

District of Columbia Official Code 2001 Edition Currentness

Division I. Government of District.

Title 8. Environmental and Animal Control and Protection ([Refs & Annos](#))

Subtitle A. Environmental Control and Protection.

▣ [Chapter 1](#). Environmental Controls.

→ Subchapter III. Wastewater Control. ([Refs & Annos](#))

§ 8-105.01. Purpose.

In enacting this subchapter, the Council of the District of Columbia supports the following statutory purposes and objectives:

- (1) To provide for the maximum possible beneficial public use of the District's wastewater system;
- (2) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or the use or disposal of sludge and residue;
- (3) To prevent the introduction of pollutants into the wastewater system which will pass through the system inadequately treated and into receiving waters or into the atmosphere or will otherwise be incompatible with the system;
- (4) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
- (5) To prevent tampering or misuse of the wastewater system; and
- (6) To provide procedures for complying with the requirements contained in this statute.

§ 8-105.02. Definitions.

For the purposes of this subchapter, the term:

- (1) "Categorical pretreatment standards" or "Categorical standards" means any regulation promulgated by the Environmental Protection Agency ("EPA") which specifies quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial categories.
- (1A) "Clean Water Act" means the Federal Water Pollution Control Act ([33 U.S.C. § 1251](#) et seq.).
- (1B) "CFR" means the Code of Federal Regulations.
- (2) "Discharge" means any solid, liquid, or gas introduced into the wastewater system.
- (3) "District" means the District of Columbia.
- (3A) "Industrial user" means a non-domestic user who discharges, causes, or permits the discharge of wastewater into the District's wastewater system.
- (4) "Interference" means the inhibition or disruption of the District's wastewater system processes or

operations which causes, may cause, or contributes to a violation of any requirement of the District's National Pollutant Discharge Elimination System permit, or which threatens life, property, or environment. Interference includes inhibition or prevention of legitimate sludge use or disposal.

(5) "Mayor" means the Mayor of the District of Columbia.

(5A) "National pretreatment standards", "Pretreatment standards", or "Standards" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Clean Water Act. National pretreatment standards, Pretreatment standards, or Standards, also includes the prohibitions in [§ 8-105.06](#).

(5B) "NPDES" means the National Pollutant Discharge Elimination System.

(5C) "NPDES permit" means the National Pollution Discharge Elimination System permit issued by the EPA to the District for the operation of the Blue Plains Wastewater Treatment Facility in effect on May 8, 1998, and as it may be amended in the future, and any successor permits issued by the EPA to either the District or to WASA.

(6) "Objectionable color" means a color inappropriate for the normal characteristics of the receiving water.

(7) "Pass through" means any discharge which exits the District's wastewater system into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes or may cause, or contributes to, a violation of any requirement of the NPDES permit (including an increase in the magnitude of duration of a violation).

(8) "Person" means any natural person, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns.

(9) "Pollutant" means any substance which induces or may induce an alteration of the chemical, physical, biological, or radiological integrity of water, which has or may have a detrimental effect on a subsequent use of that water, or which interferes or may interfere with the wastewater system.

(10) "Pretreatment" means the elimination of or reduction in the amount of pollutants or the alteration of the nature of pollutant properties in wastewater to a less detrimental state prior to discharge into the District's wastewater system.

(10A) "Pretreatment requirements" means any federal, state, or local substantive or procedural requirement related to pretreatment, other than National Pretreatment Standard, imposed on an Industrial User.

(10B) "Prohibited Discharge Standards" means any regulation containing prohibitions on pollutant discharges to include such regulations promulgated by the EPA. "Prohibited Discharge Standards" also includes discharges prohibited in [§ 8-105.06](#).

(11) "Septic tank" means a watertight receptacle which receives the discharge from a drainage system

or a part of the drainage system, and is designed and constructed to separate solids from the liquid, decompose organic matter through a period of detention, and allow the liquids to discharge into the soil outside of the tank.

(12) "Sludge and residue" means the accumulated solids, grease, liquids, and scum separated from wastewater during the wastewater treatment process.

(13) "Slug Discharge" or "Slug load" means a discharge capable of violating the specific prohibited discharge provisions of [§ 8-105.06](#).

(14) "User" means any person who discharges, causes, or permits the discharge of wastewater into the District's wastewater system.

(14A) "WASA" means the District of Columbia Water and Sewer Authority, as established by Chapter 22 of Title 34.

(15) "Wastewater" means the liquid and water-carried wastes from dwellings, commercial buildings, industrial facilities, institutions, and swimming pools.

(16) "Wastewater system" means the devices, facilities, structures, equipment, or works owned, operated, maintained, or used by the District for the purpose of the transmission, storage, treatment, recycling, and reclamation of wastewater or to recycle or reuse water, including intercepting sewers, outfall sewers, wastewater collection systems, treatment, pumping, power, and other equipment and their appurtenances, extensions, improvements, remodeling of improvements, additions, and alterations to the additions, elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities, and any works, including land, that are or may be an integral part of the treatment process or that are or may be used for disposal of sludge and residue resulting from such treatment, and sewers designated as storm sewers shall be considered a part of the wastewater system for purposes of this subchapter.

(17) "Wastewater System Regulation Act" means this subchapter.

[§ 8-105.03. Separate agreements.](#)

Nothing in this subchapter shall be construed as prohibiting any agreement between the District and any user of the wastewater system under which wastewater of specific strength or character is accepted into the wastewater system and treated subject to any payments or fees as may be applicable, except that national pretreatment standards shall not be waived.

[§ 8-105.04. Falsifying information.](#)

Any person who knowingly makes any false statement, representation, or certification in any information or data submitted to, or required by, the District under this subchapter, or the rules and regulations promulgated pursuant to this subchapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method, upon conviction, shall be liable for the penalties provided in [§ 8-105.14](#).

§ 8-105.05. Tampering and misuse.

No person shall break, alter, damage, tamper with, or otherwise interfere with or impair the wastewater system.

§ 8-105.06. Regulation.

(a) The Mayor is authorized to establish a system of wastewater treatment allocation.

(b) All users shall comply with the following standards which set forth prohibited discharges:

(1) *General prohibitions.* -- A user shall not introduce into the District's wastewater system any pollutant which causes pass through or interference. This general prohibition applies to any user introducing pollutants into the District's wastewater system whether or not the user is subject to National Pretreatment Standards or national, state or local pretreatment requirements;

(2) *Specific prohibitions.* -- In addition, the following pollutants shall not be introduced into the District's wastewater system:

(A) Pollutants which create a fire or explosion hazard in the District's wastewater system, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using test methods specified in 40 CFR Chapter I, Subchapter N, Part 261.21. This prohibition includes any liquids, solids, or gases, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to create fire or explosion or to injure in any other way the wastewater system or the process or operation and maintenance of the wastewater system. Prohibited materials under this section include, but are not limited to, gasoline, kerosene, naphtha, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

(B) Pollutants which have any corrosive property capable of damaging or creating a hazard to structures, equipment, processes and personnel of the District's wastewater system, including, but not limited to, discharges with pH (that is, a base 10 logarithm of the reciprocal of the concentration of hydrogen ions stated in grams per liter) of less than 5, or greater than 10.

(C) Solid or viscous substances with a specific gravity greater than 2.50, or having any linear dimension greater than 1 inch, or which will or may cause, or contribute to obstruction of the flow in a sewer or otherwise interfere with the operation of the wastewater system including, but not limited to, grease, incompletely shredded garbage, animal remains, blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, spent grains, waste paper, wood, plastic, gas, tar, asphalt residue, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding, or polishing wastes.

(D) Any pollutant, including oxygen demanding pollutants, released in discharge at a flow rate, or concentration, or a combination of both, which causes interference with the District's wastewater system.

(E) Any wastewater with heat in such amounts as will inhibit the biological activity of processes in the District's wastewater system resulting in interference. In no case shall wastewater be discharged by a user in temperatures in excess of 140 degrees Fahrenheit or 60 degrees Centigrade, nor shall wastewater be discharged which causes individually or in combination with other wastewater, the influent at the District's wastewater treatment plant to have a temperature exceeding 104 degrees Fahrenheit or 40 degrees Centigrade.

(F) Any wastewater containing petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause pass through or interference.

(G) Any wastewater containing substances which may solidify or become viscous at temperatures above 32 degrees Fahrenheit or 0 degrees Centigrade.

(H) Any wastewater containing pollutants which result in the presence of toxic, noxious or malodorous liquids, solids or gases, which alone or in interaction with other wastes, are capable of creating a public nuisance or hazard to humans or animals, or are sufficient to inhibit access of District personnel to any part of the District's wastewater system, or cause interference or pass through.

(I) Any wastewater of objectionable color or tint not removed in the treatment process, including, but not limited to, dye wastes and vegetable tanning wastes.

(J) Any trucked or hauled pollutants, except at discharge points designated by WASA.

(c) All users shall comply with the National Pretreatment Standards and any national or local pretreatment requirement. All users shall comply with the National Categorical Pretreatment Standards in 40 CFR Chapter I, Subchapter N, Parts 405 through 471 and any amendments thereto. Should any national standard, requirement, or limitation conflict with a matter regulated by this subchapter or its implementing regulations, the more stringent standard shall govern.

(d) Storm waters (including snow), surface waters, ground waters, roof runoff, subsurface drainage, cooling waters, or other non-wastewater flow shall be discharged only into those sewers specifically designated as storm or combined sewers, or to a natural outlet. Discharge of any waters into any storm or combined sewer or to a natural outlet is prohibited if the discharge will create a detrimental effect upon the receiving water.

(e) Disposal of radioactive wastes shall comply with the regulations of the Nuclear Regulatory Commission, promulgated March 17, 1965 (31 Fed. R. 4502; 10 CFR, ch. 1).

(f) Unless specifically authorized by WASA, no user shall discharge directly into a manhole or catch basin or similar opening in or into a sewer, any substance including, but not limited to, septic tank sludge, restaurant grease, waste or discharge from fuel service stations, or boat holding tank or portable toilet effluent.

(g) The installation of septic tanks and the installation or continuing use of earth pit privies shall be prohibited. Whenever replacement or significant repair to a septic tank or discharge piping is necessary, the user shall notify WASA, which shall determine if the tank should be discontinued and the wastewater

conducted to the wastewater system.

(h) Increased use of process water or dilution of a discharge shall not constitute either a partial or complete substitute for adequate or necessary pretreatment to achieve compliance with any discharge limitation.

(i) Provisions for storage of any substance in areas draining into a District sewer which, because of actual or potential discharge or leakage from the storage, creates or may create an explosion hazard in, or in any other way have a detrimental effect upon, the wastewater system, or otherwise constitute or pose a hazard to human beings, animals, property, or the receiving waters shall be subject to review by WASA, who shall require reasonable safeguards to eliminate or minimize the detrimental effect.

(j) All users shall notify WASA immediately of all discharges whether accidental or intentional, that violate these standards or that could otherwise cause problems in the District's wastewater system, including any slug load or slug discharges as defined in [§ 8-105.02](#). The notification shall include location of the discharge, type of waste, concentration, and volume, and corrective actions undertaken or to be undertaken by the user. Within 5 days following an accidental discharge, the user shall submit to WASA a detailed written report describing the cause of the discharge and the measures taken or to be taken by the user to prevent similar future occurrences. The notice shall not relieve the user of liability for any expense, loss, or damage which may be incurred or occasioned by damage to the wastewater system, injury to fish, or other damage to persons, property, or the environment caused by the user's act. Compliance with the provisions of this subsection shall not relieve the user of liability for any fines or penalties which may be imposed by this subchapter or other applicable law or regulation. Notices shall be permanently posted on the user's bulletin boards or other prominent places advising employees whom to notify in the event of an accidental discharge. Employers shall ensure that all employees who may cause or discover a discharge are advised of the emergency notification procedures.

(k) All users shall provide wastewater pretreatment necessary to comply with this subchapter. Any facilities required to pretreat wastewater shall be provided, operated, monitored, and maintained at the user's expense.

(l) No user shall discharge pollutants into the District's wastewater system in excess of the limitations established and promulgated by WASA.

(m) All users shall notify WASA, the Mayor, the Director of EPA's Region III Waste Management Division, and the appropriate city and state hazardous waste authorities in the jurisdiction in which the discharge emanated, in writing, of any discharge into the District's wastewater system of a substance which, if otherwise disposed of, would be a hazardous waste under applicable federal, state and municipal regulations. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge.

§ 8-105.07. Administration.

(a) WASA shall administer, implement and enforce the provisions of this subchapter and ensure compliance with this subchapter and with federal laws and regulations governing the issuance of permits for the discharge of wastewater into publicly owned treatment plants, through permits, contracts, orders, or oth-

er similar means. In the case of industrial users, WASA shall use permits or equivalent individual control mechanisms issued to each user. These permits, contracts, orders, or other similar means or individual control mechanisms shall comply with all applicable federal laws and regulations. WASA is authorized to set and collect fees and charges as may be necessary or appropriate to recoup costs associated with its responsibilities pursuant to this subchapter and pursuant to federal laws and regulations governing the issuance of permits for the discharge of wastewater into publicly owned treatment plants.

(b) WASA shall issue rules to implement the provisions of this subchapter under subchapter I of Chapter 5 of Title 2 and the rules shall include, but not be limited to:

- (1) Regulations requiring users to submit information considered necessary by WASA to evaluate the user's actual or potential discharge status, including, but not limited to, description of facilities and plant processes, wastewater constituents and characteristics, discharge variations, and mechanical and plumbing plans and details;
- (2) Regulations imposing conditions on users, including, but not limited to, limits on new or increased contributions of pollutants, changes in the nature of pollutants discharged, flow regulation or equalization, installation of sampling facilities and specifications for monitoring programs, and installation of pretreatment facilities;
- (3) Regulations requiring the development of compliance schedules for the installation of technology required to comply with this subchapter;
- (4) Regulations imposing fees to treat high strength wastes as may be defined by WASA;
- (5) Regulations to effectively and safely dispose of wastes collected in portable collection systems, including, but not limited to, septic tank sludge, restaurant grease, and marine holding tank or portable toilet effluent;
- (6) Regulations providing for the issuance and renewal of certificates of water and sewer availability;
- (7) Regulations preventing tampering, other misuse, potential, or actual harm to the wastewater system; and
- (8) Regulations imposing fees and charges for the issuance of wastewater pretreatment permits and the administration of the pretreatment program that reasonably and fairly meet the costs of the administration of the pretreatment program.

§ 8-105.08. Inspection authority.

In order to determine compliance with this subchapter or any rule issued pursuant to this subchapter, WASA and the Mayor shall have a right to enter upon or through any premises subject to this subchapter at reasonable times for the purpose of inspection, observation, measurement, sampling, and testing. The right to enter and inspect shall include the right to copy records related to compliance with this subchapter. Where a user has security measures in force which would require proper identification and clearance before entry, the user shall make necessary security arrangements so that, upon presentation of

suitable identification, the Mayor or WASA will be permitted entry without delay.

§ 8-105.09. Confidential information.

(a) User information and data provided to the District shall be available to the public or to any government agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Mayor that the release of the information would divulge information, processes, or methods of operation entitled to protection as trade secrets, pursuant to [§ 2-534\(a\)\(1\)](#).

(b) When requested by the user in writing, information and data which might disclose trade secrets or secret processes shall not be made available for public inspection. However, the information and data shall be immediately available to the EPA for any purpose, and to WASA and the District in administrative and judicial review or enforcement proceedings to which the user is a party or in which the user has standing. Additionally, upon written request, WASA and the District may release such information and data to other government agencies in connection with uses related to this subchapter or to pretreatment programs.

(c) Wastewater constituents and characteristics shall not be considered confidential information.

(d) Information accepted by the Mayor as confidential shall not be transmitted to any governmental agency unless written notification is sent to the user at least 10 days before transmitting the information.

(e)(1) All users shall retain and preserve any records, books, documents, memoranda, reports, correspondence, and any summaries of these materials relating to testing, internal or external monitoring, sampling, investigative and chemical analyses made by or in behalf of a user in connection with its discharge for no less than 3 years from the date of preparation, drafting, or memorialization.

(2) All records which pertain to or may pertain to matters which are the subject of enforcement or litigation activities initiated by the District shall be retained and preserved by the user until all the enforcement activities have concluded and all periods of appeal have expired.

§ 8-105.10. Administrative enforcement.

(a) Whenever WASA has reason to believe that there is a violation of this subchapter or rules issued pursuant to this subchapter, it may initiate an administrative enforcement action pursuant to this section, and any rules issued pursuant to this subchapter. WASA may initiate this administrative enforcement action in addition to any other enforcement action, civil or criminal, which has or will be undertaken to enforce this subchapter, provided that no user shall be assessed both a civil and administrative penalty for the same violation.

(b)(1) Whenever WASA has reason to believe that a user is violating this subchapter, or rules issued pursuant to this subchapter, it may issue a Notice of Infraction and Proposed Order. The Notice of Infraction shall include the following:

(A) The nature, time, and place of the violation (with reasonable specificity);

(B) The corrective or remedial action to be taken and any fines imposed or other amounts sought in

accordance with this subchapter;

(C) The date upon which the Proposed Order shall become effective; and

(D) The procedure by which a person may answer a Notice of Infraction and Proposed Order and request a hearing, along with notification that failure to answer may lead to the adoption of some or all of the Proposed Order.

(2) The Proposed Order may direct the user to do the following:

(A) Eliminate the violation;

(B) Comply with the provisions of this subchapter;

(C) Take specific actions to avoid future violations;

(D) Pay fines, costs, or other amounts, as authorized by this subchapter; and

(E) A schedule for completion of any of the directives of the Proposed Order.

(3) The Proposed Order may provide for the suspension or revocation of any permit issued by the District or WASA pursuant to this subchapter, or the suspension or revocation of any contract or agreement between the user and the District or WASA, to the extent that such permit, contract, or agreement authorizes the person to discharge into the District's wastewater system.

(4) An answer to a Notice of Infraction and Proposed Order shall be in writing. In that answer a respondent shall admit or deny the allegations included in the Notice of Infraction. Regardless of whether the respondent admits or denies the allegations, the respondent may also assert in the answer that some or all of the terms of the Proposed Order should be modified.

(5) If a respondent, in an answer, denies any of the allegations in the Notice of Infraction, or asks that any term in the Proposed Order be modified, WASA shall conduct a hearing within 30 days of receiving the answer, unless that time period is extended in accordance with any regulations providing for such extensions. The hearing shall be conducted by a hearing examiner, who shall be an attorney regularly employed by WASA or an attorney retained by WASA on a contractual basis. The hearing examiner shall have the power to:

(A) Preside over hearings in matters arising under this subchapter;

(B) Determine whether any notice, order, or other document, was properly served upon any party to an enforcement action;

(C) Compel the attendance of witnesses by subpoena, administer oaths, and take testimony of witnesses under oath;

(D) Dismiss, rehear, and continue cases;

(E) Issue orders, including default orders, which require the respondent to provide evidence, submit

pleadings, do some or all of the actions described in the Proposed Order, or to pay hearing and inspection costs, and to do any of the foregoing within specific time periods consistent with any regulations issued pursuant to this subchapter or to pay fines or penalties for the failure to do any of the foregoing; and

(F) Suspend permits or licenses issued pursuant to this subchapter for the purpose of enforcing the payment of monetary fines, penalties, or hearing and inspection costs.

(c) WASA shall issue regulations which establish a schedule of escalating fines which may be imposed by WASA as part of its effort to enforce this subchapter through administrative action, provided that these fines may not exceed the fines which may be imposed in a civil proceeding brought pursuant to this subchapter. WASA shall also issue regulations to implement this subchapter, including regulations to establish procedures for conducting administrative enforcement actions pursuant to subsection (a) of this section. These regulations shall include, but need not be limited to, procedures and, where applicable, deadlines, for:

(1) Effecting service of any notice, order or other document produced by a person or issued by WASA pursuant to this subsection; provided, however, that WASA shall bear the burden of establishing by a preponderance of the evidence that the Notice of Infraction was not defective, that the Notice of Infraction was properly served, and that an infraction occurred;

(2) Answering or otherwise responding to any notice, order, or other document issued pursuant to this subsection;

(3) Holding any hearing conducted pursuant to this subsection, provided however, that hearings shall be conducted in accordance with subchapter I of Chapter 5 of Title 2; and

(4) Issuing orders.

(d) The District of Columbia Office of Administrative Hearings ("Office") shall entertain and determine appeals timely filed by WASA or by any person aggrieved by a final order of a hearing examiner issued pursuant to this subchapter. The Office shall make a determination of each appeal on the basis of the record established before the hearing examiner, and may affirm, reverse, or modify the order of the hearing examiner, or may remand the case for further proceedings before the hearing examiner subject to the qualifications set forth in this subsection. The Office shall set aside any hearing examiner order that is unsupported by a preponderance of the evidence on the record. The Office shall also set aside any hearing examiner order that was made without observance of procedure required by law or regulations, except that in such instances, the Office shall apply the rule of harmless error. The Office may not modify a sanction imposed by the hearing examiner if that sanction is within the limits established by law or regulation.

§ 8-105.11. Injunction.

Notwithstanding any other provision of this subchapter, the Mayor may authorize appropriate civil action to secure a temporary restraining order, a preliminary or permanent injunction, or declaratory or other appropriate relief to restrain, minimize, halt, or eliminate the violation of, or attempted violation

of, any provision of this subchapter or its implementing rules.

§ 8-105.12. Emergency suspension of service.

(a)(1) In the event of an actual or threatened discharge to the District's wastewater system which, in the sole discretion of WASA, reasonably appears to present an imminent danger to the health or welfare of persons, WASA may, after informal notice to the discharger, suspend water service to any user who is or may be responsible for the discharge as is necessary to avoid or abate the danger. WASA is not required to conduct a hearing before taking such action.

(2) In the event of an actual or threatened discharge to the District's wastewater system which, in the sole discretion of WASA, reasonably appears to present an imminent danger to the environment or the operation or integrity of the District's wastewater system, WASA may, after providing notice and an opportunity to respond to the user, suspend water service to any user who is or may be responsible for the discharge as is necessary to avoid or abate the danger.

(3) Any notice or opportunity to respond to which WASA is required under the United States Constitution to provide to a user as a result of any action taken by WASA pursuant to subsection (a)(1) or (2) of this section, is not required to be provided or conducted pursuant to subchapter I of Chapter 5 of Title 2.

(b) The services shall be restored by WASA as soon as practicable after the emergency situation has been corrected.

(c) WASA's decision to suspend service may be appealed to the Office of Administrative Hearings as set forth in [§ 8-105.10](#).

(d) An appeal of WASA's decision shall not stay suspension of service.

§ 8-105.13. Annual publication.

(a) A list of the users in significant noncompliance with the Pretreatment Standards and Requirements in the preceding 12 months shall be published annually by WASA in the local daily newspaper with the largest circulation.

(b) The notification shall summarize the nature of the significant noncompliance and any enforcement action taken against the user during the same 12-month period.

(c) For the purposes of this section, a user is in significant noncompliance with the Pretreatment Standards and Requirements if its violation meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, are violations in which 66% or more of all the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical Review Criteria ("TRC") violations, are violations in which 33% or more of all the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product

of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for Biochemical Oxygen Demand, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of pretreatment effluent limits (daily maximum or longer term average) that WASA determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WASA or District personnel or the general public);

(4) Any violation of the terms of a wastewater discharge permit which remains uncorrected 45 days after notification of the violation is received by the user, or any failure to meet a compliance schedule milestone or enforcement order issued by WASA within 90 days after the scheduled date for achievement of the compliance schedule milestone;

(5) Failure to provide required reports, such as baseline monitoring reports, periodic self-monitoring reports, and reports on progress with compliance schedules or orders, within 30 days after the due date;

(6) Failure to timely and accurately report an instance of noncompliance with the Pretreatment Standards and Requirements;

(7) Any violation which results in WASA exercising its emergency authority pursuant to [§ 8-105.12](#); and

(8) Any violation WASA considers significant in light of the circumstances.

§ 8-105.14. Penalties.

(a) Any person who violates any provision of this subchapter or the rules issued pursuant to this subchapter shall be liable for a civil fine not exceeding \$10,000 for each day during which each violation continues, and shall be required to perform any other action needed to correct any harm caused by any violation or to ensure that future violations do not occur. All prosecutions under this provision shall be in the Superior Court of the District of Columbia in the name of the District of Columbia, and shall be instituted by the Corporation Counsel.

(b) Notwithstanding any other provision of this subchapter, any person who intentionally, willfully, or recklessly violates any provision of this subchapter or the rules issued pursuant to this subchapter shall be punished by a criminal fine not to exceed \$10,000 for each day each violation continues, or imprisonment not to exceed one year for each day each violation continues, or both, and to perform any other action needed to correct any harm caused by any violation or to ensure that future violations do not occur. All prosecutions pursuant to this provision shall be in the Superior Court of the District of Columbia.

(c) Any person who violates any provision of this subchapter or the rules issued pursuant to this subchapter shall be liable to the District for all expenses, losses, or damages incurred by the District by reason of the violation.

§ 8-105.15. Authority to issue regulations.

The Board of Directors of WASA is authorized to issue regulations consistent with the authority granted

to it by this subchapter, in order to implement the provisions of this subchapter.

Current through March 7, 2006

END OF DOCUMENT