

Presented and Adopted: January 8, 2009
SUBJECT: Ratification of Appointment of Chief Financial
Officer for the District of Columbia Water and
Sewer Authority

#09-00
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009, upon consideration of a joint-use matter decided by a vote of eleven (10) in favor and one (1) abstained to take the following action.

Be it resolved that:

The Board hereby ratifies the General Manager's appointment of Mr. Olugbenda Adebo as the Chief Financial Officer for the District of Columbia Water and Sewer Authority.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute Change Order No. 11
of Contract No. 030210, Ulliman Schutte Construction,
LLC

#09-01
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Change Order No. 11 of Contract No. 030210, Ulliman Schutte Construction, LLC.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 11 of Contract No. 030210, Ulliman Schutte Construction, LLC. The purpose of the change order is to modify RAS pump panels, to provide and install additional conduit, wiring and to modify seal water flow switch functionality. The change order amount is \$390,000.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute Change Order No. 9
of Contract No. 040140, Ulliman Schutte Construction,
LLC

#09-02
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Change Order No. 9 of Contract No. 040140, Ulliman Schutte Construction, LLC.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 9 of Contract No. 040140, Ulliman Schutte Construction, LLC. The purpose of the change order is to install taps on the suction side of new pumps. The change order amount is \$8,400.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute Supplemental Agreement No. 6
Contract No. DCFA #380-WSA, Malcolm Pirnie
Engineers, PLLC

#09-03
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Supplemental Agreement No. 6 of Contract No. DCFA #380-WSA, Malcolm Pirnie Engineers, PLLC.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Supplemental Agreement No. 6 of Contract No. DCFA #380-WSA, Malcolm Pirnie Engineers, PLLC. The purpose of the agreement is to design the replacement of existing volt switchgear, two KVA transformers, and the improvements to the electrical rooms that house the equipment. The supplemental agreement amount is \$1,432,121.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute Contract No. DCFA #417-WSA,
Brown and Caldwell

#09-04
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Contract No. DCFA #417-WSA, Brown and Caldwell

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. DCFA #417-WSA, Brown and Caldwell. The purpose of the contract is to provide professional engineering, management and technical services to develop, plan and manage design projects comprising the Biosolids Management Program at the Blue Plains Plant. The contract amount is not-to-exceed \$12,100,000.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute Option Year Four
Contract No. FCWA-05-01(J), PVS Chemical
Solutions, Inc.

#09-05
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Option Year Four of Contract No. FCWA-05-01(J), PVS Chemical Solutions, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Option Year Four of Contract No. DCFA FCWA-05-01(J), PVS Chemical Solutions, Inc. The purpose of the option is to supply and deliver sodium bisulfite to the Blue Plains Plant under a rider clause agreement with the Council of Governments. The option amount is \$569,928.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute Option Year Four
Contract No. FCWA-05-01(B), Tricon of Washington,
DC

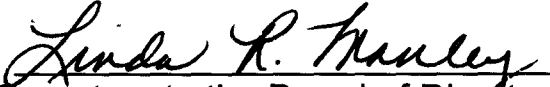
#09-06
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Option Year Four of Contract No. FCWA-05-01(B), Tricon of Washington, DC.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Option Year Four of Contract No. DCFA FCWA-05-01(B), Tricon of Washington, DC. The purpose of the option is to provide pebble quicklime to the Blue Plains Plant under a rider clause agreement with the Council of Governments. The option amount is \$3,184,279.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute Option Year Four
Contract No. FCWA-05-01(C), Colonial Chemical
Solutions, Inc.

#09-07
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Option Year Four of Contract No. FCWA-05-01(C), Colonial Chemical Solutions, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Option Year Four of Contract No. DCFA FCWA-05-01(C), Colonial Chemical Solutions, Inc. The purpose of the option is to supply and deliver methanol to the Blue Plains Plant under a rider clause agreement with the Council of Governments. The option amount is \$6,336.716.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute Option Year Four
Contract No. FCWA-05-01(I), Hardy & Son Trucking,
Inc.

#09-08
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Option Year Four of Contract No. FCWA-05-01(I), Hardy & Son Trucking, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Option Year Four of Contract No. DCFA FCWA-05-01(I), Hardy & Son Trucking, Inc. The purpose of the option is to supply and deliver emulsion polymer to the Blue Plains Plant under a rider clause agreement with the Council of Governments. The option amount is \$340,080.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute Option Year Four
Contract No. FCWA-05-01(L), J & K Distributors

#09-09
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Option Year Four of Contract No. FCWA-05-01(L), J & K Distributors.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. DCFA FCWA-05-01(L), J & K Distributors. The purpose of the option is to supply and deliver polymer, dry, cationic, bulk, 2640 to the Blue Plains Plant under a rider clause agreement with the Council of Governments. The option amount is \$366,974.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute Option Year Four
Contract No. FCWA-05-01(G), J & K Distributors

#09-10
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Option Year Four of Contract No. FCWA-05-01(G), J & K Distributors.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Option Year Four of Contract No. DCFA FCWA-05-01(G), J & K Distributors. The purpose of the option is to supply and deliver polymer, dry, cationic, bulk, 536K, 835B to the Blue Plains Plant under a rider clause agreement with the Council of Governments. The option amount is \$857,863.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009

SUBJECT: Approval to Execute Option Year Four
Contract No. FCWA-05-01(E), Kuehne Chemical
Company, Inc.

#09-11
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Option Year Four of Contract No. FCWA-05-01(E), Kuehne Chemical Company, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Option Year Four of Contract No. DCFA FCWA-05-01(E), Kuehne Chemical Company, Inc. The purpose of the option is to supply and deliver sodium hypochlorite to the Blue Plains Plant under a rider clause agreement with the Council of Governments. The option amount is \$3,837,091.69.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute Option Year Four
Contract No. FCWA-05-01, Allegiance Chemicals, LLC

#09-12
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Option Year Four of Contract No. FCWA-05-01, Allegiance Chemicals, LLC.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Option Year Four of Contract No. DCFA FCWA-05-01, Allegiance Chemicals, LLC. The purpose of the option is to supply and deliver sodium hypochlorite/caustic soda to the Blue Plains Plant under a rider clause agreement with the Council of Governments. The option amount is \$923,132.85.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute Option Year One
Contract No. WAS-07-047-AP, TieBridge, Inc.

#09-13
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Option Year One of Contract No. WAS-07-047-AP, TieBridge, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Option Year One of Contract No. WAS-07-047-AP, TieBridge, Inc. The purpose of the option is to provide project implementation services for Maximo. The option amount is \$900,000.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute Option Year One
Contract No. WAS-07-047-40, Tessada & Associates,
Inc.

#09-14
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Option Year One of Contract No. WAS-07-047-40, Tessada & Associates, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Option Year One of Contract No. WAS-07-047-40, Tessada & Associates, Inc. The purpose of the option is to provide project management, systems implementations, and reports development services for the Authority. The option amount is not-to-exceed \$900,000.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute Option Year Three
Contract No. WAS-06-005-AA-ND
Urban Service Systems Corporation

#09-15
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve Option Year One of Contract No. WAS-06-005-AA-ND, Urban Service Systems Corporation.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Option Year One of Contract No. WAS-06-005-AA-ND, Urban Service Systems Corporation. The purpose of the option is to provide labor; supervision, equipment, materials, tools and insurance necessary to load and haul grit, screenings, and scum from the loading stations. The option amount is \$850,000.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute an Extension of
Contract No. WAS-04-049-AA-MB
Kaiser Foundation Health Plan of the Mid-Atlantic
States, Inc. for One Year

#09-16
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to approve a one year extension to Contract No. WAS-04-049-AA-MB, Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute a one year extension to Contract No. WAS-04-049-AA-MB, Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. The purpose of the extension is to continue to provide DCWASA employees with a center-based Health Maintenance Organization. The extension amount is \$1,550,007.96.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Intent to Reimburse Capital Expenditures with Proceeds
of a Borrowing

#09-17
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009, upon consideration of a joint-use matter, decided by a vote of eleven (11) in favor and none (0) opposed, to take the following action.

WHEREAS, the District of Columbia Water and Sewer Authority (the "Borrower") intends to acquire, construct and equip the items and projects set forth in Exhibit A hereto (collectively, the "Projects"); and

WHEREAS, plans for the Projects have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or notes or taxable debt, or both.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds, taxable bonds or notes (the "Bonds") or other debt in an amount not currently expected to exceed \$290,900,000 to pay costs of the Projects. These costs include amounts heretofore unreimbursed pursuant to Resolution 08-17 of the Board adopted on January 10, 2008 plus amounts projected to be reimbursed during Fiscal Year 2009 and through January 2010.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Projects made on or after the date that is 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise supported by the opinion of bond counsel, either (a) of a type properly chargeable to a capital account under

general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" and expenditures for any construction, the completion of which is expected to require at least five years.
5. The Borrower intends that the adoption of this resolution confirm the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This resolution shall take effect immediately.


Secretary to the Board of Directors

EXHIBIT A — LIST OF PROJECTS

Blue Plains Advanced Wastewater Treatment Plant Rehabilitation
Sanitary Sewer System Improvement Projects
Combined Sewer System improvement Projects
Stormwater Sewer System Improvement Projects
Water Pumping, Distribution & Storage Projects
Metering & Capital Equipment
Washington Aqueduct Projects

Presented and Adopted: January 8, 2009
Subject: Approval of Fiscal Year 2009 Revised Operating Budget

#09-18
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 January 8, 2009, decided by a vote of eleven (11) in favor and none (0) opposed, to take the following action with respect to the Fiscal Year 2009 Revised Operating Budget.

WHEREAS, in October 2008 the General Manager presented a Revised Fiscal Year 2009 Operating Budget to the Board that totaled \$363,234,000, which is at the same level as the FY 2009 budget approved by the Board in January 2008; and

WHEREAS, the Revised FY 2009 Operating Budget is detailed in the General Manager's Proposed FY 2010 Operating Budget dated October 23, 2008 and in materials presented to the Finance and Budget and Environmental Quality and Operations Committees on October 15 2008; and

WHEREAS, on December 15, 2008, the Environmental Quality and Operations Committee, and on December 19, 2008, the Finance and Budget Committee recommended that the Board adopt a Revised FY 2009 Operating Budget that totals \$363,234,000.

NOW THEREFORE BE IT RESOLVED THAT:

The Board hereby approves and adopts the District of Columbia Water and Sewer Authority's Fiscal Year 2009 Revised Operating Budget totaling \$363,234,000 as recommended by the Environmental Quality and Operations Committee on December 15, 2008 and the Finance and Budget Committee on December 19, 2008.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
Subject: Approval of Fiscal Year 2010 Proposed Operating Budget

#09-19
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 January 8, 2009, decided by a vote of eleven (11) in favor and none (0) opposed, to take the following action with respect to the Fiscal Year 2010 Proposed Operating Budget:

WHEREAS, in October 2008, the General Manager presented the FY 2010 Proposed Operating Budget to the Board that totaled \$393,623,000; and

WHEREAS, on December 15, 2008, the Environmental Quality and Operations Committee, and on December 19, 2008, the Finance and Budget Committee recommended that the Board adopt a FY 2010 budget that totals \$393,623,000.

NOW THEREFORE BE IT RESOLVED THAT:

The Board of Directors hereby approves and adopts the District of Columbia Water and Sewer Authority's Fiscal Year 2010 Proposed Operating Budget totaling \$393,623,000 as further detailed in the General Manager's Proposed FY 2010 Operating Budget dated October 23, 2008 and in materials presented to the Environmental Quality and Operations Committee, which met on December 15, 2008 and the Finance and Budget and Retail Rates Committees which met on December 19, 2008.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
Subject: Approval of Fiscal Year 2008-2017 Capital Improvement Program

#09-20
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 January 8, 2009, decided by a vote of eleven (11) in favor and none (0) opposed, to take the following action with respect to the Fiscal Year 2008 – 2017 Ten-Year Capital Improvement Program.

WHEREAS, the Board's financial policies require an annually updated Ten-Year Financial Plan, which includes a Ten-Year Capital Improvement Program; and

WHEREAS, on December 15, 2008, the Environmental Quality and Operations Committee met and on December 19, 2008, the Finance and Budget Committee met and recommended that the Board adopt the FY 2008 – 2017 Capital Improvement Program; and

WHEREAS, the Board and the representatives to the Intermunicipal Agreement (IMA) continue to review the level of participation of wholesale customers and allocation of costs to the Long Term Control Plan; and

WHEREAS, progress and success of appropriate quality management of the water supply and implementation of the Lead Service Replacement program have continued the safe distribution of water and have resulted in the modification of the Board's lead replacement program.

NOW THEREFORE, BE IT RESOLVED THAT:

The Board of Directors hereby approves and adopts the District of Columbia Water and Sewer Authority's Fiscal Year 2008– 2017 Capital Improvement Plan with a lifetime budget totaling \$6,360,627,000 (Attachment A) and related disbursements budget of \$3,191,659 (Attachment B) and as further detailed in the General Manager's Proposed Fiscal Year 2010 Operating and Capital Budgets dated October 23, 2008 and accompanying materials.

This resolution is effective immediately.


Secretary to the Board of Directors

FY 2008 - FY 2017 Capital Improvement Plan

Project Lifetime Budgets by Program Area (\$ 000's)

	FY 2009 Approved	FY 2009 Revised / FY 2010 Proposed	Variance
<u>Wastewater Treatment</u>			
Liquid Processing Projects	569,911	573,746	3,835
Plantwide Projects	264,458	259,325	(5,133)
Solids Processing Projects	555,763	664,612	108,849
Blue Plains Total Nitrogen Removal (BTN)	950,000	950,000	0
Sub-total	2,340,132	2,447,683	107,551
<u>Sanitary Sewer</u>			
Sanitary Collection Sewers	10,966	10,966	0
Sanitary On-Going Projects	86,146	89,295	3,149
Sanitary Pumping Facilities	22,999	22,999	0
Sanitary Sewer Projects Program Management	37,045	39,045	2,000
Sanitary Interceptor/Trunk Force Sewers	115,666	125,666	10,000
Sub-total	272,822	287,971	15,149
<u>Combined Sewer Overflow</u>			
CSO Program Management	17,579	24,199	6,620
Combined Sewer Projects	339,664	383,097	43,433
Long-Term Control Plan- Total			0
Blue Plains	296	0	(296)
Anacostia Tunnel	1,372,545	1,372,545	-
Potomac Tunnel	418,700	418,700	-
Rock Creek Tunnel	70,342	70,342	-
Sub-total	2,219,126	2,268,883	49,757
<u>Stormwater</u>			
Stormwater Extensions/Local Drainage	2,333	4,026	1,693
Stormwater On-Going Program	7,762	8,093	331
Stormwater Pumping Facilities	1,173	1,173	0
DDOT Stormwater Program	4,426	4,631	205
Stormwater Projects Program Management	9,630	7,630	(2,000)
Stormwater Trunk/Force Sewers	18,405	18,405	0
Sub-total	43,729	43,958	229
<u>Water</u>			
Water Distribution Systems	317,342	369,634	52,292
Water Lead Program	438,486	297,000	(141,486)
Water On-Going Projects	72,455	74,158	1,703
Water Pumping Facilities	96,199	116,143	19,944
DDOT Water Projects	35,530	37,111	1,581
Water Storage Facilities	32,359	33,999	1,640
Water Projects Program Management	25,944	23,342	(2,602)
Meter Replacement /AMR Installation	52,910	59,638	6,728
Sub-total	1,071,225	1,011,025	(60,200)
Washington Aqueduct	170,391	196,474	26,083
Capital Equipment	100,840	104,633	3,793
Total WASA CIP Lifetime (see notes)	6,218,265	6,360,627	142,362

Notes:

1 Lifetime budgets shown here represent total budgets for projects that are active during the current 10-year CIP. Lifetime budgets include historical spending prior to the beginning of the current 10-year plan, spending during the 10-year plan, and projected spending beyond the current 10-year plan. Projects completed in FY 2008 will be dropped from the CIP next year.

2 These budgets do not include inhouse labor costs, which historically have averaged \$7 to \$8 million annually and are applicable to, primarily, the time charged to capital projects by employees in the Departments of Engineering, Sewer Services, and Water Services.

Attachment B

FY 2008 - FY 2017 PROJECTED CAPITAL IMPROVEMENT PLAN - DISBURSEMENTS BASIS (\$ in 000's)

	FY 2008 Actuals	FY 2009 Revised	FY 2010 Proposed	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Total FY '08 -'17
Wastewater Treatment											
Liquid Processing Projects	\$66,443	\$55,288	\$39,518	\$26,390	\$12,146	\$2,088	\$1,321	\$4,260	\$8,029	\$7,694	\$223,178
Plantwide Projects	15,069	15,323	16,137	7,747	11,946	9,198	1,063	989	571	609	78,652
Solids Processing Projects	3,763	17,185	26,083	139,585	99,247	78,761	21,994	2,455	170	1,134	390,377
BTN - Total Nitrogen Program	-	8,037	24,176	61,591	211,641	197,328	87,401	71,618	82,611	58,057	802,461
Sub-total	85,275	95,833	105,914	235,313	334,981	287,375	111,779	79,323	91,381	67,494	1,494,668
Sanitary Sewer											
Sanitary Collection Sewers	65	276	655	526	-	-	-	-	-	4	1,526
Sanitary On-Going Projects	5,549	7,677	7,849	6,227	3,429	3,778	4,065	4,186	4,343	4,400	51,504
Sanitary Pumping Facilities	5,220	5,271	994	118	-	-	-	-	-	33	11,637
Sanitary Sewer Projects Program Management	2,104	1,705	2,631	3,579	2,753	1,560	1,455	1,454	1,465	1,446	20,151
Sanitary Interceptor/Trunk Force Sewers	2,835	3,938	9,845	28,468	13,483	4,805	1,655	1,897	1,576	763	69,264
Sub-total	15,773	18,867	21,974	38,918	19,664	10,143	7,174	7,536	7,384	6,647	154,081
Combined Sewer Overflow / Long Term Control Plan											
CSO Program Management	369	1,100	1,583	1,071	825	820	400	-	-	18	6,188
Combined Sewer Projects	24,933	24,330	49,606	27,793	18,181	3,954	97	43	1,267	3,790	153,994
Long-Term Control Plan-											
Blue Plains											
Anacostia Tunnel	13,322	16,444	21,353	45,838	75,681	66,006	95,523	99,137	88,232	75,450	596,986
Potomac Tunnel	-	-	-	-	-	-	-	3,006	5,635	4,702	13,343
Rock Creek Tunnel	-	-	-	-	-	-	-	-	453	832	1,285
Sub-total	38,624	41,874	72,543	74,703	94,688	70,779	96,020	102,186	95,587	84,792	771,796
Stormwater											
Stormwater Local Drainage	-	610	734	-	-	-	-	-	-	4	1,348
Stormwater On-Going Program	213	372	263	270	279	289	302	313	365	326	2,994
Stormwater Pumping Facilities	-	-	-	-	-	-	-	-	-	-	-
DDOT Stormwater Program	-	41	10	86	89	93	96	99	89	89	694
Stormwater Research and Program Management	2,217	253	490	449	257	191	-	-	-	9	3,867
Stormwater Trunk/Force Sewers	101	687	663	233	1,050	902	848	5	-	13	4,501
Sub-total	2,531	1,964	2,160	1,038	1,676	1,476	1,246	417	454	442	13,403
Water											
Water Distribution Systems	13,764	28,054	27,037	27,051	25,985	16,338	14,816	12,742	11,009	16,134	192,929
Water On-Going Projects	8,125	9,198	4,345	2,037	2,538	3,286	3,609	3,681	3,961	4,968	45,747
Water Pumping Facilities	20,397	8,154	5,193	5,974	4,219	1,708	203	-	-	135	45,983
DDOT Water Projects	3,369	2,570	761	1,847	1,873	1,213	1,269	1,304	1,313	1,335	16,854
Water Storage Facilities	-	29	214	1,433	3,030	8,021	3,135	143	438	2,226	18,667
Water Projects Program Management	1,858	1,405	1,319	1,400	1,965	1,985	1,995	1,968	1,268	45	15,208
Water Lead Program	21,150	14,331	10,987	11,638	12,887	13,546	14,164	14,635	15,551	15,882	144,771
Meter Replacement /AMR Installation	1,476	1,239	1,279	1,286	1,294	1,301	1,309	1,317	1,326	1,334	13,162
Sub-total	70,139	64,979	51,136	52,665	53,790	47,399	40,500	35,790	34,865	42,059	493,321
Washington Aqueduct	76,415	23,164	5,584	7,016	7,500	8,055	8,023	8,000	8,000	8,000	159,757
Capital Equipment	14,630	19,283	15,788	12,288	8,747	6,615	6,910	6,948	6,733	6,692	104,633
Total FY 2010 WASA Capital Improvement Program	\$303,387	\$265,965	\$275,097	\$421,941	\$521,046	\$431,842	\$271,652	\$240,199	\$244,404	\$216,126	\$3,191,659

Presented and Adopted: January 8, 2009
Subject: Approval of Fiscal Year 2010 Capital Authority Request

#09-21
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 January 8, 2009, decided by a vote of eleven (11) in favor and none (0) opposed, to take the following action with respect to the Fiscal Year 2010 Capital Authority request which is to be submitted to the United States Congress.

WHEREAS, in October 2008, the General Manager presented the FY 2010 Proposed Capital Authority request of \$773,327,000; and

WHEREAS, on December 15, 2008 the Environmental Quality and Operations Committee recommended that the Board adopt the Capital Authority request of \$773,327,000; and

WHEREAS, on December 19, 2008, the Finance and Budget Committee met and recommended that the Board adopt the Proposed Capital Authority request of \$773,327,000; and

WHEREAS, the request is to be submitted to the United States Congress.

NOW THEREFORE BE IT RESOLVED THAT:

The Board of Directors hereby approves and adopts the District of Columbia Water and Sewer Authority's Fiscal Year 2010 Capital Authority request totaling \$773,327,000 which is to be submitted to the United States Congress as shown in Attachment A to this resolution.

This resolution is effective immediately.


Secretary to the Board of Directors

**Fiscal Year 2010 Capital Authority Request
(\$000's)**

<u>Service Areas</u>	<u>Fiscal Year 2010 Capital Authority Request</u>
Blue Plains Wastewater Treatment	\$511,855
Sanitary Sewer System ¹	-
Combined Sewer Overflow	230,118
Stormwater ¹	-
Water System ¹	-
Washington Aqueduct (WASA share)	13,667
Capital Equipment	<u>17,687</u>
Total	<u><u>\$773,327</u></u>

¹ The authority request is zero, as, existing (currently available) capital authority in these service areas is in excess of projected commitments in FY 2009, FY 2010, FY 2011 and FY 2012.

Presented and Adopted: January 8, 2009
SUBJECT: Approval of Fiscal Year 2008-2017 Ten Year Financial Plan

#09-22
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the Authority") at its meeting held on January 8, 2009 decided by a vote of eleven (11) in favor and none (0) opposed, to take the following action with respect to the Fiscal Year 2008 – 2017 Financial Plan.

WHEREAS, prudent utility financial management requires a long-term financial plan that integrates common elements of the ten-year capital improvement program, future capital financing plans, projected operating and maintenance budgets, revenue requirements and projected rate increases to support long-term capital and operating needs; and

WHEREAS, the Board in Resolutions 97-121 and 97-124 has adopted a series of financial policies in the areas of capital financing, long-term financial planning, and rate-setting to assure the short-term and long-term financial health of the Authority; and

WHEREAS, these policies include:

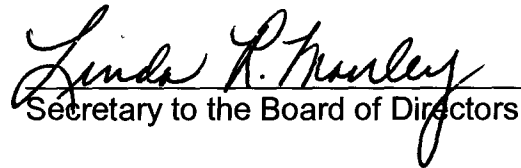
1. A requirement that retail rates be based on annually updated and adopted ten-year forecasts of operating and capital budgets;
2. A requirement that retail rate increases be implemented in a gradual and predictable manner, avoiding large one-time rate increases;
3. Maintaining senior debt service coverage at 140 percent; and
4. Maintaining cash reserves equivalent to approximately six months' operating expenses.

WHEREAS, these financial policies have allowed the Authority to receive strong bond ratings that will reduce debt service costs over the ten-year planning period; and

WHEREAS, consistent with Board policies, the General Manager has prepared a ten-year financial plan in conjunction with the proposed FY 2010 operating and capital budgets; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board of Directors hereby approves and adopts the proposed Fiscal Year 2008 – 2017 Financial Plan as expressed in the proposed Fiscal Year 2010 Operating and Capital Budgets, and as modified by the attached Schedule A.
2. The Board further directs the General Manager to employ best efforts to achieve the results projected on the attached Schedule A.
3. This resolution is effective immediately.


Secretary to the Board of Directors

DISTRICT OF COLUMBIA WATER & SEWER AUTHORITY
FY 2008 - 2017 FINANCIAL PLAN
(In 000's)

OPERATING	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Operating Receipts (1)	\$ 346,343	\$ 352,973	\$ 389,780	\$ 404,907	\$ 461,027	\$ 490,684	\$ 514,762	\$ 537,132	\$ 556,903	\$ 583,552
Operating Expenses	\$ 248,943	\$ 271,271	\$ 286,933	\$ 299,411	\$ 309,116	\$ 318,399	\$ 319,469	\$ 327,997	\$ 336,505	\$ 345,411
Debt Service	\$ 67,685	\$ 81,317	\$ 92,729	\$ 101,504	\$ 145,197	\$ 167,493	\$ 182,313	\$ 195,955	\$ 207,886	\$ 219,781
Net Revenues After Debt Service	\$ 29,716	\$ 386	\$ 10,118	\$ 3,992	\$ 6,714	\$ 4,791	\$ 12,980	\$ 13,180	\$ 12,512	\$ 18,360
Operating Reserve	\$ 139,050	\$ 125,455	\$ 132,916	\$ 138,140	\$ 141,847	\$ 145,689	\$ 145,842	\$ 149,710	\$ 153,613	\$ 157,703
Rate Stabilization Fund (2)	\$ (24,900)	\$ (15,000)	\$ (24,600)	\$ -	\$ (4,000)	\$ -	\$ -	\$ -	\$ -	\$ -
Senior Debt Service Coverage	468%	239%	256%	227%	175%	161%	161%	156%	152%	152%
Proposed Rate Increases	5.5%	7.5%	10.0%	13.0%	13.0%	8.0%	3.5%	3.5%	3.0%	3.0%

(1) Includes interest earnings on senior lien revenue bonds' debt service reserve fund

(2) FY2008 utilization of \$24.9 million of Rate Stabilization Fund brought the total fund balance to \$43.6 million

Presented and Adopted: JANUARY 8, 2009
SUBJECT: Authorization to Publish a Notice of Proposed
Rulemaking for the Impervious Surface Area Charge

#09-23
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The District members of the Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the Authority") at the Board meeting held on January 8, 2009 decided, in a non- joint use matter, by a vote of six (6) in favor and none (0) opposed, to take the following action with respect to publishing the proposed Notice of Rulemaking, amending Title 21 of the District of Columbia Municipal Regulations (DCMR), Chapter 41, Retail Water and Sewer Rate, consistent with District of Columbia (District) laws and Board adopted policies, to unbundle the retail sewer rate in order to reduce the volumetric rate and add an impervious surface area charge.

WHEREAS, the Board on November 1, 2007 adopted Resolution # 07-86 which authorized the General Manager to develop rates and charges based on impervious surface area owned or controlled by customers of WASA or by others and to use an impervious surface area charge, rather than rates based solely on gallons of water (volumetric) purchased by customers, to recover objectively determined portions of WASA's costs; and

WHEREAS, the Board on March 6, 2008 adopted Resolution # 08-33 and Resolution # 08-34 that established several key policies related to the Impervious Surface Area Charge, including the definition of impervious area, the use of the Equivalent Residential Unit (ERU) and binary classification (no gradation) in determining imperviousness; and

WHEREAS, the Retail Rates Committee, during its December 19, 2008 meeting, recommended that the Board consider for public comment the unbundling of the FY 2009 retail sewer rate, by implementing a new impervious surface area charge and reducing the volumetric sewer charge to be effective no earlier than April 2009; and

WHEREAS, the Board wishes to proceed with the amendment of Title 21 of DCMR, Chapter 41 to reflect this amendment;

NOW THEREFORE BE IT RESOLVED THAT:

1. The General Manager is authorized to publish a notice of proposed rulemaking, in conformance with the requirements of the Office of Documents, to adopt:

(a) a retail rate for sanitary sewer service of Three Dollars and Thirty-One Cents (\$3.31) for each One Hundred Cubic Feet (Ccf) decreased from Three Dollars and Forty-Seven Cents (\$3.47) per Ccf and

(b). an impervious surface area charge of One Dollar and Twenty-four Cents (\$ 1.24) per month per Equivalent Residential Unit (ERU)

to be effective no earlier than April 1, 2009.

2. This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Expansion of the Customer Assistance Program (CAP) to
Retail Sewer Service
Publishing of Notice of Final Rulemaking

#09-24
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The District members of the Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the Authority") at the Board meeting held on January 8, 2009 decided, in a non-joint use matter, by a vote of six (6) in favor and none (0) opposed, to take the following action with respect to publishing the Notice of Final Rulemaking, amending Title 21 of the District of Columbia Municipal Regulations (DCMR), Chapter 41, Retail Water and Sewer Rates, subsection 4102.1 to expand the Customer Assistance Program (CAP) to retail sewer service.

WHEREAS, in Resolution # 00-38 the Board authorized the General Manager to implement a Customer Assistance Program (CAP) to assist low income customers in paying their water service charges; and

WHEREAS, in Resolution # 04-10 the Board expanded the CAP to tenants; and

WHEREAS, on June 24, 2008 the Retail Rates Committee considered recommendations advanced by the General Manager to expand the CAP to retail sewer service ; and

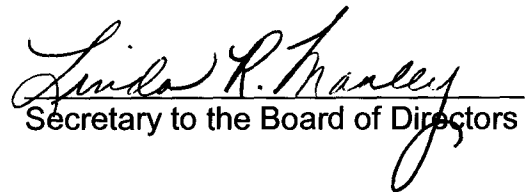
WHEREAS, in Resolution # 08-65 the Board authorized the General Manager to expand the CAP in accordance with all applicable notice provisions, to retail sewer service ; and

WHEREAS, the proposed rulemaking to expand the CAP to retail sewer service was published in the September 19, 2008 edition of the *D.C. Register* (55 DCR 9869) and a public hearing was held on November 5, 2008; and

WHEREAS, the Retail Rates Committee met on December 19, 2008 to consider the comments offered at the November 5, 2008 public hearing, comments received during the record period of 30 days to receive written comments after the public hearing, and during the comment period of the proposed rulemaking;

NOW THEREFORE BE IT RESOLVED THAT:

1. The General Manager is authorized to publish a notice of final rulemaking to adopt the attached changes to Title 21 DCMR, Chapter 41, Retail Water and Sewer Rates, Section 4102, Customer Assistance Program, subsection 4102.1.
2. The General Manager is further authorized to take all actions as may be required to insure that the final regulations conform to the publication requirements of the Office of Documents.
3. This resolution is effective immediately.


Secretary to the Board of Directors

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority (“the Board”), pursuant to the authority set forth in section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203 (3), (11) and 216; D.C. Official Code §§ 34-2202.03 (3), (11) and (16); Section 6 (a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968, 82 Stat. 1206; D.C. Code § 2-505 (a); and in accordance with 21 DCMR 40, at its regular meeting on January 8, 2009 took final action to amend Chapter 41, Retail Water and Sewer Rates, to expand the Customer Assistance Program (CAP) to retail sewer service.

The Authority’s proposed rulemaking was originally published in the September 19, 2008 edition of the *D.C. Register* (55 DCR 9869). A public hearing was held on November 5, 2008. The Board of Directors voted after consideration of all comments received and the recommendations of the Retail Rates Committee to expand the Customer Assistance Program (CAP) to retail sewer service.

This final rulemaking will be effective when published in the *D.C. Register*.

Title 21 DCMR, Chapter 41 RETAIL WATER AND SEWER RATES, Section 4102 CUSTOMER ASSISTANCE PROGRAM, subsection 4102.1 is amended to read as follows:

CHAPTER 41 RETAIL WATER AND SEWER RATES

4102 CUSTOMER ASSISTANCE PROGRAM

4102.1 LIFELINE PROGRAM FOR HOUSEHOLDS AND TENANTS

(a) Eligible households and tenants will receive an exemption from water service charges and sewer service charges of the first Four Hundred Cubic Feet (4 CCF) per month, of water consumption.

(b) Participation in the Lifeline Program is limited to single-family owner-occupied primary residential accounts and individually metered tenant accounts.

(c) Eligibility is determined by the District of Columbia Energy Office (DCEO), and will be based upon the following DCEO Low Income Home Energy Assistance Program (LIHEAP) Federal income guidelines, as periodically updated:

Household Size	Household Annual Income
1	\$13,470
2	\$18,180
3	\$22,890
4	\$27,600
5	\$32,310
6	\$37,020
7	\$41,730
8	\$46,480

For households with more than eight members, an additional \$4,710 will be added to the Household annual income for each additional member.

Presented and Adopted: January 8, 2009

SUBJECT: Proposed Water and Sewer Service Rates, Right-of- Way (ROW) and Payment in Lieu of Taxes (PILOT) Fee and Impervious Area Charge ((IAC) For Fiscal Year 2010

#09-25
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The District members of the Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the Authority") at the Board meeting held on January 8, 2009 decided, in a non-joint use matter, by a vote of six (6) in favor and none (0) opposed, to take the following action with respect to the proposed retail rates for water and sewer service, impervious area charge, the right of way and payment in lieu of taxes (PILOT) fee.

WHEREAS, the Board has adopted a rate-setting policy that calls for implementation of retail rate increases in a gradual and predictable manner, avoiding large one-time rate increases; and

WHEREAS, the Board has adopted a ten year financial plan that requires annual rate increases to generate sufficient revenues to pay for the Authority's projected operating and capital expenses and will assure compliance with Board policies regarding maintenance of senior debt coverage and cash reserves; and

WHEREAS, the Retail Rates Committee met on December 19, 2008 to consider the proposed rate and fee changes; and

WHEREAS, the Retail Rates Committee recommended that the Board consider for public comment a retail water and sewer rate increase of approximately 10.0 percent; and

WHEREAS, the Retail Rates Committee recommended that the Board consider for public comment an increase in the Right of Way and PILOT fee to recover the full cost of these District of Columbia government charges, pending receipt of the PILOT certification of cost from the District of Columbia Chief Financial Officer (DC CFO); and

WHEREAS, the Retail Rates Committee recommended that the Board consider for public comment an increase in the impervious area charge to recover the

costs of the Combined Sewer Overflow Long-Term Control Plan (CSO LTCP); and

WHEREAS, the public comment and notification process of the proposed rate and fee increases will occur over the next several months and it is the intent of the Board to take final action on the proposed rate and fee increases at the conclusion of the notification and comment period; and

WHEREAS, the Authority's revenue projections for Fiscal Year 2010 reflect an approximate \$19.3 million increase due to the proposed 10.0 percent increase in retail water and sewer rates, an approximate \$1.6 million increase due to the proposed ROW and PILOT fee increase, and an approximate \$3.8 million increase due to the proposed IAC increase; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board finds that the Authority's projected expenditures require that it propose, for public comment, the approximate rate and fee increases described below:

Water Service Rates

- a. An increase in the rate for retail metered water service from \$2.30 per One Hundred Cubic Feet ("Ccf"), to \$2.53 per Ccf, effective October 1, 2009

Sewer Service Rates

- b. An increase in the rate for retail sanitary sewer service from \$3.31 per Ccf to \$3.63 per Ccf, effective October 1, 2009
- c. An increase in the annual Impervious Area Charge (IAC) from \$14.88 to \$26.40 per Equivalent Residential Unit (ERU). The charge per ERU will be billed monthly at \$2.20 for each ERU

Right of Way / PILOT Fee

- d. An increase in the ROW / PILOT fee from \$0.52 per Ccf to \$0.57 per Ccf, effective October 1, 2009 divided as follows:
 - i. District of Columbia Right of Way fee - \$0.14 per Ccf.
 - ii. Payment in Lieu of Taxes to the Office of the Chief Financial Officer (OCFO) of the District of Columbia - \$0.43 per Ccf; and

2. The General Manager is authorized to take all steps necessary in his judgment and as otherwise required, to initiate the public comment process and shall provide notice of the proposed rate adjustments in the manner provided by 21 DCMR, Chapter 40 and the District of Columbia's Administrative Procedures.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
SUBJECT: Approval to Execute Change Order No. 28
Contract No. 030220, W.M. Schlosser Company, Inc.

#09-26
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA 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 January 8, 2009 upon consideration of a non-joint-use matter decided by a vote of six (6) in favor and none (0) opposed, to approve Change Order No. 28 of Contract No. 030220, W.M. Schlosser Company, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 28 of Contract No. 030220, W.M. Schlosser Company, Inc. The purpose of the change order is to modify controls for low area pump start-up to facilitate priming. The change order amount is \$7,512.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: January 8, 2009
**Subject: Approval of Proposed Amendments to the Wastewater
System Regulation Amendment Act of 1985**

#09-27
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 January 8, 2009, upon consideration of a joint use matter decided by a vote of eleven (11) in favor and none (0) opposed, to take the following action with respect to proposed amendments to the Wastewater System Regulation Amendment Act of 1985:

WHEREAS, in October 2005, the United States Environmental Protection Agency (USEPA) promulgated the Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution Rule, which revised the federal General Pretreatment Regulations and required all publicly owned treatment works to revise their pretreatment laws and regulations to be consistent with USEPA's revised rules;

WHEREAS, the Authority prepared proposed amendments to Wastewater System Regulation Amendment Act of 1985, presented the proposed amendments to the Environmental Quality and Operations Committee on February 21, 2008, and submitted the proposed amendments to the Environmental Protection Agency Region 3, the District Department of the Environment, and User Jurisdictions for comments.

WHEREAS, on July 22, 2008, EPA Region 3 approved the proposed statutory amendments and the proposed amendments were presented to the Environmental Quality and Operations Committee and Retail Services Committee; and

WHEREAS, the Environmental Quality and Operations Committee and Retail Services Committee on December 15 and 19, 2008, respectively, reviewed the proposed amendments to the Wastewater System Regulation Amendment Act of 1985 and recommended the proposed statutory amendments be submitted to the Board for approval; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The General Manager shall submit the attached proposed amendments to the District of Columbia Council to adopt the proposed amendments to the Wastewater System Regulation Amendment Act of 1985; and

2. The General Manager is authorized to take all steps necessary in his judgment and as otherwise required, to seek the adoption of the proposed amendments to the Wastewater System Regulation Amendment Act of 1985.

This resolution is effective immediately.


Secretary to the Board of Directors

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) ~~Repealed~~
- (1A) ~~Repealed~~
- (1B) ~~Repealed~~
- (1C) "Best Management Practices" or "BMPs" means the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR Chapter I, Subchapter N, Part 403 § 403.5(a)(1) and (b), 21 DCMR Chapter 15, and § 8-105.06 of this subchapter. BMPs also include treatment requirements, operating procedures, and practices to control

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Deleted: "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.

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Deleted: "Clean Water Act" means the Federal Water Pollution Control Act ([33 U.S.C. § 1251](#) et seq.).

Deleted: ¶

Deleted: "CFR" means the Code of Federal Regulations.

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Comment [g1]: Definition added pursuant to §403.3(e), Pg. 3 per Streamlining Rule. Text deleted per EPA comment that this text narrower than the federal definition of BMP.

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plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(1D) "Blue Plains" means the District of Columbia's Wastewater Treatment Plant at Blue Plains, a POTW.

(1E) "Categorical Pretreatment Standards" or "Categorical Standards" or "National Categorical Pretreatment Standards" means any regulation promulgated by the Environmental Protection Agency ("EPA") in accordance with sections 307(b) and (c) of the Clean Water Act 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 provided in 40 CFR Chapter I, Subchapter N, Parts 405-471.

- Comment [g2]:** Revised to be consistent the EPA Model Rule
- Deleted:** pretreatment
- Deleted:** standards
- Deleted:** standards
- Deleted:** industrial
- Deleted:** users

(1F) "Categorical wastewater" means wastewater subject to National Categorical Pretreatment Standards.

Comment [GH3]: Corrected typographical error by adding open quotation mark.

(1G) "Clean Water Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251 et seq..

(1H) "CFR" means the Code of Federal Regulations.

(1I) "Cooling water" means the wastewaters discharged from any system of heat transfer such as condensation, air conditioning, cooling or refrigeration to which the only pollutant added is heat.

(2) "Discharge" means any solid, liquid, or gas introduced into the wastewater system including indirect discharges.

(3) "District" means the District of Columbia.

(3A) Repealed

(3B) "District pretreatment standards" or "Local limits" means those limits found in 21 DCMR § 1501 and § 8-105.06 of this subchapter.

(3C) "Hazardous waste" means any waste defined as hazardous waste in § 8-1302(2).

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- Deleted:** "Industrial user" means a non-domestic user who discharges, causes, or permits the discharge of wastewater into the District's wastewater system.
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- Comment [g4]:** Definition added pursuant to DC Code § 8-1302.

(3D) "High strength wastes" means wastewater containing concentrations of organic matter, solids, or nutrients that are higher than domestic (residential) strength wastewater.

(3E) " Indirect discharge" means the introduction of pollutants into a POTW or the District's wastewater system from any non-domestic source regulated under section 307(b), (c), or (d) of the Clean Water Act), and this Act.

Comment [g5]: Added to comply with 40 § 403.3(i), Pg.3.

(3F) "Industrial User" means a source of indirect discharge from a non-domestic user who discharges, causes, or permits the discharge of wastewater into the District's wastewater system.

(3G) "Infectious Waste" means any waste defined as infectious waste in § 8-1051(21).

(4) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(A) Inhibits or disrupts the District's wastewater system, its treatment processes or operations, or its sludge processes, use or disposal; and

(B) Therefore is a cause of a violation of any requirement of WASA's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including State or District regulations contained in any State or District sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.

(5) "Mayor" means the Mayor of the District of Columbia or any representative or agency designated by the Mayor to carry out the provisions of this subchapter.

(5A) ~~Repealed.~~

(5B) ~~Repealed.~~

(5C) ~~Repealed.~~

(5D) "Medical waste" means any waste defined as medical waste in § 8-901(3A).

(5E) "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, which applies to Industrial Users. National Pretreatment Standards, pretreatment standards, or standards, includes prohibitive discharge limits and local limits established pursuant to 40 CFR § 403.5.

(5F) "Natural outlet" means any outlet into a watercourse, pond, ditch, river, lake, or other body of surface water.

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

(5H) "NPDES permit" means the National Pollution Discharge Elimination System

Comment [g6]: Definition edited to comply with §403.3(k), Pg. 3.

Deleted: 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.

Comment [g7]: Revised to be consistent with the District's delegation under the "Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996"

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Deleted: "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.

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Deleted: "NPDES" means the National Pollutant Discharge Elimination System.

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Deleted: "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.

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Comment [g8]: Definition edited pursuant to §403.3(l), Pg.4. Revised definition to simplify the references to the prohibitions in statute and regulations.

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Comment [g9]: Updated effective date of modified NPDES Permit and clarified that the permit is issued by EPA Region III not EPA a.k.a. headquarters.

permit issued by the EPA Region III to WASA for the operation of the Blue Plains Wastewater Treatment Facility in effect on June 4, 2007 and as it may be amended or modified in the future, and any successor permits issued by the EPA Region III 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 reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants to the District's wastewater system. This reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40 CFR § 403.6(d) and § 8-105.06(f) of this subchapter. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the District's wastewater system. However, if wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR § 403.6(e).

Comment [g10]: Definition edited to comply with §403.3(s), Pg. 5.

Deleted: 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, District pretreatment standard or local substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

(10B) "Prohibited Discharge Standards" or "Prohibitive Discharge Limits" means any statute or regulation containing prohibitions on pollutant discharges including regulations promulgated by the EPA and the prohibitions in 21 DCMR § 1501 and § 8-105.06.

Comment [GH11]: Revised definition by adding the term "Prohibitive Discharge Limits" as this term is used in the federal definition for National Pretreatment Standards, and simplified references to the prohibitions in the statute and regulations.

(10C) "Publicly Owned Treatment Works" or "POTW" means a treatment works as

Comment [g12]: Definition added pursuant to §403.3(q), Pg. 5.

defined by section 212 of the Clean Water Act (33 U.S.C. § 1292), which is owned by a State or municipality, such as the District of Columbia. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances which convey wastewater to a treatment plant.

(10D) “POTW treatment plant” means that portion of a POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

Comment [g13]: Definition added to comply with §403.3(r), Pg. 5.

(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.

(11A) “Significant Industrial User” or “SIU” means:

Comment [g14]: Revised per 40 CFR 403.3(v)(1) per Streamlining Rule.

(A) Except as provided in subparagraphs (B) and (C) below, Significant Industrial User means:

(i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR § 403.6, and 40 CFR chapter I, subchapter N; and

(ii) Any other Industrial User that discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the District’s wastewater system or other POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of Blue Plains; or is designated as a Significant Industrial User by WASA on the basis that the Industrial User has a reasonable potential for adversely affecting the operation of Blue Plains or for violating any pretreatment standard or requirement.

(B) WASA may determine that an Industrial User subject to Categorical Pretreatment Standards under 40 CFR § 403.6, 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

Comment [GH15]: Corrected typographical error by changing 40 CFR chapter 1 to 40 CFR chapter I

(i) The Industrial User, prior to WASA’s finding, has consistently complied with all applicable Categorical Pretreatment Standards and requirements;

(ii) The Industrial User annually submits the certification statement required in 40 CFR § 403.12(q) together with any additional information necessary to support the certification statement; and

Comment [GH16]: Changed reference to 21 DCMR § 1508.11 to 40 CFR § 403.12(q) since the DCMR provision will not exist until the statute is law.

(iii) The Industrial User never discharges any untreated concentrated wastewater.

(C) Upon a finding that an Industrial User meeting the criteria in § 8-105.02(32)(A)(ii) has no reasonable potential for adversely affecting the operation of Blue Plains or for violating any pretreatment standards or requirements, WASA may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR § 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

(11B) “Significant noncompliance” means a Significant Industrial User that is in significant noncompliance with the pretreatment standards and requirements if it violates a term of a discharge permit and its violation meets one or more of the criteria listed in § 8-105.13, or an Industrial User whose violation meets one or more of the criteria listed in §§ 8-105.13(c)(3), (7) or (8).

Comment [g17]: Reference revised since Annual Notice of Significant Violations added to regulation in § 1515

(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 any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate WASA’s regulations, local limits or permit conditions such that it is capable of violating the specific prohibitive discharge limits of § 8-105.06 of this subchapter and 21 DCMR § 1501.

Comment [g18]: Definition revised to comply with §403.8(f)(2)(vi), Pg. 27 per Streamlining Rule. Revised the term "prohibited discharge provisions" to "prohibitive discharge limits" to be consistent with the use of this term in statute.

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(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 or WASA 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. Special agreements.

(a) Nothing in this subchapter shall be construed as prohibiting any special agreements between WASA 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, provided, that: ~~National Pretreatment~~,

Comment [GH19]: This section was revised per EPA's comment concerning their updated requirements for special agreements. Text is based on language in the Hollidaysburg, PA ordinance Chapter 18 § 451 Sewers and Sewage Disposal Ordinance.

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(1) National categorical pretreatment standards set forth at 40 CFR § 403.6 and prohibited discharge standards set forth at 40 CFR §§ 403.5(a) and (b) shall not be waived, unless such waiver is granted by mechanisms established under the Federal pretreatment regulations (40 CFR § 403 et seq).

(2) In no case shall a special agreement or waiver of local limits allow for an industrial user to discharge any pollutant which, alone or in combination with other regulated industrial user discharges, would reasonably be expected to exceed the mass loadings determined by WASA as acceptable to the sewage treatment plant based upon considerations of, among other things, interference, pass through, and sludge contamination. WASA may consider other factors (e.g., effect of the discharge on the POTW, future expansion, etc.), as it deems appropriate. In no event shall special agreement or waiver allow the sum of the loadings allocated to all industrial loadings for any pollutant to exceed the maximum allowable industrial loading set forth in any local limits analysis submitted by WASA and approved by EPA as part of WASA's pretreatment program.

(3) WASA may require an industrial user requesting a special agreement or waiver adjusting effluent limitations to submit supporting documentation indicating why the industrial user cannot reasonably expect to meet the effluent limitation contained in its wastewater discharge permit, setting forth an expeditious schedule for achieving compliance with such limitations, and including such other information as WASA may require. In granting any special agreement or waiver WASA may impose time limitations upon any reduced requirements and provide a compliance schedule for achieving compliance. In granting any special agreement or waiver, WASA may impose any other conditions deemed necessary to implement the purposes of this Part.

(4) If granting a special agreement or waiver would result in increased costs to WASA, (e.g., treatment, monitoring, sludge disposal costs), WASA may condition the special agreement or waiver upon the agreement of the industrial user to pay those costs, and to provide security adequate in the judgment of WASA to assure payment of those costs.

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(b) All special agreements or waivers shall be requested and granted in writing.

§ 8-105.04. Falsifying information.

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Any person who knowingly makes any false statement, representation, or certification in any information or data submitted to, or required by, the District or WASA 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.

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§ 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) WASA is authorized to establish a system of wastewater treatment allocation.

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(b) All users shall comply with the following prohibitive discharge limits:

Comment [GH20]: Text revised to be consistent with terms used in statute.

(1) General prohibitions. -- A user shall not introduce into the District's wastewater system any pollutant which causes pass through or interference. These general prohibitions and the specific prohibitions in § 8-105.06(b)(2) apply 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, District or local pretreatment standards or requirements;

Deleted: standards which set forth prohibited discharges

Comment [g21]: Revised per 40 CFR 403.5(a)(1) page 6 and the EPA Model Pretreatment Ordinance § 2.1

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(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, § 261.21 or waste streams causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter. 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.

Comment [g22]: Deleted "Chapter I, Subchapter N" because it was incorrect. Reference should have only been 40 CFR § 261.21. Added pursuant to Jan. 2007 EPA Model ordinance- pg. 11, # 18.

Comment [g23]:

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(B) Pollutants which have a pH of less than 5.0 or more than 10.0, except when a waiver to the upper pH limit is authorized by a written permit issued by WASA, or which have any corrosive property capable of damaging or creating a hazard to structures, equipment, processes, and personnel of the District's wastewater system,

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including, but not limited to, acids, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form acidic or alkaline products.

Deleted: 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 in amounts which may cause, or contribute to obstruction of the flow in a sewer or otherwise interfere with the operation of the District's wastewater system, including, but not limited to: substances which may solidify or become viscous at temperatures above 32 degrees Fahrenheit or 0 degrees Centigrade, solids having any linear dimensions greater than 1 inch, fats, oils, and grease, incompletely shredded garbage, animal remains, blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding, or polishing wastes.

Comment [g24]: Prohibition edited to comply with §403.5(b)(5), Pg. 7. Text revised and simplified per EPA's comment that the prohibition as written may be interpreted as an absolute prohibition not based on the amount discharged.

Deleted: 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

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(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.

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(G) Repealed.

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(H) Any wastewater containing pollutants which result in the presence of toxic, noxious or malodorous liquids, solids, gases, vapors, or fumes within the District's wastewater system which alone or in interaction with other wastes, are capable of creating a public nuisance or hazard to humans or animals, are sufficient to cause acute worker health and safety problems, or are sufficient to cause interference or pass through.

Deleted: Any wastewater containing substances which may solidify or become viscous at temperatures above 32 degrees Fahrenheit or 0 degrees Centigrade.

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Comment [g25]: Prohibition edited to comply with §403.5(b)(7), Pg. 7.

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(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.

(K) Wastewater containing any radioactive wastes or isotopes of such half-life or

Comment [g26]: Added as a specific prohibition and edited pursuant to Jan. 2007 EPA Model ordinance- pg. 10, # 11. Revised per EPA comment to update definition.

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concentration as may exceed limits established by WASA or applicable State or National standards, cause pass through or interference or otherwise adversely impact the District’s wastewater system or cause or contribute to pollution.

(L) Any substance including, but not limited to, septic tank sludge, restaurant grease, waste or discharge from a fuel service station, marine holding tank, or portable toilet, unless specifically authorized by a written permit issued by WASA.

Comment [g27]: Added as a specific prohibition.

(M) Sludges, screenings, or other residues from the pretreatment of industrial wastes.

Comment [g28]: Added as a specific prohibition pursuant to Jan. 2007 EPA Model ordinance- pg. 10, # 13.

(N) Medical or infectious wastes, except as specifically authorized by a written permit issued by WASA.

Comment [g29]: Added a specific prohibition pursuant to Jan. 2007 EPA Model ordinance- pg. 10, # 14.

(O) Wastewater causing, alone or in conjunction with other sources, the effluent from Blue Plains to fail toxicity tests.

Comment [g30]: Added as a specific prohibition pursuant to Jan. 2007 EPA Model ordinance- pg. 10, # 15.

(P) Detergents, surface-active agents, or other substances which might cause excessive foaming in the District’s wastewater system.

Comment [g31]: Added as a specific prohibition pursuant to Jan. 2007 EPA Model ordinance- pg. 10, # 16.

(Q) Any waste that if otherwise disposed of would be a hazardous waste, unless specifically authorized by a written permit issued by WASA.

Comment [g32]: Added as a specific prohibition pursuant to Jan. 2007 EPA Model ordinance- pg. 10, # 17. Added text per EPA's 5/29/08 to clarify that the prohibition pertains to hazardous waste that has not been discharged.

(R) Any substance 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 Title V permit issued pursuant to the Clean Air Act.

Comment [g33]: Added to prohibitions per WASA DETS comment.

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(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.

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(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 sewers or to a natural outlet is prohibited if the discharge will create a detrimental effect upon the receiving water.

Deleted: 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).

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Deleted: 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.

(e) Repealed

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(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) No user shall discharge into the District's wastewater system any substance which, if otherwise disposed of, would be a hazardous waste under applicable federal, state, and municipal regulations without prior written notification to WASA, the Mayor, the Director of EPA Region III's Waste Management Division, and the appropriate city and state hazardous waste authorities in the jurisdiction in which the discharge will occur. Such notification shall include the name of the hazardous waste, the EPA hazardous

Deleted: 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. All users shall make a written notification to 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 will occur. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge.¶

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waste number, and the type of discharge.

(n) All Significant Industrial Users shall WASA immediately of any changes at their facility affecting the potential for a slug discharge.

Comment [g34]: Added to comply with §403.8(f)(2)(vi), Pg. 27 per Streamlining Rule.

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§ 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 or potential discharge of wastewater into publicly owned treatment plants, through individual or general permits, orders, or other similar means. In the case of Industrial Users, WASA shall use individual or general permits or equivalent individual or general control mechanisms. These permits, orders, or other similar means or individual or general 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 or potential discharge of wastewater into publicly owned treatment plants.

Comment [GH35]: Deleted the term "contract" per EPA comment and current federal regulations pertaining to how pretreatment programs ensure compliance in 40 CFR § 403.8(f)(iii) and pretreatment final rules of October 17, 1988, 53 FR 40562.

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

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(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, best management practices (BMPs) in lieu of or in addition to numerical limits, changes in the nature of pollutants discharged, flow regulation or equalization, installation of sampling facilities and specifications for monitoring programs, installation and maintenance of pretreatment facilities and BMPs, and development and implementation of slug control plans;

Comment [g36]: Revised Streamlining Rule to address maintenance of BMPs and implementing slug control plans.

Deleted: and

(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 hauled wastes and 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;

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(7) Regulations preventing tampering, other misuse, potential, or actual harm to the wastewater system;

Deleted: 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; and

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(9) Regulations for the publication of Industrial Users in significant noncompliance.

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§ 8-105.08. Inspection authority.

In order to determine compliance with this subchapter or any rule issued pursuant to this subchapter, WASA, a WASA authorized representative 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. Information and confidentiality.

Deleted: Confidential information

(a) Repealed.

Deleted: 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).

(a-1) In accordance with 40 CFR Part 2, any information submitted to WASA may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words “confidential business information” on each page containing such information. If no claim of confidentiality is made at the time of submission, WASA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).

Comment [g37]: Provision added to comply with §403.14(a), Pg. 51.

(a-2) User information and data provided to the District or WASA 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 or WASA 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 at the time of submission, 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) Effluent data, as defined in 40 CFR § 2.302, which is provided to WASA shall be available to the public without restriction.

Comment [g38]: Provision added to comply with § 403.14(b), Pg. 51.

(d) Information accepted by the Mayor or WASA as confidential shall not be transmitted to any governmental agency, except EPA as provided in § 8-105.09(c), unless written notification is sent to the user at least 10 days before transmitting the information.

Deleted: Wastewater constituents and characteristics shall not be considered confidential information

(d-1) All other information which is submitted to WASA shall be available to the public at least to the extent provided by 40 CFR § 2.302

Comment [g39]: Provision added to comply with § 403.14(c), pg. 51.

(e)(1) All users shall retain, preserve and make available for inspection and copying 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 on behalf of a user in connection with its discharge, and documentation associated with its Best Management Practices pursuant to this subchapter, for no less than 3 years from the date of preparation, drafting, or memorialization.

Comment [g40]: -Revised (g) to add “and make available for inspection and copying” and added requirement to maintain BMP documentation per 40 CFR 403.12(o)(2) per Streamlining Rule.

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(2) All records which pertain to or may pertain to matters which are the subject of enforcement or litigation activities initiated by the District or WASA 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.

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(b)(1) Whenever WASA has reason to believe that a person or 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:

Comment [g41]: Revised to include any “person” to provide WASA with the authority to enforce 8-105.95(d) for anyone discharging non-wastewater into the separate sanitary or combined sewer when a separate storm sewer is not provided.

- (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) Comply with the schedule for completion of any of the directives of the Proposed Order.

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(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 Court of Appeals ("Court") 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 Court 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 Court shall set aside any hearing examiner order that is unsupported by a preponderance of the evidence on the record. The Court shall also set aside any

Comment [g42]: Revised to be consistent with D.C. Code 2-510 Judicial Review

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hearing examiner order that was made without observance of procedure required by law or regulations, except that in such instances, the Court shall apply the rule of harmless error. The Court may not modify a sanction imposed by the hearing examiner if that sanction is within the limits established by law or regulation.

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§ 8-105.11. Injunction.

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Notwithstanding any other provision of this subchapter, WASA may seek 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.

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§ 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 by filing a petition for an administrative hearing as set forth in § 8-105.10.

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

§ 8-105.13. Annual publication.

Comment [g43]: Revisions to this section to comply with 40 CFR 403.8(f)(2)(viii) per Streamlining Rule.

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(a) A list of the Industrial Users in significant noncompliance with the pretreatment standards and requirements in the preceding calendar year, shall be published annually by WASA in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by WASA.

Comment [g44]: Requirement revised to comply with §403.8(f)(2)(viii), Pg. 28.

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Comment [g45]: This section is revised to conform to §403.8(f)(2)(viii)(A-H), Pg. 28.

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(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 Significant Industrial User (or any Industrial User which violates §§ 8-105.13(c)(3), (7), or (8)) 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, which are violations in which 66% or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR § 403.3(l);

(2) Technical Review Criteria ("TRC") violations, which are violations in which 33% or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR § 403.3(l), 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 a pretreatment standard or requirement as defined by 40 CFR § 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) 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, within 90 days after the schedule date, a compliance schedule milestone contained in a District or local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(5) Failure to provide required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on progress with compliance schedules or orders, within 45 days after the due date;

Deleted: or enforcement order issued by WASA within 90 days after the scheduled date for achievement of the compliance schedule milestone;

Comment [g46]: Requirement edited to comply with 403.8(f)(2)(viii)(F), Pg. 28.

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(6) Failure to timely and accurately report an instance of noncompliance with the pretreatment standards and requirements;

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(7) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in WASA's exercise of its

Comment [g47]: Edited to comply with §403.8(f)(2)(viii)(D), Pg. 28.

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emergency authority pursuant to 40 CFR § 403.8(f)(1)(vi)(B) and § 8-105.12 to halt or prevent such a discharge; and

~~(8) Any other violation or group of violations, which may include a violation of best management practices, which WASA determines will adversely affect the operation or implementation of the local pretreatment program or which WASA otherwise considers significant in light of the circumstances.~~

Comment [g48]: Edited to comply with §403.8(f)(2)(viii)(H), pg. 28.

§ 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 Office of the Attorney General.~~

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(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 and WASA for all expenses, losses, or damages incurred by the District and WASA by reason of the violation.~~

Comment [g49]: Revised to clarify that expenses of WASA are recoverable.

§ 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.

Presented and Adopted: January 8, 2009

SUBJECT: Approval of Performance Appraisal, Compensation Adjustment and Contract Extension for the General Manager

**#09-28
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 its meeting on January 8, 2009, upon consideration of a joint-use matter, decided by a vote of eleven (11) in favor and none (0) opposed, to take the following action with respect to the performance appraisal, contract extension and compensation adjustment for the General Manager.

WHEREAS, the Human Resources and Labor Relations Committee ("Committee") met in November 2008 and January, 2009 to review the Performance of the General Manager; and

WHEREAS, the Board has evaluated the General Manager's performance for the period beginning May 1, 2008 through September 30, 2008; and

WHEREAS, the Board has noted areas of positive performance including plant compliance with regulatory agencies, meeting and exceeding financial goals, and enviable credit rating, appropriate cash balances, successful management of the capital program, additional federal financial support, and numerous awards and recognitions; and

WHEREAS, the Committee has recommended that the General Manager's performance during the period of review be rated satisfactory as defined in the Employment Agreement; and

WHEREAS, in accordance with the provisions of the Employment Agreement, the General Manager's Employment Agreement should be extended until January 1, 2010; and

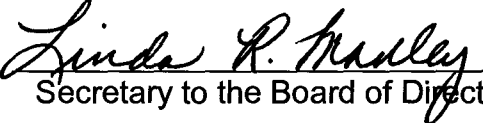
WHEREAS, the Committee recommends that the annual compensation for the period January 2, 2009 to January 1, 2010 is to remain at its current level of \$230,000; and

WHEREAS, the Board accepts and adopts the recommendation of the Human Resources and Labor Relations Committee.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board of Directors approves the General Manager's Performance Evaluation as satisfactory as defined in the Agreement for the period May 1, 2008 through September 30, 2008.
2. The General Manager shall receive a lump sum payment of \$6,000 for the period May 1, 2008 through September 30, 2008.
3. The General Manager's annual compensation is to remain at its current level of \$230,000 effective January 2, 2009.
4. The Employment Agreement between the Authority and Jerry N. Johnson is extended to January 1, 2010, as provided for in the Agreement.

This resolution is effective immediately.


Secretary to the Board of Directors