

EXHIBIT 1

**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

In re:

Blue Plains Wastewater Treatment Plant

NPDES Permit No. DC 0021199

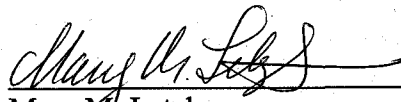
NPDES Appeal No. 05-02

**Certified Index to the Administrative Record for December 16, 2004 Modified NPDES  
Permit No. 0021199 for the District of Columbia Water and Sewer Authority for the Blue  
Plains Wastewater Treatment Plant**

I hereby certify that to the best of my knowledge and belief, the material indexed and described below constitutes the complete administrative record for the United States Environmental Protection Agency, Region III decision regarding the December 16, 2004 final modified NPDES Permit No. 0021199 issued to the District of Columbia Water and Sewer Authority for the Blue Plains Waste Water Treatment Facility, in Washington, D.C.

Dated:

4/26/07



Mary M. Letzkus  
Environmental Scientist  
NPDES Permits Branch  
Office of NPDES Permits and Enforcement  
Water Protection Division  
U.S. EPA, Region III

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**INDEX TO THE ADMINISTRATIVE RECORD**  
**PERMIT NO. DC 0021199 - BLUE PLAINS WASTEWATER TREATMENT PLANT**  
**December 16, 2004 Permit Modification Records**

123. Draft Permit No. DC 0021199, Blue Plains Wastewater Treatment Plant, dated March 18, 2004 and public noticed March 19, 2004.
124. Draft Fact Sheet for draft permit DC 0021199, dated March 18, 2004 and public noticed March 19, 2004.
125. Public Notice published in the Washington Post, March 19, 2004.
126. Letter dated March 18, 2004, from Robert Koroncai, Chief, DC/MD/Va Branch, Office of Watersheds, Water Protection Division, US EPA Region III, to Walter F. Bailey, Director, Department of Wastewater Treatment, District of Columbia Water and Sewer Authority transmitting copies of the draft permit and draft fact sheet for NPDES permit DC 0021199.
127. Letter dated March 18, 2004, from Robert Koroncai, Chief, DC/MD/Va Branch, Office of Watersheds, Water Protection Division, US EPA Region III, to David Baron, Esq., Earthjustice Legal Defense Fund, transmitting copies of the draft permit and draft fact sheet for NPDES permit DC 0021199.
128. Letter dated March 18, 2004, from Robert Koroncai, Chief, DC/MD/Va Branch, Office of Watersheds, Water Protection Division, US EPA Region III, to Jerusalem Bekele, Program Manager, Water Quality Division, DC Department of Health requesting certification of draft permit DC 0021199.
129. Letter dated March 18, 2004, from Robert Koroncai, Chief, DC/MD/Va Branch, Office of Watersheds, Water Protection Division, US EPA Region III, to Walter Bailey, Director, Department of Wastewater Treatment, District of Columbia Water and Sewer Authority, regarding public notice of draft permit DC 0021199. [Void - same as 126]
130. Letter dated March 18, 2004, from Robert Koroncai, Chief, DC/MD/Va Branch, Office of Watersheds, Water Protection Division, US EPA Region III, to Robert G. Burnley, Director, Virginia Department of Environmental Quality, regarding public notice of draft permit DC 0021199.
131. Letter dated March 18, 2004, from Robert Koroncai, Chief, DC/MD/Va Branch, Office of Watersheds, Water Protection Division, US EPA Region III, to Kendl P. Philbrick, Secretary, Maryland Department of the Environment, regarding public notice of draft permit DC 0021199.
132. Letter dated March 18, 2004, from Robert Koroncai, Chief, DC/MD/Va Branch, Office of

Watersheds, Water Protection Division, US EPA Region III, to Mary Ratnaswamy, Ph.D., Supervisor, Endangered Species Program, US Fish and Wildlife Service, regarding public notice of draft permit DC 0021199.

133. Letter dated March 18, 2004, from Robert Koroncai, Chief, DC/MD/Va Branch, Office of Watersheds, , Water Protection Division, US EPA Region III, to Patricia Kurkul, Regional Administrator, National Marine Fisheries Service, regarding public notice of draft permit DC 0021199.
134. Letter dated February 26, 2003, from Walter F. Bailey, Director, Department of Wastewater Treatment, DC Water and Sewer Authority, to Jon M. Capacasa, Acting Director, Water Protection Division, US EPA Region III, requesting EPA to undertake minor modifications to correct the NPDES permit issued January 24, 2003.
135. Petition for Review date stamped February 26, 2003, from the DC Water and Sewer Authority to US EPA Region III contesting certain conditions in the NPDES permit issued January 24, 2003.
136. Document dated March 3, 2003, entitled Petition for Review whereby Friends of the Earth and the Sierra Club petition the Environmental Hearing Board to review the January 24, 2003 NPDES permit.
137. Letter dated March 6, 2003 from Eurika Durr, Clerk of the Board, US EPA, to William Early, Regional Counsel, EPA Region III, enclosing a petition filed by EarthJustice on behalf of the Friends of the Earth and Sierra, asking the Environmental Appeals Board to review the permit issued on January 24, 2003.
138. Respondent's Notice Concerning Stay of Permit Terms, signed March 21, 2003 by Donald S. Welsh, Regional Administrator, US EPA Region III.
139. Federal Register Notice dated April 19, 1994 entitled, Combined Sewer Overflow (CSO) Control Policy.
140. Letter dated August 28, 2003, from James Collier, Bureau Chief, Department of Environmental Quality, DC Department of Health, to Jon Capacasa, Director, Water Protection Division, US EPA Region III, regarding DC DOH review of WASA LTCP.
141. Respondent's Notice of Partial Withdrawal of Permit, signed October 24, 2003 by Donald S. Welsh.
142. Order dated November 19, 2003, entitled Order Granting Motion for Stay of Briefing in which EPA's request to extend the deadline to file a response to the petition for review is granted.
143. Letter dated February 25, 2004, from Walter F. Bailey, Director, Department of

Wastewater, WASA to Mary Letzkus, US EPA Region III concerning WASA's comments on a draft modified permit.

144. Letter dated February 25, 2004, from David E. Evans, Esq., McGuire Woods, to Deane H. Bartlett, US EPA Region III concerning WASA's comments on a draft modified permit.
145. Electronic mail transmission dated February 27, 2004 from David Baron, Esq., EarthJustice, regarding EarthJustice's comments on a draft modified permit.
146. Memorandum dated March 3, 2004 from James A. Hanlon, Director, Office of Wastewater Management to Jon Capacasa, Director, Water Protection Division, US EPA Region III and Rebecca Hanmer, Director, Chesapeake Bay Program Office, entitled, Annual Permit Limits for Nitrogen and Phosphorus for Permits Designed to Protect Chesapeake Bay and its Tidal Tributaries from Excess Nutrient Loading Under the National Pollutant Discharge Elimination System.
147. Document entitled, District of Columbia Final Total Maximum Daily Loads for Organics and Metals in the Anacostia River, Fort Chaplin Tributary, Fort Davis Tributary, Fort Dupont Creek, Fort Stanton Tributary, Hickey Run, Nash Run, Popes Branch, Texas Avenue Tributary, and Watts Branch dated August 2003.
148. Document entitled, District of Columbia Final Total Maximum Daily Loads for Fecal Coliform Bacteria in the Upper Anacostia River, Lower Anacostia River, Watts Branch, Fort Dupont Creek, Fort Chaplin Tributary, Fort Davis Tributary, Fort Stanton Tributary, Hickey Run, Nash Run, Popes Branch, and Texas Avenue Tributary dated June 2003.
149. Document entitled, Decision Rationale Total Maximum Daily Loads Anacostia River Watershed for Fecal Coliform Bacteria, approved August 28, 2003.
150. Document entitled, District of Columbia Final Total Maximum Daily Loads for Total Suspended Sediment in the Upper Anacostia River, Lower Anacostia River (un)dated but approved March 1, 2002.
151. Document entitled, District of Columbia Final Total Maximum Daily Load for Oil and Grease in the Anacostia River, dated October 2003.
152. Document entitled, Decision Rationale District of Columbia, Total Maximum Daily Loads, Anacostia River Watershed, for Oil and Grease, October 31, 2003.
153. Document entitled, Decision Rationale District of Columbia, Total Maximum Daily Loads, Anacostia River Watershed, for Biochemical Oxygen Demand.
154. Document entitled, District of Columbia Final Total Maximum Daily Loads for Metals in Rock Creek dated February 2004.

155. Document entitled, District of Columbia Final Total Maximum Daily Loads for Organics and Metals in Broad Branch, Dumbarton Oaks, Fenwick Branch, Klinge Valley Creek, Luzon Branch, Melvin Hazen Valley Branch, Normanstone Creek, Pinehurst Branch, Piney Branch, Portal Branch and Soapstone Creek dated February 2004.
156. Memorandum from Mary F. Beck, TMDL Program, US EPA Region III, to the File, regarding Anacostia River TSS TMDL dated March 17, 2004.
157. Final Permit No. DC 0021199, Blue Plains Wastewater Treatment Plant, dated December 16, 2004.
158. Final Fact Sheet for permit DC 0021199, dated December 16, 2004.
159. Response to Comments for December 16, 2004, Final Permit.
160. Letter dated December 16, 2004, from Jon M. Capacasa, Director, Water Protection Division, US EPA Region III, to Jerry Johnson, General Manager, District of Columbia Water and Sewer Authority, transmitting copies of the final Permit, final Fact Sheet and Response to Comments for NPDES permit DC 0021199.
161. Letter dated December 16, 2004, from Jon M. Capacasa, Director, Water Protection Division, US EPA Region III, to David Baron, Esq., Earthjustice Legal Defense Fund, transmitting copies of the final permit, final fact sheet and responsiveness summary for NPDES permit DC 0021199.
162. Letter dated December 16, 2004, from Jon M. Capacasa, Director, Water Protection Division, US EPA Region III, to Donna M.P. Wilson, Esq., Blue Plains Regional Committee, transmitting copies of the final permit, final fact sheet and responsiveness summary for NPDES permit DC 0021199.
163. Letter dated December 16, 2004, from Jon M. Capacasa, Director, Water Protection Division, US EPA Region III, to James Collier, Bureau Chief, Water Quality Division, DC Department of Health, transmitting copies of the final permit, fact sheet and responsiveness summary for NPDES permit DC0021199.
164. Letter dated December 16, 2004, from Jon M. Capacasa, Director, Water Protection Division, US EPA Region III, to Robert G. Burnley, Director, Virginia Department of Environmental Quality, transmitting copies of the final permit, fact sheet and responsiveness summary for NPDES permit DC 0021199.
165. Letter dated December 16, 2004, from Jon M. Capacasa, Director, Water Protection Division, US EPA Region III, to Robert M. Summers, Director, Waste Management Administration, Maryland Department of the Environment, transmitting copies of the final permit, fact sheet and responsiveness summary for NPDES permit DC 0021199.

166. Letter dated December 16, 2004, from Jon M. Capacasa, Director, Water Protection Division, US EPA Region III, to John P. Wolflin, Supervisor, Endangered Species Program, US Fish and Wildlife Service, transmitting copies of the final permit, fact sheet and responsiveness summary for NPDES permit DC 0021199.
167. Letter dated December 16, 2004, from Jon M. Capacasa, Director, Water Protection Division, US EPA Region III, to Patricia Kurkul, Regional Administrator, National Marine Fisheries Service, transmitting copies of the final permit, fact sheet and responsiveness summary for NPDES permit DC 0021199.
168. Letter with three attachments dated April 16, 2004, from Walter F. Bailey, Director, Department of Wastewater, DC Water and Sewer Authority, to Mary M. Letzkus, US EPA Region III, providing comments on the public noticed draft permit modifications. Attachment No. 1 contains WASA's general comments covering Parts I and III of the draft permit; Attachment No. 2 contains WASA's comments on Part III, Section E; and Attachment No. 3 contains WASA's comments on Part III of the draft permit related to the Phase 2 permit conditions.
169. Letter dated April 19, 2004, from David S. Baron, Attorney, EarthJustice, to Mary Letzkus, Office of Watersheds, US EPA Region III, providing comments on the public noticed draft permit modifications, on behalf of Sierra Club and Friends of the Earth.
170. Letter dated April 19, 2004, from Donna M.P. Wilson, Esq., Blue Plains Regional Committee, to Mary M. Letzkus, US EPA Region III, providing comments on the public noticed draft permit modifications.
171. Letter dated April 19, 2004, from Robert M. Summers, Ph.D., Director, Water Management Administration, Maryland Department of the Environment, to Robert A. Koroncai, Chief, DC/MD/VA Branch, US EPA Region III, regarding Maryland's comments on the public noticed draft permit modifications.
172. Letter dated May 3, 2004, from Patricia A. Kurkul, Regional Administrator, NOAA, NMFS Northeast Region, to Jon M. Capacasa, Director, Water Protection Division, US EPA Region III, advising that the draft modified permit is not likely to adversely affect listed endangered species under the jurisdiction of NOAA Fisheries.
173. Letter dated May 5, 2004, from Robert A. Koroncai, Chief, DC/MD/VA Branch, US EPA Region III, to Robert M. Summers, Ph.D., Director, Water Management Administration, Maryland Department of the Environment, providing EPA's response to Maryland's concerns regarding the draft permit.
174. Letter dated May 12, 2004, from Walter F. Bailey, Director, Department of Wastewater Treatment, WASA, to Mary M. Letzkus, US EPA Region III, regarding additional information for the draft permit modifications.

175. Letter dated May 18, 2004, from Jerusalem Bekele, Program Manager, Water Quality Division, DC Department of Health, to Mary M. Letzkus, Water Protection Division, US EPA Region III, requesting a 30-day extension for CWA Section 401 certification.
176. Letter dated May 26, 2004, from Jon M. Capacasa, Director, Water Protection Division, US EPA Region III, to Jerusalem Bekele, Program Manager, Water Quality Division, DC Department of Health, granting the requested 30-day extension for certification.
177. Letter and Respondent's Report dated May 28, 2004, from Deane H. Bartlett, Senior Assistant Regional Counsel, US EPA Region III, to the Environmental Hearing Board concerning the status of the permit modifications and notice of partial withdrawal of the January 2003 permit.
178. Letter dated July 14, 2004 from Jon M. Capacasa, Director, Water Protection Division, US EPA Region III, to James R. Collier, Bureau Chief, EHA, DC DOH stating that the District has waived 401 certification.
179. Letter and attachment dated July 19, 2004, from James R. Collier, Bureau Chief, EHA, DC DOH, to Jon M. Capacasa, Director, Water Protection Division, US EPA Region III regarding DC DOH's requirements for 401 Certification.
180. E-mail dated July 27, 2004, from Jon M. Capacasa, Director, Water Protection Division, US EPA Region III, to James R. Collier, Bureau Chief, EHA, DC DOH regarding DC's July 19, 2004 letter and attachment.
181. E-mail dated July 29, 2004, from Michael Gregory, VA DEQ, to Mary Letzkus, US EPA Region III, stating that VADEQ had no comments on the modified draft permit modifications.
182. Letter and attachment dated September 29, 2004, from Deane H. Bartlett, U.S. EPA Region III, to Eurika Durr, U.S. EPA, regarding EPA's Motion on Consent to Dismiss Appeals.
183. Order Dismissing Petitions for Review dated October 12, 2004.
184. Memorandum undated to File, dated October 20, 2004, regarding Washington Area Sewer Authority Blue Plains Treatment Facility Draft Modified Permit DC0021199, Review of July 19, 2004 Letter from DC DOH to EPA Regarding CWA Section 401 Certification.
185. Memo to File, dated November 29, 2004, regarding DC Water and Sewer Authority Blue Plains Treatment Facility, draft modified permit DC 0021199, DC WASA LTCP/DC Water Quality Standards.



186. Memorandum dated November 3, 2004, from James R. Collier, Chief, Bureau of Environmental Quality, DC DOH, to Doreen E. Thompson, Esq., Interim Senior Deputy Director, DC DOH, regarding CSO LTCP.
187. Memorandum dated November 4, 2004, from Caroline Burnett, Attorney-Advisor, Office of Enforcement, Compliance and Environmental Justice, DC DOH, to Bruce Brennan, Assistant Attorney General, DC DOH, regarding DOH Legal Sufficiency Review of the District of Columbia Certification of the Long Term Control Plan Submitted by WASA Pursuant to the 1994 CSO Policy.
188. Memorandum Opinion Civil Action No. 04-0092-RMU, dated November 29, 2004, signed by Ricardo M. Urbina, United States District Judge, granting the Defendant US EPA, et al., motion for summary judgement and denying plaintiff, Friends of the Earth's motion for summary judgement.
189. Letter dated December 15, 2004, from James R. Collier, Bureau Chief, Department of Health, to Jon Capacasa, Director, Water Protection Division, US EPA and Jerry Johnson, General Manager, WASA, regarding the District's certification of NPDES permit DC0021199.
190. Electronic mail message dated December 16, 2004, from Jon Capacasa, Director, Water Protection Division, to James Collier, Bureau Chief, Department of Health, requesting clarification that the December 15, 2004, certification is intended to replace the July of 2004 version.
191. Electronic message dated December 16, 2004, from James Collier, Bureau Chief, DC DOH, to Jon Capacasa, Director, WPD, replying to Mr. Capacasa's December 15, 2004 request for clarification.
192. Notice of Lodging of Partial Consent Decree and LTCP Consent Decree in Anacostia Watershed Society, et al. v. District of Columbia Water and Sewer Authority, et al., Consolidated Civil Action No. 1:CV00181TFH, December 16, 2004.