

NPDES Permit No. DC0000221  
Issuance Date: August 19, 2004  
Effective Date: August 19, 2004

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
MUNICIPAL SEPARATE STORM WATER SEWER SYSTEM PERMIT NO. DC0000221

AMENDMENT NO. 1

In compliance with the provisions of the Clean Water Act, 33 U.S.C. 1251 et seq.

Government of the District of Columbia  
The John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

is authorized to discharge from all portions of the municipal separate storm sewer system owned and operated by the District of Columbia to receiving waters named

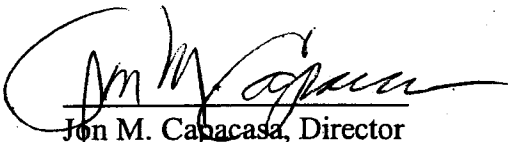
Potomac River, Anacostia River, Rock Creek,  
And Tributaries

in accordance with the approved Storm Water Management(s), effluent limitations, monitoring requirements, and other conditions set forth in this Amendment No. 1 herein to Parts I, III, VII, IX, and X of Parts I through X of the previously issued Permit.

The effective issuance date of this Amendment No. 1 is *March 14, 2006*

This Amendment No. 1 to the Permit and the authorization to discharge shall expire at midnight, on August 18, 2009.

Signed this *13<sup>th</sup>* day of *March, 2006*.



Jon M. Capacasa, Director  
Water Protection Division  
United States Environmental Protection Agency  
Region III

## PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT

### C. Limitations to Coverage (Prohibitions) [Replace existing language of C including Title with this]

Section 402(p)(3)(B)(ii) of the Clean Water Act specifically prohibits non-storm water entering the MS-4. The Permit does not authorize the Permittee to discharge pollutants from the MS4 as described herein:

#### 1. Non-Storm Water and Phase I and Phase II Storm Water

Discharges of non-storm water (other than those listed in Part I.B. of this permit) are prohibited except where such discharges comply with all other terms and conditions of this permit and are:

a. Regulated with a General NPDES permit for Phase I or Phase II storm water discharges, or

b. Regulated with a individual NPDES permit.

2. All discharges of pollutants to or from the MS4 system, not regulated by a general or an individual NPDES permit, that cause or contribute to the lowering of water quality from current conditions within the District of Columbia are prohibited.

### D. Effluent Limits

[replace existing Subpart D with the following]

1. MEP Effluent Limit - The permittee shall implement the controls, Best Management Practices (BMPs), and other activities necessary to reduce pollutants as set forth in the Upgraded Storm Water Management Plan dated October 19, 2002. Unless and until modified consistent with Part VII.P (Reopener Clause for Permits) of this Permit, the Upgraded Storm Water Management Plan requirements expressed in the form of BMPs, represent the controls necessary to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) in accordance with 40 CFR Part 122.44(k)(2).

2. WOBEL Limit - The permittee shall implement the controls, Best Management Practices (BMPs), and other activities necessary to reduce pollutants to the Maximum Extent Practicable as set forth in the Upgraded Storm Water Management Plan dated October 19, 2002, and all other requirements of this Permit (including but not limited to the narrative prohibitions on discharge of pollutants from the MS4 set forth in I.C. of this Permit). EPA reserves the authority to modify this effluent limit as described below in Part VII.P (Reopener Clause for Permits) of this Permit.

3. Effluent Limits Consistent with TMDL WLA - The permittee shall implement controls, Best Management Practices (BMPs), and other activities necessary to reduce pollutants to the Maximum Extent Practicable as set forth in the Upgraded Storm Water Management Plan dated

October 19, 2002, and to comply with all other requirements of this Permit (including but not limited to the narrative prohibitions on discharge of pollutants from the MS4 set forth in I.C. of this Permit). As further described in Part IX.B. of this Permit, in addition to complying with the effluent limits I.C. and I.D. of this Permit, the Permittee is required to submit and, unless instructed otherwise by EPA, implement the recommendations of implementation plans specific to the Anacostia River Total Maximum Daily Load (TMDL) wasteload allocations (WLAs) and Rock Creek TMDL WLAs in accordance with the schedule set forth in Part III.A. Table 1 of this Permit.

### PART III. STORM WATER MANAGEMENT PLAN (SWMP)

#### C. Annual SWMP Reporting

The [Annual] Report shall include the following separate sections:

6. [keep existing part and add the following - remember this is cross referenced to Part III.D first paragraph] this identification shall include but not be limited to the permittee's calculation of pollutant loads and reductions from the MS4 system in those watershed(s) for which there are applicable TMDL WLAs using the methods described in Part IX.B.

### PART VII. STANDARD PERMIT CONDITIONS FOR NPDES PERMITS

#### P. Reopener Clause for Permits

c. [replace first sentence of existing language with the following; concluding sentence of VII.P unchanged] The Permit may be modified in accordance with 40 C.F.R. Part 124.5, or revoked and reissued to incorporate additional controls in the event that EPA determines that further controls, under the iterative approach, are necessary to (1) ensure that the effluent limits are sufficient to prevent a further lowering of water quality from current conditions and/or (2) to ensure that the effluent limits are consistent with any applicable TMDL WLA allocated to discharge of pollutants from the MS4.

### PART IX OTHER APPLICABLE PROVISIONS

#### A. Waivers and Exemptions

[unchanged, but add additional sentence] As part of its Annual Report to EPA under Part III.C. of this Permit, the permittee shall describe each and every instance in which the District authorized such an exemption and/or granted such a waiver, the nature and location of the activity for which each exemption or waiver was granted, the justification for each exemption or waiver, and the District's basis for finding that the exemption or waiver was consistent with the Federal Clean Water Act and other pertinent guidance, policies, and regulations.

#### B. TMDL WLA Implementation Plans and Compliance Monitoring

[replace first paragraph of 2004 Permit with the following]

In addition to the duty to comply with the narrative effluent limits in Part I of this Permit, the permittee shall demonstrate compliance as described in this Part and in Part IV (Monitoring and Reporting Requirements). In accordance with the schedule identified in Part III.A. (Compliance Schedule) and Table 1 and below, Permittee shall further submit implementation plans to reduce discharges consistent with any applicable EPA-approved waste load allocation (WLA) component of any established Total Maximum Daily Loadings (TMDL). An applicable TMDL WLA for this Permit means any MS4 WLA established on or before the effective date of this Permit for a receiving stream, segment of a stream, or other waterbody within the District of Columbia as described below.

[next 2 paragraphs, identifying applicable WLAs and associated reductions left unchanged]  
[the following paragraph to replace the third paragraph of Part IX.B in 2004 permit]

Demonstration of compliance (as specified in Parts IV and VIII of the Permit ) will be calculated using the procedures (i.e., Simple Method) identified in the Upgraded SWMP dated October 19, 2002 (or other procedures approved by EPA via permit modification and shown to be scientifically sound and reliable in estimating actual load reductions), and will be reported by comparing the calculated load for each pollutant to the approved pollutant specific WLAs and its associated storm water load reductions for the receiving waterbody as specified in the Fact Sheet.

[the following two paragraphs to replace the last paragraph of Part IX.B. in 2004 permit]

The TMDL Implementation Plans shall consist of documenting all previous and on-going efforts at achieving the specific pollutant reductions identified in the TMDL WLA and further demonstrating additional controls sufficient to achieve those reductions through an established performance based benchmark. This benchmark shall be applied against annual projected performance standards for purposes of achievement of adequate reductions.

The Permittee shall submit to EPA the applicable TMDL Implementation Plans for the Anacostia River TMDLs within six months of the effective date of this permit and shall implement such Plan. The Permittee shall submit to EPA the applicable TMDL Implementation Plan for the Rock Creek TMDLs within twelve months after the effective issuance date of this Permit and shall implement such Plan.

## PART X. PERMIT DEFINITIONS

[Add new definitions]

“Benchmark” or “measurable performance standard”- The term when used in Parts III.C.6. (Annual SWMP Reporting), III.D. (Annual SWMP Implementation Plan) and IX.B (TMDL WLA Implementation Plans and Compliance Monitoring) of the Permit refers to a criteria-based management evaluation tool described in Part IX.B (including but not limited to the Simple Method) for the purpose of making the determination each year as required in Part III.C.6 and

Part III.D. during the term of the Permit:

“Current Conditions”- Refers to a trend analysis which compares existing or baseline data to future data collected through the MS4 monitoring program as described in Part IV (Monitoring and Reporting Requirements) of the Permit to assess the overall performance (i.e., selection of BMPs/LID projects, setting of narrative/numeric effluent limits to MEP and/or water quality based standards) of the Storm Water Management Program within the District of Columbia.