

March 31, 2026

Submitted via web form at <https://www.dewater.com/about-dc-water/media/potomac-interceptor-collapse> and via email at Matthew.Brown@dewater.com and Barbara.Mitchell@dewater.com

District of Columbia Water and Sewer Authority (DC Water)
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To Whom It May Concern:

Potomac Riverkeeper Network appreciates the opportunity to comment on DC Water’s Environmental Rehabilitation Plan (draft dated February 20, 2026, hereinafter “Rehabilitation Plan” or “Plan”) to address the impacts of the collapse of the Potomac Interceptor on January 19, 2026. We urge DC Water to expand its assessment and rehabilitation efforts beyond the collapse site to identify and remediate all impacts of the spill, including downstream effects on the Potomac River and those who enjoy and depend on it.

Introduction and Summary

The Potomac Interceptor spill is one of the most consequential sewage disasters our region has ever experienced. Hundreds of millions of gallons of raw, untreated sewage poured into the Potomac River over the course of a week, contaminating the river with dangerous pathogens and other contaminants many miles downstream. This acute shock to the river and its ecosystem was at an intensity and scale not seen before. It warrants a response from DC Water that matches the size of the crisis and fully addresses the immediate and long-term ecological impacts and prolonged exposure risks and other health concerns of communities across Maryland, Virginia, and the District of Columbia. Raw sewage poses risks to human health, threatens aquatic life and its habitat, and impairs the use and enjoyment of the river. Although DC Water has committed to “remove the impacts that were caused by the sewage overflow” and “restore it back to what it was,” its current Rehabilitation Plan is far too limited and narrow to get there. *See* Jeremy Cox, “Back to what it was: DC sewage response shifts to cleanup,” *Bay Journal* (Mar. 23, 2026) (quoting Amanda Zander, DC Water representative overseeing the environmental remediation effort). We request that DC Water carry out a rehabilitation effort in line with our comments below and consistent with DC Water’s values, legal obligations, and responsibility for this spill and its effects.

Potomac Riverkeeper Network's comments on the Rehabilitation Plan are as follows:

1. Follow applicable requirements for response and remediation of releases into the environment.
2. Conduct a comprehensive assessment of the short- and long-term impacts of the spill.
3. Expand the geographic area for assessment and rehabilitation to include areas of the Potomac River downstream.
4. Identify the types of contaminants released and sample for their presence in the environment.
5. Conduct daily sampling of Potomac River water quality and publish real-time results to ensure safety and restore public trust.
6. Assess and remediate contaminated Potomac River sediment.
7. Sample dissolved oxygen levels in the Potomac River.
8. Stop ongoing migration of contamination into the Potomac River and prevent any further releases.
9. Evaluate groundwater and subsurface contamination pathways.
10. Provide for public input throughout the cleanup process and increased transparency.

(1) Follow applicable requirements for response and remediation of releases into the environment.

The Rehabilitation Plan should follow all applicable legal requirements for the response to and remediation of releases into the environment. The NPS Special Use Permit, dated February 28, 2026, provides specific requirements for cleanup. In addition, among other relevant authorities, the Clean Water Act and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) govern responses to the release or discharge of hazardous substances and control of unauthorized pollution. They provide for response actions—including actions to remediate releases, remove discharges, and mitigate effects—to be taken in accordance with the National Contingency Plan (NCP).

The Clean Water Act prohibits the unauthorized discharge of pollutants from a point source into navigable waters. 33 U.S.C. § 1311(a). A “pollutant” is broadly defined and includes sewage, chemical wastes, and biological materials. *Id.* § 1362(6). Sewage itself contains additional pollutants, including but not limited to oxygen depleting substances, fecal coliform, microbial pathogens, and nutrients. A court has authority to order a person in violation of the Clean Water Act to stop its discharge of pollutants and prevent future discharges from occurring, as well as to take all necessary or appropriate actions to prevent or minimize threats to public health or the environment caused by its violations, and to assess civil penalties. *Id.* §§ 1319(d), 1365(a).

The Clean Water Act also prohibits the discharge of hazardous substances into navigable waters and adjoining shorelines in such quantities as may be harmful to the public health or welfare or

the environment, except as otherwise allowed. *Id.* § 1321(b)(3)-(4). The President or his delegee must, in accordance with the NCP, “ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge” of a hazardous substance into navigable waters or adjoining shorelines and may direct private actions to perform such removal. *Id.* § 1321(c)(1)(A)-(B)(ii). The NCP guides actions taken to respond to a discharge or mitigate its environmental effects, including actions by an owner or operator. *Id.* § 1321(c)(3), (d)(4). Ammonia and phosphorus are specifically listed as Clean Water Act hazardous substances in EPA’s regulations. 40 C.F.R. § 116.4.

CERCLA authorizes removal and remedial actions that are consistent with the NCP whenever “any hazardous substance is released or there is a substantial threat of such a release into the environment,” or “there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare.” 42 U.S.C. § 9604(a)(1). A “hazardous substance” includes any “element, compound, mixture, solution, or substance” designated as a hazardous substance in regulation pursuant to section 9602 of CERCLA. *Id.* § 9601(14). Raw, untreated sewage contains multiple hazardous substances under CERCLA. In addition to the currently unidentified hazardous substances from industrial dischargers, the sewage necessarily contains ammonia and phosphorus compounds. *See, e.g.*, EPA, Ammonia, <https://www.epa.gov/caddis/ammonia> (noting that excrement and sewage are high in ammonia); Virginia Department of Environmental Quality, Potomac Interceptor Collapse, <https://www.deq.virginia.gov/news-info/shortcuts/topics-of-interest/potomac-interceptor-collapse> (last visited March 25, 2026) (estimating that at least 11,000 lbs of phosphorus were spilled). Ammonia and phosphorus are specifically listed as CERCLA hazardous substances in EPA’s regulations. 40 C.F.R. § 302.4, Table 302.4. A mixture containing ammonia and/or phosphorus in any quantity is itself treated as a hazardous substance under CERCLA.

The NCP provides for comprehensive response and cleanup that addresses all aspects of contamination to prevent future risks. *See* 40 C.F.R. §§ 300.3, 300.130, 300.400, 300.410, 300.415, 300.420, 300.430, 300.435, 300.700. Among other actions, the NCP outlines investigation and testing of the full range of environmental media (e.g., surface water, groundwater, sediment, soil) to determine and document the presence of hazardous substances. The NCP provides for thorough study to assess the nature and extent of contamination, exposure pathways, and risks posed to human health and the environment. The potential for the migration of pollutants is evaluated. And the NCP calls for analysis and selection of cleanup measures that can be effectively implemented to provide for long-term remediation and protection. Each aspect of DC Water’s rehabilitation effort should advance and align with the NCP’s principles.

(2) Conduct a comprehensive assessment of the short- and long-term impacts of the spill.

DC Water's Rehabilitation Plan is far too limited in scope to assess and restore all the effects of the spill. In coordination with the appropriate governmental agencies, and consistent with the NCP and other applicable requirements, DC Water must undertake an assessment of the impacts of the spill that is comprehensive in scope and driven by science. At minimum, that means identifying and characterizing short- and long-term impacts in the relevant geographic area (including downstream), with respect to the full suite of pollutants contained in the wastewater discharge, and assessing the varied media affected (including land, surface water, groundwater, and sediment). The assessment should describe the types of contaminants, their locations and concentrations, potential migration pathways, and potential effects and risks of that contamination on humans and the environment. It should analyze harms to wildlife, fisheries, and other ecological resources, and address the need for long-term environmental monitoring and tracking ecosystem and fisheries recovery. It should also address impacts to local businesses, watermen, and recreational users.

To ensure the public's confidence in the rehabilitation effort, we request that DC Water engage a qualified, independent third party to conduct the impact assessment, evaluate remediation options, and provide recommendations for rehabilitation, in coordination with the relevant regulatory agencies and trustees. The third party's report and recommendations should be made available to the public for transparency. With a better understanding of the environmental conditions and impacts from the spill as provided by a rigorous assessment, and with specific expert recommendations for remediation, DC Water can develop a stronger plan for rehabilitation. With the approval of the National Park Service, the Maryland Department of the Environment, and other appropriate regulatory agencies for its plan, DC Water can undertake appropriate remediation to address and clean up contamination, protect against and monitor risks, and restore the health of the environment to what it was before the spill.

(3) Expand the geographic area for assessment and rehabilitation to include areas of the Potomac River downstream.

The Rehabilitation Plan's geographic scope is too narrow. To evaluate the nature and extent of contamination, DC Water must determine the spill's impacts in the Potomac River, along its shorelines, and downstream as far as the contaminants traveled. At minimum, that means characterizing contamination and its effects as far downstream as where the mouth of the Potomac River meets the Chesapeake Bay and conducting remediation.

The Plan approaches the task as if the January 19 spill was a localized event that only impacted the area in the immediate vicinity of the pipe collapse to the near shoreline of Swainson Island. Not so. In reality, the spill discharged enormous volumes of wastewater containing raw sewage

and other contaminants directly into the Potomac River and along its shorelines. Subsequent overflows and migrating waste contributed to contamination in the river through at least March 9, and may continue today.

Images captured by the Sentinel-2 satellite (available upon request) depict the first days of the overflowing sewage on the section of the Potomac River that runs in between Montgomery County, Maryland and Fairfax County, Virginia. On the third and fourth days after the spill (January 22 and 23), raw sewage is visible flowing along the entire stretch of the river to the border of the District of Columbia on the northern shoreline, and beyond. Sewage appears to encircle Minnie Island, Ruppert Island, and Sycamore Island and runs alongside Cabin John Island – none of which were included in DC Water’s Rehabilitation Plan.

Impacts have been documented downstream. Potomac Riverkeeper Network sampling detected *E. coli* bacteria at levels far exceeding the recreational safety threshold at Thompson Boat House on the DC waterfront, 10 miles downstream from the spill site. In coordination with the University of Maryland, PRKN and UMD researchers identified the presence of staphylococcus aureus and MRSA as far as 20 miles downstream of the spill site. Regulatory agencies have also taken action based on concerns about the downstream reach of the spill. Maryland Department of the Environment issued a precautionary shellfish advisory 70 miles downriver from the spill site, the District of Columbia restricted recreational uses in DC waters, and the Virginia Department of Health published a recreational advisory extending 72.5 miles from the spill site.

(4) Identify the types of contaminants released and sample for their presence in the environment.

The Rehabilitation Plan does not identify the known or suspected contaminants in the wastewater that was discharged following the collapse, including hazardous substances in the sewage. Incredibly, the Plan does not once mention even a single pollutant or harmful substance, not even fecal matter or bacteria. To properly understand the contamination, target sampling appropriately, and evaluate the spill’s impacts, DC Water must first identify and disclose the substances that were or were likely to have been released in the overflow and their likely concentrations. Sampling of wastewater that flows through the Potomac Interceptor may be needed to ascertain typical contaminants present in the wastewater and their concentrations. DC Water must also sample environmental media for the presence of these substances, and incorporate a plan to address that contamination and rehabilitate impacted areas.

Sewage may contain harmful bacteria, viruses, and parasites. Sewage also contains high levels of ammonia, nitrogen, and phosphorus compounds, and may contain lead, PFAS, pesticides, oil/grease, and other toxic pollutants. *See, e.g.,* EPA, Ammonia, <https://www.epa.gov/caddis/ammonia> (noting that excrement and sewage are high in ammonia

and that ammonia is a common cause of fish kills); Virginia Department of Environmental Quality, Potomac Interceptor Collapse, <https://www.deq.virginia.gov/news-info/shortcuts/topics-of-interest/potomac-interceptor-collapse> (last visited March 25, 2026) (estimating that at least 11,000 lbs of phosphorus were spilled); EPA, Per- and Polyfluoroalkyl Substances (PFAS) in Sewage Sludge, <https://www.epa.gov/biosolids/and-polyfluoroalkyl-substances-pfas-sewage-sludge> (last visited March 29, 2026). Industrial users discharge industrial waste into the Potomac Interceptor sewer system that likely contains numerous hazardous substances.

(5) Conduct daily sampling of Potomac River water quality and publish real-time results to ensure safety and restore public trust.

DC Water must implement a program of regular surface water sampling at representative locations on the Potomac River and downstream for presence of bacteria and make the results publicly available. Such sampling should continue into the summer and throughout 2026. In the area stretching from the spill site twenty-one miles downriver to National Harbor, MD, sampling should be daily at least through the end of September. Testing should continue downstream of National Harbor to where the Potomac meets the Chesapeake Bay, at least weekly through the remainder of the year. Per the NPS Special Use Permit, DC Water “must coordinate with appropriate regulatory agencies regarding long-term monitoring requirements for waterways and provide resultant data to NPS.”

The devastating January 19 spill made Potomac River waters unsafe for people for an extended time. Over 70 miles of the river was subject to a recreational safety advisory, and an advisory remains in place for areas of the river and its shoreline closest to the spill site. Public confidence in the safety of the river for recreational uses has been severely shaken. People reasonably want confirmation that the river is safe for fishing, paddling, boating, and other recreation and that engaging in such activities with their families will not make them sick. Without timely data demonstrating safety, concerns about recontamination of the river from pockets of residual pollution and runoff may lead many people to avoid the river altogether.

DC Water is obligated to mitigate the effects of the spill, and that includes the effects on the public’s use of the river. The Plan should provide for continued water sampling in the river into the summer and beyond to assure the public the waters are safe and quickly identify any threats to the public.

(6) Assess and remediate contaminated Potomac River sediment.

The Rehabilitation Plan must be expanded to include sampling of shoreline and river bottom sediments in the Potomac River for contamination from the spill and an evaluation of options for remediation. Once released into the river, sewage can settle in the river sediment, where fecal

bacteria can persist and can be resuspended in the water column. See O'Mullan et al., *Patterns of sediment-associated fecal indicator bacteria in an urban estuary: Benthic-pelagic coupling and implications for shoreline water quality*, Science of the Total Environment, March 15, 2019; USDA Agricultural Research Service, Ann Perry, "E. Coli Can Survive in Streambed Sediments for Months," July 1, 2011, available at <https://www.ars.usda.gov/news-events/news/research-news/2011/e-coli-can-survive-in-streambed-sediments-for-months/> (summarizing findings from USDA studies). Metals and other hazardous pollutants, as well as nutrient pollution such as phosphorus and nitrogen, can also settle and accumulate in sediments and can be resuspended and impair water quality. See, e.g., DOEE, Total Maximum Daily Loads for Organics and Metals in the Anacostia River Watershed, at 32 (March 1, 2024), available at https://doee.dc.gov/sites/default/files/dc/sites/doee/publication/attachments/Final_Anacostia%20toxics%20TMDL%20report%20%28with%20appendices%29_3_25_24.pdf. Investigating and addressing sediment contamination is a necessary aspect of a competent plan for rehabilitation.

(7) Sample dissolved oxygen levels in the Potomac River.

The Rehabilitation Plan should be expanded to include sampling of dissolved oxygen levels in Potomac River surface waters. Dissolved oxygen sustains a wide range of aquatic life. Dissolved oxygen levels are an important measure of water quality and the health of the aquatic ecosystem. Low levels of dissolved oxygen can indicate the presence of bacteria.

(8) Stop ongoing migration of contamination into the Potomac River and prevent any further releases.

The Rehabilitation Plan does not explain how DC Water will ensure that contaminants do not continue to migrate or wash out into the Potomac River. Additional or ongoing discharges of sewage and other pollution into the Potomac River would violate the Clean Water Act. The Plan must include actions to investigate and confirm that residual contamination from the January 19 spill and subsequent overflow incidents is not continuing to migrate into the Potomac River from the area surrounding the collapse. The Plan must also prevent further releases, including releases via runoff or flooding during wet weather. The Plan does not describe what monitoring or other measures it will take following cleanup in the Plan's areas #1-4 to verify that cleanup is adequate and effective.

Earlier this month, PRKN identified potential fecal contamination of the Potomac River migrating from the culvert and tributary in the Plan's area #2. See PRKN, Ongoing Fecal Contamination of Unnamed Tributary Identified by Potomac Riverkeeper Network as It Travels Through Culvert Beneath Impounded Sewage in C&O Canal, March 9, 2026, <https://potomacriverkeepernetwork.org/ongoing-fecal-contamination-in-co-canal-report/>. PRKN fecal bacteria sampling of a tributary passing through a culvert underneath impounded sewage

suggested the possibility that sewage-contaminated water was actively discharging to the unnamed tributary of the Potomac River. The tributary is the waterbody that conveyed hundreds of millions of gallons of raw sewage to the Potomac River during the first weeks of the Potomac Interceptor overflow. There was clear evidence of dripping from the ceiling of the culvert into the tributary. Fecal bacteria-contaminated water may have been leaking out of the culvert from directly underneath the impounded raw sewage within the Canal located above it and polluting the tributary below. The discharge of fecal bacteria was contributing to continuing contamination at unsafe levels in the Potomac River and could continue in the future. Further, the dripping of contaminants into the culvert indicate that contamination was flowing through the clay liner of the C&O canal, calling into question whether the soil around and under the entire length of the canal that was used as the temporary bypass have been contaminated through the raw sewage flowing through the canal for months.

In addition, recent DC Water sampling has detected highly elevated levels of *E. coli* bacteria on the south side of Minnie's Island, at Sycamore Island, at Lock 6, and at other locations downstream from March 17 to 21. These data indicate there may be ongoing pollution from the area of the spill into the river and merit further investigation.

Rehabilitation must adequately respond to the above situations and confirm the polluted discharges have been abated. Moreover, DC Water must investigate the potential for other residual contamination across the site to migrate, and stop all sources of continuing river contamination and prevent future releases.

The Plan lacks sufficient detail to tell whether the planned measures to remove contaminated soil are adequate, and DC Water has not made available its sampling analysis plan for soil removal for areas #1, #2, and #4, which prevents us from being able to fully comment on DC Water's approach. The Plan itself does not describe the depth of soil removal or the cleanup objective or standard it seeks to achieve. Nor does the Plan explain how DC Water will know what soil is contaminated or to what depth soil needs to be removed. The removal of contaminated soil must be science-driven and informed by sampling, not performed by visible inspection alone. Removal of all contaminated soil is critical to ensure the safety of the public and to prevent migration of contaminants and future releases of fecal matter and other pollutants.

(9) Evaluate groundwater and subsurface contamination pathways.

The Rehabilitation Plan must include an evaluation of contamination of groundwater and the migration of pollutants through the subsurface environment. Groundwater in the Plan's areas #1, 2, and 4, at minimum, should be surveyed and sampled, and pathways for the migration of pollutants analyzed. The Plan must incorporate actions to rehabilitate contaminated groundwater and stop the subsurface migration of pollutants and prevent future migration.

(10) Provide for public input throughout the cleanup process and increased transparency.

Potomac Riverkeeper Network requests that DC Water provide opportunities for public input and engagement throughout the process of assessing and rehabilitating the spill's impacts. Although the Plan provides a first step toward cleanup, it will require significant revision and expansion, in line with our comments, to fully address the scale of the spill and its effects. The public's input should be gathered on subsequent revisions to the Plan, and on additional or supplemental plans addressing the next phases of monitoring and cleanup.

Moreover, DC Water's engagement with the public leaves much room for improvement. We want timely and meaningful engagement. The Plan on which DC Water seeks comment is dated February 20, and yet was not released to the public until early March, and public comment was not sought until mid-March. A version of the Plan was reviewed by the National Park Service and incorporated into a Special Use Permit for repair and rehabilitation on February 28. It appears that DC Water has been implementing the Plan on which it seeks public comment for several weeks now. For public input to be meaningful, it should be sought well in advance so that the input can influence the final plan. DC Water has not explained its delay. Moreover, the amount of time provided for comment was far too short to allow for adequate public engagement. Lastly, relevant information should be provided so that the public can offer informed recommendations during the comment period. To name one example, the NPS Special Use Permit requires DC Water to prepare a sampling analysis plan to guide removal and cleanup of contaminated soil in area #1, #2, and #4, and that plan has not been provided to the public.

Conclusion

Thank you for considering our input on the rehabilitation effort. We urge you to expand the cleanup in the ways detailed above and adopt our recommendations for sampling, remediation, and public input. We are glad to discuss any of our comments in further detail with you and can be reached at nmorales@earthjustice.org or (202) 667-4500. As a next step, we request that DC Water share with PRKN and the public what changes it is making in response to the public comments it receives on its Rehabilitation Plan.

Sincerely,

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