

EPA EVALUATION OF THE DISTRICT OF COLUMBIA'S 2012-2013 and 2014-2015 MILESTONES

The U.S. Environmental Protection Agency (EPA) is providing this evaluation of the District of Columbia's progress towards meeting its 2012-2013 milestones and its sector-specific commitments for the 2014-2015 milestone period.

The District of Columbia (the District) has made progress in the urban stormwater and wastewater sectors to ensure implementation, although all of its milestone commitments were not achieved. The District will need to place additional emphasis on improving implementation in the stormwater sector to stay on track to meet its Watershed Implementation Plan (WIP) and Chesapeake Bay Total Maximum Daily Load (Bay TMDL) commitments by 2025.

Load Reduction Review

According to data provided by the District for the 2013 progress run, the District achieved its 2013 milestones target for nitrogen, phosphorus and sediment. The District's anticipated reductions for nitrogen during the 2014-2015 milestone period are on track to have practices in place by 2017 to achieve 60% of the nitrogen reductions necessary to obtain water quality standards in the Chesapeake Bay compared to 2009. Based upon wastewater loads, however, the District's 2015 milestones for phosphorus and sediment are not on track to meet the 2017 target. The District is expected to meet 2025 targets through implementation of the Clean Rivers Project and enhanced nutrient removal at Blue Plains wastewater treatment plant (WWTP).

The District needs to improve its tracking, verification and reporting of Best Management Practices (BMPs) in order to ensure the practices implemented are achieving the anticipated pollutant load reductions. To ensure the most accurate estimates of load reductions, EPA strongly encourages the District to add programmatic milestones related to enhancing its existing BMP tracking, verification, and reporting program that is consistent with the Chesapeake Bay Program (CBP) partnership's forthcoming verification framework and guidance and to begin implementing the District's enhanced program in 2015 upon review and approval. EPA also strongly encourages the District to add programmatic milestones to review and correct its data on BMPs previously reported to CBP across all sectors, including wastewater, by fall 2015 as part of CBP's midpoint assessment of the Bay TMDL in 2017.

Urban/Suburban Stormwater – Maintain Ongoing Oversight **2012-2013 Milestone Achievements**

- On track to meet the requirements of the District's 2010 MS4 permit and does commendable job making milestones consistent with MS4 requirements.
- Met goal for retrofitting four District public schools with low impact development (LID) through RiverSmart Schools program.
- Continued to expand RiverSmart program, including launch of RiverSmart Demonstration project to do pre- and post-construction monitoring for LID projects in two neighborhoods.
- Finalized the Stormwater Fee Discount Program rule in 2013. The District has successfully developed a website and guidebook to implement the program.
- Adopted and is implementing new stormwater regulations and issued a guidebook for developers and other users.

- Worked with District Department of Public Works (DPW) to increase the efficiency of operations, allowing DPW to concentrate an extra day per month on street sweeping in environmental hotspots.
- Inspected 183 outfalls and is on target to inspect all MS4 outfalls once every five years.

2012-2013 Milestones Missed

- Did not complete citywide online stormwater tool by December 31, 2013.
- Did not include update on the acres required to meet 1.2 inch retention standard in MS4 annual reports. The District commits to report these acres in future annual reports and expects that this acreage will increase now that the stormwater regulations are in place.

2014-2015 Milestones Strengths

- Most milestones are specific and measurable.
- Proposing to develop operation and maintenance protocols for District-owned and operated onsite retention practices
- District Department of Transportation (DDOT) will implement and track impervious surface retrofits on approximately 500,000 square feet in the 2014-2015 timeframe.
- Continuing to implement and enhance RiverSmart Homes, one of strongest homeowner BMP programs in watershed, and expand it to other properties including schools. Committed to report BMPs implemented by homeowners for progress using the protocol approved by in February 2014.
- Commits to work with federal agencies as part of federal stormwater Memorandum of Understanding (MOU) to acquire and report BMP implementation data. EPA will assist.
- Provided a milestone for completion of the citywide online stormwater tracking tool.
- Will likely be the first jurisdiction to report stormwater management to CBP using the performance standards and retrofits methods approved by CBP.

Key Areas to Address in 2014-2015 Milestone Period

- Perform follow-up activities from inspections.
- Implement additional tree planting, retrofits, and redevelopment projects that meet the 1.2 inch retention standard in order to meet projected implementation goals in the urban sector.
- Within three years of reporting credit for fertilizer legislation, demonstrate trends in nutrient loads associated with urban nutrient management and fertilizer legislation. An example of such a demonstration could include statistics on non-farm fertilizer sales to substantiate reductions in fertilizer application.

Wastewater Treatment Plants and Onsite Systems – Maintain Ongoing Oversight

2012-2013 Milestone Achievements

- Continued to implement enhanced nutrient removal (ENR) upgrades at Blue Plains WWTP.
- Made consistent progress toward building Anacostia tunnel for Combined Sewer Overflow (CSO) mitigation as part of the Clean Rivers Project.

2012-2013 Milestones Missed

- None.

2014-2015 Milestones Strengths

- The District included a milestone to have ENR in place by October 2014. The milestone reflects the May 2014 permit modification requested by DC Water and granted by EPA. The final ENR compliance date was not changed by this modification.

Key Areas to Address in 2014-2015 Milestone Period

- Work with EPA and DC Water to address potential impacts on schedule and loads to Chesapeake Bay if Clean Rivers Project Long-Term Control Plan (LTCP) is revised.
- Work with EPA and DC Water to track and report CSO improvements to assure that the District stays on track to remain within established caps, particularly for phosphorus and sediment.

Offsets and Trading – Maintain Ongoing Oversight

2012-2013 Milestone Achievements

- Initiated city-wide online stormwater tracking tool in FY 2013.
- Committed to reevaluate sector growth periodically and submitted initial sector growth demonstrations in February 2013 and August 2013 in response to EPA's trading and offset 2012 program assessment findings.
- Provided response to the common recommendations that EPA made in its 2012 trading and offset program assessment in November 2013.

2012-2013 Milestones Missed

- Did not develop a joint accounting system with DC Water to show the utilization of the Blue Plains WWTP excess nitrogen load and the capacity for growth.

2014-2015 Milestones Strengths

- None.

Key Areas to Address in 2014-2015 Milestone Period

- Develop a joint accounting system or acceptable network of systems (e.g Inter-Municipal Agreement for Blue Plains WWTP) to show loads and account for the capacity for growth.
- Develop adequate systems that could determine whether sector loads are increasing or not. In FY 2014 the District must, at a minimum, either:
 1. Continue making improvements to an existing tracking and accountability system so that it is operational by December 31, 2015; or
 2. Continue developing a new system that is operational by December 31, 2015.

Potential Federal Actions and Assistance

- EPA is working with U. S. Army Corps of Engineers Baltimore District, other consulting federal agencies, land-holding federal agencies in the District of Columbia, state and local government representatives, NGOs and stream restoration practitioners to improve the efficiency of the permitting process for stream restoration. This includes addressing technical issues and concerns, such as developing siting criteria and defining monitoring, assessment and performance parameters.

- EPA will closely monitor any potential modifications to the consent decree and subsequent modifications to the Clean Rivers Project LTCP. If the LTCP is amended to include significant green infrastructure, EPA will work with DC Water and DDOE to assess potential implications on schedule and loads to the Chesapeake Bay.
- EPA will work with DC Water and DDOE to track CSO implementation activities and report progress to ensure that CSO loads (particularly for phosphorus and sediment) remain within the caps established by the Bay TMDL and the Blue Plains permit.
- EPA will work with the District through the Federal Facilities Team to assist the District with getting federal agencies to report BMP implementation progress and set implementation commitments. The Bay Facility Assessment Scenario Tool (BayFAST), which was recently developed by EPA, may assist with this effort.
- EPA will work with the District and federal agencies to clarify permit and stormwater regulatory requirements and how they relate to the District's WIP, as well as to reiterate the Executive Order 13508 directive and federal agencies' commitment to lead by example.
- EPA is supporting jurisdictions' development or enhancement of trading and offset programs, tracking systems and BMP verification programs through technical assistance and grant resources.
- When evaluating 2014-2015 milestone progress, EPA will assess whether statewide and sector load reductions are on track to have practices in place by 2017 that will achieve 60% of necessary reductions compared to 2009.