GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of the Environment

AUG - 1 2008

Mr. Jon M. Capacasa, Director
Water Protection Division
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Re: Modification to the Letter of Agreement dated November 27, 2007 for the NPDES Municipal Separate Storm Sewer System (MS4) Permit No: DC0000221,

Dear Mr. Capacasa:

The District of Columbia is pleased to have provided its strategy and enhancements to upgrade its Storm Water Management Plan in its Letter Agreement dated November 27, 2007. We greatly appreciate the U.S. Environmental Protection Agency's (EPA) recognition and support of our management strategy in our tremendous effort towards achieving the water quality standards of the District. We stand firmly by this commitment and anticipate that our strategy will achieve pollutant reductions in the runoff from storm water in the District of Columbia to the maximum extent practicable. All storm water enhancement measures presented in the Letter Agreement will be implemented and completed by the District. However, the measures identified on the attached matrix with "(319*)" are currently being funded wholly or partially by funds from the EPA 319 (h) Grant to the District. They are included here for reference and completeness only but are not to be made part of the MS4 permit storm water management plan. In addition, we have added measurable outputs for trash collection.

The District is also updating the status of the management measures in the matrix by indicating whether they have been completed or initiated. The street sweeping study was completed in June 2008, not December 2007 as originally scheduled. The implementation of the enhanced street sweeping program will begin in November 2008. A copy of the report was sent to Friends of the Earth (FOE) for comment on July 28, 2008, as indicated in our commitments.

We look forward to aggressively implementing and completing our overall management strategy to achieve positive environmental results in the District. Please consider these changes as a modification to the District's Letter Agreement of November 27, 2007.

DDOE
DISTRICT DEPARTMENT OF THE ENVIRONMENT
51 N Street, NE, 6th Fl., Washington, DC 20002 Tel: (202) 535-2600 Facsimile: (202) 535-2881

Sincerely,

George S. Hawkins, Director

Concurrence

Jon M. Capacasa, Director
Water Protection Division
U.S. Environmental Protection Agency
Region III

Enclosure

cc: Lori Kier, Esq., Office of Regional Counsel, EPA Region III
Garrison Miller, EPA Region III
David Evans, Esq., McGuire Woods
Caroline Burnett, Esq., District of Columbia Office of the Attorney General
Hamid Karimi, PhD, Deputy Director, DDOE-NRA

District of Columbia Municipal Separate Storm Sewer System (MS4)
Modification to the Best Management Practices Enhancement Package dated November 27, 2007
July 2008

ACTIVITY	MEASURABLE AND QUANTIFIABLE MILESTONES WITH SPECIFIC DEADLINES	STATUS
	Administrative	
Memorandum of Understanding (MOU) between the District Agencies	• Update the existing MOU dated December 2000 to formally define roles and responsibilities of each District agency, including the District Department of the Environment (DDOE), D.C. Water and Sewer Authority (WASA), District Department of Transportation (DDOT), and Department of Public Works (DPW), by August 19, 2008.	• COMPLETED
Enterprise Fund	• Convene a Stormwater Management Task Force to make recommendations on the organization of the District's Stormwater Administration, and the District's stormwater funding mechanisms and fee structure, by March 28, 2008. • Implement recommendations for funding mechanisms and fee structure by December 31, 2008.	• COMPLETED • INITIATED
	Management Plan for Commercial, Residential, and Government Areas	
Tree Canopy	• 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. • Provide final detailed plan for achieving the optimal District tree canopy goal in the 2009 Implementation Plan, dated August 19, 2009. • 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 *The Green Build-out Model: Quantifying the Stormwater Management Benefits of Trees and Green Roofs in Washington, DC* (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.	• INITIATED • INITIATED • INITIATED

ACTIVITY	MEASURABLE AND QUANTIFIABLE MILESTONES WITH SPECIFIC DEADLINES	STATUS
	• 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.	• INITIATED
	• Continue current tree planting at the rate of at least 4,150 annually.	• INITIATED
Low Impact Development (LID) Practices	• Complete a master LID implementation list by August 19, 2008. The master list will be a revision of Appendix C included in the 2005 Anacostia TMDL Implementation Plan.	• INITIATED
	• Construct 17 LID projects by August 19, 2009.	• INITIATED
	• Complete the "Low Impact Development (LID) Stormwater Control Structures Maintenance Manual" by April 30, 2009.	• INITIATED
	• To the extent feasible, DDOT will comply with all LID options in the Anacostia Waterfront Initiative Transportation Architecture Design Standards for all DDOT transportation infrastructure projects.	• INITIATED
	• Appendix C to the 2005 Anacostia TMDL Implementation Plan shall be included in the next revision of the DC MS4 permit.	• INITIATED
	• The City shall make best efforts to devise a LID plan and schedule to be completed no later than December 31, 2014, which shall include measures such as: conversion of paved or hardened areas throughout the District, such as traffic street medians, and large sidewalk areas, into green space in the form of "pocket parks" or "green streets." The plan will identify all locations throughout the District where such projects are technically feasible and commit to specific schedules for implementing these projects at specific locations throughout the seven-year period, with highest priority given to projects that offer the greatest storm water capture potential.	• INITIATED
	• Such plan and schedule extend LID incentives to strategies, including rain	• INITIATED

ACTIVITY	MEASURABLE AND QUANTIFIABLE MILESTONES WITH SPECIFIC DEADLINES	STATUS
	barrels and downspout disconnections, to other areas than just pocket parks.	
Rain Gardens	• Install approximately 50 rain gardens and 125 rain barrels city-wide, and perform 200 downspout disconnections, by December 31, 2009[1]. (319*)	• INITIATED
Green Roofs	• 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.	• INITIATED
	• 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 by April 30, 2009.	• INITIATED
	• 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.	• INITIATED
	• 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.	• INITIATED
	• 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.	• INITIATED
	• 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	

[1] Numbers reflect installation to be performed city wide. The rain gardens, rain barrels and downspouts projects to be installed in the MS4 areas only will be paid by MS4 funds and the projects installed in the CSO will be paid by (319*) funds.

ACTIVITY	MEASURABLE AND QUANTIFIABLE MILESTONES WITH SPECIFIC DEADLINES	STATUS
	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. • Annually document and report the square footage of green roof coverage for all buildings in the District.	• IT WILL BE ASSESSED AFTER ONE YEAR • INITIATED
Street Sweeping	• Complete the street sweeping study and begin implementing the long-term enhanced street sweeping and fine particle removal schedule and program by December 30, 2007[2]. Provide notice and opportunity for comment on plan by Friends of the Earth (FOE). • 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. • 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. The District will use the following measurable outputs to track progress: tons collected from mechanical sweeping; tons collected from commercial corridor litter removal; tons collected from litter cans; number of litter cans in service; miles of alleys swept[3]. • 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	• COMPLETED IN JUNE 2008 • INITIATED • TO BEGIN IN NOVEMBER 2008 • INITIATED

[2] Date changed. The original deadline was December 2007. The study was completed in June 2008.
[3] Measurable output for trash collection added.

ACTIVITY	MEASURABLE AND QUANTIFIABLE MILESTONES WITH SPECIFIC DEADLINES	STATUS
	matter and other pollutants from the MS4 waste stream.	
Coordinated Catch Basin Cleaning	• Install environmental catch basins or equivalent BMPs in new road reconstruction projects, starting April 2008. Submit implementation schedule in the upgraded Storm Water Management Plan.	• INITIATED
Estimation of Pollutant Reductions from Structural and Non-structural Best Management Practices (BMPs)	• 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.	• COMPLETED
Implementation of a Program to Control Discharges from District and Federally Owned Facilities	• 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.	• INITIATED
Management Plan for Construction Sites		
Update Stormwater Regulations and Guidelines, to Incorporate Enhanced Management Methods	• 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. • Promulgate new regulations that will require construction site managers to have erosion control training by June 30, 2008. • Revise and update the District of Columbia Storm Water Management Guidebook, by December 31, 2008. (319*)	• COMPLETED • COMPLETED • INITIATED
Review	• Continue to review construction projects in the District for soil erosion,	• INITIATED

ACTIVITY	MEASURABLE AND QUANTIFIABLE MILESTONES WITH SPECIFIC DEADLINES	STATUS
Construction Projects	sedimentation control, and stormwater management. Once promulgated, the District will require compliance with the AWC standards where feasible. • Provide the number of LID projects installed in private properties annually.	• INITIATED
	Illicit Discharge Program	
Trash Removal Plan	• 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.	• INITIATED
	• Require water quality catch basins for trash/sediment removal devices for new roadway reconstruction projects.	• INITIATED
	• 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. (319*)	• INITIATED
	• 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.	• INITIATED
	• 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.	• INITIATED
	• Retrofit 50 catch basins to address trash control, in conjunction with enhancements to the District's street sweeping efforts, by February 19, 2009.	• INITIATED
	• 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.	• INITIATED
Retrofit Catch Basins	• Commit $1 million annually for retrofitting existing catch basins with vortex separator systems or other effective structural BMPs that the District determines	• INITIATED

ACTIVITY	MEASURABLE AND QUANTIFIABLE MILESTONES WITH SPECIFIC DEADLINES	STATUS
	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.	
Pet Waste	• 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.	• INITIATED
Illegal Dumping	• 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.	• INITIATED
	• 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. (319*)	• INITIATED
	• Establish an Enforcement Office to advance and standardize enforcement procedures in DDOE.	• COMPLETED
	• Continue to enhance the current DPW illegal dumping programs.	• INITIATED
	• Work with members of the Metropolitan Police Department to enhance illegal dumping enforcement.	• INITIATED
	• Work with DPW to install camera(s) to record illegal dumping activities and assist enforcement actions. The camera(s) will be installed in a rotating basis throughout the MS4 area. The installation will begin by August 19, 2009.	• INITIATED
Illicit Discharge Program	• Continue to enhance the District's illicit discharge program by targeting potential discharge sources (e.g. Laundromats, dry cleaners, auto repair shops).	• INITIATED
	• By January 31, 2008, the City shall complete a strategy for proactive inspection and enforcement of illicit discharges of pollutants to storm sewers and drains. The program will target each item listed in the chart on p. 5 of the District's	• COMPLETED

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	Sept. 24, 2007 proposal. • Annually target 20 percent of the MS4 area to achieve 100 percent coverage in the permitting cycle.	• INITIATED
	Enforcement Plan (Public Education)	
Install Storm Drain Markers	• Install 1,000 storm drain markers per year starting in April 2008. (319*)	• COMPLETED
Promote Proper Pet Waste Disposal	• Distribute "scoop your pet's poop" educational materials to all veterinarian clinics and pet shops in the District by March 2008. (319*)	• COMPLETED
Publicize Illicit Discharge Program Elements	• 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.	• INITIATED