



**TO:** Board of Estimates, Office of Comptroller  
**FROM:** AGC6100 - Public Works  
**DATE:** 06/30/2023  
**SUBJECT:** Modified Administrative Order on Consent with Environmental Protection Agency

**ACTION REQUESTED OF BOARD OF ESTIMATES:**

The Board is requested to approve an Consent Decree Modification Environmental Protection Agency (EPA).

**PERIOD OF CONTRACT/AGREEMENT:**

**AMOUNT AND SOURCE OF FUNDS:**

Transaction Amount: \$ 0.00

Project Fund	Amount
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**BACKGROUND/EXPLANATION:**

This Modified Administrative Order on Consent (AOC) is a modification of the 2010 AOC signed between the City and EPA to ensure completion of the underground drinking water tanks that are being constructed at Druid Lake Reservoir and Ashburton Reservoir. After the City requested an extension of the functional use date for the tanks under the 2010 AOC, EPA requested that in exchange for granting the extension that a new AOC would be executed that includes more frequent construction updates and additional sampling at the uncovered finished water reservoirs for Cryptosporidium and Giardia (the contract for this sampling was approved by the BOE at the June 21, 2023). The funds to complete these projects are already provided for.

The Order for Compliance provides that:

The City shall achieve "functional use of the tanks" at Ashburton Reservoir by November 30, 2023 and at Druid Lake Reservoir by December 30, 2023.

**COUNCIL DISTRICT:** Citywide

<b>EMPLOY BALTIMORE:</b>	<b>LIVING WAGE:</b>	<b>LOCAL HIRING:</b>	<b>PREVAILING WAGE:</b>
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N/A	N/A	N/A	N/A
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**1% FOR PUBLIC ART:** N/A.

ENDORSEMENTS:

Law has reviewed and approved for form and legal sufficiency

**McAmato**  
Clerk, Board of Estimates

7/20/2023



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103-2852

City of Baltimore	:	Proceedings Pursuant To
PWS ID No. MD0300002	:	Sections 1414(g) and 1445 of the Safe
	:	Drinking Water Act, as amended,
Respondent	:	42 U.S.C. §§ 300g-3(g) and 300j-4
	:	
	:	Docket No. SDWA-03-2023-0124DS
	:	

ADMINISTRATIVE ORDER FOR COMPLIANCE ON CONSENT

STATUTORY AUTHORITY

1. The following FINDINGS are made, and this Administrative Order on Consent is issued, under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 1414(g) of the Federal Safe Drinking Water Act (“SDWA”), 42 U.S.C. § 300g-3(g). The Administrator of EPA has delegated the authority to take these actions to the Regional Administrator of EPA, Region III, who has redelegated these authorities to the Director, Enforcement and Compliance Assurance Division.
2. In addition, Section 1445 of the Act, 42 U.S.C. § 300j-4, authorizes the Administrator of EPA to require the submission of information by Public Water Systems to ensure that such Systems are providing drinking water in compliance with the Act. The Administrator of EPA has delegated the authority to take these actions to the Regional Administrator of EPA, Region III, who has redelegated these authorities to the Director, Enforcement and Compliance Assurance Division, EPA Region III.
3. EPA and the City of Baltimore (“the City”) (collectively “the Parties”) agree that resolution of this matter without litigation is in the public interest. The City consents to the issuance of this Administrative Order on Consent (“2023 AOC”) and agrees to perform all actions required by its terms and conditions.
4. This 2023 AOC supersedes the Administrative Order, Docket No. SDWA-03-2023-0109-DS, issued by EPA to the City of Baltimore on May 15, 2023.

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

5. The City of Baltimore is the owner and operator of a public water system (“PWS”), PWS Identification Number MD0300002 (“System”).
6. The City is a “person” as defined by Section 1401(12) of the SDWA, 42 U.S.C. § 300f (12) and 40 C.F.R. § 141.2. The System is a “public water system” and a “community water system” as defined respectively by Sections 1401(4) and 1401(15) of the SDWA, 42 U.S.C. §§ 300f (4) and 300f (15), and 40 C.F.R. § 141.2.
7. Section 1412(b)(7)(A) of SDWA, 42 U.S.C. § 300g-1(b)(7)(A), authorizes the Administrator of EPA to establish treatment techniques in lieu of establishing a maximum contaminant level, if the Administrator makes a finding that it is not economically or technologically feasible to ascertain the level of the contaminant.
8. EPA has promulgated the Long Term 2 Enhanced Surface Water Treatment Rule (“LT2”), 40 C.F.R. § 141.700 *et seq.*, which established treatment techniques for the control of *Cryptosporidium*.
9. 40 C.F.R. §141.714 (c) from the LT2 provides:
  - (c) Systems must meet the conditions of paragraph (c)(1) or (2) of this section for each uncovered finished water storage facility or be in compliance with a State-approved schedule to meet these conditions no later than April 1, 2009.
    - (1) System must cover any uncovered finished water storage facility.
    - (2) System must treat the discharge from the uncovered finished water storage facility to the distribution system to achieve inactivation and/or removal of at least 4-log virus, 3-log *Giardia lamblia*, and 2-log *Cryptosporidium* using a protocol approved by the State.
10. Pursuant to Section 1413 of the SDWA, 42 U.S.C. § 300g-2, until a state acquires primary enforcement authority for the Public Water Supply Supervision (“PWSS”) Program and for revisions to the Program, EPA is the “State” for the purposes of implementing 40 C.F.R. Part 141 and the PWSS Program and Program revisions in the State. When a state acquires primary enforcement authority for the PWSS Program and revisions to the Program, EPA retains authority to enforce the PWSS Program and the revisions in the State pursuant to Section 1414 of the SDWA, 42 U.S.C. § 300g-3.
11. The City of Baltimore denies that it willfully or negligently violated any provision of the LT2. The City further contends that at all times it has acted in good faith in a sincere effort to comply with the LT2.
12. For the purposes of this 2023 AOC, the City does not contest EPA’s jurisdiction and authority to issue and enforce any part of this 2023 AOC.
13. The City’s public water system is a community water system that serves a

population of approximately 1,800,000 people.

14. The City notified the Maryland Department of the Environment (“MDE”) on March 19, 2008, that the System had five (5) uncovered finished water reservoirs.
15. On January 12, 2009, the City submitted a schedule to MDE setting out the dates by which the City would bring its five open finished drinking water reservoirs into compliance with 40 C.F.R. § 141.714 (c).
16. On April 1, 2009, MDE approved the City’s schedule (“Schedule”). The Schedule provided deadlines for the City for covering and/or providing treatment for its uncovered finished water storage facilities by December 31, 2018.
17. EPA sent a Notice of Violation and Request for Information (“NOV”), dated July 20, 2009, to the City. In the NOV, EPA stated that it found that the City was in violation of 40 C.F.R. § 141.714(c) because the City had not covered its five uncovered reservoirs, installed treatment for the discharge from the uncovered reservoirs, or been in compliance with a State-approved schedule to cover them by the April 1, 2009 deadline.
18. In response to EPA’s NOV, the City contended that it had not violated 40 C.F.R. § 141.714(c) because MDE had approved the schedule for covering and/or installing treatment facilities at its open drinking water reservoirs by the April 1, 2009 deadline in accordance with 40 C.F.R. § 141.714 (c).
19. On September 2, 2009, the City and MDE executed a settlement agreement which incorporated the Schedule.
20. On June 30, 2010, EPA and the City executed the original Administrative Order on Consent (the “2010 AOC”). This 2023 AOC is a revised version of the 2010 AOC.
21. At the time EPA and the City executed the 2010 AOC, the State of Maryland did not have primary enforcement authority for LT2 in the State and, as a result, did not have the authority to enforce a State approved schedule pursuant to the Federal SDWA.
22. The 2010 AOC required the City to comply with the requirements of 40 C.F.R. § 141.714(c) for all five reservoirs. Compliance was required for the Ashburton Reservoir by December 31, 2018, and for the Druid Lake Reservoir by June 25, 2018.
23. Upon the submission of a petition from the City on March 31, 2015, which included the justification for requested deadline extensions, EPA agreed to extend the deadline for completion of work for the Druid Lake Reservoir to August 31, 2021, and for the Ashburton Reservoir to December 31, 2021.

24. EPA granted the extensions because the City had changed its plans to cover the reservoirs in response to public input and decided to replace the two reservoirs, the Ashburton and the Druid Lake Reservoirs, with tanks and no longer use the two reservoirs as finished water reservoirs.
25. The City met the requirements set forth in 40 C.F.R. § 141.714(c) and in the 2010 AOC for the other three of its formerly uncovered reservoirs on the following dates: for the Towson Reservoir on May 31, 2013; for the Montebello Reservoir on June 30, 2014; and for the Guilford Reservoir on July 1, 2019.
26. On February 8, 2023, the City submitted a request, pursuant to Paragraph 31 of the 2010 AOC, requesting an extension of the deadlines to have its reservoirs comply with LT2 requirements and the terms of the 2010 AOC.
27. On April 7, 2023, pursuant to Section 1414(a)(1)(A) of the SDWA, 42 U.S.C. § 300g-3(a)(1)(A), EPA sent an NOV to the City due to its noncompliance with the 2010 AOC and the SDWA.
28. On May 15, 2023, the EPA issued an Administrative Order (EPA Docket No. SDWA-03-2023-0109-DS, “UAO”) to the City of Baltimore requiring it to achieve functional use of the tanks at the Ashburton Reservoir and the Druid Lake Reservoir and to conduct monthly reporting and water sampling.
29. On June 9, 2023, the parties agreed to a 45-day Administrative Stay of the UAO to allow them to negotiate this 2023 AOC.
30. On June 21, 2023, the City’s Board of Estimates approved the funding for monthly water monitoring and sampling of the two reservoirs, as required by this 2023 AOC.
31. 40 C.F.R. §141.203(b)(1) requires owners and operators of public water systems, such as the City, to provide public notification of violations of 40 C.F.R. § 141.714(c) within thirty (30) days of learning of the violation.
32. The City issued the initial Public Notification on August 10, 2010, and included the language required by the 2010 AOC.
33. Because the City did not issue the initial Public Notification within 30 days of the date EPA issued the NOV (July 23, 2009), as required by 40 C.F.R. §141.203(b)(1), the City was in violation of 40 C.F.R. §141.203(b)(1).
34. After the initial notification required by 40 C.F.R. § 141.203(b)(1), 40 C.F.R. § 141.203(b)(2) requires public water systems to provide repeat notification every three months as long as the violation or situation persists, unless the primacy agency determines in writing that the appropriate circumstances warrant a different repeat notice frequency that can be no less than once per year.
35. Since the execution of the 2010 AOC, the City has issued annual notifications as agreed to by EPA and required by Paragraph 33 of the 2010 AOC.

36. As of the effective date of this 2023 AOC, the City has not completed replacing the Druid Lake and Ashburton Reservoirs with tanks and has not stopped using the reservoirs as finished water reservoirs. The two reservoirs remain uncovered, and the City has not installed treatment facilities at either reservoir. Because the City continues to use these two facilities as finished water reservoirs, the City has not complied, and is in violation, with the requirements of Section 1412(b)(7)(A) of the SDWA, 42 U.S.C. § 300g-1(b)(7)(A), and 40 C.F.R. §141.714(c) and the altered requirements of the 2010 AOC (as detailed in Paragraph 23 of this 2023 AOC).

### ORDER FOR COMPLIANCE

Based on the foregoing FINDINGS, and pursuant to the authority of Section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), EPA hereby ORDERS and the City agrees as follows:

#### Functional Use of Tanks

37. The City shall achieve “functional use of the tanks” at Ashburton Reservoir by November 30, 2023, and at Druid Lake Reservoir by December 30, 2023.
38. For purposes of this 2023 AOC, “functional use of the tanks” shall mean that the City is no longer using either the Druid Lake Reservoir or the Ashburton Reservoir to store finished water, is storing the finished water in the tanks prior to distribution to its customers, and has permanently disconnected the reservoir to the distribution system.
39. A schedule for tasks leading to achieving “functional use of the tanks” is set forth in Attachment A (Schedule to Complete Tanks for Druid Lake and Ashburton) to this 2023 AOC. For the purposes of this 2023 AOC, the dates for achieving the tasks listed in Attachment A, other than the November 30, 2023 and December 30, 2023 functional use deadlines, are for informational purposes only and are not enforceable deadlines.
40. The City shall certify to EPA, in writing, within seven (7) days of achieving functional use of a tank, that the City is no longer using the respective reservoir to store finished water.

#### Monthly Water Monitoring and Sampling

41. Within seven (7) days of the effective date of this 2023 AOC, and continuing until the City achieves functional use of the tanks, the City shall collect monthly samples for *Cryptosporidium* and *Giardia* at the outlet of the Druid Lake Reservoir and Ashburton Reservoir. The City shall provide a summary of the results for these contaminants of concern and submit the results in a written report to EPA and MDE via electronic mail by the fifteenth (15<sup>th</sup>) day of the month following each sampling event.
42. Within 1 hour of receiving results indicating the presence of *Cryptosporidium* or

*Giardia*, the City shall make contact, by phone and email with both contacts identified in Paragraph 45 (Reporting Contacts) and shall also notify the National Response Center:

National Response Center  
800-424-8802

The City shall also provide EPA and MDE a written summary of the results within 24 hours, via email to the contacts identified in Paragraph 45 (Reporting Contacts).

### Reporting Requirement

43. The City shall submit written reports describing the City's progress on the installation of the tanks to replace the two uncovered finished water reservoirs. The written reports shall be submitted by the City by the fifteenth (15th) day of each month via electronic mail to the EPA and MDE contacts noted in Paragraph 45 (Reporting Contacts). The City shall continue submitting such reports until EPA closes out this 2023 AOC by written correspondence to the City in accordance with the TERMINATION Section, below. Such a report shall describe, in detail:
  - a. The City's status in meeting the deadlines in Paragraph 37 for achieving functional use of the tanks for the Druid Lake and Ashburton Reservoirs, including the status of the City's work on the construction of each of the tanks at the reservoirs;
  - b. The City's status in completing the tasks described in Attachment A. The City will include the following information about the tasks in the report:
    - i. A projection on whether the City will be able complete the task by the projected date given in Attachment A;
    - ii. A new projected completion date for the task if the City will not be able to attain completion by the date stated in Attachment A;
    - iii. The reasons for a new projected completion date; and
    - iv. Whether delayed completion of the task will affect the City's ability to achieve functional use of the tanks by the deadlines in Paragraph 37.
  - c. Any unanticipated and unavoidable events which might delay compliance with this 2023 AOC, including:
    - i. The cause and the anticipated length of the delay;
    - ii. The efforts taken to prevent or minimize the delay; and
    - iii. A description of any future deadlines which could be affected by the present or anticipated delay.
44. The Parties will hold a monthly meeting to discuss the contents of the City's monthly report and address the City's overall ability to achieve functional use of the tanks for the Druid Lake and Ashburton Reservoirs. Both parties will have staff present who are competent to discuss the Report's contents and the City's ability to achieve functional use. Unless modified by the written (email) agreement of the parties, these technical meetings are to occur on the second Friday after issuance of the City's monthly report. Both parties agree that mornings are the preferred



timeframe for the meetings. These monthly meetings shall continue until termination of this 2023 AOC.

45. Reporting Contacts. All reports shall be sent to following email address:

[Cohen.Amy@epa.gov](mailto:Cohen.Amy@epa.gov)

Amy Cohen  
SDWA & Wetlands Section (3ED31)  
Enforcement & Compliance Assurance Division  
U.S. Environmental Protection Agency, Region III  
(215) 814-3296

and

Maryland Department of the Environment  
[water.supply@maryland.gov](mailto:water.supply@maryland.gov)

46. Submission of progress reports shall not excuse the obligation of the City to comply with this 2023 AOC.

#### Public Notifications

47. The City shall continue to issue a Public Notification, pursuant to 40 C.F.R. § 141.203(b), informing its consumers of the ongoing use of uncovered reservoirs, and describing the City's progress towards completion of the replacement of the two reservoirs. The annual Public Notification language the City shall use is shown in Attachment B (Annual Public Notification). Annual Public Notification shall continue until EPA terminates this 2023 AOC in writing. The annual Public Notification shall include minimum health effects language in 40 C.F.R. Part 141, Subpart Q, Appendix B. The City shall provide annual Public Notification, pursuant to 40 C.F.R. § 141.203(c)(1), by:

- a. Direct mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; and
- b. Any other method reasonably calculated to reach other persons regularly served by the System, if they would not normally be reached by the direct mail notice, such as persons who do not pay water bills (e.g., renters, apartment dwellers, university students, nursing home patients). Other methods may include publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., large private employers, landlords, etc.), posting in public places or on the Internet, or delivery to community organizations.

48. Within ten (10) days of the distribution of the annual Public Notification required by previous paragraph, the City shall provide to EPA, in accordance with Paragraph 60 (Certification), a certification that the City has issued the Public Notification and

provide a copy of the Public Notification, in accordance with 40 C.F.R. § 141.31(d).

49. Any request to modify the terms of, or parties to, this 2023 AOC shall be submitted, in writing, by the City to EPA. In any request to extend a deadline, the City shall provide EPA with a reasonable explanation of the delay causing the City to miss the deadline, and shall demonstrate, to the satisfaction of EPA, that the City was unable to anticipate or otherwise mitigate such a delay. The City shall submit any petition to EPA as soon as reasonably possible after it becomes aware of the need for additional time. Granting any request to modify the terms of, or parties to, this 2023 AOC, including a request for additional time to meet a deadline, shall be at EPA's sole and unreviewable discretion. EPA will not unreasonably deny requests for additional time to meet compliance deadlines in the Schedule, provided the City can demonstrate that the delay was unanticipated and unavoidable. The City's submission of a written request for modification of this 2023 AOC shall not relieve the City of any obligation under this 2023 AOC and shall have no effect on EPA's statutory or regulatory authority to enforce the terms of this 2023 AOC, in its sole and unreviewable discretion.
50. An "unanticipated and unavoidable" event, for purposes of this 2023 AOC, is defined as any event arising from causes beyond the control of the City, of any entity controlled by the City, or of the City's contractors, that delays or prevents the performance of any obligation under this 2023 AOC despite the City's best efforts to fulfill the obligation. The requirement that the City exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential unanticipated and unavoidable event and best efforts to address the effects of any potential unanticipated and unavoidable event (a) as it is occurring and (b) following the potential unanticipated and unavoidable event, such that the delay and any adverse effects of the delay are minimized.
- a. The City shall be deemed to know of any circumstance of which the City, any entity controlled by the City, or the City's contractors knew or should have known.
  - b. An extension of the time for performance of the obligations affected by the unanticipated and unavoidable event shall not, of itself, extend the time for performance of any other obligation.
  - c. If EPA does not agree that the delay or anticipated delay has been or will be caused by an unanticipated and unavoidable event, EPA will notify the City in writing of its decision.

#### GENERAL PROVISIONS

51. The provisions of this 2023 AOC shall apply to and be binding upon the City and its officers, directors, employees, contractors, agents, trustees, successors and assigns of the City.
52. From the Effective Date of this 2023 AOC until the Termination Date as set out in Paragraph 65 below, The City must give written notice and a copy of this 2023 AOC to any successors in interest prior to any transfer of ownership or control of any

portion of or interest in the reservoirs. Simultaneously with such notice, The City shall provide written notice of such transfer, assignment, or delegation to EPA. In the event of any such transfer, assignment, or delegation, The City shall not be released from the obligations or liabilities of this 2023 AOC unless EPA has provided written approval of the release of said obligations or liabilities.

53. The City and the Board of Estimates have committed to the funding necessary to achieve functional use of the tanks at both reservoirs.
54. This 2023 AOC does not waive, suspend, or modify the requirements of the SDWA, 42 U.S.C. §§ 300f-300j-26, and its implementing regulations found in 40 C.F.R. Part 141, which remain in full force and effect. Issuance of this 2023 AOC is not an election by the EPA to forgo any civil or criminal action otherwise authorized under the SDWA. The City's failure to comply with all the requirements of SDWA, 40 C.F.R. Part 141, and this 2023 AOC, including the deadlines in Paragraph 37, may subject the City to additional enforcement action, including but not limited to administrative actions, as appropriate, for penalties under 42 U.S.C. § 1414(g)(3)(A) and/or injunctive relief.
55. Violation of any term of this 2023 AOC may subject the City to further EPA enforcement action including the imposition a civil penalty of up to \$67,544 per day of violation under Section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), as amended by the Debt Collection Improvement Act of 1996, and the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19.
56. This 2023 AOC shall not prohibit, prevent, or otherwise preclude EPA from taking whatever action it deems appropriate to enforce SDWA in any matter and shall not prohibit, prevent, or otherwise preclude EPA from relying on this 2023 AOC in subsequent administrative proceedings.
57. EPA reserves the right to commence an action against any person, including the City, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health.
58. Compliance with the terms and conditions of this 2023 AOC shall not in any way be construed to relieve the City of its obligation to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a determination of any issue related to any federal, state, or local permit. Compliance with this 2023 AOC shall not be a defense to any actions subsequently commenced for any violation of federal laws and regulations administered by EPA, and it is the responsibility of the City to comply with such laws and regulations.
59. EPA and its authorized representatives, including contractors, shall have authority upon the presentation of proper identification to enter any establishment, facility, or other property of the City at any time without prior notification to monitor the activities required by this 2023 AOC, verify any data or information submitted pursuant to this 2023 AOC, obtain samples, and inspect and review any records generated and/or maintained pursuant to this 2023 AOC. EPA reserves and does not

waive all existing inspection and information request authority.

60. Certification. The undersigned representative of the City certifies that they are fully authorized by the party represented to enter into the terms and conditions of this 2023 AOC and to execute and legally bind the party. In addition, all reports and other documentation submitted under this 2023 AOC shall be accompanied by the following certification signed by the Director of the City's Department of Public Works:

*The City certifies that any information or representation it has supplied to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by the City to the EPA regarding matters relevant to the 2023 Administrative Order on Consent are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. The City and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.*

Signed:

Title: Director  
Department of Public Works

Date:

61. The City waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that the City may have with respect to any issue of fact or law set forth in this 2023 AOC, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701- 706.
62. The City certifies that any information or representation it has supplied to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by the City to the EPA regarding matters relevant to this 2023 AOC are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. The City and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil

and/or criminal liability.

63. This 2023 AOC is effective when signed by both Parties, approved by the Baltimore City Board of Estimates, and filed with the Regional Hearing Clerk, EPA Region III.
64. This 2023 AOC may be executed in counterparts, each of which shall be deemed to be an original but all of which taken together shall constitute one and the same agreement.

#### TERMINATION

65. The obligations of this 2023 AOC shall terminate when EPA determines that the City has complied with the 2023 AOC's terms and conditions and EPA provides written notice of its determination to the City.
66. The City may submit to EPA a Certification of Compliance and Request for Termination of this 2023 AOC, including documentation to demonstrate that it has met all requirements of this 2023 AOC. If, following review of any Certification of Compliance and Request for Termination of this 2023 AOC, EPA agrees that the City has adequately complied with all requirements of this 2023 AOC, EPA shall provide written notification of termination of this 2023 AOC, as described in in the previous paragraph.

FOR THE MAYOR AND CITY COUNCIL, CITY OF BALTIMORE

06/27/2023



Date

Director of Public Works

Jason W. Mitchell, Ed. D.

Approved as to form and  
Legal Sufficiency

*Caitlin Rayhart*

Date 6/26/2023

Approved by the Board of Estimates

*MCAmato*

7/20/2023

Clerk

Date

SO ORDERED

**KAREN MELVIN** Digitally signed by KAREN  
MELVIN  
Date: 2023.06.28 16:06:32 -04'00'

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*[digitally signed and dated]*

Karen Melvin, Director  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region III

Attachment A – Schedule to Complete Tanks for Druid Lake and Ashburton

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<b>DRUID LAKE</b>	
<b>Action Item</b>	<b>Date</b>
Complete the remaining portion of the storm drain facilities at the water pipe	<b>July 27, 2023</b>
Install remaining 30” and 48” potable pipes, multiple bends, three valves, then weld and purge all joints.	<b>September 29, 2023</b>
Fill and disinfect piping, and then conduct leak, pressure, and bacteriological tests	<b>October 27, 2023</b>
Conduct 1st effluent tie-in	<b>November 3, 2023</b>
Disinfect, fill, and conduct biological/turbidity, and other water quality tests of Tank 1 and place it in service. (Note that in an effort to shorten the time to achieve functional use, that is, place a tank in operation and take the open reservoir off-line, only one tank is required to meet the current operational requirements of the water system.)	<b>December 1, 2023</b>
Conduct 2nd and 3rd effluent tie-ins	<b>December 15, 2023</b>
Tie-in influent piping and take the reservoir off-line. (As a result, the City will no longer be using Druid Lake as a potable water source - Functional use of tanks achieved.)	<b>December 30, 2023</b>



<b>ASHBURTON</b>	
<b>Action Item</b>	<b>Date</b>
Distribution Building	<b>August 15, 2023</b>
Remaining tank and slide gate testing	<b>August 15, 2023</b>
Leak test tanks	<b>August 3, 2023</b>
Disinfect tanks, piping system and perform biological/turbidity testing	<b>October 5, 2023</b>
Complete tie-ins for pipes C & D	<b>October 19, 2023</b>
Finalize Gate Housework to maintain lake drain.	<b>November 30, 2023</b>
Disconnect influent 84" pipe to lake/disconnect effluent valve vault from lake effluent and existing water system. (As a result, the City will no longer be using Ashburton Lake as a potable water source - Functional use of tanks achieved.)	<b>November 30, 2023</b>

## **Attachment B – Annual Public Notification**

For the Annual Consumer Confidence Report:

Water systems with uncovered finished water reservoirs are required to cover these reservoirs, treat the discharge from these reservoirs, or be in compliance with a state-approved schedule to cover the reservoirs or provide treatment by April 1, 2009. The City currently has two finished water reservoirs that are uncovered. (The City originally had five uncovered reservoirs but has completed the conversion of three of them.) The City is continuing to move toward implementation of coverage and treatment options for the remaining two reservoirs in accordance with the following schedule:

- 1) Druid Lake projected construction substantial completion - December 30, 2023.
- 2) Ashburton Lake projected construction substantial completion – November 30, 2023.

An uncovered reservoir used to store treated drinking water is susceptible to contamination from animals, such as birds or insects. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause such symptoms as nausea, cramps, diarrhea, and associated headaches. These symptoms, however, are not caused only by organisms in drinking water, but also by other factors.

Some people may be more vulnerable to contaminants in drinking water than the general population. Immunocompromised people such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly and infants can be particularly at risk from infections. These people should seek advice about drinking water from their healthcare providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline at 1 (800) 426-4791 or by email at [safewater@epa.gov](mailto:safewater@epa.gov). If you have specific health concerns, consult your doctor.