




DEPARTMENT OF THE ARMY
WASHINGTON AQUEDUCT
U.S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT
5900 MACARTHUR BOULEVARD, N.W.
WASHINGTON, D.C. 20016-2514

May 24, 2010

Office of the General Manager

Mr. Jon M. Capacasa
Director
Water Protection Division
US EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Subject: Request for Modification of Federal Facility Compliance Agreement Timetable Item

Dear  Mr. Capacasa:

In accordance with paragraph 50 of the June 12, 2003, Federal Facility Compliance Agreement (FFCA), Docket No. CWA-03-2003-0136DN, between the United States Army Corps of Engineers and the United States Environmental Protection Agency, I request an extension of the full compliance deadline listed in paragraph 22 of the same agreement as amended by your letter dated October 12, 2007, from November 30, 2010 to September 30, 2011.

The project is fully funded and progressing. There has been no non-compliance with any of the provisions of the FFCA. As we have been reporting to you in the quarterly progress reports required by Section IV (Reporting) there were initial delays in the drilled pilings that support the foundation of the main structure of the residuals processing facility. The construction contractor has not been able to overcome those delays. Even though the ancillary facilities at the Dalecarlia Water Treatment Plant sedimentation basins and at the Georgetown sedimentation basins could be ready, without the thickeners and the centrifuges in the main facility behind Sibley Hospital the pumping and dewatering process cannot begin.

The way the process works is that residuals from within the six sedimentation basins are collected via a vacuum system or a dredge – vacuum in the Dalecarlia basins and dredge in the Georgetown basins - and pumped to large thickening tanks at the residuals processing facility adjacent to the Dalecarlia Reservoir. The thickened residuals are then pumped to centrifuges on the top floor of the residuals processing facility for dewatering. The centrifuges discharge the dewatered material into bins that, in turn, deliver the material into the beds of dump trucks for land disposal. Until all elements are in place in the processing building it is not possible to start individual portions of the overall operations.

The design of the vacuum system for the Dalecarlia basins requires that they start operating with a clean basin otherwise the overburden of residuals will damage the equipment when it is initially started. Therefore, it will not be possible to collect and store residuals in the basins while the construction of the main processing facility is completed and then place the process in service without first cleaning the basins via a discharge to the river. Because we have to wait until July 1 to make any discharge under the terms of the NPDES permit, that means that the basins would be collecting solids from the period starting February 15 and that material needs to be discharged. We would do that in July 2011 and then do full scale start-up testing of the vacuum systems and the other elements of the collection and processing.

Our best estimate is that the construction of all elements of the residuals processing facility will not be complete until the middle of May 2011 at the earliest. Once completed, there needs to be a period of start-up and testing and training to ensure each part of the process is working properly and that the operators are familiar with the procedures. Because these processes within the processing facility are highly automated, it is critical that all of the controls are methodically tested and tuned. The residuals removal equipment in the basins is complex and will likely require a series of adjustments to optimize performance. To make those adjustments we expect that each basin may have to be drained and cleaned of some amount of material twice before we fully commission the system.

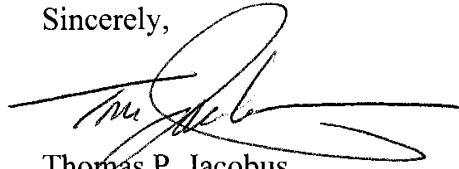
To summarize, the construction project cannot be complete until the middle of May 2011 at the earliest. The current schedule in the amended FFCA terminates discharges after November 30, 2010. Our operating practice in the absence of the new facilities is to discharge all basins in November and then again in early February to be ready for the spawning season restriction that lasts until July 1. In July 2011 we need to remove the accumulated sediment from all basins and begin operational tests of the entire process. To do this in an orderly and safe manner (given the high water production period) we believe it is prudent to have until September 30, 2011 to complete the testing and begin full operations. After September 30, 2011 the provisions in the FFCA allowing deviations from the effluent limits specified in the NPDES permit would no longer be required.

We are looking forward to operating these new facilities and processes and appreciate the role you have played in overseeing the analysis, design and construction of these facilities. We also appreciate your understanding and support of our need to have adjustments in the FFCA while not deviating from the overall objective of having safe, reliable and cost effective residuals collection equipment.

In accordance with our mutual agreement in September 2003 that Washington Aqueduct would share any action taken pursuant to paragraphs 20, 21 and 22 of the FFCA with the Northeast Region National Marine Fisheries Service, Chesapeake Bay Field Office, US Fish and Wildlife Service and the National Capital Region, National Park Service, I am sending them a copy of this letter. As we mutually agreed, they will forward any comments to you within 20 days.

If you have any questions, I may be reached at 202-764-0031.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Jacobus', with a long horizontal flourish extending to the right.

Thomas P. Jacobus
General Manager

cc: Mr. Leopoldo Miranda, Field Supervisor, Chesapeake Bay Field Office, US Fish and
Wildlife Service
Ms. Peggy O'Dell, Director, National Capital Region, National Park Service
Ms. Patricia Kurkul, Northeast Regional Administrator, National Marine Fisheries
Service