

**Presented and Adopted: December 2, 2004**  
**SUBJECT: Approval of Contract No. 010140**  
**Fru-Con Construction Corporation**

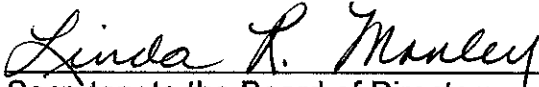
**#04-98**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on December 2, 2004, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to approve the following action with respect to Contract No. 010140, Fru-Con Construction Corporation.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 3 of Contract No. 000140, Fru-Con Construction Corporation. The purpose of this change order is for asbestos removal, modifications to the Sedimentation cross collector mechanisms, and wiring modifications for the CT Panels for Blowers 1 through 4 in Blower Building No. 1. In addition, Solenoid Control Valves in Secondary Reactors 5 and 6, Scum Systems 1 through 6, wash down panels, construction of a pad for ACU-1 and modifications to the structural steel in Blower Building No. 1. The change order amount is \$118,714.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: December 2, 2004**  
**SUBJECT: Approval of Contract No. 00-0160**  
**W. M. Schlosser Company, Inc.**

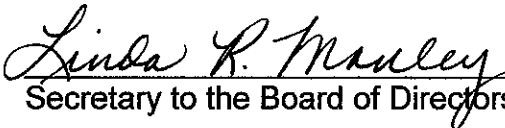
**#04-99**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on December 2, 2004, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to approve the following action with respect to Contract No. 00-0160, W. M. Schlosser Company, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 22 of Contract No. 00-0160, W. M. Schlosser Company, Inc. The purpose of this change is to authorize payment for additional work requested by the Authority as well as miscellaneous small changes resulting from differing site conditions. The change order amount is \$96,115.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: December 2, 2004**  
**SUBJECT: Approval of Contract No. 99-0040**  
**W. M. Schlosser Company, Inc.**

**#04-100**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on December 2, 2004, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to approve the following action with respect to Contract No. 99-0040, W. M. Schlosser Company, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 20 of Contract No. 99-0040, W. M. Schlosser Company, Inc. The purpose of this change is to authorize payment for improvements to the compressed air system in the Post Liming Station (PLS). The change order amount is \$150,000.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: December 2, 2004**  
**SUBJECT: Approval of Contract No. 970099**  
**W. M. Schlosser Company, Inc.**

**#04-101**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on December 2, 2004, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to approve the following action with respect to Contract No. 970099, W. M. Schlosser Company, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 6 of Contract No. 970099, W. M. Schlosser Company, Inc. The purpose of this change is to remove the magnetic variable speed drives from the eight washwater pumps which will reduce operating costs and maintenance costs for the Authority and to modify the performance characteristics of the washwater pumps so they are specifically tailored for the new air-water wash filter conversion which is currently underway. The change amount is \$888,916.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: December 2, 2004**  
**SUBJECT: Approval of Contract No. WAS-04-040-AA-VW**  
**The Wackenhut Corporation**

**#04-102**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on December 2, 2004, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to approve the following action with respect to Contract No. WAS-04-040-AA-VW, The Wackenhut Corporation.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. WAS-04-040-AA-VW, The Wackenhut Corporation. The purpose of this contract is to supply all labor, tools, equipment and personnel to perform the armed security guard services at the Authority's facilities. The total estimated cost for the base period of twenty-two months (from December 1, 2004 – September 30, 2006) is \$4,681,176.72.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: December 2, 2004**  
**SUBJECT: Approval of Contract No. WAS-04-053-AA-MB**  
**C&E Services, Inc. of Washington**

**#04-103**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on December 2, 2004, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to approve the following action with respect to Contract No. WAS-04-053-AA-MB, C&E Services, Inc. of Washington.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. WAS-04-053-AA-MB, C&E Services, Inc. of Washington. The purpose of this contract is to provide services to maintain Instrumentation Equipment and other related work throughout the Authority's facilities. This is a requirements contract for a base period of one year with four (4) one (1) year options renewable at the discretion of the Authority. The contract not to exceed amount is \$1,305,420.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: December 2, 2004**  
**Subject: Adoption of Policy on Public Access to**  
**Customer Information**

**#04-104**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The Board of Directors, (the "Board") of the District of Columbia Water and Sewer Authority, (the "Authority") at its meeting on December 2, 2004, upon consideration of a joint use matter decided by a vote of nine (9) in favor and none (0) opposed, to take the following action with respect to adopting a policy on public access to customer information.

**WHEREAS**, the Board desires to establish a policy on public access to customer information; and

**WHEREAS**, direction is needed as to when certain customer information, such as names and addresses may be released by the Authority; and

**WHEREAS**, the Customer and Community Services Committee ("Committee") met on October 14, 2004, and recommended that the Board establish a policy on the release of customer information; and

**WHEREAS**, the Committee also met on November 10, 2004, considered a proposed policy and recommended adoption of the policy by the full Board.

**NOW THEREFORE BE IT RESOLVED THAT:**

The Board of Directors hereby adopts the attached Policy on Public Access to Customer Information and authorizes the General Manager to take all steps necessary to carry out the intentions expressed in this resolution.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: December 2, 2004**  
**SUBJECT: Approval of Aon Insurance Services**

**#04-105**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on December 2, 2004, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to approve the following action with respect Aon Insurance Services.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute a contract for Aon Insurance Services. The purpose of this contract is to secure excess general liability insurance through October 2009 and program administration services for one year for WASA's ROCIP program. The contract amount is \$2,499,615.

This resolution is effective immediately.

  
Secretary to the Board of Directors



**Presented and Adopted: December 2, 2004**  
**SUBJECT: Approval of Ace Insurance Services**

**#04-106**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on December 2, 2004, upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to approve the following action with respect Ace Insurance Services.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute a contract for Ace Insurance Services. The purpose of this contract is to secure primary workers compensation and general liability through October 2009 for WASA's ROCIP program. The contract amount is \$3,385,009.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted: December 2, 2004**  
**SUBJECT: Approval of Contract No. WAS-04-060-AA-MB**  
**Alliance Data Systems**

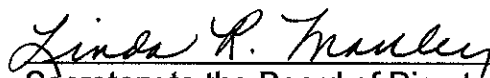
**#04-107**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on December 2, 2004, upon consideration of a non-joint-use matter, decided by a vote of six (6) in favor and none (0) opposed, to approve the following action with respect to Contract No. WAS-04-060-AA-MB, Alliance Data Systems.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. WAS-04-060-AA-MB, Alliance Data Systems. The purpose of this contract is to provide DCWASA a means to print and mail bills and notices to all its retail customers. Contract requirements also include viewing bills on the website, duplicate bill processing, and routing of bills requiring special handling. The contract not to exceed amount is \$2.4 million.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**Presented and Adopted December 2, 2004**

**SUBJECT: Authorization for the General Manager to Sign a Consent Decree on Behalf of the Authority in Settlement of Lawsuits brought by certain Environmental Organizations and the United States**

**#04-108  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the D.C. Water and Sewer Authority, ("the Authority"), at its meeting held on December 2, 2004, decided by a vote of nine (9) in favor and none (0) opposed, to authorize the General Manager to sign, on the Authority's behalf, a consent decree which, when entered, will resolve certain claims brought against the Authority by certain environmental organizations and the United States.

**WHEREAS**, on or about February 2, 2000, the Anacostia Watershed Society, Kingman Park Civic Association, American Canoe Association, Friends of the Earth, Sierra Club, and Mary Stuart Bick Ferguson ("Citizen Plaintiffs") filed a lawsuit in the United States District Court for the District of Columbia (1:00-CV 00183 (TFH)) against the Authority ("the Citizen Suit") which sought equitable relief and the payment of monetary penalties as a consequence of discharges of Combined Sewer Overflows (CSOs) and alleged violations of the Clean Water Act of 1972 (as amended) and local regulations; and

**WHEREAS**, on or about December 20, 2002, the United States Department of Justice filed a second lawsuit in the same court (02-CV2511 (TFH)) against the Authority and the District of Columbia upon the recommendation of the Administrator of the Environmental Protection Agency ("DOJ Suit") which sought substantially identical relief against the Authority as that sought in the Citizen Suit; and

**WHEREAS**, under the general direction of the Board, the General Manager has coordinated actions taken by the Authority's counsel, employees and agents in settlement negotiations held with the plaintiffs in the Citizen Suit and the DOJ Suit; and

**WHEREAS**, representatives of the United States Department of Justice and the United States Environmental Protection Agency ("United States") participated in all settlement negotiations between the Authority's representatives and the plaintiffs in the Citizen Suit; and

**WHEREAS**, the Citizen Plaintiffs, the United States and the General Manager resolved claims for alleged violations of the Nine Minimum Controls and for other

agreed capitol projects in a partial consent decree entered by the court on October 10, 2003; which when fully implemented will reduce overflows into the Anacostia River by approximately 40%; and

**WHEREAS**, the Board endorsed the Combined Sewer System Long Term Control Plan - Final Report, in Resolutions 02-56 and 02-71; and

**WHEREAS**, the United States, the District of Columbia, and the General Manager, have agreed to settle the remaining pending claims utilizing a consent decree ("Consent Decree") which will govern implementation of the Authority's Long Term Control Plan (See Summary, Attachment A); and

**WHEREAS**, the Consent Decree will be lodged with the court upon signature of all representatives of the Authority, representatives of the District of Columbia, and representatives of the United States Department of Justice and the United States Environmental Protection Agency; and

**WHEREAS**, after it is lodged with the court, the Consent Decree must be published in the Federal Register and a thirty day comment period must expire before it may be presented to the court for entry; and

**WHEREAS**, entry of the Consent Decree will resolve the remaining claims by the Citizen Plaintiffs by virtue of the United States' primary enforcement authority under the Clean Water Act and will further improve to approximately 98%, the reduction of overflows into the Anacostia River; and

**WHEREAS**, the Consent Decree recites that settlement of this matter in accordance with the terms of the Consent Decree is in the best interest of the public and is needed in order to resolve the claims for alleged violations of the water quality standards stated in the Complaint of the United States and to provide for compliance with the water quality-based effluent CSO limits in WASA's modified NPDES permit.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Board authorizes the General Manager to enter into the Consent Decree providing for Long Term Control Plan implementation and authorizes the General Manager to take all steps necessary to carry out the intentions expressed in this resolution.
2. The Board reserves the right to approve or ratify any changes to the decree that may be suggested by any other party thereto either prior to or after it is entered by the court.

This resolution is effective immediately.

  
Secretary to the Board of Directors

**ATTACHMENT A**  
**RESOLUTION NO. 04-108**

On February 2, 2000, the Anacostia Watershed Society, *et al.*, filed suit seeking declaratory and injunctive relief and civil penalties against WASA for alleged CSO violations ("Citizen Suit"). The Department of Justice, on behalf of the United States and the Environmental Protection Agency filed suit on or about December 20, 2002, making substantially the same allegations. The Anacostia Watershed Society complaint contains three counts: the first of which alleges violations of District of Columbia Water Quality Standards; the second, alleges violations of requirements for operation, maintenance and improvement of the CSO system; and the third alleges violations of the D.C. Water Pollution Control Act. The plaintiffs also allege that these violations are continuing violations that are repeated with each CSO discharge.

In their prayer for relief, plaintiffs request: (1) a declaration that WASA has violated and continues to violate its permit and federal and D.C. laws; (2) preliminary and permanent injunctive relief against further violations by WASA; (3) an order requiring WASA to take such actions as may be necessary to prevent or minimize threats to public health and the environment as a result of the alleged violations; (4) remedial injunctive relief to ameliorate the water degradation caused by the alleged violations; (5) payment of civil penalties to the maximum extent allowed by law; (6) reasonable attorney and expert witness fees; (7) retention of jurisdiction by the court to ensure continued compliance; and (8) other relief authorized by law or deemed appropriate by the court.

A previous 3 Party Consent Decree resolved Counts II in both complaints and Count III in the Citizens Suit. This Consent Decree resolves Count I of the United States' complaint, which includes issues related to implementation of the Long Term Control Plan. Once entered, the Consent Decree will also resolve Count I of the Citizen Plaintiffs' Complaint.

The Consent Decree sets forth:

- A judicially enforceable schedule for implementation of the CSO controls in the LTCP for the Anacostia River, Potomac River, Rock Creek and Blue Plains Wastewater Treatment Plant Projects.
- CSO event public notification requirements.
- A provision for modification to the selected CSO controls and schedules.
- A provision for Control System Compliance and Post Construction Monitoring.

- A provision for Low Impact Development – Retrofit.
- An EPA approval provision.
- Progress Report filing requirements.
- A schedule of stipulated penalties for failure to meet compliance deadlines.
- A Force Majeure clause that provides for relief from certain requirements for events not within WASA's control.
- Dispute resolution procedures.

End of Attachment