



REGION 3
PHILADELPHIA, PA 19103

VIA ELECTRONIC MAIL

Mr. Brian Eklund
Vice President - Construction
TPWR Developer LLC
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Washington, D.C. 20004
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FILED

Nov 20, 2024

10:55 am

**U.S. EPA REGION 3
HEARING CLERK**

Re: **In the Matter of: TPWR Developer, LLC et al.**
Docket No. CWA-03-2024-0069
Response to Request to Extend the SEP Completion Deadline

Dear Mr. Eklund:

The United States Environmental Protection Agency, Region 3 ("EPA") is in receipt of your letter, dated November 6, 2024 (attached), from TPWR Developer, LLC ("TPWR"), on behalf of itself, CBG Building Company LLC ("CBG"), and Bowman Consulting DC ("Bowman"), (collectively, "Respondents"), regarding the Supplemental Environmental Project ("SEP") included in the above-referenced Consent Agreement and Final Order, entered into under Section 309 of the Clean Water Act, 33 U.S.C. § 1319. The SEP, referred to as the "Hay's Spring Amphipod Habitat Conservation Project," is to be completed in Rock Creek Park, a property owned and managed by the National Park Service ("NPS"), and Paragraph 68 of the Consent Agreement set forth a deadline of November 30, 2024 for completion of the SEP.

In your letter, you stated that the NPS gave the Respondents the approval to commence planting while it worked through local compliance coordination. You also explained that completion of the SEP will likely be delayed because, while the NPS had timely sent a consultation letter to the state historic preservation office ("SHPO") since Rock Creek Park is a historic district with archaeological resources, the NPS is still waiting for a response from the SHPO. You stated that efforts are being made to obtain the SHPO's response, and that you expect that the SEP will be completed by the end of December.

According to Paragraph 76 of the Consent Agreement, "The schedule for implementing this SEP may be modified or amended upon the written agreement of all parties. The Regional Judicial Officer need not approve written agreements between the parties modifying the SEP schedules. The Division Director shall have the authority to extend the deadlines for good cause." By this letter, the Complainant is extending the deadline for completion of the SEP until December 31, 2024.

Please do not hesitate to contact Natalie Katz, Senior Assistant Regional Counsel, at 215-814-2615, or by email at katz.natalie@epa.gov, if you have any questions regarding this matter.

Sincerely,

Karen Melvin
Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Regional Hearing Clerk, Region 3 (R3_Hearing_Clerk@epa.gov)
Angela Weisel, EPA (weisel.angela@epa.gov)
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