

Presented and Approved: May 2, 2019

SUBJECT: Approval to Exercise Option Year Two of Contract No. 17-PR-DDCS-23, Nichem Company

**#19-23
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 May 2, 2019 upon consideration of a joint use matter, decided by a vote of nine (9) in favor and none (0) opposed to approve Option Year Two of Contract No. 17-PR-DDCS-23, Nichem Company.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Option Year Two of Contract No. 17-PR-DDCS-23, Nichem Company. The purpose of the option is to perform the replacement of Odor Control Media at DC Water's six (6) Odor Control Facilities along the Potomac Interceptor. The option amount is \$476,489.

This Resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: May 2, 2019

SUBJECT: Adoption of the District of Columbia Water and Sewer Authority Amended and Restated 401(a) Plan and 457(b) Plan for Represented and Non-Represented Employees

**#19-24
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 or DC Water") at the Board meeting held on May 2, 2019 upon consideration of a joint-use matter, decided by a vote of nine (9) in favor and none (0) opposed, to take the following action with respect to the Adoption of the Amended and Restated District of Columbia Water and Sewer Authority 401(a) Plan and 457(b) Plan for Represented and Non-Represented Employees.

WHEREAS, pursuant to Resolution #99-59, dated July 1, 1999, the Board adopted the Pension Plan Design for Defined Contribution Plan (IRS Code Section 401(a) and the Deferred Compensation Plan (IRS Code Section 457) for Non-Union Employees; and

WHEREAS, effective January 1, 2002, the Authority amended the District of Columbia Water and Sewer Authority 401(a) Defined Compensation Plan ("401(a) Plan") and District of Columbia Water and Sewer Authority 457(b) Plan ("457(b) Plan") to incorporate the provisions of the Master Agreement on Compensation between the Authority and Compensation Unit 31 and to make other revisions to conform to applicable laws; and

WHEREAS, pursuant to Resolution #08-20, dated January 10, 2008, the Board authorized the Chairman of the Board, Chairman of the Human Resources and Labor Relations Committee and the General Manager to execute the Compensation Agreement between the Authority and the Unions, which the Unions ratified on or about December 14, 2007; and

WHEREAS, effective January 15, 2009, the Authority executed the amended and restated 401(a) Defined Contribution Plan and made other conforming amendments: First Amendment, dated June 16, 2009, Second Amendment, dated September 13, 2011, and Third Amendment, dated June 8, 2012; and

WHEREAS, the Authority, made conforming amendments to the 457(b) Plan: First Amendment, effective June 16, 2009, and Second Amendment, effective June 8, 2012; and

WHEREAS, pursuant to Resolution #17-42, dated July 6, 2017, the Board authorized the General Manager to execute the Union ratified successor Master Agreement on

Compensation between the Authority and the Unions comprising Compensation Unit 31 (AFGE Locals 631, 872, and 2553; AFSCME Local 2091; and NAGE Local R3-06) for the period of Fiscal Year 2016 through 2019; and

WHEREAS, on July 6, 2017, the General Manager and Unions comprising Compensation Unit 31, executed the Master Agreement on Compensation, which extended the existing compensation terms and added a new Defined Contribution Plan benefit in Article 14.B.2 for represented employees wherein the “Authority shall contribute five percent (5%) of base salary or wages, as defined under the District of Columbia Defined Contribution Plan, on behalf of each employee who elects to remain in the District of Columbia Defined Contribution Plan;” and

WHEREAS, on January 29, 2019, the Human Resources and Labor Relations (HR&LR) Committee met to consider the amendments made to the 401(a) Plan and 457(b) Plan and the status of the issues raised by the HR&LR Committee and Union representatives; and

WHEREAS, on January 29, 2019, the Executive Vice President for People & Talent, presented the changes that were made to the 401(a) Plan and 457(b) Plan to bring the plans in line with Master Agreement on Compensation, recent regulatory guidelines, clarify ambiguous provisions, and align the plans to current plan administration practices; and

WHEREAS, on January 29, 2019, the HR&LR Committee received comments from Union representatives, and raised other issues of concern, and asked the Union representatives to prepare a list of their issues and concerns and provide them to the General Manager for consideration and resolution before consideration by the Board; and

WHEREAS, on April 9, 2019, the HR&LR Committee met to consider the revisions to the 401(a) Plan and 457(b) Plan and the status of the comments raised by Union representatives and the issues raised by the HR&LR Committee; and

WHEREAS, on April 9, 2019, the Labor Relations Manager affirmed that all the issues raised by the Union representatives and concerns raised by the HR&LR Committee had been resolved; and

WHEREAS, upon consideration of the resolution of the issues raised by the HR&LR Committee and the issues raised by the Union representatives, the HR&LR Committee recommended the amended and restated 401(a) Plan and 457(b) Plan for Board adoption; and

WHEREAS, the Board has determined that the amended and restated 401(a) Plan and 457(b) Plan shall be ratified and adopted.

NOW THEREFORE BE IT RESOLVED:

1. The Board approves and adopts the amended and restated District of Columbia Water and Sewer Authority 401(a) Defined Compensation Plan, effective July 1, 2017.
2. The Board approves and adopts the amended and restated District of Columbia Water and Sewer Authority 457(b) Plan, effective January 1, 2019.
3. The Board authorizes the Chief Executive Officer and General Manager to take all actions necessary to execute the 401(a) Plan and 457(b) Plan.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Approved: May 2, 2019

SUBJECT: Approval to Execute Contract No. 19-PR-DET-22, Oracle America, Inc.

**#19-25
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 May 2, 2019 upon consideration of a joint use matter, decided by a vote of nine (9) in favor and none (0) opposed to approve Contract No. 19-PR-DET-22, Oracle America, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. 19-PR-DET-22, Oracle America, Inc. The purpose of the contract is to subscribe to the Oracle Primavera P6 and Unifier software subscription services with one 5-year option period. The contract amount is \$1,656,517.50 for the 5-year base term.

This Resolution is effective immediately.


Secretary to the Board of Directors

Presented and Approved: May 2, 2019

SUBJECT: Approval to Execute Contract No. 18-PR-CFO-56, Oracle America, Inc.


**#19-26
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 May 2, 2019 upon consideration of a joint use matter, decided by a vote of nine (9) in favor and none (0) opposed to approve Contract No. 18-PR-CFO-56, Oracle America, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. 19-PR-DET-22, Oracle America, Inc. The purpose of the contract is to subscribe to the Oracle Cloud ERP software subscription service with one 1-year base term and 4 option years. The contract amount is \$496,793.90 for the 10-year base term.

This Resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: May 2, 2019

SUBJECT: Approval to Publish Notice of Proposed Rulemaking to Amend the Rules and Operational Functions to Implement the Fats, Oils & Grease (FOG) and Cross-Connection Control-Backflow Prevention Assembly (CCC-BPA) Monthly Fees

**#19-27
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 or DC Water”) at the Board meeting held on May 2, 2019 upon consideration of a non-joint use matter, decided by a vote of five (5) in favor and none (0) opposed, to take the following action to amend the rules and operational functions to implement the Fats, Oils & Grease (FOG) and Cross-Connection Control-Backflow Prevention Assembly (CCC-BPA) Monthly Fees.

WHEREAS, sections 203(3) 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); D.C. Code § 34-2202.03(3) (the “Enabling Legislation”) authorizes DC Water to make, adopt, and alter by-laws, rule, and regulations for the administration and regulation of its business and affairs; and

WHEREAS, section 203(11) of the Enabling Legislation authorizes DC Water to establish, adjust and collect charges for services, facilities, or commodities furnished or supplied by DC Water; and

WHEREAS, the Board establishes rates, fees and charges in accordance with its Rate Setting Policy (Board Resolution #11-10), including the recovery of current costs to provide water and sewer services; and

WHEREAS, on February 7, 2019, the Board through Resolution #19-07, approved for publication the Notice of Final Rulemaking for new and amended miscellaneous fees and charges, including the Fats, Oils & Grease (FOG) monthly fee and Cross-Connection Control-Backflow Prevention Assembly (CCC-BPA) monthly fee, which was published in the *D.C. Register* on February 22, 2019 at 66 DCR 2329; and

WHEREAS, on April 18, 2019, the Environmental Quality and Operations (EQ & O) Committee met to consider the recommendations from the General Manager and to make a recommendation to amend the rules and operational functions to implement the FOG monthly fee and CCC-BPA monthly fee to be effective August 1, 2019; and

WHEREAS, the EQ & O Committee recommended that the Board approve the publication of the proposed amendments to the rules to implement the FOG and CCC-BPA monthly fees for public comment; and

WHEREAS, it is the intent of the Board to take final action on the proposed amendments at the conclusion of the public comment period.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board directs the General Manager to publish a Notice of Proposed Rulemaking in the District of Columbia Register to amend the rules and operational functions to implement the Fats, Oils & Grease (FOG) and Cross-Connection Control-Backflow Prevention Assembly (CCC-BPA) Fees to be effective August 1, 2019, as provided in Attachment A.
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 amended regulations in the manner provided by the District of Columbia's Administrative Procedure Act.

This resolution is effective immediately.


Secretary to the Board of Directors

Attachment A

Section 112. FEES, Chapter 1, WATER SUPPLY, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

Subsection 112.12, FEES, is amended to read as follows:

112.12 Cross-Connection/ Back Flow Prevention Fees and Turn-Off Charges

- (a) The Cross-Connection/ Back Flow Prevention Fees and Turn-Off Charges shall be as follows:

Fee Name	Fee
Cross-Connection/Back Flow Prevention Monthly Fee per Assembly	\$6.70
Cross-Connection Turn-off - 5/8" to 2"	\$200
Cross-Connection Turn-off - 3" to 5"	\$400
Cross-Connection Turn-off - 6" and larger	\$900

- (b) Except as provided below, Residential, Multi-Family and Non-Residential Customers shall be charged the Cross-Connection/Back Flow Prevention Monthly Fee for each Backflow Prevention Assembly (BPA) on the premises subject to the District of Columbia Cross-Connection Control regulation provided in 21 DCMR Chapter 54 and the District of Columbia Construction Codes Supplement.
- (c) Residential customers shall not be charged the Cross-Connection/Back Flow Prevention Monthly Fee for a BPA on fire service connections but shall be subject to the fee for other plumbing connections, including but not limited to, lawn irrigation systems, swimming pools, chillers/cooling towers, and other similar systems that have contaminants or pollutants that may contaminate the District's potable water system.

Section 112, FEES, is amended by adding a new subsection 112.13 to read as follows:

112.13 Except as provided below, Non-Residential Customers shall be charged the FOG Facility Monthly fee as provided in 21 DCMR § 112.6 for each Food Service Establishment (FSE) that operates on the premises and has the potential to discharge oil or grease laden wastewater to the District's wastewater system in accordance with the following requirements:

- (a) Applicable Food Service Establishments (FSE) shall include, but not limited to: bakeries; bars; candy manufacturers; cafeterias, caterers; coffee shops; delicatessens; commercial kitchens operated in educational institutions, hospitals, hotels/motels, and religious institutions; grocery stores; wholesale or retail ice cream facilities; wholesale and retail marine food facilities; restaurants; and other wholesale or retail facilities that have the potential to discharge oil or grease laden wastewater to the District's

wastewater system; and subject to: the District's Pretreatment Standards and limits provided in 21 DCMR §§ 1501.01 *et seq.* and the District of Columbia Consumer and Regulatory Affairs Food Establishment Wholesale or Retail Licensing and grease abatement requirements.

- (b) The FOG Facility Monthly fee shall not be charged as follows:
- (1) The Customer notifies General Manager that the FSE operates under an Industrial User Pretreatment Permit issued pursuant to the requirements in 21 DCMR Chapter 15, Discharges to Wastewater System;
 - (2) The Customer notifies the General Manager that the FSE does not exist or is permanently closed; or temporarily closed due to construction or renovation and notifies DC Water thirty (30) days prior the opening/operation of the FSE; or
 - (3) The Customer requests a Zero FOG Discharge Exemption that the FSE does not have the potential to discharge oil or grease laden wastewater to the District's wastewater system in accordance with the following requirements:
 - a) The Customer submits a DC Water Food Service Establishment Wastewater Questionnaire to the General Manager that demonstrates the FSE on the premises does not have the potential to discharge oil or grease laden wastewater to the District's wastewater system.
 - b) Upon receipt of the DC Water Food Service Establishment Wastewater Questionnaire the General Manager shall conduct a site inspection to confirm that the FSE on the premises does not have the potential to discharge grease laden wastewater to the District's wastewater system. Please note: During the review of the Zero FOG Discharge Exemption request, the account shall continue to be billed for the FOG Facility Monthly Fee, but shall not be subject to any penalty, or interest charge for nonpayment of the Fee.
 - c) The General Manager shall issue a written determination approving or denying the Zero FOG Discharge Exemption and if approved, shall credit the account for amount of the FOG Monthly Fee billed as of the date of the request for exemption.
- (c) The Customer may challenge the bill or the determination of the General Manager denying the Zero FOG Discharge Exemption in accordance with the procedures set forth in chapter 4 of this title.

Section 199, DEFINITIONS, is amended by adding the following terms and definitions to read as follows:

Fats, Oil and Grease (FOG) Facility Monthly Fee – fee charged to Non-Residential Customers to recover the facility inspection and oversight costs for each Food Service Establishment operating on the premises that has the potential to discharge oil or grease laden wastewater to the District’s wastewater system.

Food Service Establishment (FSE) – Facility that has the potential to discharge oil or grease laden wastewater to the District’s wastewater system, including but not limited to, bakeries; bars; candy manufacturers; cafeterias, caterers; coffee shops; delicatessens; commercial kitchens operated in educational institutions, hospitals, hotels/motels, and religious institutions; grocery stores; wholesale or retail ice cream facilities; wholesale and retail marine food facilities; restaurants; and other wholesale or retail facilities that have the potential to discharge oil or grease laden wastewater to the District’s wastewater system; and subject to the District’s Pretreatment Standards and limits provided in 21 DCMR §§ 1501.01 et seq. and the District of Columbia Consumer and Regulatory Affairs (DCRA) Food Establishment Wholesale or Retail Licensing requirements.

Cross-Connection/Back Flow Prevention Monthly Fee – fee charged to Residential, Multi-Family and Non-Residential Customers to recover the facility inspection and oversight costs for each Backflow Prevention Assembly on the premises.

Section 400, RIGHT TO CHALLENGE GENERAL MANAGER'S DECISIONS AND BILLS, of chapter 4, CONTESTED WATER AND SEWER BILLS, of title 21, WATER AND SANITATION, of the DCMR is amended by adding a new subsection 400.7 to read as follows:

400.7 A Non-Residential Customer may appeal a determination issued by the General Manager denying a Zero FOG Discharge Exemption issued pursuant to section 112.13 of this title by following the procedures set forth in this chapter.

Section 401, NOTICE OF RIGHT TO CHALLENGE BILLS, AND PRACTICABILITY AND IMMINENT THREAT DETERMINATIONS, of chapter 4, CONTESTED WATER AND SEWER BILLS, of title 21, WATER AND SANITATION, of the DCMR is amended by adding a new subsection 402.10 to read as follows:

401.4 A determination issued by the General Manager denying a Zero FOG Discharge Exemption shall contain a written statement advising the customer of the following:

- (a) The Customer may challenge the denial in accordance with the provisions in section 402;
- (b) The Customer may request a hearing in writing, within fifteen (15) days of receipt of the General Manager’s written determination, if he or she is not satisfied with the General Manager’s determination; and

- (c) The Customer shall be notified in writing of the date and time of any hearing, if requested.

Section 402, INITIATING A CHALLENGE, of chapter 4, CONTESTED WATER AND SEWER BILLS, of title 21, WATER AND SANITATION, of the DCMR is amended by adding a new subsection 402.10 to read as follows:

402.10 A Non-Residential Customer subject to the requirements of section 112.13 of this title, may appeal the General Manager's determination denying a Zero FOG Discharge Exemption by filing a petition for an administrative hearing within fifteen (15) days of the date of the General Manager's written determination in accordance with the requirements set forth in section 412 entitled "Petition for Administrative Hearing":

Section 410, ADMINISTRATIVE HEARINGS, of chapter 4, CONTESTED WATER AND SEWER BILLS, of title 21, WATER AND SANITATION, of the DCMR is amended as follows:

Subsection 410.1, paragraph (h) and (i) are amended, and a new paragraph (j) is added to read as follows:

- (h) Issuance, suspension, termination, or denial of a Temporary Discharge Authorization or Waste Hauler Discharge Permit, or the terms and conditions of a Temporary Discharge Authorization or Waste Hauler Discharge Permit;
- (i) Suspension of water and sewer service due to an imminent danger to the environment or the operation or integrity of the District's wastewater system; and
- (j) The Zero FOG Discharge Exemption determination that a Food Service Establishment has the potential to discharge oil and grease laden wastewater to the District's wastewater system.