

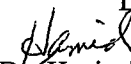


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

FEB 11 2013

Dr. Hamid Karimi, Deputy Director  
District Department of the Environment  
1200 First Street N.E., 5<sup>th</sup> Floor  
Washington, D.C. 20002

Re: Notification of Stayed Permit Conditions, District of Columbia  
Municipal Separate Storm Sewer System Permit,  
NPDES Permit No. DC0000221  
EAB Appeal Nos. NPDES 11-05, 11-06

  
Dear Dr. Karimi:

As you likely are aware, the Environmental Protection Agency (EPA) reissued the National Pollutant Discharge Elimination System (NPDES) permit DC0000221 (the Permit) to the Government of the District of Columbia on September 30, 2011, with an effective date of October 7, 2011. On November 4, 2011, Friends of the Earth, Anacostia Riverkeeper, Potomac Riverkeeper and Natural Resources Defense Council filed a petition for review of the Permit with EPA's Environmental Appeals Board (EAB), docketed as NPDES 11-06. On the same date, the District of Columbia Water and Sewer Authority and the Wet Weather Partnership filed a second petition for review, docketed as NPDES 11-05. As a result of these appeals, certain provisions of the reissued Permit were stayed, and the remaining provisions of the Permit became effective on January 22, 2012.<sup>1</sup>

On November 9, 2012, the EPA issued a limited modification to the Permit in which certain of the stayed provisions were withdrawn and replaced, effective as of the same date. On November 16, 2012, the EAB dismissed NPDES 11-06. On January 14, 2013, the EAB also dismissed NPDES 11-05.

This letter serves as notification pursuant to 40 C.F.R. sections 124.16(a)(2) and 124.60(b) that all Permit provisions stayed as a result of the appeals are no longer stayed. In addition, this letter provides notification of the effective date of each such provision, as well as the effective date of the revised Permit provisions.

<sup>1</sup> See, Letter of December 20, 2011 to Dr. Hamid Karimi, Deputy Director, District Department of the Environment (DDOE), from Jon M. Capacasa, Director, EPA Region 3 Water Protection Division (WPD); Letter of December 22, 2011 to Jeffery Seltzer, Associate Director, Stormwater Management Division, DDOE, from Evelyn S. MacKnight, Chief, NPDES Permits Branch, WPD. These letters, and the Permit Modification of November 9, 2012, are available at <http://www.epa.gov/reg3wapd/npdes/dcpermits.htm>.

Effective Date: November 9, 2012

The following Permit provisions are no longer stayed because, by way of its limited Permit modification, the EPA withdrew them pursuant to 40 C.F.R. 124.19(d) and replaced them with modified provisions. Accordingly, the effective date for the following provisions is November 9, 2012:

- Section 1.4 (Discharge Limitations), last sentence (“Compliance with the provisions contained in Parts 2 through 8 of this permit, including milestones and final dates for attainment of applicable WLAs, shall constitute adequate progress toward compliance with DCWQS and WLAs for this permit term.”);
- Subsection 4.3.1.3 (SSO Reporting);
- Subsection 4.10.3 (Consolidated TMDL Implementation Plan); and
- Subsection 5.1.1 (Design of the Revised Monitoring Program).

Effective Date: November 16, 2012

The following Permit provisions are no longer stayed as a result of the EAB’s dismissal of NPDES 11-06, which qualifies as a final agency action under 40 C.F.R. 124.19(f)(1). Accordingly, the effective date for the following provisions is November 16, 2012:

- Subsection 1.4.1; and
- Subsection 1.4.2.

Effective Date: January 14, 2013

The following Permit provisions are no longer stayed as a result of the EAB’s dismissal of NPDES 11-05, which qualifies as a final agency action under 40 C.F.R. 124.19(f)(1). Accordingly, the effective date for the following provisions is January 14, 2013:

- Subsection 2.3.1 (Stormwater Management Program Administration/Permittee Responsibilities), to the extent that it refers to the “DC Water and Sewer Authority (DC Water)”; and
- Section 4.11 (Additional Pollutant Sources)

If you have any questions on this, please contact Kaitlyn Bendik of my staff or me.

Sincerely,



Jon M. Capacasa, Director  
Water Protection Division

cc: Environmental Appeals Board  
Alan Barak, Esq.  
Paul Calamita, Esq.  
Jennifer Chavez, Esq.  
Rebecca Hammer, Esq.  
Amy E. McDonnell, Esq.