

EXHIBIT 5

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of the Environment**

Water Quality Division

★ ★ ★
██████████
██████████

FEB 7 2007

JAN 29 2007

Ms. Evelyn S. MacKnight, Chief
NPDES Permits Branch (3WP41)
Office of Permits and Enforcement
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: District of Columbia Water Quality Certification # DC-07-002
NPDES Draft Modified Permit DC 0021199. Blue Plains
Wastewater Treatment Plant

Dear Ms. MacKnight:

The District of Columbia, District Department of Environment (DDOE) has evaluated the modified National Pollutant Discharge and Elimination System (NPDES) Permit Number: DC0021199 issued by the U.S. Environmental Protection Agency (EPA) to the D.C. Water and Sewer Authority (WASA) to authorize the discharge of treated municipal wastewater from the Blue Plains Waste Water Treatment Plant and other outfalls, to receiving waters named Anacostia River, Potomac River, and Rock Creek and its tributaries. On October 31, 2006, DDOE certified the draft permit to replace language regarding water quality based requirements for Combined Sewer Overflow (CSO) discharges with the provision that appeared in the NPDES permit issued in 1997; remove the numeric limits along with the related monitoring and reporting requirements derived from the total maximum daily loads (TMDLs) for the Anacostia River, Rock Creek and its tributaries; impose an interim effluent limit for nitrogen; and propose a revised annual discharge goal for nitrogen. On December 7, 2006, EPA further modified the proposed permit condition regarding the total nitrogen limit to follow the Chesapeake Bay total nitrogen allocation of 4.689 million pounds per year and to replace the former total nitrogen goal of 8,467,200 pounds per year to a total nitrogen limit of 4.689 million pounds per year.

DDOE hereby certifies that the December 7, 2006 modified permit will not violate the Water Pollution Control Act of 1984, as amended, (D.C. Official Code § 8-103.01 *et seq.*), and is in accordance with the Water Quality Standards of the District of Columbia, Chapter 19 of Title 21 of the District of Columbia Municipal Register, the Clean Water Act (33 U.S.C. §1251 *et seq.*), and the applicable NPDES regulations (40 C.F.R. Parts 122, 124, and 133). This certification is based on relevant water quality considerations, as follows:

Certification of Draft Modified NPDES Permit No. DC 0021199
Blue Plains Wastewater Treatment Plant

JAN 29 2007
Page 2 of 2

1. DDOE finds that WASA has demonstrated that it is not currently capable of achieving the new limit without new technologies being installed at the Blue Plains facility.
2. DDOE concurs with EPA, that EPA should establish a schedule for compliance with the nitrogen limit.

This certification will automatically become final for a permit issued within ninety (90) days of this certification. If we can be of further assistance, please contact Nicoline Shulterbrandt of the Water Quality Division at (202) 535-2194.

Sincerely,



Corey Buffo
Interim Director

cc: Hamid Karimi, DDOE
N. Shulterbrandt, DDOE
M. Letzkus, U.S. EPA