

# **A Memorandum of Understanding**

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE DISTRICT OF COLUMBIA  
THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA  
THE DEPARTMENT OF HEALTH  
THE DEPARTMENT OF PUBLIC WORKS  
AND  
THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY  
REGARDING STORMWATER PERMIT COMPLIANCE ADMINISTRATION

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into this 14<sup>th</sup> day of December, 2000 by and between the City Administrator of the District of Columbia, the Department of Health (“DOH”), the Department of Public Works (“DPW”), the District of Columbia Water and Sewer Authority (“WASA”), (collectively, “parties”) and the Chief Financial Officer of the District of Columbia (“DCCFO”), who joins this agreement for limited purposes set forth in paragraph 9.

WHEREAS, on or about April 19, 2000 the United States Environmental Protection Agency (“EPA”) issued discharge permit number DC0000221 to the District of Columbia as Permittee (“MS4 permit”); and

WHEREAS, the MS4 permit authorizes certain discharges and requires other activities related to the operation of District of Columbia Municipal Separate Storm Water Sewer System; and

WHEREAS, the MS4 permit contains a compliance schedule which requires the District of Columbia to compile and submit information on pollution sources, significant changes in the identification and mapping of storm sewer system outfalls, and changes affecting the separate storm sewer system due to land use activities, population estimates, runoff characteristics, structural controls and other matters; and

WHEREAS, the compliance schedule requires, among other items, a written annual review to be submitted to EPA as well as implementation of outfall monitoring activities on or before April 19, 2001. A written annual report and implementation plan must be submitted to EPA by April 19, 2002; and

WHEREAS, the Mayor, as the Chief Executive Officer of the District of Columbia, directs the actions of the Department of Health and the Department of Public Works through the heads of those Departments; and

WHEREAS, the City Administrator is the chief executive officer of the Mayor and has been delegated the authority to sign this agreement on the Mayor’s behalf;

WHEREAS, the Department of Health is a subordinate agency of the government of the District of Columbia charged with multiple responsibilities, including the enforcement of regulations designed to protect water quality and monitoring of environmental compliance in the District of Columbia; and

WHEREAS, the Department of Public Works is a subordinate agency of the government of the District of Columbia charged with primary responsibility to maintain public roads and streets in the District of Columbia and routinely engages in activities necessary to implementation of MS4 requirements related to the public space; and

WHEREAS, the District of Columbia Water and Sewer Authority is an independent agency of the government of the District of Columbia, has the ability to contract and provides wastewater treatment services for both sanitary and combined sanitary and storm water flows delivered to the Blue Plains Advanced Wastewater Treatment Plant; and

WHEREAS, on or about September 13, 2000, Council Bill 13-813 was introduced before the Council of the District of Columbia. This Bill, known as the "Storm Water Permit Compliance Amendment Act of 2000" ("the Storm Water Bill" or "the Bill"), is intended to amend the enabling legislation of the Water and Sewer Authority to grant express authority to WASA to engage in certain MS4 permit compliance activities including creation of a storm water administration within WASA and authority to coordinate actions between and among other District agencies; and

WHEREAS, the Bill would establish a Permit Compliance Enterprise Fund, require the collection by WASA of fees set by the Council for storm water management activities, and require certification by WASA's General Manager or his or her designee of the sufficiency of MS4 permit compliance budget requests made by District agencies; and

WHEREAS, the bill is expected to receive favorable consideration from the Council, the Mayor, and the Financial Responsibility and Management Assistance Authority. Following completion of the 30 legislative day period of congressional review, the Bill is likely to become law shortly before certain MS4 compliance activities must be completed; and

WHEREAS, in order to provide the best opportunity for complete compliance with MS4 permit conditions, the parties have determined that this Memorandum of Understanding will govern the coordination of MS4 permit compliance actions of the parties during that period of time which shall commence on the effective date of this MOU and terminate upon the expiration of the permit; and

WHEREAS, at the request of the Mayor, representatives of these parties and others have met on a weekly basis over the past several months to negotiate a MS4 Permit compliance protocol acceptable to all parties; and

WHEREAS, the parties have developed a compliance matrix which sets forth the respective MS4 permit compliance responsibilities of the Department of Health, the Department of Public Works, and WASA; and

WHEREAS, the parties have agreed that each will be that each will be responsible for and shall complete all duties set forth in the attached Compliance Matrix (Schedule A; incorporated by this reference), and

WHEREAS, DOH AND DPW will provide technical assistance to WASA and all parties will dedicate operational resources, including personnel and equipment to the respective tasks assumed by each in the Compliance Matrix; and

WHEREAS, WASA will coordinate MS4 permit compliance activities of District agencies under the terms of this MOU and the requirements of the Storm Water Bill, once effective subject to the expenditure cap set forth herein; and

WHEREAS, the parties acknowledge that it may be necessary for some or all parties to take action to amend, reprogram or supplement their respective Fiscal Year 2001 and proposed 2002 budgets in order to lawfully undertake activities required by the MS4 permit and wish to set forth how these actions will be taken; and

WHEREAS, a separate Memorandum of Understanding between WASA and the Chief Financial Officer of the District ("Pilot MOU") governs WASA's obligation to make a Payment in Lieu of Taxes to the District ("Pilot"); and

WHEREAS, the DCCFO joins this memorandum only for the purposes of effecting an amendment to the Pilot MOU to require an adjustment to the Pilot MOU when circumstances described in paragraph 9 occur.

NOW THEREFORE, in consideration of the promises mutually exchanged, the receipt and sufficiency of which are acknowledged by all, the parties agree as follows:

1. Definitions.

**Coordination Tasks** means (a) the monitoring and coordinating the activities of all District agencies, including the activities of WASA, which are required to maintain compliance with the MS4 permit and (b) WASA's billing and collection of the Storm Water Compliance Fee, if established.

**Storm Water Administrator** means the person designated by the WASA General Manager to take primary responsibility for undertaking Coordination Tasks, who shall be the same person designated to head the Storm Water Administration if established in accordance with section 206A(a) of the WASA Act as amended by the Storm Water Bill.

2. Availability of Appropriations. Compliance with any provision of this MOU that would require the expenditure of funds is conditioned upon the availability of an appropriation and of funds equal to that appropriation.

3. Term. This agreement shall be effective as of the date written above and shall terminate upon the expiration of the MS4 permit unless extended by agreement of all signatories, or sooner terminated pursuant to the provisions of paragraph 12.

4. Agreement to undertake compliance activities. Each party shall employ its best efforts to fully, faithfully and timely discharge all responsibilities assumed by itself as a shared or joint or sole obligation in the Compliance Matrix (Schedule A). The parties acknowledge that the Compliance Matrix lists all of the parties' responsibilities under the MS4 permit.

5. Storm Water Administrator to Administer Compliance Activities. The Storm Water Administrator shall, during the term of this agreement, monitor the performance of tasks required to be performed in order for the parties to remain in permit compliance. The Storm Water Administrator shall issue notices of deficiencies where a party fails to meet joint or separate obligations expressed in the Compliance Matrix. The Storm Water Administrator shall also coordinate the performance of all permit requirements and shall employ best efforts to submit all deliverables required under the MS4 permit and shall establish binding timetables for submissions by other parties.

6. Agreement to Cooperate – Planning. DOH, DPW and any other District agency identified by the Storm Water Administrator shall timely comply with all requests made by the Storm Water Administrator related to MS4 permit compliance, including the scheduling of work, planning and development of capital improvements, and submittal of information, plans, proposed budgets or supplemental budgets related to storm water activities.

7. Storm Water Permit Compliance Enterprise Fund. In the event that the Storm Water Permit Compliance Enterprise Fund ("the Fund") is established pursuant to the Storm Water Permit Compliance Amendment Act of 2000, WASA shall administer the Fund as follows:

- a.) WASA shall first apply monies in the Fund to the Authority's costs of performing Coordination Tasks up to the expenditure cap provided for in paragraph 8.

- b.) After applying the revenues as described in subparagraph (a), WASA shall next apply income in the Fund to satisfy WASA's and any other District agency's costs of complying with the MS4 permit, including all administrative, operating and capital costs and to create adequate reserves, provided, however that no funds shall be disbursed for costs associated with MS4 permit compliance or other storm water activities carried out prior to April 19, 2000, except to the extent those costs increased in order to comply with the terms of the MS4 permit.

8. Expenditures Cap for Coordination Tasks

a.) During Fiscal Year 2001 WASA is not obligated to expend money to perform Coordination Tasks if the expenditure, taken together with any prior expenditures made that fiscal year, would exceed either (1) WASA's budgetary authority to perform the tasks; (2) the total amount of funds made available to WASA through DOH and DPW transfers or the PILOT credit made in accordance with paragraph 9(a) or (3) \$1 million.

b.) During Fiscal Year 2002 or thereafter, WASA is not obligated to expend money to perform Coordination Tasks if the expenditure, when taken together with any prior expenditures made that same fiscal year, would exceed either (1) WASA's budgetary authority to perform the tasks; (2) the projected revenues for the Fund plus funds made available to WASA through DOH and DCRA transfers or the PILOT credit made in accordance with paragraph 9(b), or (3) \$1 million.

9. Funding of Coordination Tasks

a.) During fiscal year 2001, DOH and DPW shall be exclusively responsible for the funding of WASA's performance of Coordination Tasks. In the event that the combined amounts transferred to WASA as of the effective date of this MOU are less than the amount authorized in WASA's FY 2001 budget for Coordination Tasks, the Administrator may request DOH and DPW to transfer such amounts as are necessary to make up the difference. Should DOH and DPW fail to transfer the amounts as requested within 60 days after a written request is sent, the DCCFO shall adjust the annual Pilot to credit WASA for all amounts actually expended in excess of the total funds transferred.

b.) During Fiscal Year 2002 or thereafter, WASA's performance of Coordination Tasks shall be funded exclusively by the fund in accordance with paragraph 7(a). In the event that the Storm Water Administrator determines that the projected fiscal year revenues from the storm water fee will be less than the amount included in WASA's approved budget for Coordination Tasks, the Administrator may request DOH and DPW to transfer such amounts as are necessary to make up the difference. Should DOH and DPW fail to transfer the

amounts as requested within 60 days after a written request is sent, the DCCFO shall adjust the annual Pilot to credit WASA for all amounts actually expended in excess of fund revenues (including transferred amounts) for that fiscal year.

10. Agency Compliance Plan – Fiscal Years 2002 through 2005. On or before November 15<sup>th</sup> of each year, DOH and DPW shall submit to the Storm Water Administrator, and WASA shall submit to DOH and DPW, a written MS4 Permit Compliance Plan for the ensuing fiscal year. This plan shall set forth for the ensuing fiscal year:

a) All funds in the proposed budget for the ensuing fiscal year (“Agency’s Proposed Budget”) dedicated for MS4 permit compliance activities assumed by the Agency in the Compliance Matrix (Schedule A).

b) A statement whether the Agency’s Proposed Budget contains sufficient funds expressly dedicated to all MS4 permit compliance activities.

c) In the event that an agency determines sufficient dedicated funds will not be available under either its current budget or in the Agency’s Proposed Budget, the agency shall estimate the amount of funds required and shall advise the Storm Water Administrator what budget actions and options are available (including, for the current budget, reprogramming funds) to secure adequate funding.

d) *The Storm Water Administrator* shall review each party’s plan and determine whether the agency Proposed Budget adequately funds MS4 permit compliance activities. The Storm Water Administrator shall inform the party, the Mayor and the Council of any deficiency found and shall indicate all revisions, procedures and actions necessary to correct the deficiency.

11. Allocation of liability. The Parties agree to the following principles with respect to their liability in the event that EPA alleges noncompliance with respect to any MS4 permit term:

a) Where the allegation concerns a task that is identified as the sole responsibility of a party, that party shall defend any administrative action resulting therefrom, and, shall be exclusively liable for the payment of any fines, the costs of defense and the fulfillment of any compliance tasks agreed to or ordered in connection therewith.

b) Where the allegation concerns a task that is identified as the responsibility of “each”, and EPA, in its complaint, in response to an inquiry, or in a decision and order identifies the party responsible, the identified party shall defend any administrative action resulting therefrom,

and shall be liable for the payment of any fine, the costs of defense and the fulfillment of any compliance tasks agreed to or ordered in connection therewith. Nothing herein precludes a named party from asserting, as a defense, that another party is responsible for the violation, in which case that party may enter the proceeding, and shall be liable for such fines and tasks imposed by EPA as a result of acts or omissions for which the party is found responsible. If the EPA does not indicate the party responsible, the parties shall proceed in accordance with subparagraph (c).

c) Where the allegation concerns a task that is identified, the responsibility of "all" parties, the parties shall attempt to allocate liability. If no agreement is reached the issue shall be submitted to a third party agreed to by the parties, whose determination with respect to the issue of liability shall be final and binding.

12. Termination This MOU will terminate prior to the expiration of the term:

a) 90 days after a party provides written notice to the Storm Water Administrator based upon the failure of another party:

i) To fulfill any of its permit responsibilities as determined pursuant to this MOU;

ii) To pay any liability or perform any compliance task arising from such liability as determined pursuant to principles expressed in paragraph 11; or

iii) To propose a budget, supplemental, or to take any other budget related action requested of the party by the Storm Water Administrator;

b) If the Storm Water Permit Compliance Amendment Act of 2000 does not become law by September 30, 2001; or

c) If the Storm Water Permit Compliance Amendment Act of 2000 becomes law in a form that, in the judgment of any party that is substantially and materially different from the form appended hereto as Schedule B.

13. Storm Water Task Force. The parties shall meet at least once monthly as a Storm Water Task Force. The taskforce shall be chaired by the Storm Water Administrator. Each party will designate one permanent member of the Task Force. The parties shall attempt to reach consensus with respect to all decisions regarding their responsibilities under the MS4 permit and this MOU. If no consensus is reached the Storm Water Administrator shall govern. One week before each regularly scheduled meeting each party will provide, to the



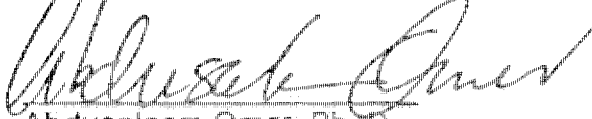
Storm Water Administrator a summary of all MS4 permit activities performed during the previous month and a plan for tasks to be accomplished during the forthcoming month. At the meeting, the Storm Water Administrator will note any deficiencies in each party's plan, and the party will take all necessary actions to remedy the deficiency. The Storm Water Administrator may call meetings at any time, either on his or her own initiative or at the request of a party.

14. Counterparts. This Memorandum of Understanding may be executed in separate counterparts, each of which when so executed and delivered shall be an original, but all of which together shall constitute but one and the same instrument.

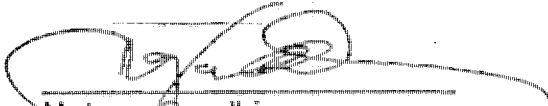
WITNESS the signatures of the parties as of the first day first hereinabove written.



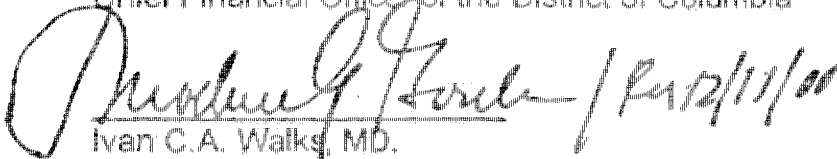
John Koskinen  
City Administrator and Deputy Mayor for Operations



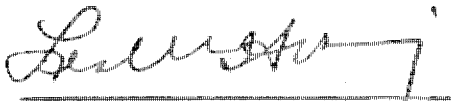
Abdusalaam Omer, Ph. D.  
Acting Chairman  
District of Columbia Water and Sewer Authority



Natwar Gandhi  
Chief Financial Officer of the District of Columbia



Ivan C.A. Walks, MD.  
Director, Department of Health



Leslie Hotaling  
Interim Director, Department of Public Works

SCHEDULE A  
Compliance Matrix

STORM WATER MANAGEMENT IMPLEMENTATION  
December 6, 2000

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
A-1	Compile and analyze information on pollution sources since Nov. 1998: MS4 outfalls (identification and mapping), impact to MS4 due to land use, population, structural controls, landfills, publicly owned lands, and industries. Submit information in Annual Report	ALL	Apr. 2002	Part II
A-2	Prepare first annual review	ALL	Apr. 2001	Part III-A
A-3	Implement outfall monitoring	WASA/ DOH	Apr. 2001	Part III-A
A-4	Prepare annual report	ALL	Apr. 2002	Part III-A
A-5	Prepare annual implementation plan	ALL	Apr. 2002	Part III-A
A-6	Prepare Upgraded Storm Water Management Plan	ALL	Oct. 2002	Part III-A
A-7	Implement Upgraded Storm Water Management Plan	ALL	6 months following EPA approval	Part III-A
A-8	Evaluate the location, size and number of MS4 retrofits necessary to meet CWA.	WASA/ DOH	Apr. 2002	Part III-B

STORMWATER MANAGEMENT IMPLEMENTATION P.

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
B-1	Develop and implement improvements and modifications to SWMP practices to reduce pollutant loads: <ul style="list-style-type: none"> <li>- Legal authority</li> <li>- Characterization data</li> <li>- Application Requirements</li> <li>- Assessment of Controls</li> <li>- Structural controls</li> <li>- Areas of new or significant development</li> <li>- Roadways</li> <li>- Flood control projects</li> <li>- Pesticide, Herbicide, and Fertilizer application</li> <li>- Illicit discharges and improper disposal</li> <li>- Industrial and high risk runoff</li> <li>- Priority Industrial Facilities</li> <li>- Municipal Waste Sites</li> <li>- Spills</li> <li>- Infiltration of seepage</li> <li>- Construction site runoff</li> <li>- Public Education</li> <li>- Monitoring</li> </ul>	ALL	Apr. 2002	Part III- B

STORMWATER MANAGEMENT IMPLEMENTATION PL

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
	Storm Water Management Plan for Commercial, Residential and Government Areas			
C-1	- Continue budgeted roadway, street and highway maintenance operations (11/4/98)	DPW	Ongoing	Part III-1
C-2	- Management Plan for Commercial, Residential and Government properties shall consider: <ul style="list-style-type: none"> <li>- functional landscapes,</li> <li>- low impact development,</li> <li>- coordinate Street sweeping &amp; catch basin cleaning,</li> <li>- coordinate solid waste services, incl. leaf collection,</li> <li>- preventive maintenance inspections of storm water facilities,</li> <li>- rain leader disconnection program,</li> <li>- public education on pet waste, fertilizer, etc.</li> <li>- computer models.</li> <li>- performance measures.</li> <li>- strengthen erosion control program for new construction.</li> </ul>	ALL  DOH DOH/DPW DPW/WASA DPW WASA/DOH  DOH DOH ALL ALL DOH	Apr. 2002	Part III-1
C-3	Control storm water pollution from Federal and District government properties.	DOH	Apr. 2002	Part III-1

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
	Storm Water Management Plan for Industrial Facilities			Part III-2
D-1	Update and maintain industrial facilities data base	DOH	Unknown	Part III-2
D-2	Perform/ provide on-site assistance/ inspections	DOH		Part III-2
D-3	Perform outreach focused on stormwater P2 plan development and NPDES compliance(use wet weather screening to target)	DOH		Part III-2
D-4	Develop procedures govern investigations of facilities.	DOH	Apr. 2002	Part III-2
D-5	Establish BMP for reducing loads to extent necessary.	DOH		Part III-2
D-6	Monitor and control pollutants from solid waste, fleet maintenance and other facilities.	DPW	Unknown	Part III-2
D-7	Develop and implement a wet weather screening program.	WASA/DOH	Unknown	Part III-2
D-8	Develop a program to prevent, contain and respond to spills.	DOH	Apr. 2002	Part III-2
D-9	Identify facilities with high risk runoff and parameters of concern	DOH	Unknown	Part III-2
D-10	Estimate loadings from industries in each sewershed	DOH	Unknown	Part III-2
D-11	Prohibit illicit discharges, control spills and prohibit dumping.	DOH/WASA	Unknown	Part III-2
D-12	Report on implementation of Industrial Facilities Control Plan	DOH	Apr. 2002	Part III-2

STORMWATER MANAGEMENT IMPLEMENTATION PI

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
	Storm Water Management Plan for Construction Sites			Part III- 3
E-1	Continue existing permitting programs and evaluate effectiveness.	DOH	Ongoing	Part III- 3
E-2	Conduct construction site inspections.	DOH	Ongoing	Part III- 3
E-3	Submit inspection and enforcement procedures to EPA for review and approval	DOH	Apr. 2002	Part III -3
E-4	Provide public education and guidance materials to construction site operators	DOH	Unknown	Part III- 3
E-5	Report on implementation of construction site management programs.	DOH	Apr. 2002	Part III- 3
E-6	Operate and maintain streets to reduce pollution, maintain erosion controls	DPW, DOT	Ongoing	Part III -3
E-7	Minimize soil disturbing activities, re-vegetate	DPW, DOT	Ongoing	Part III -3
E-8	Prevent spills, control sites and storage facilities.	DPW, DOT	Ongoing	Part III -3
E-9	Strengthen criteria and procedures for waivers, develop enforcement strategy, and enforce strategy.	DOH	Unknown	Part III -3
E-10	Expand inspections, investigate cumulative impacts.	DOH	Unknown	Part III -3
E-11	Consider/require storm water retrofits for redevelopment and road rebuilding.	DOH/ DPW, DOT	Unknown	Part III -3
E-12	Assure that adopted storm water impact quantification procedures are performed in early environ. review in zoning process	DOH	Unknown	Part III- 3
E-13	Develop a strategy to encourage use of low impact development practices, protect trees and maximize undisturbed areas in development projects.	DOH		Part III- 3
E-14	Establish and implement written enforcement strategy & perform enforcement actions.	DOH		Part III- 3
E-15	Expand staff to inspect installation and maintenance of storm water erosion and sediment control at {commercial, residential, road and development} areas	DOH		Part III- 3
E-16	Estimate loading from ( ) areas and determine necessary BMPs	DOH		Part III- 3
E-17	Adopt and implement procedures in construction related activities that reduce storm water runoff and prevent storm water pollution	DOH		Part III- 3
E-18	Develop strategies to reduce traffic related pollution	DPW, DOT		Part III -3

STORMWATER MANAGEMENT IMPLEMENTATION P.

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
	<b>Storm Water Management Plan for Construction Sites</b>			
F-1	Notify Historic Preservation Officer of any new construction, demolition or ground disturbing activity (develop alternate procedures)	ALL	Unknown	Part VII- M
F-2	Notify Fish and Wildlife Service of any discharge, construction or other activity which may impact a threatened or endangered species.	ALL	Unknown	Part VII- N
F-3	Encourage wider use of low impact development and other innovative methods.	DOH	Unknown	Part III- 3

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
	<b>Flood Control Projects</b>			
G-1	Assess flood control projects for impact on storm water quality.	DOH	Apr. 2002	Part III- 4
G-2	Develop pollution controls for existing flood controls	DOH	Apr. 2002	Part III- 4
G-3	Assess development projects in the flood plain for water quality impact (impervious surface)	DOH	Unknown	Part III- 4
G-4	Determine feasibility of retrofitting flood control devices	DOH	Unknown	Part III- 4
G-5	Collect data on amount of impervious surface in flood plain for all proposed development.	DOH	Febr. 2000 <i>mistaken date</i>	Part III -4
G-6	Collect similar data for existing development, prioritize developed and undeveloped areas	DOH	Apr. 2002	Part III -4
G-7	Prepare report summarizing findings and activities.	DOH	Apr. 2002	Part III -4

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
	<b>Monitor and control pollutants from municipal landfills and other municipal waste facilities</b>			
H-1	Develop and implement a program to monitor and reduce pollutants in storm water from solid waste facilities, equipment storage yards and fleet maintenance facilities. - monitor, inspect and evaluate sites, - identify areas with poor water quality and correct (improve).	DPW	Apr. 2002	Part III- 5
H-2	Report in annual plan how activities meet Clean Water Act requirements and results of activities such as initial monitoring, control implementation and priority setting.	DPW	Apr. 2002	Part III- 5



STORMWATER MANAGEMENT IMPLEMENTATION PL

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
	Monitor and Control Pollutants from Hazardous Waste Sites			Part III- 6
I-1	Identify industrial sites, develop procedures to map facilities.	DOH	Permit expiration date	Part III- 6
I-2	Develop procedures to govern investigations	DOH	Apr. 2002	Part III- 6
I-3	Describe how these procedures will meet CWA requirements in annual report.	DOH	Apr. 2002	Part III- 6

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
	Monitor and Control Pesticide, Herbicide and Fertilizer Application			Part III- 7
J-1	Control application of pesticides, herbicides and fertilizers.	DOH	Unknown	Part III- 7
J-2	Implement programs to encourage the reduction of these pollutants.	DOH	Unknown	Part III- 7
J-3	Prepare a report on implementation of these procedures and how they will meet CWA requirements.	DOH	Unknown	Part III- 7
J-4	Perform a screening characterization to determine the sources of pesticides, herbicides and fertilizer.	DOH	Apr. 2002	Part III- 7
J-5	Develop a priority system of controls and plan to reduce these pollutants.	DOH	Jan 2001 <i>mistaken date</i>	Part III- 7

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
	Develop snow management plan and investigate deicing alternatives			Part III- 8
K-1	Evaluate use of chemical deicers, salt, sand and mixtures to minimize impact on water quality.	DPW	Apr. 2001	Part III- 8
K-2	Prepare a report of preliminary evaluation findings.	DPW	Apr. 2001	Part III- 8
K-3	Prepare and submit compliance schedule for implementing de-icing study results.	DPW	Prior to Permit expiration	Part III- 8
K-4	Establish a program to ensure excessive snow and ice control materials do not enter waterways.	DPW	Apr. 2001	Part III- 9
K-5	Report on progress to reduce pollution from snow and ice control programs.	DPW	Apr. 2001	Part III -9
K-6	Avoid dumping snow in areas adjacent to waterways and wetlands.	DPW	Unknown	Part III -9
K-7	Implement snow removal plan.	DPW	Apr. 2003	Part III -9

STORMWATER MANAGEMENT IMPLEMENTATION P

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
	Develop management plan to detect and remove illicit discharges. Report in annual report			Part III- 10
L-1	Develop a program to prevent, detect and remove illicit discharges	DOH/ WASA	Unknown	Part III -10
L-2	Develop a program to reduce discharge of floatables.	WASA	Ongoing	Part III- 10
L-3	Prohibit the disposal of motor vehicle fluids, household hazardous waste, grass clippings, leaves, and animal waste. Report in annual report.	Corp. Counsel/ALL	Ongoing	Part III -10
L-4	Develop programs to collect and recycle or dispose of motor vehicle fluids and household hazardous waste	DPW/ WASA	Ongoing	Part III- 10
L-5	Develop an enforcement plan	DOH	Unknown	Part III -10
L-6	Develop inspection plan, surveillance and monitoring procedures, incl. Schedule and resources and inspection criteria	DOH	Apr. 2001	Part III- 10
L-7	Develop procedures to prevent, contain and respond to spills	DOH	Apr. 2001	Part III -10
L-8	Train appropriate personnel on spill prevention and response.	DOH	Apr. 2001	Part III- 10

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
	Develop an enforcement plan			Part III -11
M-1	Develop an enforcement plan to implement permit requirements.	ALL	Apr. 2001	Part III- 11
M-2	Describe enforcement activities and resources.	DOH	Apr. 2001	Part III -11
M-3	List all violations and enforcement actions to assess program effectiveness.	DOH	Apr. 2001	Part III- 11

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
	Develop a public education program			Part III -12
N-1	Household hazardous waste education and outreach.	DPW/DOH	Apr. 2001	Part III- 12
N-2	Residential and commercial pesticide, herbicide and fertilizer application education and outreach.	DOH	Apr. 2001	Part III- 12
N-3	Industrial facilities education and outreach.	DOH	Apr. 2001	Part III -12
N-4	Construction site operators education and outreach.	DOH	Apr. 2001	Part III- 12
N-5	Explain how these programs will reduce pollution to meet requirements of CWA. Report in annual report	DOH	Apr. 2001	Part III- 12
N-6	Maintain a file of public education materials at the DC Public Library.	DOH	Apr. 2001	Part III -12

STORMWATER MANAGEMENT IMPLEMENTATION PL.

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
	<b>Administrative Requirements</b>			Part III -C
0-1	Conduct annual review of program effectiveness. <ul style="list-style-type: none"> <li>- Compare performance with goals</li> <li>- Review implementation and compliance,</li> <li>- Review monitoring data,</li> <li>- Assess effectiveness of controls,</li> <li>- Describe cost needs budget.</li> <li>- Determine required program improvements</li> <li>- describe inspections, public education activities, violations and enforcement actions, model results</li> <li>- water quality improvements, modeling results</li> </ul>	ALL	Apr. 2001	Part III- C
0-2	Develop a schedule to achieve full permit compliance within 3 years of permit effective date.	ALL	Apr. 2001	Part III- C
0-3	Prepare fiscal needs assessment each year.	ALL	Apr. 2001	Part III- C
0-4	Operate and maintain structural and non-structural hydraulic controls.		Ongoing	Part III- C8
0-5	Prepare annual report: <ul style="list-style-type: none"> <li>- cost/benefit and affordability analysis</li> <li>- methodology to assess program effectiveness,</li> <li>- annual budget and expenditures,</li> <li>- evaluate commitments from past year,</li> <li>- make commitments for next year,</li> <li>- summary of monitoring data,</li> <li>- summary of annual review.</li> </ul>	ALL	Apr. 2002	Part III- D
0-6	Prepare and submit Annual Implementation Plan <ul style="list-style-type: none"> <li>- planned activities</li> <li>- budget</li> <li>- fiscal analysis</li> <li>- cost/benefit and affordability analysis</li> </ul>	ALL	Apr. 2002	Part III- E
0-7	Revise/Update Storm Water Management Plan	ALL	June 2002	Part III- E
0-8	Ensure adequate legal authority exists.	Corp. Counsel	Unknown	Part III- E

STORMWATER MANAGEMENT IMPLEMENTATION PI

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
	<b>Monitoring Requirements</b>			
P-1	Develop and implement wet weather monitoring program and sampling plan	DOH	Apr. 2001	Part IV- A Part IV-A
P-2	Estimate annual cumulative loadings from MS4	DOH		Part IV- A
P-3	Estimate and report event mean concentrations & seasonal pollutants from major outfalls	DOH		Part IV- A
P-4	Identify and prioritize portions of MS4 requiring additional controls	DOH		Part IV- A
P-5	Identify water quality improvement or degradation	DOH		Part IV- A
P-6	Representative outfall monitoring	DOH	Apr. 2001	Part IV -4.1
P-7	Retain monitoring data	DOH	Unknown	
P-8	Report monitoring results	DOH	Unknown	
P-9	Continue ongoing dry weather screening program	DOH	Ongoing	Part IV- B
P-10	Locate sources and eliminate illicit connections	DOH	Ongoing	Part IV- B.3
P-11	Report progress on developing a GIS based storm water computer model	DOH	Apr. 2001	Part V

TASK #	TASK	RESPONS. AGENCY	DUE DATE	PERMIT SEC.
	<b>Hickey Run TMDL</b>			
Q-1	Conduct storm water monitoring of Hickey Run	DOH	Apr. 2001	Part VI
Q-2	Develop programs to reduce oil and grease loadings to 11.9 lbs/day or lower	ALL	Unknown	Part VI
Q-3	Provide written explanation for any exceedances.	DOH	Unknown	Part VI
TOTALS				

SCHEDULE B

Storm Water Permit Compliance Amendment Act of 2000  
Engrossed Original

COUNCIL OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE GENERAL COUNSEL  
WASHINGTON, D.C. 20001

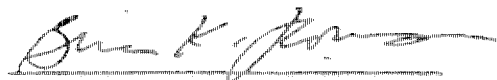
TRANSMITTAL OF ENGROSSED LEGISLATION

Short Title: Storm Water Permit Compliance Amendment Act of 2000

Bill #13-813

cc: Councilmember Schwartz

(with attachment)



Legislative Counsel

12.13.00

Date of Transmittal

Received by LSD Staff

Date of Receipt

cc: Codification Counsel

A BILL

13-813

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to establish a Storm Water Administration, a Storm Water Compliance Fund, storm water fees, a Storm Water Advisory Panel, and to provide for reporting requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Storm Water Permit Compliance Amendment Act of 2000".

Sec. 2. The Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Code § 43-1661 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Code § 43-1671) is amended by adding new paragraphs (9A) and (9B) to read as follows:

"(9A) Storm Water Fee means the fee established by section 216(e).

"(9B) Storm Water Permit or Permit means NPDES No. DC0000221, issued April 20, 2000."

(b) New sections 206a, 206b, and 206c are added to read as follows:

"Sec. 206a. Storm Water Administration.

“(a) There is established within the Authority a Storm Water Administration 1  
 (“Administration”). The Administration shall be responsible for monitoring and coordinating the 2  
 activities of all District agencies, including the activities of the Authority, which are required to 3  
 maintain compliance with the Storm Water Permit. ~~The Storm Water Advisory Panel created~~ 4  
 ~~pursuant to section 206c shall designate a person to head the Administration. General Manager~~ 5  
 shall designate a person to head the Administration. The Storm Water Advisory Panel created 6  
 pursuant to section 206c may ratify the designation made by the General Manager. 7

“(b) The expenses of the Administration shall be disbursed from the Storm Water Permit 8  
 Compliance Enterprise Fund established pursuant to section 207a. 9

“(c) The Department of Health, the Department of Public Works, and any other District 10  
 agency identified by the General Manager or his or her designee shall comply with all requests 11  
 made by the General Manager or his or her designee related to Storm Water Permit compliance, 12  
 including the submittal of information, plans, proposed budgets or supplemental budgets related 13  
 to storm water activities. 14

“(d) All budgets submitted by the Mayor to the Council shall include a written 15  
 determination by the General Manager or his or her designee concerning whether the budget 16  
 adequately funds Storm Water Permit compliance activities. The General Manager or his or her 17  
 designee shall inform the Council of any deficiency found and indicate the revisions that shall be 18  
 made to correct the deficiency. 19

“(e) The General Manager shall prepare, and make available to the Council of the 20



ENGROSSED ORIGINAL

District of Columbia and the public, a report by the Authority, the Department of Health, the  
Department of Public Works, and any other District agency identified by the General Manger as  
having responsibilities under the Storm Water Permit. The General Manger shall transmit the  
first report to the Mayor and the Council of the District of Columbia no later than 6 months from  
the effective date of this act, and shall transmit subsequent reports every 6 months after the  
transmission of the first report. The first report shall describe activities undertaken in the 6  
months following the effective date of this act, and activates planned for the following 6 months.  
Subsequent reports shall describe activities undertaken in the previous 6 months, and activates  
planned for the following 6 months. The reports shall include descriptions of each storm water-  
related activity taken and planned, including:

“(1) Compliance with Storm Water Permit requirements;

“(2) Administrative, planning, and regulatory actions;

“(3) Operation, maintenance, and capital improvement of storm water facilities;

“(4) Fund expenditures from the Storm Water Permit Compliance Enterprise

Fund; and

“(5) Expenditures on related storm water activities from annual appropriations,

federal grants, and the Water and Sewer Enterprise Fund.

“Sec. 206b. Storm Water Permit Compliance Enterprise Fund.

“(a) There is established a Storm Water Permit Compliance Enterprise Fund (“Fund”).

Monies from the Fund shall only be used to fund the Storm Water Administration established

pursuant to section 206a, the Authority's costs of billing and collecting the storm water fee, and  
any District agency's costs of complying with the Storm Water Permit, including all  
administrative, operating, and capital costs. No monies shall be disbursed from the fund for costs  
associated with storm water activities carried out prior to April 20, 2000, except to the extent  
those costs increased in order to comply with the terms of the Permit.

"(b) All revenues, proceeds, and moneys collected from the storm water fee or from  
grants made for storm water activities which are collected or received shall be credited to the  
Fund and shall not, at any time, be transferred to, lapse into, or be commingled with the General  
Fund of the District of Columbia, the Water and Sewer Authority Enterprise Fund, the Cash  
Management Pool, or any other funds or accounts of the District of Columbia.

"Sec. 206c. Storm Water Advisory Panel.

"(a) There is established the Storm Water Advisory Panel ("Panel") for the purpose of  
preparing comprehensive recommendations to the Council that identify the best means by which  
the District of Columbia can meet all present and future federal regulatory and permit  
requirements pertaining to the discharge of storm water into receiving waters. The Panel may  
establish a Citizens Advisory Board to assist the panel in preparing its recommendations to the  
Council.

"(b) The Panel shall be composed of the following 5 persons or their designees:

"(1) The Mayor;

"(2) The Chairman of the Council;

"(3) The General Manager of the Authority;

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"(4) The Director of the Department of Health, Environmental Health  
Administration; and

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"(5) The Director of the Department of Public Works.

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"(c) The Panel shall submit its recommendations in a report, which shall be submitted to  
the Council no later than one year after the Panel's first meeting. The report shall make specific  
findings on whether the existing:

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"(1) Allocation of storm water management responsibilities among District  
agencies, including the Authority is capable of meeting present and future regulatory  
requirements for storm water discharge, and, if not, what changes need to be made or new  
government entities created; and

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"(2) Storm water fee structure and rate are equitable and sufficient for the District  
to meet its present and future regulatory requirements for storm water discharge, and, if not, what  
fee structure and rate would be required to most fairly meet these responsibilities. The panel  
shall consider, determine whether to create, and estimate the initial cost and time necessary to  
design a storm water fee based on the relationship between impervious surface and the amount of  
storm water discharged into the District's storm water system.

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"(d) The panel shall hold its first meeting no later than 90 days from the effective date of  
the Storm Water Permit Compliance Amendment Act of 2000. The Panel shall hold at least one  
public hearing to receive testimony from citizens with respect to the issues stated in subsections

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ENGROSSED ORIGINAL

(b)(1) and (2) of this section. The Panel's report shall be published in the District of Columbia Register for a 30 day period of public comment and provided to each Advisory Neighborhood at least 45 days prior to being submitted to the Council.

(c) Section 207(b) (D.C. Code 43-1677(b)) is amended by inserting the phrase "except those collected or received from the storm water fee," after the phrase "source derived".

(d) Section 216 (D.C. Code 43-1686) is amended as follows:

(1) New subsections (d-1) and (d-2) are added to read as follows:

"(d-1) Commencing within 90 days of the effective date of the Storm Water Permit Compliance Amendment Act of 2000, the Authority shall collect a storm water fee from each District of Columbia retail water or sewer customer as follows:

"(1) For single family homes, the fee shall be \$7.00 per year;

"(2) For multi-family residential buildings, the fee shall be equal to 1.4% of the charge for water and sewer services; or

"(3) For all other properties, the fee shall be equal to 2% of the charge for water and sewer services.

"(d-2) No landlord shall pass a charge to a tenant which is more than the 1.4% of the charge for water and sewer services."

(2) Subsection (f) is amended by inserting the phrase, "including the storm water fee", after the phrase "pay the charges".

(e) Section 219 (D.C. Code § 43-1689) is amended by inserting the phrase "for the failure

to pay any charge, fee, assessment, or levy authorized or required by section 216 of this act",  
after the phrase "the power to obtain and enforce liens".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal  
impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the  
Mayor, action by the Council to override the veto), approval by the Financial Responsibility and  
Management Assistance Authority as provided in section 203(a) of the District of Columbia  
Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109  
Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in  
section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87  
Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia  
Register.

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE DISTRICT DEPARTMENT OF THE ENVIRONMENT  
THE DISTRICT DEPARTMENT OF PUBLIC WORKS  
THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY  
AND  
DEPARTMENT OF TRANSPORTATION  
REGARDING MS4 STORMWATER PERMIT FISCAL ADMINISTRATION**

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered into this 1<sup>st</sup> day of August 2007, by and between the District Department of the Environment (DDOE) and the District Department of Transportation (DDOT), the D.C. Water and Sewer Authority (WASA), and the Department of Public Works (DPW) to administer finances and reimbursements from the Storm Water Permit Compliance Enterprise Fund for activities conducted to reduce pollutants to the District of Columbia, under the municipal separate storm sewer system (MS4) National Pollution Discharge Elimination System (NPDES) Permit (MS4 Permit).

**WHEREAS**, storm water discharges from the municipal separate storm sewer system (MS4) are authorized by the National Pollution Discharge Elimination System (NPDES) Permit Number: DC0000221 issued to the District of Columbia as Permittee;

**WHEREAS**, on August 19, 2004, the Environmental Protection Agency (EPA) re-issued the District's MS4 Permit Number: DC0000221 to authorize storm water discharges to the District of Columbia as Permittee, for a five-year term;

**WHEREAS**, the MS4 Permit contains a compliance schedule which requires the District of Columbia to compile and submit information on pollution sources, significant changes in the identification of storm sewer system outfalls, and changes affecting the separate storm sewer system due to land use activities, population estimates, runoff characteristics, structural controls, reporting requirements and other matters as outlined in the MS4 Permit Implementation Plan, in order to reduce storm water pollution;

**WHEREAS**, the MS4 Permit outlines additional activities to be undertaken by the District;

**WHEREAS**, the above named agencies have been assigned activities in the MS4 Implementation Plan;

**WHEREAS**, the MS4 Task Force has been established with representatives from DDOE, DDOT, DPW, WASA to manage the activities required in the MS4 Permit, pursuant to the “Storm Water Permit Compliance Amendment Act of 2000”; D.C. Official Code § 34-2202.06a;

**WHEREAS**, the Director of DDOE, or his designee, was made the Storm Water Administrator with primary responsibility for heading the Storm Water Administration, pursuant to the Establishment of the District Department of the Environment Act of 2005, D.C. Official Code § 8-151.03(b)(2);

**WHEREAS**, the storm water management activities in the Implementation Plan are supported by fees collected by WASA in a Storm Water Compliance Enterprise Fund and provided to DDOE for the Storm Water Administrator to certify the sufficiency of the MS4 Permit budget requests;

**WHEREAS**, the parties acknowledge that it may be necessary for some or all parties to take action to amend, program, reprogram or supplement their respective budgets in order to lawfully undertake activities required by the MS4 permit and wish to set forth how these actions will be taken; and

**WHEREAS**, in the event that not all the projects can be funded, priority will be given to the projects that provide the most benefit in reducing storm water pollution.

**NOW THEREFORE**, in consideration of the promises mutually exchanged, the receipt and sufficiency of which are acknowledged by all, the parties agree to administer the Storm Water Permit Compliance Enterprise Fund (Storm Water Fund) as follows:

**I. SCOPE OF SERVICES**

1. Each agency, including DDOE, shall submit a proposed budget for the following fiscal year to the Storm Water Administrator by October 1 of each calendar year. Accordingly, as of this signing, each agency agrees to submit their proposed 2009 Fiscal Year Budget Request to the Storm Water Administrator by October 1, 2007. The Storm Water Administrator will use this information to program budget authority from the Storm Water Fund. Acceptance of this summary by the Storm Water Administrator does not constitute approval of the expenditure, but rather general agreement that activities of this type may be reimbursable from the Enterprise Fund.

2. Each agency, including DDOE, shall submit a detailed Storm Water Fund budget request to the Storm Water Administrator no later than six-months prior to the beginning of the fiscal year covered by that request. The Storm Water Administrator will review and approve budget requests prior to allocating funds in DDOE's annual budget for the expected reimbursement. For each activity included in the budget request the agency will detail:
  - (a) A description of the activity to be funded;
  - (b) MS4 Implementation Plan reference for the activity;
  - (c) MS4 Permit section reference for the activity;
  - (d) Explanation that this activity is above and beyond storm water activities carried out by the agency prior to April 19, 2000;
  - (e) Cost-benefit discussion including which pollutants are targeted for reduction by this project/activity, estimated reduction per year to be achieved, and estimated cost/pound of pollutant removed over the life of the project/activity; and
  - (f) A statement of whether the agency's proposed budget contains sufficient funds expressly dedicated to all MS4 Permit compliance activities.
3. The Storm Water Administrator may request additional information from the agency to justify the project/activity. Approval of the detailed budget request by the Storm Water Administrator is pre-approval for reimbursement for expenditures conducted by the agency for the approved project or activity.
4. The Storm Water Administrator shall review and approve all programmatic changes or modifications that might affect the estimated quantity of pollutants removed or the cost-benefit analysis of the project or activity.
5. In the event of a budget shortfall, the Storm Water Administrator shall allocate remaining funds giving priority to the projects that he or she determines would provide the most benefit in reducing storm water pollution. In the event that the Storm Water Administrator determines that the projected fiscal years revenues from the Storm Water Fund will be less than the anticipated costs of the Storm Water Administration, the Storm Water Administrator may request that DDOE, WASA, DDOT, and DPW make up the difference.



6. For FY 2007, the Storm Water Administrator shall administer the Storm Water Permit Compliance Enterprise Fund as follows:

Department of Public Works .....	\$ 1,270,000
District Department of Transportation .....	\$ 1,537,000
DC Water & Sewer Authority .....	\$ 292,999
District Department of the Environment .....	\$ 1,950,000

7. Each agency shall request reimbursement quarterly from the Storm Water Administrator for expenditures related only to complying with the MS4 permit. Reimbursement requests shall include:

(a) Description of the activity performed;

(b) Certification that all expenditures submitted for reimbursement are for direct MS4 permit compliance activities above and beyond storm water activities carried out by the agency prior to April 19, 2000;

(c) Citation of the MS4 Permit section(s) reference for the activity;

(d) Description of which pollutants were targeted for reduction by the project/activity; and

(e) Copies of invoices and other applicable documentation demonstrating MS4 relevant work. Documentation to include invoices outlining storm water-related tasks completed, including description of task, hours incurred including date and time.

8. The Storm Water Administrator may request additional supporting documentation, as required, to evaluate the reimbursement request or to detail how the reimbursement request will address the overall agency Implementation Plan.
9. Reimbursements are subject to total approved budget limits as well as cash or revenues available in fund.

10. Requests approved by the DDOE will be submitted within five business days of approval by the Storm Water Administrator.

## **II. RESOLUTION OF DISPUTES**

The Chief Financial Officer or the City Administrator shall resolve all disputes arising under this MOU.

## **III. EFFECTIVE DATE AND SPECIAL PROVISIONS FOR TERMINATION OF MOU**

1. This MOU shall be effective as of August 1, 2007 through August 19, 2009, unless terminated in writing by the Parties prior to the expiration.
2. This MOU may be extended by agreement of all signatories.
3. DDOE may terminate this MOU on the following grounds:
  - (a) Lack of local funding;
  - (b) Changes in applicable law;
  - (c) Changes in District or federal policy affecting these services;
  - (d) Changes in the structure or nature of the MS4 Permit; and
  - (e) Elimination of DDOE as the Storm Water Administrator or Storm Water Administration.

## **IV. COUNTERPARTS**

This MOU may be executed in separate counterparts, each of which when so executed and delivered shall be an original, but all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have signed this MOU as of the day and year written above.

George S. Hawkins 7/31/07  
George S. Hawkins, Acting Director, DDOE Date

\_\_\_\_\_  
Emeka C. Moneme, Director, DDOT Date

William O. Howland, Jr. 8-27-2007  
William O. Howland, Jr., Director, DPW Date

\_\_\_\_\_  
Jerry N. Johnson, General Manager, DCWASA Date

**UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)**

	Letter Agreement refers to the Letter agreement dated November 27, 2007 distributed to all MS4 task force agencies.			
	*The 2000 MOU assigned responsibilities to DPW, WASA and DOH. In October 2002, the newly formed DDOE took on some of the responsibilities formerly assigned to DPW. In 2006, DDOE was formed and Water Quality Division and Watershed Protection Division took over the responsibilities formerly assigned to DOH.			
	SWMD=storm water management division; WQD = water quality division; WPD= watershed protection division within DDOE			
<b>TASK #</b>	<b>TASK DESCRIPTION (note that Task N also contains administrative requirements)</b>	<b>PERMIT SECTION</b>	<b>RESPONSIBLE AGENCY</b>	<b>DEADLINES/NOTES</b>
	<b>General</b>			
New	Legal and administrative issues		General Counsel DDOE	
New	Update 2000 MOU to formally define roles and responsibilities of District Agencies*	Letter Agreement	ALL	Due 8/19/08
New	Implement recommendations for funding mechanisms and fee structure	Letter Agreement	WASA/SWMD	Completed
A-1	Compile and analyze information on pollution sources since Nov 1998: MS4 outfalls (identification and mapping), impact to MS4 due to land use, population, structural controls, landfills, publicly owned lands, and industries. Submit information when requested and during reporting period	Part II	WASA/SWMD/WQD	Mapping was completed
A-2	Outfall Discharge Monitoring Report (DMR)	Part III - A	SWMD/WQD	WQD submits monitoring information to SWMD to prepare report and reviews reports prior to submittal to EPA
A-3	Prepare annual report.	Part III - A	SWMD	
A-4	Prepare annual implementation plan.	Part III - A	SWMD	
A-5	Prepare Upgraded Storm Water Management Plan	Part III - A	SWMD/ALL	Due 2/15/09
A-6	Implement Upgraded Storm Water Management Plan	Part III - A	ALL	Throughout the life of the Permit
	<b>Administrative Requirements</b>			

**UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)**

<b>TASK #</b>	<b>TASK DESCRIPTION (note that Task N also contains administrative requirements)</b>	<b>PERMIT SECTION</b>	<b>RESPONSIBLE AGENCY</b>	<b>DEADLINES/NOTES</b>
N-1	Conduct annual review of program effectiveness.	Part III - C	SWMD/ALL	
	- Compare performance with goals			
	- Review implementation and compliance,			
	- Review monitoring data,			
	- Assess effectiveness of controls,			
	- Describe cost needs budget,			
	- Determine required program improvements			
	- Describe inspections, public education activities			
	violations and enforcement actions, model results			
	- Water quality improvements, modeling results			
N-2	Develop a schedule to achieve full permit compliance within 5 years of permit effective date.	Part III - C	SWMD/ALL	
N-3	Prepare fiscal needs assessment each year.	Part III - C	SWMD/ALL	
N-4	Operate and maintain structural and non-structural hydraulic controls.	Part III - C	WASA	
N-5	Prepare annual report:	Part III - C	SWMD/ALL	
	- Cost/benefit and affordability analysis			
	- Methodology to assess program effectiveness,			
	- Annual budget and expenditures,			
	- Evaluate commitments from past year,			
	- Make commitments for next year,			
	- Summary of monitoring data,			
	- Summary of annual review.			
N-6	Prepare and submit Annual Implementation Plan:	Part III - E	SWMD/ALL	
	- Planned activities			
	- Budget			

**UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)**

<b>TASK #</b>	<b>TASK DESCRIPTION (note that Task N also contains administrative requirements)</b>	<b>PERMIT SECTION</b>	<b>RESPONSIBLE AGENCY</b>	<b>DEADLINES/NOTES</b>
	- Fiscal analysis			
	Cost/benefit and affordability analysis			
N-7	Revise/Update Storm Water Management Plan	Part III - E	SWMD/ALL	
N-8	Ensure adequate legal authority exists.	Part III - E	SWMD/ALL	
	Application Requirements		SWMD	
	Assessment of Controls		WASA/ALL	
	Structural controls		WASA	
	Areas of new or significant development		DDOT/WASA	
	Roadways		DDOT	
	Flood control projects		WPD	
	Pesticide, Herbicide, and Fertilizer application		WPD/OPM	
	Illicit discharges and improper disposal		DPW/WASA	
	Industrial and high risk runoff		ALL	
	Priority Industrial Facilities		WQD	
	Municipal Waste Sites		DPW	
	Spills		ALL	
	Infiltration of seepage		WQD	
	Construction site runoff		WPD	
	Public Education		ALL	
	Monitoring Program		WQD	Maintain a monitoring program to comply with MS4 Permit requirements
<b>SWMP Component 1: Storm Water Management Plan for Commercial, Residential, and Government Areas</b>				
C-1	Continue with current practices of road, street and highway maintenance as described in the SWMP and evaluate LID practices for inclusion with either new or retrofitted District and/or federal highway construction projects.	Part III-B-1	DDOT	
C-2	Management Plan for Commercial, Residential and government properties shall consider functional landscapes and Low Impact Development (LID) projects	Part III -B-1	WPD/OPM	
New	Install environmental catch basins or equivalent BMP in new road construction projects.	Letter Agreement	DDOT/WASA	Submit implementation schedule by 2/2009 to be included in the SWMP

**UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)**

<b>TASK #</b>	<b>TASK DESCRIPTION (note that Task N also contains administrative requirements)</b>	<b>PERMIT SECTION</b>	<b>RESPONSIBLE AGENCY</b>	<b>DEADLINES/NOTES</b>
New	Devise a LID plan and schedule for conversion of paved areas into green space such as "pocket parks" or "green streets" and include rain barrels and downspout disconnections	Letter Agreement	DDOT/WPD	Due 12/31/2014
New	Complete a master LID implementation list	Letter Agreement	DDOT/WPD	Revision of Appendix C in Anacostia TMDL. Due: 8/19/2008. On going
New	Construct 17 LID projects in the ROW by August 19, 2009	Letter Agreement	DDOT	Due 8/19/09
New	To the extent possible, comply with all LID options in the AWI Transportation Architecture Design Standards for all DDOT transportation infrastructure projects	Letter Agreement	DDOT	
New	No later than 18 months from the date of this package, DDOE shall work with the Mayor's office to determine the best way to develop legislation to establish tax credits or other incentives programs for installation of green roofs on non-governmental buildings. An update will be submitted by August 19, 2010.	Letter Agreement	DDOE	8/19/2010
New	Complete a structural assessment on all District properties maintained by Office of Property Management (OPM) to determine current roof conditions and the feasibility for green roof installation.	Letter Agreement	OPM	4/30/2009
New	For the next four years, every new building constructed by OPM will include green roofs where feasible as determined by OPM and all major renovations/rehabilitation projects of District-owned properties within OPM's inventory will include green roofs where feasible as determined by OPM.	Letter Agreement	OPM	Start after structural assesement is completed.
New	Submit an implementation schedule including square footage, for the green roofs to be installed in selected District properties, based upon the results of the structural assessment, in the 2009 Implementation Plan.	Letter Agreement	OPM	OPM to submit implementation schedule by July 15, 2008

**UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)**

<b>TASK #</b>	<b>TASK DESCRIPTION (note that Task N also contains administrative requirements)</b>	<b>PERMIT SECTION</b>	<b>RESPONSIBLE AGENCY</b>	<b>DEADLINES/NOTES</b>
New	Continue to review new and retrofit construction (federal, residential, commercial, and District-controlled properties) for green roof installation throughout the District, making available \$500,000 in incentives for these roofs beginning October 1, 2008.	Letter Agreement	WPD	500,000 available through RFA to non-profit. Grant will include assessment of effectiveness
New	After one year, assess the effectiveness of the green roof incentives program and modify as needed, including dedicating up to \$1,000,000 per year if deemed effective in order to make progress toward the Mayor's goal of achieving 20% green roof coverage in the District in 20 years. The Plan and schedule shall provide for steady progress toward the goal throughout the period and be incorporated into the next MS4 permit revision.	Letter Agreement	WPD	
New	Annually document and report the square footage of green roof coverage for all buildings in the District.	Letter Agreement	OPM/WPD	OPM to submit square footage for green roofs installed in DC properties and WPD to submit square footage of green roofs installed in private property
New	Complete "LID Stormwater Control Structures Maintenance Manual" by 4/30/09	Letter Agreement	WPD	
New	Draft strategy for the District to achieve optimal tree canopy, with input from the Casey Trees foundation, Friends of the Earth (FOE), and other stakeholders. The strategy will utilize GIS technology to determine and to prioritize planting locations.	Letter Agreement	WPD/DDOT	
New	Provide final detailed plan for achieving the optimal District tree canopy goal in the 2009 Implementation Plan, dated August 19, 2009.	Letter Agreement	WPD	



**UPDATED MATRIX OF RESPONSIBILITIES (JANUARY 2008)**

<b>TASK #</b>	<b>TASK DESCRIPTION (note that Task N also contains administrative requirements)</b>	<b>PERMIT SECTION</b>	<b>RESPONSIBLE AGENCY</b>	<b>DEADLINES/NOTES</b>
New	The District shall make best efforts to achieve optimal tree canopy by planting at least 4,150 trees per year with a goal of planting and maintaining at least 13,500 additional trees by 2014. Trees shall be planted in the manner recommended by <i>The Green Build-out Model: Quantifying the Stormwater Management Benefits of Trees and Green Roofs in Washington, DC</i> (Casey Trees May 15, 2007) and/or other pertinent studies to achieve optimal survival tree rate determined in the strategy. The District shall annually document the survival rate of total trees planted along with an annual estimate of storm capture rates to determine the volume of storm water that is being removed from the MS4 system in a typical year of rainfall as a result of the maturing tree canopy over the life of the permit.	Letter Agreement	DDOT	DDOT to submit survival rate of total trees planted along with an annual estimate of storm water capture
New	No later than August 19, 2008, develop and implement a schedule to achieve an optimal tree canopy goal. The District shall make best efforts to implement said schedule no later than December 31, 2014, and will employ a stakeholder process that includes at a minimum Friends of the Earth and Casey Trees. The plan and schedule will be incorporated into the next revision of the MS4 permit.	Letter Agreement	DDOT/WPD	
New	Continue current tree planting at the rate of at least 4,150 annually	Letter Agreement	DDOT	
C-2	coordinate solid waste services, inc. leaf collection,	Part III-B-1	DPW	
C-2	coordinated street sweeping and catch basin cleaning	Part III-B-1	DPW/WASA	
New	Complete the street sweeping study and begin implementing the long-term enhanced street sweeping and fine particle removal schedule and program by December 31, 2007. Provide notice and opportunity for comment on plan by Friends of the Earth (FOE).	Letter Agreement	DPW	

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New	Submit the details of the implementation of the enhanced program for street sweeping and fine particle removal in the upgraded Storm Water Management Plan of February 19, 2009.	Letter Agreement	DPW	
New	Continue with implementation of current large and enhanced fine particle removal program for street sweeping based on recently completed study recommendations and document annual pollutant removal rates in pounds from the analysis of different materials collected that have been captured to show the amount of pollution from the street sweeping operation that is being diverted from entering the MS4 system.	Letter Agreement	DPW	
New	The plan and schedule for the street sweeping program will be incorporated into the next MS4 permit revision and shall represent the District's best efforts at achieving a program designed to achieve optimum removal of fine particulate matter and other pollutants from the MS4 waste stream.	Letter Agreement	DPW	
C-2	preventative maintenance inspections of storm water facilities,	Part III-B-1	DDOE/WPD	
	rain leader disconnection program,	Part III-B-1	DDOE/WPD	
New	Install 50 rain gardens, 125 rain barrels, and perform 200 downspout disconnections by 12/31/2009	Letter Agreement	DDOE/WPD	
	public education on pet waste, fertilizer, etc.	Part III-B-1	DDOE/WPD	
	modeling storm water impacts	Part III-B-1	SWMD	
New	Develop a statistical model for estimating pollutant reductions in Microsoft Excel or other database program that will be a combination of Portland's non-structural BMP spreadsheet model and the Watershed Treatment Model (WTM) developed by EPA. A draft of the model will be included in the 2008 MS4 Annual Report and final version will be included in the upgraded Stormwater Management Plan.	Letter Agreement	SWMD	
	develop performance measures	Part III-B-1	SWMD	
	strengthen erosion control program for new construction	Part III-B-1	DDOE/WPD	

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C-3	Control storm water pollution from Federal and District government properties.	Part III -B-1	WQD	
New	Develop a pollution prevention program that will include training to District government workers who are in charge of maintenance facilities and who handle hazardous materials, by September 30, 2008.	Letter Agreement	SWMD	
C-4	Pursue partnerships with federal departments and agencies (e.g., National Park Service, Department of Agriculture, Department of Defense, and General Services Administration) responsible for facilities in the District designed to highlight the District's commitment to "lead by example" in managing storm water runoff.	Part III -B-1	WPD	
C-5	Maintain the authority to control all types of discharges into the waters of the District	Part III - B-1	DDOE	
<b>SWMP Component 2: Management Plan for Industrial Facilities</b>				
D-1	Update and maintain industrial facilities database	Part III -B- 2	WQD	
D-2	Perform/provide on-site assistance/inspections	Part III -B- 2	WQD	
D-3	Perform outreach focused on stormwater Pollution Prevention plan development and NPDES compliance (use wet weather screening to target)	Part III -B-2	WQD	
D-4	Refine and implement procedures to govern investigations of facilities.	Part III -B- 2	WQD	
D-5	Monitor and control pollutants in storm water discharged to the D.C. MS4 from:Private Solid Waste Transfer Stations private soild waste trasnfer stations and Hazardous waste treatment, disposal, and/or recovery plants	Part III -B- 2	WQD	
	Industrial Facilities subject to SARA or EPCRA Title III	Part III -B- 2	WQD	
	Industrial Facilities with NPDES Permits	Part III -B- 2	WQD	
	Industrial facilities with a discharge to the MS4	Part III -B- 2	WQD	

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D-6	Include collection of data on industrial discharges in wet weather screening program.	Part III -B- 2	WQD/WASA	
D-7	Implement a program to prevent, contain and respond to spills.	Part III -B- 2	WQD	
D-8	Continue to prohibit illicit discharges, control spills and prohibit dumping.	Part III -B- 2	WQD/WASA/DPW	
D-9	Report Progress in developing and carrying out industrial related programs	Part III -B- 2	WQD	
<b>SWMP Component 3: Management Plan for Construction Sites</b>				
New	Promulgate new stormwater regulations that will require LID construction as a first option, and will incorporate enhanced stormwater management requirements for the District where feasible as proposed in the Anacostia Waterfront Corporation (AWC) standards, by June 30, 2008.	Letter Agreement	DDOE	6/30/2008
New	Promulgate new regulations that will require construction site managers to have erosion control training by June 30, 2008.	Letter Agreement	DDOE	6/30/2008
E-1	Continue implementation of the Program that addresses the discharge of pollutants from construction sites.	Part III -B- 3	WPD	
E-2	Evaluate and report if the existing practice meets the requirements given in 40 CFR 122.26(d)(2)(iv)(A) and (D).	Part III -B- 3	WPD	
New	Continue review and approval process of sediment and erosion control plan and SW management. Once promulgated, the District will require compliance with AWC standards where feasible	Part III -B- 3	WPD	
E-4	Submit inspection and enforcement procedures to EPA for review and approval.	Part III -B- 3	WPD	
E-5	Continue with regular construction site inspections	Part III -B- 3	WPD	
E-6	Follow existing enforcement procedures and practices for violations of local erosion and sediment control ordinances	Part III -B- 3	WPD	
E-7	Provide public education and guidance materials to construction site operators.	Part III -B- 3	WPD	

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E-8	Report on implementation of construction site management programs including how implementation of these procedures, particularly with regard to District "waivers and exemptions", will meet the requirements of the Clean Water Act.	Part III -B- 3	WPD	
E-9	Operate and maintain streets to reduce pollution, maintain erosion controls.	Part III -B- 3	DDOT	
E-10	Minimize soil disturbing activities during road construction, re-vegetate.	Part III -B- 3	DDOT	
E-11	Address spill prevention, material management practices, and good housekeeping measures at all equipment and maintenance shops that support maintenance activities.	Part III -B- 3	DPW/DDOT/WASA	
<b>SWMP Component 4: Flood Control Projects</b>				
F-1	Assess storm water impacts of all flood management projects	Part III -B- 4	WPD	
F-2	Evaluate the feasibility of retrofitting pollution controls on existing flood controls.	Part III -B- 4	WPD	
F-3	Report on the above assessment, mapping program, and feasibility studies	Part III -B- 4	WPD	
F-4	Submit flood control measures necessary to meet the requirements of the Clean Water Act	Part III -B- 4	WPD	
F-5	Review all development proposed in flood plains to ensure that the impacts on the water quality of receiving water bodies has been properly addressed	Part III -B- 4	WPD	
F-6	Information regarding impervious surface area located in the flood plains shall be used (in conjunction with other environmental indicators) as a planning tool	Part III -B- 4	WPD	
F-7	Collect data on the percentage of impervious surface area located in flood plain boundaries for all proposed development	Part III -B- 4	WPD	The percentage of impervious area in the flood plains was calculated last year. The percentage needs to be updated using new FEMA layers when available.
F-8	Collect similar data for existing development in flood plain areas, in accordance with the mapping program and other activities designed to improve water quality	Part III -B- 4	WPD	

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F-9	Reports on these activities, including an explanation of how the implementation of these procedures will meet the requirements of the Clean Water Act	Part III -B- 4	WPD	
<b>SWMP Component 5: Control Pollutants from Municipal Landfills and Other Municipal Waste Facilities</b>				
G-1	monitor to reduce pollutants in storm water discharges from facilities that handle municipal waste, including sewage sludge	Part III -B- 5	DPW/WASA	Storm water management plan to be developed for these facilities
G-2	Report results of this activity	Part III -B- 5	DPW/WASA	
G-3	Reduce pollutants in the storm water discharges from District-operated or owned solid waste transfer stations, maintenance and storage yards for waste transportation fleets and equipment, publicly owned treatment works, and sludge application and/or disposal sites which are not covered by an NPDES permit	Part III -B- 5	DPW/DDOT	
G-4	Report the results of this effort and provide an explanation as to how the implementation of these procedures will meet the requirements of the Clean Water Act for the above facilities	Part III -B- 5	DPW/DDOT	

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<b>SWMP Component 6: Control Pollutants from Hazardous Waste Sites</b>				
H-1	Monitor and control pollutants from: hazardous waste recovery, treatment, storage, and disposal facilities; facilities subject to Section 313 of the Emergency Planning and Right-to-Know Act; and any other industrial facility that either the permittee or the Regional Administrator determines is contributing a substantial pollutant loading to the MS4. This work shall be reported in each Annual Report/Implementation Plan	Part III -B- 6	DDOE	
H-2	Complete an identification of industrial and high risk runoff facilities	Part III -B- 6	DDOE	
H-3	Develop procedures to map and record details of the facilities	Part III -B- 6	DDOE	
H-4	Implement procedures to govern the investigation of the identified facilities suspected of contributing pollutants to the MS4, including a review, if applicable, of monitoring data collected by the facility pursuant to its NPDES permit.	Part III -B- 6	DDOE	
H-5	Submit procedures governing the investigation of identified facilities and the method,schedule,and progress in implementing those procedures	Part III -B- 6	DDOE	
<b>SWMP Component 7: Monitor and Control Pesticide, Herbicide and Fertilizer Application</b>				
I-1	Continue to control the application of pesticides, fertilizers, and the use of other toxic substances according to the SWMP and regulations.	Part III - B-7	WPD	
I-2	Reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied by employees or contractors, to public right of ways, parks, and other District property.	Part III - B-7	WPD/OPM/DDOT	DDOT to make sure contractors use friendly products in the ROW.

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I-3	Implement programs to encourage the reduction of the discharge of pollutants related to the application and distribution of pesticides, herbicides, and fertilizers.	Part III - B-7	WPD	
I-4	Report on the implementation of the above application procedures, a history of the improvements in the control of these materials, and an explanation on how these procedures will meet the requirements of the Clean Water Act	Part III - B-7	WPD	
I-5	Complete screening characterization to determine the sources of pesticides, herbicides, and fertilizers that contaminate the storm water runoff as part of the outfall monitoring plan	Part III - B-7	WQD	
I-6	Develop a priority system for control of these pollutants.	Part III - B-7	WQD	
I-7	Develop, implement, and report procedures for reducing these pollutants.		WQD	
<b>SWMP Component 8 and 9: Deicing and Snow Removal Activities</b>				
J-1	Continue to evaluate the use, application and removal of chemical deicers, salt, sand, and/or sand/deicer mixtures in an effort to minimize the impact of these materials on water quality.	Part III -B- 8	DDOT	
J-2	Investigate and implement techniques available for reducing pollution from deicing salts in snowmelt runoff and runoff from salt storage facilities.	Part III -B- 8	DDOT	
J-3	Make this evaluation part of an overall investigation of ways to meet the requirements of the Clean Water Act. Report and provide an explanation as to how the implementation of procedures resulting from this investigative effort will meet the requirements of the Clean Water Act.	Part III -B- 8	DDOT	
J-4	Implement a program and operating plan to ensure excessive quantities of snow and ice control materials do not enter the District's waterbodies.	Part III -B- 9	DDOT	
J-5	Report progress in implementing the program and plan.	Part III -B- 9	DDOT	



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J-6	Avoid snow dumping in areas adjacent to water bodies, wetlands, and areas near public or private drinking water wells which would ultimately reenter the MS4 system except during a declared Snow Emergency.	Part III -B- 9	DDOT	
<b>SWMP Component 10. Management Plan to Detect and Remove Illicit Discharges</b>				
New	Provide an implementation plan and strategy to reduce pet waste from entering storm drains. Strategy may include the creation of dog parks, and providing pet waste bags/receptacles at dog parks, hiring a contractor to deal with pet waste, and conducting a public education campaign in the District, in the upgraded Storm Water Management Plan.	Letter Agreement	WPD	
K-1	Implement an ongoing program to detect illicit discharges and prevent improper disposal into the storm sewer system.	Part III -B-10	WQD	
New	Continue with current and new trash removal programs to document that trash removal efforts from all sources are increased from the previous year, with annual incremental increases over the life of the permit and that such trash is diverted from the waste stream that contributes to the MS4 system.	Letter Agreement	DPW	
New	Require water quality catch basins for trash/sediment removal devices for new roadway reconstruction projects.	Letter Agreement	DDOT/WASA	
New	By the end of FY 2009, complete a trash survey and trash removal strategy / trash reduction plan for the Anacostia River and include in the 2010 Implementation Plan	Letter Agreement	WPD/WQD	
New	Determine the type of trash control devices that would be the most effective in retaining large debris and sediments in the hot spot areas identified by the trash survey to be included in the 2010 Implementation Plan	Letter Agreement	WASA/DPW	

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New	Identify a suitable location for one end-of-pipe litter trap in the 2009 Implementation Plan, to be installed by a contractor in the following year. If effective, describe efforts to increase installations of end-of-pipe litter traps in the 2010 Implementation Plan.	Letter Agreement	WASA/WPD	
New	Retrofit 50 catch basins to address trash control, in conjunction with enhancements to the District's street sweeping efforts, by February 19, 2009.	Letter Agreement	WPD/DPW	Install bar screens. Pilot project along Nannie Helen Avenue
New	Develop a total maximum daily load (TMDL) implementation plan for the Anacostia River towards the goal of a "Trash-Free Potomac River" to be provided by October 31, 2010.	Letter Agreement	WQD	
New	Continue current trash removal program and document trash removal efforts including household hazardous waste, leaves, and litter cans from all sources showing that at least 50% is currently being removed from the trash stream that contributes to the MS4 system.	Letter Agreement	DPW	
New	Commit \$1 million annually for retrofitting existing catch basins with vortex separator systems or other effective structural BMPs that the District determines to be the best practicable technology available to maximize storm water pollution reduction, beginning October 1, 2009. Retrofitting will be part of subwatershed implementation plans.	Letter Agreement	SWMD/WASA	
K-2	Report the accomplishments of this program.	Part III -B-10	WQD/WASA	
K-3	Implement a program to prevent illicit discharges, as defined at 40 CFR 122.26(b)(2). and those discharges listed at 40 CFR 122.26(d)(2)(iv)(B)(1) are identified by the permittee as sources of pollutants.	Part III -B-10	DDOE/WASA	
New	Continue to enhance the District's illicit discharge program by targeting potential discharge sources (e.g. Laundromats, dry cleaners, auto repair shops).	Letter Agreement	WQD	

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New	Complete a strategy for proactive inspection and enforcement of illicit discharges of pollutants to storm sewers and drains - targeting each item listed in the chart on Pg. 5 of the District's Sept. 24, 2007 proposal	Letter Agreement	WQD	Due January 31, 2008.
New	Annually target 20 percent of the MS4 area to achieve 100 percent coverage in the permitting cycle.	Letter Agreement	WQD	
K-4	Further reduce the discharge of floatables (e.g. litter and other human-generated solid refuse). The floatables program shall include source controls and, where necessary, structural controls.	Part III -B-10	DPW/WASA	
K-5	Continue to implement the prohibition against the discharge or disposal of used motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, and animal waste into separate storm sewers.	Part III -B-10	DPW	
K-6	Ensure the implementation of programs to collect used motor vehicle fluids (at a minimum oil and anti-freeze) for recycle, reuse, and proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal. Such programs shall be readily available to all private residents and shall be publicized and promoted on a regular basis, pursuant to the Public Education Plan in this permit at Part III.B.12.	Part III -B-10	DPW/WASA	

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K-7	Detection and elimination of illicit discharges shall include, but not be limited to: - Implementation of an illicit connection detection and enforcement program to perform dry weather flow inspections in target areas; · Visual inspections of targeted areas; and · Issuance of fines, tracking and reporting illicit discharges, and reporting progress on stopping targeted illicit discharges, and in appropriate cases, chemical testing immediately after discovery of an illicit discharge.	Part III -B-10	WQD	
K-8	Implement an enforcement plan for illicit discharges	Part III -B-10	WQD	
K-9	Provide justification for the control plan in terms of meeting the requirements of the Clean Water Act.	Part III -B-10	WQD	
K-10	Carry out all necessary inspection, surveillance, and monitoring procedures to remedy and prevent illicit discharges.	Part III -B-10	WQD	
K-11	The District shall carry out the necessary monitoring activities with the goal of meeting the requirements of the Clean Water Act.	Part III -B-10	WQD	
K-12	Submit an inspection plan ( include a schedule and allocation of resources), inspection criteria, and documentation regarding protocols and parameters of field screening.	Part III -B-10	WQD	
K-13	Implement procedures to prevent, contain, and respond to spills that may discharge into the MS4.	Part III -B-10	WQD	
K-14	Provide for the training of appropriate personnel in spill prevention and response procedures	Part III -B-10	WQD	
K-15	Report the implementation of this program	Part III -B-10	WQD	
New	Submit the number of catch basins and structural components of the MS4 conveyance system to be retrofitted as part of the Watts Branch restoration project in the upgraded Storm Water Management Plan.	Letter Agreement	WASA	

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New	Begin the Watts Branch project which will include stream restoration, catch basin retrofits, and storm drain stenciling in the Watts Branch watershed. Storm drain stenciling will begin by April 30, 2008. Report progress in the 2008 Annual Report.	Letter Agreement	WASA/WPD	
<b>11. Enforcement Plan</b>				
L-1	Implement an enforcement plan for carrying out the objectives of the SWMP	Part III -B-11	ALL	
L-2	Use a listing of all violations and enforcement actions to assess the effectiveness of the Enforcement Program	Part III -B-11	ALL	
L-3	Enforcement shall be maintained at its current level.	Part III -B-11	ALL	
<b>12. Public Education Program</b>				
New	Enhance program to prevent illicit discharges by increasing publicity of the need to prevent illicit discharges. Enhancements to be identified in the upgraded Storm Water Management Plan.	Letter Agreement	ALL	
New	Install 1,000 storm drain markers per year starting in April 2008.	Letter Agreement	WPD	
New	Distribute “scoop your pet’s poop” educational materials to all veterinarian clinics and pet shops in the District by March 2008.	Letter Agreement	WPD	
M-1	Implement a public education program that address all topics required by 40 CFR 122.26.	Part III -B-12	ALL	
M-2	An educational and outreach program to control household hazardous waste (required under Part III.B.10).	Part III -B-12	DPW	
M-3	Implement programs and materials to inform and educate the public on proper management and disposal of used oil, other automotive fluids, and household chemicals.	Part III -B-12	DPW	
M-4	Promote the proper use of pesticides, herbicides, and fertilizers through the development and dissemination of either new or existing educational materials (as required under Part III.A.7).	Part III -B-12	WPD	

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M-5	Implement an industrial facility outreach program to monitor and control pollutants from industrial facilities (required under Part III.A.2). Program should focus on informing industries about storm water permitting and pollution prevention plans and the requirement that they develop structural and non-structural control systems, pursuant to 40 CFR 122.26(d)(2)(iv)(C) and (iv)(A)(5).	Part III -B-12	WQD	
M-6	Continue providing construction site operators with technical guidance documents as outreach and educational materials.	Part III -B-12	WPD	
M-7	Develop public educational materials in cooperation and coordination with other agencies and organizations in the District with similar responsibilities and goals.	Part III -B-12	ALL	
M-8	Provided progress reports on public education including an explanation as to how this effort will reduce pollution loadings to meet the requirements of the Clean Water Act.	Part III -B-12	ALL	
M-9	Maintain a file of public education materials at the DC Public Library.	Part III -B-12	SWMD	The District is proposing to make all MS4 public documents available from its website
<b>Part IV. Monitoring and Reporting Requirements</b>				
O-13	Locate sources and eliminate illicit connections.	Part IV - B-3	WQD/WASA	
<b>Part VI. Hickey Run TMDL</b>				
P-5	Use best efforts to negotiate an agreement with all parties to construct a multi purpose BMP and have it operational and ready for monitoring its effectiveness during the permitting cycle.	Part VI	WASA/SWMD/DDOT	A new strategy is being proposed instead of the End of pipe control proposed in the 2002 SWMP
<b>Waivers and Exemptions</b>				
		Part IX.1		
<b>Compliance Monitoring of Effluent Limits for Waste Load Allocations</b>				