



## FACT SHEET

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

NPDES Permit No. DC0000035

**The United States Environmental Protection Agency (EPA) Proposed the Reissuance of a National Pollutant Discharge Elimination System (NPDES) Permit to Discharge Pollutants Pursuant to the Provisions of the Clean Water Act (CWA) For:**

**Former General Services Administration West Heating Plant  
1051 29<sup>th</sup> Street NW  
Washington, D.C. 20007**

<b>Applicant Information</b>	
<b>Applicant Name</b>	<b>Georgetown 29K Acquisition LLC</b>
<b>Applicant Mailing Address</b>	<b>500 Park Avenue, 10<sup>th</sup> Floor New York, NY 10062</b>

### **PUBLIC COMMENT**

**Public Comment Start Date: July 11, 2018**

**Public Comment Expiration Date: August 11, 2018**

EPA made available for public notice and comment the draft permit and its accompanying documents on July 11, 2018. The public notice itself was published electronically on EPA's website as well as locally in the Washington Times newspaper in D.C. The draft permit and its accompanying documents were made available to the public in electronic form via EPA's website and in hard copy or paper format via the local library\* in D.C. EPA received no comments and no requests for a hearing regarding the draft permit during or after the public notice and comment period.

\*West End Library  
2301 L St. NW  
Washington, D.C. 20037

**SUMMARY****Facility Description**

The facility is located on approximately two acres in the District of Columbia and was operated as a back-up plant that supplied steam to the District's heating system. The facility has not operated since 1997. The site currently has a No-Exposure Certification (NOE) for the stormwater runoff collected from parking lots and former storage areas discharging to the combined sewer system. The NOE is also for the stormwater runoff from roof drains which discharges via Outfall 002. A No-Exposure certification is a document that the Permittee submits to EPA verifying that the stormwater is not exposed to hazardous material or industrial activity. This permit reissuance is for discharges of uncontaminated groundwater and surface water infiltration, and stormwater runoff from roof drains, into a concrete steam tunnel that ultimately discharges to Rock Creek. The reported combined flow from those areas is 75 gallons per day.

The following is a list of changes from the previous permit:

- Removed temperature monitoring since this requirement was related to the discharge of steam condensate from the plant. The facility is no longer in operation, and therefore is no longer discharging steam condensate; as a result, temperature monitoring does not apply.
- Removed oil and grease monitoring since this requirement was related to the discharge of stormwater associated with industrial activity, and no industrial activity is occurring or planned to occur on site.
- Removed the Total Suspended Solids (TSS) effluent limit and imposed a monitoring only requirement to more appropriately address current conditions at the site. See "Basis for Effluent Limitations" below for details.
- A Special Condition in Part III was added requiring the permittee to notify EPA should there be any changes to the site and/or discharge.
- A Special Condition in Part III was added requiring the permittee to maintain a NOE or to obtain and maintain applicable NPDES coverage for its stormwater discharge associated with industrial activity should a NOE no longer apply.
- Reduction in monitoring frequency from twice a month to quarterly due to the inactive status of the site and based on historically good performance of effluent data as reported in DMR data.

**Discharge Description**

This permit authorizes discharges of uncontaminated groundwater and surface water infiltration and stormwater runoff from roof drains to Rock Creek via Outfall 002. There is additional stormwater runoff at the site that is collected from parking lots and former storage areas which drains, via PVC piping, to the combined sewer system. The stormwater is covered by a no-exposure certification (NOE) under EPA's 2015 Multi-Sector General Permit. Special condition in Part III.B. requires the Permittee to maintain a current NOE throughout this permit term.

**RECEIVING WATER CHARACTERIZATION****Discharge and Receiving Water Information**

OUTFALL NO.	LATITUDE	LONGITUDE	RECEIVING WATER	DESIGNATED USES	RECEIVING WATER IMPAIRMENT	TMDL
002	N 38° 54' 12"	W 77° 3' 25"	Rock Creek	Class A, B, C, D, E	<i>E. coli</i> , copper, lead, mercury, zinc	Yes
					TSS	No

**Classifications of the District's Waters, Defined**

Class A – Primary Contact Recreation

Class B – Secondary Contact Recreation

Class C – Protection and propagation fish, shellfish and wildlife

Class D – Protection of human health related to consumption of fish and shellfish

Class E – Navigation

**303(d) STATUS OF ROCK CREEK**

Based on the District of Columbia's 2016 Integrated Report<sup>1</sup>, Rock Creek is listed as impaired (i.e., not meeting water quality standards) for Total Suspended Solids (TSS). There is a monitoring requirement imposed in this permit for TSS which will inform future decisions on the 303(d) impairment status of Rock Creek by this parameter.

**TOTAL MAXIMUM DAILY LOADS (TMDLS)****Rock Creek TMDLs (established February 2004)**

The District of Columbia has established TMDLs for *E. coli*, copper, lead, mercury, and zinc. The TMDLs attribute the impairment to either atmospheric deposition, combined sewer and storm sewer systems, or nonpoint source runoff. These TMDLs do not assign wasteload allocations to this facility. The groundwater and surface water infiltration, and stormwater runoff from roof drains from this discharge is channeled through a concrete tunnel that discharges back to Rock Creek. The concrete tunnel is not expected to add any additional loads of *E. coli*, copper, lead, mercury, and zinc to this discharge because the discharge is existing Rock Creek water and stormwater not exposed to industrial activity or hazardous material; therefore, these are not pollutants of concern for this site, thus monitoring for these pollutants is not required.

**Chesapeake Bay TMDL (established December 2010)**

Rock Creek is within the Chesapeake Bay watershed, therefore, this discharge is affected by the Chesapeake Bay TMDL. The Chesapeake Bay TMDL categorizes the former GSA West Heating Plant facility as a non-significant industrial discharger and is included in the aggregate wasteload allocations

<sup>1</sup> At the time of permit development, the 2016 Integrated Report was the most current report.

for total nitrogen (TN), total phosphorus (TP), and total suspended solids (TSS). This facility has been shut down and not operational at the time the Bay TMDL was developed. The District's Phase II Watershed Implementation Plan also identifies this facility as no longer operational. The discharge decreased from 41,000 gallons per day to 75 gallons per day, and the discharge has been reduced to only surface water and uncontaminated groundwater water infiltration from Rock Creek and stormwater runoff from roof drains channeled into a concrete tunnel that discharges back to Rock Creek. The permittee sampled for TN and TP and the results (2.2 mg/L and 0.04 mg/L, respectively) verify that this discharge is consistent with the assumptions and requirements of the aggregate wasteload allocation of the Bay TMDL. Further monitoring for TN and TP is not required at this time.

The DMR data show that this discharge is not a significant source of TSS which verifies assumptions of the aggregate wasteload allocation of the Bay TMDL for TSS; however, monitoring for TSS will remain in the permit because this parameter is listed as causing impairment to Rock Creek. Monitoring data will inform the 303(d) impairment status of Rock Creek by this parameter.

#### **BASIS FOR EFFLUENT LIMITATIONS**

In general, the Clean Water Act (Act) requires compliance with all applicable statutory and regulatory requirements, including effluent limitations based on the capabilities of technologies available to control pollutants (i.e., technology-based effluent limits) and limitations that are protective of the water quality standards of the receiving water (i.e., water quality-based effluent limits). Typically, technology-based effluent limitations (TBELs) are developed for all applicable pollutants of concern and water quality-based effluent limitations (WQBELs) are developed where TBELs are not adequate to meet applicable water quality standards in the receiving water.

EPA conducted a reasonable potential analysis according to *Technical Support Document for Water Quality-based Toxics Control* (TSD) to determine if the parameters that have a water quality criterion have a reasonable potential to cause or contribute to an exceedance of the criterion. All available data and information were considered in the reasonable potential analysis. The final effluent limitations for the former GSA West Heating Plant are designed to ensure that all applicable water quality standards (WQS) are achieved. This permit sets effluent limits for pH. Each pollutant is discussed in detail below.

#### **Total Suspended Solids**

The previous limits for Total Suspended Solids (TSS) were TBELs based on Effluent Limit Guidelines found at 40 CFR Part 423 *Steam Electric Power Generating Point Source Category*. Site activities have significantly changed since the last permit reissuance, and those effluent limit guidelines are now inapplicable. Based on the current conditions at the site and the historical data reported on the discharge monitoring reports (DMRs), the previous effluent limits for TSS were removed and a monitoring and report-only requirement was imposed.

#### **pH**

The pH limit is based on D.C. water quality criteria. The DMR data show there is no reasonable potential for this discharge to cause or contribute to an excursion above water quality criteria for pH at Outfall 002.

Based on historically good performance of the effluent data for TSS and pH, the minimum monitoring frequency for these parameters was changed to quarterly. The historical data for these two parameters are listed at the end of this fact sheet.

**ENDANGERED SPECIES PROTECTION**

EPA requested an official species list from the U.S. Fish and Wildlife Service (U.S. FWS) using their *Information for Planning and Consultation* (IPaC) tool found on their website at: <https://ecos.fws.gov/ipac> to determine if there are any federally listed threatened or endangered species or their designated critical habitat(s) that will be affected by issuance of this permit to the former General Services Administration West Heating Plant facility. Using the IPaC tool an official endangered species list was obtained from the U.S. FWS and it indicated the Hay's Spring Amphipod occurs within the project area, however, there are no critical habitats within the area. A subsequent letter from the U.S. FWS stated "This project as proposed is "not likely to adversely affect" the endangered, threatened, or candidate species listed on your IPaC species list because while the project is within the range of the species, it is unlikely that the species would occur within the project area that was submitted. Therefore, no Biological Assessment or further section 7 consultation with the U.S. Fish and Wildlife Service is required."

For listed species or critical habitats that fall under the jurisdiction of The National Oceanic and Atmospheric Administration Fisheries (also known as National Marine Fisheries Service) EPA has made a "no effect" determination. A "no effect" determination means there will be no direct or indirect effects to listed species or critical habitat from this proposed action.

**NATIONAL HISTORIC PRESERVATION ACT OF 1966**

EPA initiated consultation with the District of Columbia State Historic Preservation Office (DC SHPO) in accordance with Section 106 of the National Historic Preservation Act and its implementing regulation at 36 C.F.R. Part 800. The DC SHPO made a "no effect" determination for this permitted discharge, that is, this permit has "no effect" on historic properties.

**ANTI-BACKSLIDING PROVISIONS**

Section 402(o) of the CWA and 40 CFR § 122.44(l) prohibit the renewal, reissuance or modification of an existing NPDES permit that contains effluent limits, permit conditions, or standards that are less stringent than those established in the existing permit, unless certain exceptions are met.

The circumstances on which the provisions of the previous permit were based have materially and substantially changed since the time of this permit issuance. All effluent limits in this permit meet the anti-backsliding requirements found at 40 CFR § 122.44(l).

**ANTIDEGRADATION STATEMENT**

Rock Creek is designated as a Special Water of the District of Columbia (SWDC). Title 21 Chapter 1102.4 in the District's Water Quality Standards defines a SWDC water as "any segment or segments of the surface waters of the District that are of water quality better than needed for the current use or have scenic or aesthetic importance." The proposed permit contains effluent limits that will not downgrade the water quality of Rock Creek.

**Table 1. DMR Data from EPA's Integrated Compliance Information System (ICIS)**

Monitoring Period End Date	TSS (mg/L)		Oil & Grease (mg/L)		pH (s.u.)		Temp (°F)
03/24/2018	9	12	< 5	< 5	7.22	7.23	50.72
02/24/2018	11	12	< 5	< 5	7.21	7.14	49.28
01/24/2018	12	12	< 5	< 5	7.29	7.11	51.17
12/24/2017	9	9	< 5	< 5	7.27	7.31	50.27
11/24/2017	7	12	6	< 5	7.47	7.49	58.1
10/24/2017	8	4	< 5	< 5	7.41	7.41	62.87
09/24/2017	5	8	< 5	< 5	7.29	7.36	67.64
08/24/2017	5	4	< 5	< 5	7.45	7.59	69.17
07/24/2017	1	5	< 5	< 5	7.26	7.14	69.89
06/24/2017	8	8	< 5	< 5	7.49	7.36	70.34
05/24/2017	3	3	5	< 5	7.38	7.49	63.5
04/24/2017	12	6	< 5	< 5	6.85	6.99	63.5
03/24/2017	4	4	5	< 5	6.91	7	60.53
02/24/2017	No Discharge	No Discharge	No Discharge	No Discharge	No Discharge	No Discharge	No Discharge
01/24/2017	15	7	< 5	< 5	7.17	7.71	53.06
12/24/2016	6	6	< 5	< 5	7.21	7.11	51.89
11/24/2016	2	3	< 5	< 5	7.99	7.99	56.93
10/24/2016	3	3	< 5	< 5	7.79	7.98	62.51
09/24/2016	2	2	< 5	< 5	7.92	7.81	68.45
08/24/2016	3	3	< 5	< 5	7.72	7.84	68.27
07/24/2016	2	3	< 5	< 5	7.7	7.81	68.72
06/24/2016	5	4	< 5	< 5	7.82	7.86	63.05
05/24/2016	6	6	< 5	< 5	7.75	7.67	57.38
04/24/2016	10	8	< 5	< 5	7.51	7.51	61.88
03/24/2016	11	8	< 5	< 5	7.59	7.44	55.4
02/24/2016	8	10	6	< 5	7.77	7.6	52.79
01/24/2016	10	9	< 5	< 5	7.56	7.45	49.91
12/24/2015	6	5	< 5	< 5	7.58	7.41	52.16
11/24/2015	4	3	< 5	< 5	7.82	7.76	57.38
10/24/2015	2	3	< 5	< 5	7.73	7.72	59.99
09/24/2015	2	3	< 5	< 5	7.88	7.84	67.46
08/24/2015	3	3	< 5	< 5	7.5	7.66	69.62
07/24/2015	3	2	< 5	< 5	7.78	7.46	65.03
06/24/2015	3	3	< 5	< 5	7.62	7.52	61.7
05/24/2015	7	5	< 5	< 5	7.35	7.44	59.36
04/24/2015	12	8	< 5	< 5	7.29	7.26	56.39
03/24/2015	2	< 1	< 5	< 5	7.84	7.59	44.06
02/24/2015	10	9	5	< 5	7.33	7.36	50.9
01/24/2015	9	9	5	< 5	7.31	7.27	50.9
12/24/2014	9	9	< 5	< 5	7.39	7.33	52.25
11/24/2014	4	7	< 5	< 5	7.52	7.39	53.87
10/24/2014	4	4	< 5	< 5	7.52	7.59	60.89

Monitoring Period End Date	TSS (mg/L)		Oil & Grease (mg/L)		pH (s.u.)		Temp (°F)
09/24/2014	4	4	< 5	< 5	7.44	7.55	65.48
08/24/2014	3	3	< 5	< 5	7.51	7.53	64.76
07/24/2014	3	3	< 5	< 5	7.61	7.7	65.48
06/24/2014	No Discharge	No Discharge	No Discharge	No Discharge	No Discharge	No Discharge	No Discharge
05/24/2014	4	7	< 5	< 5	7.29	7.28	58.73
04/24/2014	8	8	< 5	< 5	7.21	7.23	55.94
03/24/2014	9	8	< 5	< 5	7.31	7.24	54.68
02/24/2014	8	9	< 5	6	7.21	7.27	53.24
01/24/2014	8	9	< 5	< 5	7.31	7.19	51.62
12/24/2013	6	8	< 5	< 5	7.23	7.41	54.77
11/24/2013	< 5	6	< 5	< 5	7.79	7.28	56.48
10/24/2013	4	4	< 5	< 5	7.69	7.73	58.63
09/24/2013	No Discharge	No Discharge	No Discharge	No Discharge	No Discharge	No Discharge	No Discharge
08/24/2013	5	3	< 5	< 5	7.61	7.72	69.08
07/24/2013	3.5	4	< 5	< 5	7.2	7.57	66.5
06/24/2013	5	5	< 5	< 5	7.47	7.71	63.3
05/24/2013	7	8	< 5	< 5	7.47	7.71	63.3
04/24/2013	8	8	< 5	< 5	7.05	7.06	58.6
03/24/2013	8	9	< 5	< 5	6.95	7.05	55.8
02/24/2013	7.5	9	< 5	< 5	6.98	7.15	55.9
01/24/2013	8.5	9	< 5	< 5	6.97	7.06	58.3
12/24/2012	< 4	7	< 5	< 5	7.28	8.07	54.9
11/24/2012	5.5	6	< 5	< 5	7.2	7.29	56.3
10/24/2012	2	2	< 5	< 5	7.47	7.5	61
09/24/2012	2	2	< 5	< 5	7.38	7.39	66
08/24/2012	2	2	< 5	< 5	7.3	7.34	69.1
07/24/2012	4	5	< 5	< 5	7.28	7.44	68.2
06/24/2012	2	2	< 5	< 5	7.33	7.4	63.5
04/30/2012	3.5	4	< 8	11	7.26	7.39	58.3

Data prior to June 2013 was submitted by the previous property owner of the facility.