



**DISTRICT OF COLUMBIA
WATER AND SEWER AUTHORITY**
Serving the Public • Protecting the Environment

3-Party Consent Decree Status Report: Quarter No. 4 - 2023

Civil Action No. 1:00CV00183TFH
Civil Action No. 02-2511 (TFH)

January 2024

DISTRICT OF COLUMBIA
WATER AND SEWER AUTHORITY
Washington, D.C.

3-Party Consent Decree Status Report
Quarter No. 4 - 2023

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1. INTRODUCTION

The District of Columbia Water and Sewer Authority (DC Water or Authority) and the District of Columbia entered into a Consent Decree (CD) with the U.S. Government and certain citizen plaintiffs to resolve allegations of violations of the Clean Water Act regarding the management, operation and maintenance of the combined sewer system and implementation of Nine Minimum Controls. The following consent decree was lodged with and entered by the court on June 25, 2003 and October 10, 2003, respectively:

United States District Court for the District of Columbia
Civil Action No. 1:00CV00183TFH
Civil Action No. 02-2511 (TFH)
Consent Decree

The CD requires that DC Water submit written status reports to the Environmental Protection Agency (EPA) Region III and the citizen plaintiffs by the 28th day of the month following the end of each calendar quarter. The CD requires that the following be provided in each status report:

- The due dates and other terms that DC Water is required to meet since the date of the last quarterly statement, whether and to what extent DC Water has met these requirements, and the reasons for any noncompliance.
- A general description of the work completed within the three-month period, and a projection of work to be performed during the next three-month period.
- All other items as specified in Section V (Compliance Program and Schedules) of the CD including the status of the catch basin cleaning.

This report covers the months October through December 2023, which is Quarter No. 4 in 2023. Note that the CD requires posting certain information on DC Water's website, including the Combined Sewer System (CSS) Quarterly Reports. The website addresses for these items are as follows:

- DC Water's website: www.dewater.com
- CSS Quarterly Reports on DC Water's [website](http://www.dewater.com):
https://www.dewater.com/publications?field_document_type_tid=47&field_document_sub_type_tid=50
- CD Quarterly Reports on DC Water's [website](http://www.dewater.com):
https://www.dewater.com/publications?field_document_type_tid=47&field_document_sub_type_tid=52

2. REQUIREMENTS DUE IN CURRENT QUARTER

The following is a status report for requirements due in the current quarter:

REQUIREMENTS DUE IN CURRENT QUARTER			
Reference	Requirement	Due Date	Status
p. 25, VII.19.(a). (b).(c)	<u>Reporting</u> Submit quarterly consent decree status report.	10/28/23	DC Water submitted the Quarterly Report on October 24, 2023 for Quarter No. 3 in 2023.

3. REQUIREMENTS DUE AFTER NEXT QUARTER

The following is a status report for requirements due next quarter.

REQUIREMENTS DUE NEXT QUARTER			
Reference	Requirement	Due Date	Status
p. 25, VII.19.(a). (b).(c)	<u>Reporting</u> Submit quarterly consent decree status report.	1/28/2024	The submission of this Quarterly Report satisfies the reporting requirement due in the next quarterly period for Quarter No. 4 in 2023.
p. 22, V.16.b.(ii)	<u>Pamphlets/Inserts</u> Semi-annually, prepare an information pamphlet/insert containing CSO information and distribute in the water bills.	Twice per year	This information is on DC Water's website and it is updated regularly.
p. 22, V.16.b.(ii)	<u>Public Notification – Information Pamphlets/Inserts</u> Distribute CSO pamphlet/insert semi-annually to boat rental facilities, marinas, tackle shops, and other public locations along affected river segments.	Twice per year	This information is on DC Water's website and it is updated regularly.

4. ON-GOING REQUIREMENTS

The following is a status report for requirements that are performed at periodic intervals on an on-going basis.

ON-GOING ACTIVITIES			
Reference	Requirement	Due Date	Status
p. 4, II.3	<u>Application and Scope</u> Provide a copy of the CD to any consultant or contractor selected to perform any activity required by the CD.	As required	Completed in Quarter No. 4, 2003. DC Water will send additional letters and copies of the CD to affected Project Design Engineers (PDEs) as they are retained for other projects required by the CD.
p. 10, V.10.a.(iv)	<u>Replace Inflatable Dams</u> Operate and maintain all inflatable dams so that they fully perform their function of reducing the frequency and severity of CSO events.	Ongoing after 04/01/04	Inspection and maintenance of the inflatable dams is performed monthly and is documented in the CSS Quarterly Report, Section 2.4, Table 2-6, submitted to EPA Region III and available on DC Water's website. Wet weather operations are reported on Table 2-7.
p. 10, V.10.b.(i) (a-e)(ii) (d)(iv)	<u>Tide Gate Repair & Replacement</u> Operate and maintain all tide gates in the CSS so as to prevent river water from entering the CSS, to the extent achievable with generally accepted design, engineering and maintenance practices.	Ongoing after 10/10/03	Inspection and maintenance of the tide gates is performed monthly and is documented in the CSS Quarterly Report, Section 2.2, Table 2-2, submitted to EPA Region III and available on DC Water's website.
p. 12, V.10.e.i	<u>Assurance of Conveyance Capacity</u> Ensure collections system has capacity to convey at least 1,076 mgd from the areas served by the collection system to Blue Plains.	Quarterly, following EPA Region III's approval letter of 04/11/07	On April 1, 2011, DC Water placed the Blue Plains Influent Sewers in Operation. On October 14, 2013, DC Water achieved a firm Potomac Pumping Station capacity of 460 mgd. See item p.15,V.12.e(v) for Potomac Pumping Station in this report.
p. 12, V.11	<u>Pretreatment</u> Maintain and update the current pretreatment program as required by the Clean Water Act, Pretreatment Regulations, and the NPDES Permit.	Ongoing after 10/10/03	The Pretreatment Program is being maintained and updated. The program submits reports and updates annually to EPA Region III.

ON-GOING ACTIVITIES			
Reference	Requirement	Due Date	Status
p. 11, V.10.c	<u>Maximization of Storage in the Collection System – Catch Basins</u> ○ Clean at least 85 % of the catch basins in CSS at least annually ○ Inspect catch basins in CSO areas tributary to the Anacostia River at least two times per year, and clean such basins more frequently as indicated by the inspections.	Annually	Catch basin cleaning totals are reported in DC Water’s CSS Quarterly Report, in Section 4.1, Table 4-1, submitted to EPA Region III and available on DC Water’s website. Calendar year-to-date totals for this quarter are as follows:
			CSS Catch Basin Inspection and Cleaning Catch Basin in CSS: 10,707⁽¹⁾ Catch Basins in CSS Cleaned: 10,402 97% Catch Basins in Anacostia CSS: 5,765⁽¹⁾ Catch Basins in Anacostia CSS Inspected Once: 5,756 100% Catch Basins in Anacostia CSS Inspected Twice: 5,755 100%
			Notes: (1) The number of catch basins in our service area changes with the ongoing connections and abandonments to the sewer infrastructure.

ON-GOING ACTIVITIES			
Reference	Requirement	Due Date	Status
p. 13, V.12.a.(i) and (ii)	<u>Maximization of Flow to the POTW for Treatment</u> Operate and maintain the collection system and pumping stations to deliver the maximize flow possible to Blue Plains within the constraints of the pumping stations, configuration and capacity of the collection system, and capacity of Blue Plains; treat all flows conveyed to Blue Plains to full degree and extent required by Permit.	Ongoing after 10/10/03	Operation and maintenance status of the collection system and pumping stations is reported in Section 2 of the CSS Quarterly Report, available on DC Water's website. The pumping stations and collection system have been operated to maximize the flow to Blue Plains within the constraints of the system. During the period covered by this report, the daily peak influent rate to Complete Treatment exceeded 555 mgd, the rate established in the NPDES permit.
p.14, V.12.b.(v)	<u>Main and O Pumping Stations</u> Maintain firm sanitary pumping capacities of 240 and 45 mgd, respectively.	Ongoing after 04/16/08	The number of pumps and screens available for service at Main and O Pumping Stations is reported in Section 2.3.1, Table 2-3 of the CSS Quarterly Report, submitted to EPA Region III and available at DC Water's website. Table 2-3 shows that the station's firm pumping capacity was maintained for the period covered by this report.
p. 14, V.12.c.(v)	<u>East Side Pumping Station</u> Maintain a firm sanitary pumping capacity of 45 mgd.	Ongoing after 08/01/06	The number of pumps and screens available for service at East Side Pumping Station is reported in Section 2.3.1, Table 2-3 of the CSS Quarterly report, submitted to EPA Region III and available at DC Water's website. Table 2-3 shows that the station's firm pumping capacity was maintained for the period covered by this report.
p. 14, V.12.d.(iv)	<u>Poplar Point Pumping Station</u> Maintain a firm sanitary pumping capacity of 45 mgd.	Ongoing after 10/10/03	The "new" Poplar Point Pumping Station was brought on line on March 20, 2018. The number of pumps and screens available for service at the "new" Poplar Point Pumping Station is reported in Section 2.3.1, Table 2-3 of the CSS Quarterly report, submitted to EPA Region III and available at DC Water's website. Table 2-3 shows that the station's firm pumping capacity was maintained for the period covered by this report.

ON-GOING ACTIVITIES			
Reference	Requirement	Due Date	Status
p. 15, V.12.e.(v)	<u>Potomac Pumping Station</u> Maintain a firm sanitary pumping capacity of 460 mgd.	Ongoing after 10/14/13	The number of pumps and screens available for service at Potomac Pumping Station is reported in Section 2.3.1, Table 2-3 of the CSS Quarterly Report, submitted to EPA Region III and available at DC Water's website. Table 2-3 shows that the station's firm pumping capacity was maintained for the period covered by this report.
p. 16, V.12.i	<u>Inspect the three 60-inch Anacostia Siphons</u> <u>Inspect siphons at least once every 10 years</u> <u>and clean and repair as necessary.</u>	07/01/31	DC Water is monitoring this deadline and, based on the information currently available, expects to meet this deadline.
p. 16, V.12.i	<u>Eastside Interceptor Cleaning</u> <u>Inspect the Eastside Interceptor and the lower</u> <u>section of the Northeast Boundary Sewer</u> <u>every five years; clean and repair as</u> <u>necessary.</u>	07/26/26	DC Water is monitoring this deadline and, based on the information currently available, expects to meet this deadline. Northeast Boundary Sewer will not be inspected because it was abandoned in 2018 when Anacostia Tunnel was placed in service.
p. 17, V.13.b	<u>Facilitate Reports from Public of Dry Weather</u> <u>Overflows (DWO)</u> • Include DWO information on water/sewer bill inserts. • Staff and maintain phone line to receive reports on DWOs.	Ongoing after 10/10/03	DWO information is included on all water/sewer bill inserts for CSO program. Phone line and staff remain in operation to receive DWO reports.
p. 18, V.14	<u>Control of Solids and Floatable Material in</u> <u>CSOs</u> Conduct visual wet weather surveys at outfalls 009 through 012 to assess the extent of floatables discharged.	Ongoing after 10/10/03	Visual surveys completed in the quarter are included in Section 5 of the CSS Quarterly Report, submitted to EPA Region III and available on DC Water's website.
p. 18, V.15	<u>Pollution Prevention Programs</u> Maintain the MS4 pollution prevention programs.	Ongoing after 10/10/03	The MS4 Pollution Prevention Program is being maintained and updated. The program produces an annual report.
p. 18, V.15	<u>Pollution Prevention Programs</u> Continue to periodically educate the public about pollution prevention through newsletters and web site.	Ongoing after 10/10/03	Information about pollution prevention is included on DC Water's website. In addition, twice a year, informational pamphlets are included in the water/sewer bills mailed to citizens.

ON-GOING ACTIVITIES			
Reference	Requirement	Due Date	Status
p. 19, V.16.a.(i)	<u>Public Notification – CSO Signs</u> Conduct monthly inspections of CSO warning signs and replace, repair or clear obstructions as required.	Monthly	Inspection and replacement of signs is documented in Section 2.2 of the CSS Quarterly Reports, submitted to EPA Region III and available on DC Water’s website.
p. 21, V.16.b	<u>Public Notification – Web Site</u> Maintain general info on CSOs, 12 most current CSS Quarterly Reports, and annual/quarterly CSO discharge volumes.	Ongoing after 10/10/03	This information is on DC Water’s website and it is updated regularly.
p. 24, V.17.a	<u>Monitoring</u> Report CSO overflows at remote (SCADA-monitored) sites.	04/28/04	Information on CSO overflows reported at SCADA-monitored sites is included in Table 2-7 of the CSS Quarterly Reports, submitted to EPA Region III and available on DC Water’s website.