Exhibit 17

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Final

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Health
Environmental Health Administration
Bureau of Environmental Quality

Office of the Bureau Chief

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[redacted]

August 28, 2003

Jon Capacasa, Director
Water Protection Division
USEPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Dear Mr. Capacasa:

We have completed our review of the Water And Sewer Authority's Long Term Control Plan. The LTCP recommends a combination of pump station improvements, storage tunnels, sewer separation, outfall consolidation, regulator improvements, low impact development and excess flow treatment improvements at Blue Plains. The system will be sized to control the one year 24 hour storm (it is recognized that there is considerable variation in such a storm and antecedent events). Based upon the capacity of the system derived from the one year 24 hour storm, in the average year the system will reduce overflows to the Anacostia river by 98% and to the Potomac by 93% and to Rock Creek by 90%. In an average year there will only be two overflow events to the Anacostia, four overflow events to the Potomac and four to Rock Creek.

The DC Water Quality Standards Section 1104.3 provides narrative criteria for Class A use - primary contact recreation. These narrative criteria were developed by the District of Columbia and are not commonly in use in the other states. Additionally, the District of Columbia Water Quality Standards were modified in the 1980s to recognize that wet weather events were one of the most serious sources of pollution remaining. The District became the third jurisdiction in the nation to require regulatory storm water BMPs on all new development and redevelopment, while simultaneously understanding that there were combinations of wet weather that would be technically and economically difficult to control. Consequently, the District developed a high flow exemption for four criteria that was patterned after the commonly used low flow exemption (known as the 7Q10). This high flow exemption was approved by EPA three times during triennial reviews. High flow exemptions are cited in the EPA CSO strategy as a legal mechanism for dealing with weather induced uncertainty. The remnants of the District high flow exemption are still contained in the implementation section of the Water Quality Standards as an indication that extreme events such as floods and hurricanes will occur.

Overall, the studies and modeling included in the LTCP demonstrate that, in accordance with the CSO Policy, for CSO loads only, the remaining overflows after implementation of the LTCP will meet the D.C. Water Quality Standards in all receiving waters,

We have reviewed the framework for NPDES permit conditions in subsection 15.7 of the LTCP. These provisions will assure adequate monitoring and compliance measurements during operation of the facilities. Additionally, the phased post construction monitoring program described in the LTCP will provide an information base to review overall actual performance after the plan has been n operation.

We have reviewed the schedules in the LTCP which are based upon varying assumptions for federal assistance. In FY 2003, federal assistance is $50M and the Presidents budget for FY2004 has $15M for the LTCP. The Mayor has expressed his desire to expedite the cleanup of the Anacostia River. The 12 year schedule for the Anacostia River is approved subject to the federal funding assistance assumptions in the Final LTCP. The Potomac and Rock Creek are not as severely impacted by combined sewer overflows and may be subject to slower schedules.

Therefore, pursuant to District of Columbia Water Pollution Control Act, section 12 (e), The Water And Sewer Authority's Final Long Term Control Plan for the combined sewer system is approved. The LTCP meets the requirements of the EPA CSO policy.

We apprecaite the efforts of you and your staff to assist the Mayor in restoring the Anacostia River.

Sincerely,

James R. Collier, P.E.

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The District of Columbia is located at the Fall Line and it is here that the free flowing rivers become tidally influenced estuaries. The majority of the pollution loads that are in the District of Columbia waters originate outside of the District of Columbia. Storm flows on Rock Creek, the Anacostia and the Potomac bring tremendous loads of pollutants to the District waters that exacerbate the difficulty of controlling District of Columbia sources. Even so, huge amounts of progress have been made in restoring the aquatic habitat. American shad, hickory shad and striped bass now spawn in the District of Columbia after a thirty year absence. Submerged aquatic vegetation has staged a slow recovery in the Potomac and Anacostia. Bald Eagles and ospreys routinely nest in and near the District. The restoration of the rivers is not complete, particularly in the case of the Anacostia. The CSO LTCP is a major step in restoring the Anacostia and it places a priority on controlling the overflows to the Anacostia.

We have developed Final Total Maximum Daily Loads (TMDLs) for biochemical oxygen demand, toxics, and total suspended solid for the Anacostia and made load allocations to the combined sewers. The LTCP is in conformance with those TMDLs. The TMDLs demonstrate attainment of the appropriate Water Quality Standards for the District of Colombia. We have reviewed the water quality computer modeling done for the LTCP concerning the water quality standards for Rock Creek and the Potomac and find that the LTCP will meet the water quality standards as long as other sources of pollution receive similar levels of reduction. We therefore believe that TMDLs can be developed for Rock Creek and the Potomac that will demonstrate attainment of the Water Quality Standards for Class A and Class B uses for bacteria criteria.

The Final Anacostia Bacteria TMDL requires a 98 % reduction of CSOs exactly as in the final LTCP. Analysis of the computer simulations indicates that the remaining CSOs have only localized impacts upon the Anacostia River. The LTCP, page 14-9 deals with the degree of treatment to be provided to the remaining overflows. There will be a 98% removal by volume of combined sewage. There will be a total capture of the first flush loads containing the most concentrated combined sewage. There will be capture of floatables and large solids prior to discharge. The Department of Health has determined that the remaining CSO discharges to be "partially treated sewage" and will meet the narrative water quality standards in all receiving waters. The Department of Health does not advocate swimming nor complete, prolonged immersion in the discharge plume or mixing zone or near vicinity of any point source discharge whether sewage or industrial pollutant. We have a final TMDL for bacteria on the Anacostia River with load allocations to the combined sewers, which achieves Class A water quality standards. Some Class A uses that involve limited immersion will have a lower risk than those with prolonged immersion. However, the fact that for a few areas for a few days of the year the risk will be higher than other days and other areas does not negate the attainment of the designated use of the waterbody. This variation in risk is implicit in the criteria adoption as a regulation of the District of Columbia. Furthermore, installation of signs and warning lights concerning CSOs will provide real time guides to users to insure that any risk from the few remaining CSO discharges, are in fact minimal. Once the LTCP is fully implemented, the high risk to full body contact will be the result of storm flows propagating into the District waters from Maryland; rather than being caused by the remaining overflows.