to EPA on the following schedule:
 - (1) Types of reports:
 - (a) Program; and
 - (b) Training.
 - (2) Deadlines:
 - (a) Due no later than 12 weeks after the end of each Program Year; and
 - (b) Required for each of the first five (5) Program Years, and no longer thereafter.

50. This Consent Order requires compliance with “the MS4 Permit”, which is either (1) the present MS4 permit, or (2) upon and after its effective date, the succeeding MS4 permit. The present MS4 permit is NPDES MS4 Discharge Permit No. DC0000221, that became effective on January 22, 2012.

51. **Respondent shall include a written certification** for each document required to be submitted to EPA by the preceding provisions of this Consent Order, signed by a responsible District officer, as defined in 40 CFR § 122.22(d), that reads as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate,

and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Date: _____
Signed _____
Title _____

52. All documents required herein shall be considered properly delivered when submitted in writing to:

Andrew Dinsmore (or his designee)
NPDES Enforcement Branch
Mail Code (3WP42)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Email: Dinsmore.Andrew@epa.gov

- a. Electronic submission to the stated email address shall be considered delivery.
- b. Notwithstanding electronic submission, Respondent shall submit a hard copy within seven days of the submission of an electronic format writing.

53. For each calendar year in which a document is required to be submitted, Respondent shall include it, or a hyperlink to it, in the Annual Report required by the MS4 Permit for that year.

III. GENERAL PROVISIONS

54. Issuance of this Consent Order is intended to address the violations described herein. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. Further, EPA reserves any existing rights and remedies available to it under the CWA, 33 U.S.C. §1311, *et seq.*, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction. Further, EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Consent Order, following its effective date.

55. This Consent Order does not constitute a waiver or modification of the terms or conditions of Respondent's NPDES Permit. Compliance with the terms and conditions of this Order does not relieve Respondent of its obligations to comply with any applicable federal, state, or local law, regulation or permit.

56. For the purposes of this proceeding, Respondent neither admits nor denies the factual allegations and conclusions of law set forth in this Consent Order.

57. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Consent Order, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

58. EPA reserves all existing inspection authority otherwise available to EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.

59. The undersigned representative of Respondent certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Order and to execute and legally bind the party.

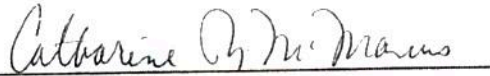
60. The parties agree that the issuance of this Consent Order is in the public interest and that it is the most appropriate means of resolving this matter.

IV. EFFECTIVE DATE

This ORDER is effective after receipt by Respondent of a fully executed document.

SO ORDERED:

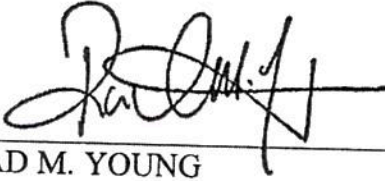
Date: JUN 12 2018


Catharine McManus
Acting Director, Water Protection Division
U.S. EPA Region III

AGREED TO:

For the District of Columbia

Date: 04/06/2018

A handwritten signature in black ink, appearing to read 'Rashad M. Young', written over a horizontal line.

RASHAD M. YOUNG
City Administrator

Appendix A

District of Columbia 2018 Stormwater Pollution Prevention Program Plan for District Operations

January 2018

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I. Summary

The 2018 District of Columbia Stormwater Pollution Prevention Program (the “P2 Program”) Plan will provide guidance and a regulatory framework for each District government-operated facility within the MS4 Permit area. This P2 Program Plan details how the District will develop mechanisms to ensure the maintenance of stormwater controls at these District-operated facilities. It also includes a long-term strategy to record and track operation and maintenance of P2 control measures.

The P2 Program will incorporate best management practices (“BMPs”) at the approximately 28 District-owned and -operated facilities located within the MS4 Permit area that are critical sources of stormwater pollution. A District facility for this plan (“P2 Program facility”) is defined as being *(a) in the MS4 Permit area, and (b) a Critical Source facility that the District*

owns or operates, and does so for municipal operations, and that meets the following regulatory definitions:

Industrial facility: A facility that conducts at least one industrial activity. Industrial activities are defined in 40 C.F.R. § 122.26, and are considered critical sources of stormwater pollution.

Critical Source facility: A Critical Source facility (“Critical Source”) is a facility with activities and operations that make, use, store, transport, or dispose of materials or substances that have the potential to become pollutants in stormwater discharges. Critical sources include the facilities listed in Section 4.4.1.1 of the 2012 MS4 Permit, or the equivalent critical sources section of a subsequently issued MS4 permit.

In addition to these P2 Program facilities, other municipal facilities in the MS4 area with structural stormwater BMPs, which have been installed to comply with post-construction stormwater management regulations, are included in the P2 Plan in Section 2, Stormwater Management BMPs.

Any P2 Program facility will develop and implement stormwater pollution prevention (“P2”) control measures and inspection protocols to insure compliance with the District MS4 Permit. The District will apply different practices, schedules, and procedures to different facility types. The variation recognizes that different types of facilities pose different risks to water quality. For instance, a park maintenance facility is less likely to pollute than a waste transfer station.

The P2 Program Plan describes how the District will create a customized stormwater pollution prevention plan (“SWPPP”) for each P2 Program facility and ensure they are being implemented. Inspection frequency will vary depending on a regular regulatory inspection schedule and on the potential for the facility’s operations to contribute to stormwater pollution.

To define necessary resources, knowledge, and skills with which to prevent stormwater pollution, the District will develop:

1. An inventory of municipal facilities that identifies current operations, potential pollutants, and contacts for responsible employees, and prioritizes facilities into two tiers based on potential risk for the discharge of pollution through stormwater;
2. Guidance on the regular maintenance of a structural stormwater BMP at a municipal facility within the MS4 Permit area that was installed to comply with post-construction stormwater management regulations, and to regularly inspect the BMP through a combination of regulatory and self-inspections.

** A District facility for this plan is defined as being (a) in the MS4 Permit area and (b) a Critical Source facility that the District owns or operates, and does so for municipal operations. **

3. A P2 Program Plan to assist each P2 Program facility with the review, update, and development of SWPPPs to guide BMP implementation and self-inspection;
4. A strategy for SWPPP implementation, including:
 - a. The “P2 Database,” an online recordkeeping and management program to assist with SWPPP development and implementation, and to provide maintenance and self-inspection reminders, capture information for recordkeeping, and assist with reporting requirements;
 - b. Employee training to ensure that municipal employees and contractors understand how to implement a facility’s SWPPP and utilize the P2 Database;
 - c. Inspections of facility compliance with stormwater regulations, both regulatory inspections by DOEE inspectors and self-inspections; and
 - d. Clear expectations and procedures for taking corrective action;
5. District agency roles and responsibilities that will enhance collaboration and clarify expectations among P2 Program participants; and
6. A schedule for a 24-month P2 Program Plan implementation.

II. P2 Program Plan

1. Prioritization of District Facilities

To prioritize pollution prevention efforts, an inventory will be conducted of District-operated facilities. This inventory will combine information from DOEE’s existing database of Critical Source facilities with other agencies’ information on District Government properties. DOEE estimates that there are approximately 28 District facilities within the MS4 Permit area that are considered critical sources of stormwater pollution.

DOEE will investigate each municipal facility within the MS4 Permit area to identify the activities occurring on site. The inventory will identify and profile the structural BMPs, facility operators, potential sources of pollution, and the potential to contribute to stormwater pollution. Using this information, DOEE will sort each P2 Program facility into one of the two tiers shown in Table 1.

** A District facility for this plan is defined as being (a) in the MS4 Permit area and (b) a Critical Source facility that the District owns or operates, and does so for municipal operations. **

Table 1. P2 Program facilities organized into two tiers.

Tier	Number of District Government Facilities¹	Type of Facility Operation	Number of Facilities per Category	Notes
Total:	28			
Tier 1: Critical Source - Industrial Facility	24	Facility conducting industrial activities, as defined by 40 C.F.R 122.26;	24	Includes District-operated automotive service facilities
Tier 2: Critical Source - Non-Industrial Facility	4	Maintenance yard for streets, infrastructure or grounds	3	Any maintenance facility that is not industrial
		Critical Source - other	1	A facility that meets the definition found in the District MS4 Permit, but is not captured in the above categories

Each sister agency with facilities in the P2 Program will provide DOEE with contact information for the employee(s) responsible for the operations and for self-inspections at each P2 Program facility. If a facility’s contact(s) changes, staff at the facility will be able to update this information using the P2 Database (Section 4.a.). In addition, a comprehensive SWPPP evaluation will be completed annually and submitted to DOEE with information on changes to facility contacts.

2. Structural Stormwater BMPs

A structural stormwater BMP installed at any P2 Program facility or other municipal facility in the MS4 area to comply with post-construction stormwater management regulations will be regularly maintained and inspected. These other municipal facilities include: schools, parks, libraries, customer service centers, offices, police and fire stations, and public housing.

¹ Numbers are based on a DOEE 2017 preliminary inventory.

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a. Maintenance

The property owner of the facility is responsible for maintaining a stormwater BMP following the requirements and frequency outlined in the property's Stormwater Management Plan (SWMP), a copy of which can be found in the property's construction plans or obtained from DOEE. The District Government is ultimately responsible for maintaining a stormwater BMP at a District-owned property. At a District-operated property that is not owned by the District, the District expects the property owner to conduct stormwater BMP maintenance unless otherwise stated in an agreement.

Additional guidance on maintenance can be found in the current version of the District's Stormwater Management Guidebook.²

b. Inspection

A stormwater management BMP, which has been installed to comply with post-construction stormwater management regulations, will be regularly inspected through a combination of DOEE regulatory inspections and self-inspections. Stormwater management BMPs at P2 Program facilities will be inspected based on the regulatory inspection schedule outlined in Section 5, and self-inspection frequencies will be outlined in a facility's SWPPP. A stormwater BMP at a municipal facility of another type that is in the MS4 area will be inspected by DOEE's Construction and Maintenance Branch once every five years, and the agency responsible for BMP maintenance will receive guidance from DOEE on self-inspection protocol and frequencies, which at a minimum will meet the permit requirements. The results of structural stormwater BMP inspections will be recorded in DOEE's Stormwater Management Database.

3. Stormwater Pollution Prevention Plans

The P2 Program will result in each P2 Program facility having and implementing a SWPPP. SWPPP development will include enhancement of existing plans, and, for each covered facility that lacks a plan, production of a new SWPPP. DOEE will distribute a template and supporting materials that present P2 expectations. The template SWPPP will be able to be tailored to reflect a facility's operations, BMPs, and potential pollutants.

² Department of Energy and Environment. Stormwater Management Guidebook. July 2013.

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a. A facility with an existing SWPPP will conduct an annual comprehensive SWPPP evaluation to ensure that the SWPPP accurately describes facility operations, tracks P2 efforts, addresses ongoing issues, and includes current staff contacts. DOEE will provide a form for the evaluation. The facility or managing agency will submit the filled-in form to DOEE for review and for tracking progress.

DOEE will provide compliance assistance to each facility with a SWPPP in order to identify corrective actions, navigate tracking and permitting requirements, and identify needed resources.

b. A facility lacking a SWPPP will utilize a template to create one. The template SWPPP will link to the P2 Database, described below. The District's objective is to produce comprehensive, effective SWPPPs that are able to be implemented by facility staff. The process will be iterative, including generating a document, meeting with the staff who must implement it, and revising as necessary.

The SWPPP template will provide a common structure, common minimum requirements, and the self-inspection frequencies that are required at each of the P2 Program facility types. The key design determinant for each customized SWPPP will be the potential of a facility to discharge pollutants through stormwater.

The District will utilize the P2 Database to assist with SWPPP customization. The P2 Database will include a set of standards for all SWPPPs, a list of standard BMPs, and schedules related to common types of operations at each P2 Program facility. The P2 Database will be used to populate the template SWPPP based on information entered into the Database about facility operations and potential pollutants stored onsite.

Every SWPPP will identify at least the following:

1. Staff responsible for SWPPP implementation;
2. Good housekeeping practices;
3. Routine maintenance of BMPs and equipment;
4. Regular self-inspection process and procedure;
5. Recordkeeping requirements; and
6. Corrective action in response to pollution events, including repair, replacement, and reporting.

A SWPPP generated from the database may need further editing. DOEE will provide guidance documents and training to help.

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To assist with the development of the template SWPPP, DOEE will visit each P2 Program facility to gather the information needed to complete the template SWPPP as necessary. In addition, DOEE will host workshops on SWPPP development, review, certification, and implementation. Once an agency creates a SWPPP, DOEE will review the final product. The operating agency will certify that the final SWPPP is true and correct.

4. SWPPP Implementation

Once a SWPPP is developed for a facility, the District will ensure relevant employees at the facility are adequately trained to implement it and use the P2 Database. It is essential that an employee responsible for the funding, management, and operations of a facility understands how and why the facility SWPPP needs to be implemented.

a. P2 Database – The Pollution Prevention Database

The P2 Database will assist municipal employees in developing and updating a facility SWPPP, as well as capturing and tracking compliance with good housekeeping and other stormwater management practices at each facility in the P2 Program. The database will include at least the following:

1. Primary contacts at the facility and/or contacts for the site's pollution prevention team;
2. Description of activities and physical attributes of the exterior elements of the site, including a site map;
3. Summary of potential pollution sources;
4. Description of the control measures used to mitigate stormwater pollution, including good housekeeping maintenance, material management, spill prevention and response, erosion and sediment control measures, employee training, and corrective action;
5. Location, site-specific design, and performance of BMPs, both structural and non-structural;
6. Description of the frequency and procedures for implementing and maintaining stormwater control measures;
7. Description of the frequency and procedures for conducting self-inspections; and
8. Recordkeeping and documentation, including for tracking self-inspections, deficiencies identified, and completion of corrective actions.

The P2 Database will utilize data found within DOEE's existing Stormwater Database that track the location, design, and performance of stormwater BMPs.

The P2 Database will help the District realize quantifiable improvements in operations and maintenance, recordkeeping, and the District's ability to report to EPA. Stakeholders will be able to access, edit, and communicate data using a desktop computer or mobile device. Municipal

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staff at a P2 Program facility will be able to develop, implement, and revise facility SWPPPs, and easily request assistance from others within their agency. Users will receive automatic notifications and reminders for self-inspections, routine maintenance of BMPs, and corrective actions.

b. Employee Training

The District will train staff and contractors to implement facility SWPPPs and to reduce and mitigate pollutants in stormwater runoff. Staff at each facility in the P2 Program is expected to receive training at least once per year. This staff includes personnel responsible for: (a) maintenance and repair of controls; (b) storage and handling of materials exposed to stormwater; (c) monitoring; (d) inspecting; and (e) developing or documenting corrective actions.

The District will document training metrics, including topic, attendance, and date. The scope and scale of training will depend on the type of facility at which the employee works and the scope of employee job responsibilities. DOEE will coordinate with sister agencies to develop training schedules.

Three types of training will be offered:

1. Facility-specific training with a site walk-through and a summary of the most recent regulatory inspection;
2. In-person training targeting a specific type of facility, operation, or employee; and
3. Online training on general pollution prevention, with an online survey to gather information about participation and knowledge retention.

A facility already training employees will be asked to provide documentation to verify each training. DOEE will ask to review the content of these trainings to ensure topics required by the MS4 Permit have been addressed.

A workshop and written guidance will be provided annually for agency and site managers and facility leads to explain schedules and procedures for BMP maintenance and tracking, and to communicate reporting requirements.

The District will add training topics and requirements that are incorporated into future cycles of its MS4 Permit.

c. Corrective Action

When an issue is identified during self- or regulatory inspections, the District expects a facility to take corrective action.

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When an issue is discovered internally, the P2 Program provides that a facility take corrective action by taking all reasonable steps as soon as practicable to minimize or correct adverse impact on the environment. The District will clearly articulate a standard for taking corrective action to facility operators by incorporating the standard into facility SWPPPs and employee training.

When an issue is discovered during a regulatory inspection, DOEE will give the facility a notice of the findings and instruct the staff to take corrective action by taking all reasonable steps as soon as practicable to minimize or correct adverse impact on the environment. DOEE will provide the facility with an inspection report. When requested, facilities also receive supplementary information and compliance assistance.

Subsequent corrective action: The procedure for taking subsequent corrective action will appear in each SWPPP so that staff and managers responsible for compliance and self-inspection know how to respond, when to respond, and how to update the facility SWPPP to prevent future compliance issues. The P2 Database will automatically notify agency supervisors about issues identified during self-inspections. This will help to provide accountability and allow them to elevate the issue to management.

Compliance assistance: DOEE will provide compliance assistance to each P2 Program facility when it is requested. The assistance will include:

1. Identify issues;
2. Research and communicate potential solutions;
3. Assist in identifying next steps to address the issue and prevent recurrence; and
4. Advocate on behalf of facility staff to management in order to obtain the support needed to address and prevent recurrence of the issues.

5. P2 Program Regulatory Inspection

DOEE's Illicit Discharge and NPDES Branch conducts regulatory inspections for P2 Program facilities, in accordance with District and federal stormwater pollution control regulations. Inspections of P2 Program facilities are conducted as follows:

A P2 Program facility, identified by DOEE's NPDES and Illicit Discharge Branch as a Critical Source of stormwater pollution (including industrial facilities), will be inspected according to the requirements of the District's effective MS4 Permit. All facilities within the District deemed Critical Sources are inspected a minimum of twice during each MS4 Permit term, or approximately twice every five years. The objectives of each inspection are: to ensure compliance with the District MS4 Permit, and to verify that the facility is properly implementing BMPs and other strategies and measures to protect water quality.

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If an inspection leads DOEE to determine that existing measures are not adequate to protect water quality, DOEE will require and enforce additional site-specific controls to be implemented at the facility to sufficiently protect water quality.

Note: Self-inspections are distinct from regulatory inspections. Self-inspections are conducted internally by a P2 Program facility as described in the facility SWPPP (section 3). Regulatory inspections of structural BMPs are described in the Structural Stormwater BMPs section (section 2b).

6. District Agency Roles and Responsibilities

Cooperation and coordination among District agencies is essential to the successful implementation of the P2 Program. The District will educate relevant agency heads to be aware of the requirements of the P2 Program Plan, and will clarify the roles and responsibilities of each agency affected by it.

DOEE will:

1. Assist sister agencies with the development and implementation of facility SWPPPs;
2. Identify stormwater BMPs at each facility and their typical maintenance needs;
3. Develop a template SWPPP, with related standards, that can be tailored for each facility;
4. Oversee the development and operation of a P2 Database;
5. Provide municipal employee trainings, as requested;
6. Review content of trainings delivered by sister agencies;
7. Provide compliance assistance, as requested;
8. Conduct regulatory inspections; and
9. Monitor and assess agency P2 activity.

Other agencies will:

1. Conduct routine self-inspections;
2. Provide DOEE with contact information for the employees responsible for each facility's operations and self-inspections;
3. Develop, review, and certify each SWPPP;
4. Inspect and maintain stormwater BMPs on a regular basis;
5. Regularly update each facility SWPPP to accurately reflect facility operations;
6. Record and track P2 efforts in the P2 Database;
7. Report on P2 and self-inspection activity;
8. Coordinate with DOEE to train relevant staff and contractors; and
9. Request compliance assistance, as needed.

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7. Tentative Schedule

DOEE divides the P2 Program Plan into eight quarters to ensure the completion and implementation within 24 months. Table 2, that immediately follows, presents a tentative schedule of the main activities for each quarter.

This area is intentionally left blank.

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Appendix A

Table 2. Tentative 24-month schedule for how DOEE will implement the District's Operations and Maintenance P2 Program Plan. The plan is broken down into eight 3-month quarters, except for activities that are ongoing and seasonal in nature.

Quarter	Inventory	SWPPPs	P2 Database	Employee Training
Ongoing	Add facilities to inventory, including a relevant facility that: <ul style="list-style-type: none"> • Begins operations or is newly purchased by the District; • Was previously thought to be in the CSS and is discovered to drain to the MS4; and • DOEE is made aware of during P2 Program Plan implementation that currently is not in the inventory. 	1. Provide compliance assistance, including with issues identified during regulatory and self-inspections. 2. Provide assistance with drafting, reviewing, and how to certify the SWPPP.	1. Provide access to new users. 2. Respond to notifications about identified issues, as necessary.	1. Provide trainings to facility staff, as requested. 2. Review content of P2 trainings delivered by sister agencies.
Seasonal	Spring Update contact information for employees responsible for facility management and self-inspections. Summer Review inventory to identify gaps in data.	Winter and Spring Conduct annual SWPPP comprehensive review for sites with existing plans.		Fall Provide P2 module at District snow and ice removal trainings.

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Quarter	Inventory	SWPPPs	P2 Database	Employee Training
Q 1	<ol style="list-style-type: none"> Develop comprehensive list of municipal facilities. Gather information on operations and potential pollutants at known <u>Tier 1</u> facilities. 	<ol style="list-style-type: none"> Draft template SWPPP. Notify sister agencies about the P2 Program Plan. 	Develop P2 Database.	<ol style="list-style-type: none"> Meet with agency directors to share requirements and expectations of the P2 Program Plan. Build training schedule. Standardize method to track internal and external trainings attended by municipal employees.
Q 2	<ol style="list-style-type: none"> Gather contact information from sister agencies on employee responsible for operations and self-inspection at each facility. Gather information on operations and potential pollutants at known <u>Tier 2</u> facilities. 	<ol style="list-style-type: none"> Develop database of standard BMPs and schedules associated with common types of facility operations. Incorporate information from inventory into template SWPPP for Tier 1 facilities and identify information gaps. Contact each Tier 1 facility to gather missing information as necessary. Conduct annual SWPPP comprehensive review for sites with existing plans. 	Continue developing P2 Database.	<ol style="list-style-type: none"> Contact sister agencies about training requirements and tracking methods. Schedule Tier 1 trainings. Develop Tier 1 training presentation and materials.
Q 3	<ol style="list-style-type: none"> Finish gathering information on operations and potential pollutants at facilities in the P2 Program. 	<ol style="list-style-type: none"> Meet facility staff with existing draft SWPPPs to assist with review and certification. Visit each Tier 1 facility lacking a SWPPP. Incorporate information from inventory into template SWPPP 	<ol style="list-style-type: none"> Beta test P2 Database, and revise the product. Finalize the P2 Database. Notify sister agencies of the finished P2 Database and provide 	<ol style="list-style-type: none"> Conduct Tier 1 trainings. Schedule Tier 2 trainings. Contact agencies with staff that need training but are not included in Tier 1 or Tier 2.

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Quarter	Inventory	SWPPPs	P2 Database	Employee Training
Q 4	<p>2. Update Critical Source facility list.</p> <p>Finalize inventory.</p>	<p>for Tier 2 facilities and identify information gaps.</p> <ol style="list-style-type: none"> 1. Complete a draft SWPPP for each Tier 1 facility as necessary. 2. Contact Tier 1 facility staff to gather missing information. 3. Complete a draft SWPPP for each Tier 2 facility as necessary. 4. Provide assistance to Tier 2 facilities for SWPPP review, certification, and implementation, as requested. 	<p>guidance on how to use it.</p> <ol style="list-style-type: none"> 1. Conduct facility manager training on P2 Database. 2. Continue outreach to sister agencies on the P2 Database, with guidance on how to use it. 	<ol style="list-style-type: none"> 4. Record existing training efforts and plan trainings. 1. Develop Tier 2 training presentation and materials. 2. Conduct Tier 1 and Tier 2 in-person trainings. 3. Conduct training for necessary staff that are not operating out of a Tier 1 or 2 facility.
Q 5		<ol style="list-style-type: none"> 1. Hold workshop on SWPPP development, how to review and certify the plan, and strategies for implementation. 2. Continue to provide assistance to Tier 2 facilities for SWPPP review, certification, and implementation, as requested. 3. Contact Tier 1 facility staff to gather missing information. 	<p>Hold two trainings on P2 Database.</p>	<ol style="list-style-type: none"> 1. Conduct Tier 2 trainings. 2. Develop curricula and content for online trainings. 3. Complete online training module. 4. Revise schedule of annual trainings, if needed.
Q 6	<p>Conduct annual review and update of inventory.</p>	<p>Contact Tier 2 facility staff to gather missing information.</p>	<ol style="list-style-type: none"> 1. Conduct training on P2 Database. 2. Evaluate P2 Database and conduct revisions if necessary. 	<ol style="list-style-type: none"> 1. Conduct Tier 2 trainings. 2. Announce availability of online trainings to sister agencies. 3. Schedule Tier 1 annual trainings.

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2018 Stormwater Pollution Prevention Program Plan for District Operations

Quarter	Inventory	SWPPPs	P2 Database	Employee Training
Q 7	Review inventory to identify gaps in data, and to update contact information for employees responsible for facility management and self-inspections.	<ol style="list-style-type: none"> 1. Hold workshop on SWPPPP development, how to review and certify, and strategies for implementation. 2. Offer to assist each facility lacking a finalized SWPPPP. 	Hold facility manager training on P2 Database.	<ol style="list-style-type: none"> 1. Conduct Tier 1 and online trainings. 2. Review feedback and results of online training to gauge effectiveness.
Q 8		Offer to assist each facility lacking a finalized SWPPPP.		<ol style="list-style-type: none"> 1. Conduct Tier 1 trainings. 2. Develop and provide trainings and informational material for new facility staff, as needed. 3. Schedule Tier 2 trainings. 4. Conduct training for staff that need training but are not located at Tier 1 or Tier 2 facility. 5. Revise online training, if necessary.
Final Outputs	District has an accessible, updated inventory of P2 Program facilities.	Each facility in the P2 Program has a finalized SWPPPP that is being implemented and updated annually.	P2 Database is utilized by P2 Program facility staff to conduct regular self-inspections and track maintenance and P2 efforts.	Relevant municipal employees are trained annually.

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Appendix A

III. Compliance with Consent Order

DOEE created the 2018 P2 Program Plan for District Operations to guide the District in complying with its MS4 Permit. The plan was created as part of the consent order with the Environmental Protection Agency in response to the findings associated with a 2013 audit of District operations. Specifically, this P2 Program Plan will assist the District in complying with Paragraph 49 of the Administrative Order on Consent, Docket No. CWA-03-2018-0019DN (US EPA2018) (“AOC”).

In order to make it easier to determine if the P2 Program Plan complies with the AOC requirements, the following list summarizes the AOC’s requirements and hyperlinks each AOC reference to the corresponding section within this document.

Outline of AOC Paragraph 49

- c. The Program shall:
 - i. Address the following functions:
 - (1) Operations;
 - (2) Maintenance and good housekeeping practices;
 - (3) Self-inspection;
 - (4) Regulatory inspection; and
 - (5) Corrective action.
 - ii. Require identification of responsible staff and managers at each of the Facilities responsible for compliance with the P2 Program.
 - iii. Require identification of the staff and managers responsible for conducting and tracking self-inspections.
 - iv. Specify:
 - (1) Self-inspection frequencies for stormwater control measures (SCMs);
 - (2) Self-inspection frequencies of each facility to assure good housekeeping;
 - (3) Maintenance frequency of SCMs;
 - (4) Requirements for tracking self-inspections, deficiencies identified, and completion of corrective action; and
 - (5) Timelines for the completion and implementation of stormwater pollution prevention plans in the following municipal facilities in the MS4 Permit area:
 - (a) Each automotive service facility;
 - (b) Each facility conducting an industrial activity, as defined by 40 C.F.R. § 122.26;
 - (c) Each maintenance yard for streets, infrastructure or grounds;
 - (d) Each municipal wastewater or potable drinking water facility; and
 - (e) Each other Facility that the District identifies as a Critical Source.

CERTIFICATE OF SERVICE

I certify that the enclosed Corrected Administrative Order on Consent was delivered to the following persons:

Delivery by Certified Mail Return Receipt Requested:

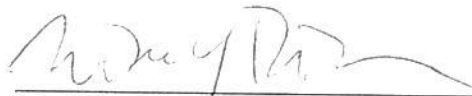
Mr. Rashad M. Young, City Administrator
John A Wilson Building
1350 Pennsylvania Avenue, NW, Suite 513,
Washington, DC 20004

Mr. Jeffrey Seltzer, Associate Director
Water Quality Division
District Department of Energy and the Environment
1200 First St NE
Washington, DC 20002

Delivery by hand (original and one copy):

Regional Hearing Clerk (3RC00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Date: 6/20/18



Ms. Nina Rivera
Senior Assistant Regional Counsel