



**DISTRICT OF COLUMBIA  
WATER AND SEWER AUTHORITY**

Board of Directors

*Governance Committee*

**September, 14, 2011**

**9:30 a.m.**

- 1. Call to Order.....Alethia Nancoo, Chairperson
- 2. [Proposed Compliance/Monitoring and Reporting Concerning Hiring Practices of the D-B Contractor for the Blue Plains Tunnel](#) ..... Leonard Benson  
Chief Engineer
- 3. Government Affairs: Update .....Kim Turner  
Director, Policy and Government Relations
  - Federal
  - [Federal Issues and Legislation](#)
  - [DC Water’s Comments on EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act](#)
  - District of Columbia
  - [Notice of Proposed Rulemaking/ Stormwater Fee Discount Program](#)
  - [Testimony of George S. Hawkins before the Committee on Public Safety and the Judiciary –“Fire Hydrant Inspection, Maintenance, and Repair”](#)
- 4. Emerging Issues .....Chairperson
- 5. Agenda for Nov. 9, 2011 Committee Meeting.....Chairperson
- 6. Adjournment.....Chairperson



*Briefing on*

# **Blue Plains Tunnel Design-Build Contract**

Compliance/Monitoring and Reporting  
Concerning Hiring Practices of the Design-Build Contractor for the  
Blue Plains Tunnel

*Presented to:*

*DC Water Board of Directors*

**Governance Committee  
Chairperson, Alethia Nancoo**

September 14, 2011

**George S. Hawkins, General Manager**





# Blue Plains Tunnel Design-Build Compliance Update

- Compliance Plan Overview
- Employment Program
- Contracting Program
- Update on Skanska



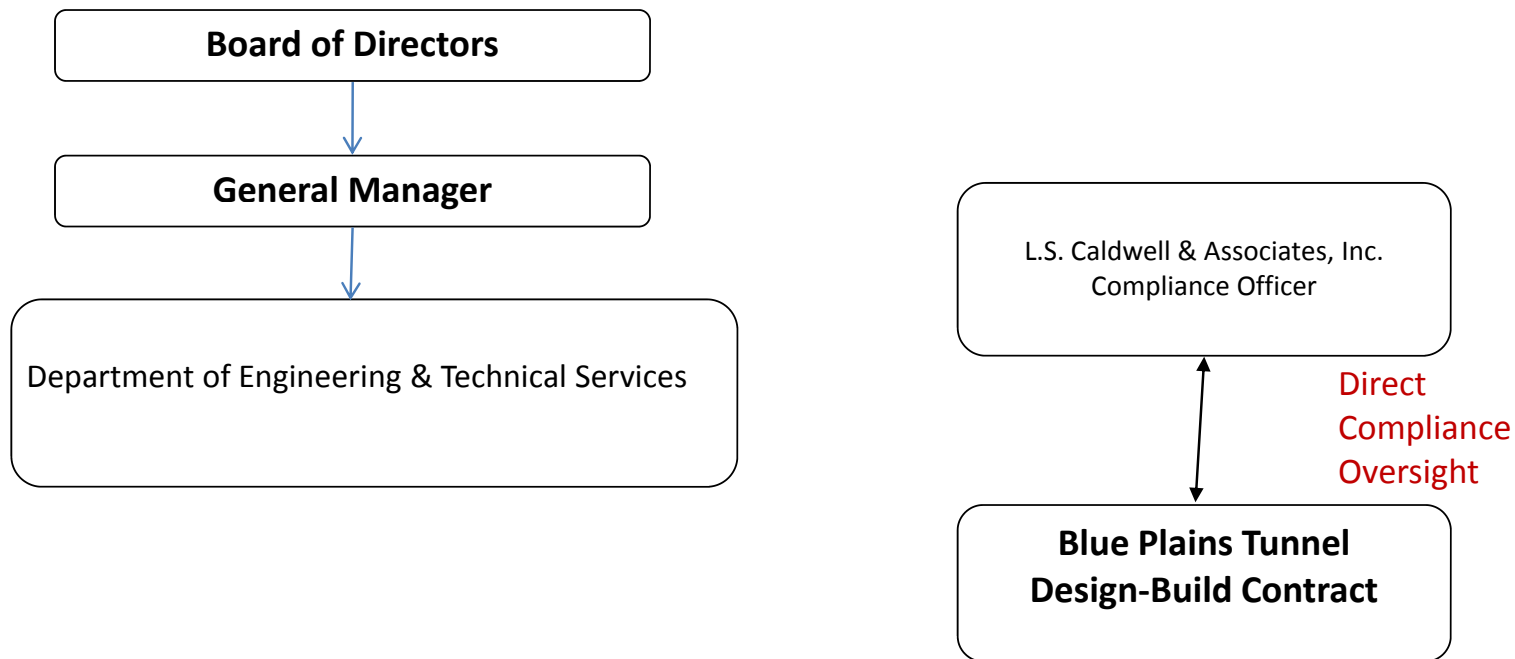
## DC Water

# Approach for Blue Plains Tunnel

- Keep local project dollars local, to the extent permitted by law, using Outreach and Good Faith Efforts
- Encourage First Source Agreement goals:
  - 51% new hires of DC residents,
  - 35% of apprenticeship hours performed by DC Residents
- Hiring Opportunities for residents of User Jurisdictions
- Encourage the use of District-based and User Jurisdiction-based MBE/WBEs
- Achieve MBE/WBE goals:
  - 28%/4% for professional services, and
  - 32%/6% for construction and related services
- Submit contractor monthly reporting timely, to keep community partners informed



# Compliance Oversight for Blue Plains Tunnel





# Blue Plains Tunnel Design-Build JV (Traylor, Skanska, Jay Dee) Employment Overview

- DC and Federal Labor Provisions in Contracts (00820)
  - DOES First Source
    - All job openings to be listed with the Department of Employment Services (DOES).
    - At least 51% of all new jobs created are to be performed by D.C. residents
    - At least 35% of apprenticeship hours shall be by D.C. residents registered in programs approved by the D.C. Apprenticeship Council
    - Monthly Reporting by Contractors to DOES
    - DC Water assures FSEA execution; DOES enforces compliance/participation
  - Anti Discrimination (D.C. Law 2-38)
  - Davis-Bacon Act (40 USC Part 276a)
  - No Convict Labor (18 USC Part 438)
  - Apprentices and Trainees
  - Contract Work Hours and Safety Standards (40 USC Part 327-330)
  - Copeland Act (18 USC Part 874 and 40 Part USC 276c)
  - Non-Segregated Facilities



# Blue Plains Tunnel Design-Build JV (Traylor, Skanska, Jay Dee) Employment Overview

(Part 2)

- Compliance Plan Federal Requirements in Contracts—EPA Eligible(00830)
  - Labor Standards (same as DC requirements)
    - Minimum Wages
    - Withholding
    - Payrolls
    - Apprentices and Trainees
    - Copeland Act
    - Contract Work Hours and Safety Standards
  - Equal Opportunity (41 CFR Part 60-1.4)
  - Affirmative Action (41 CFR Part 60-4.3)



# Blue Plains Tunnel Design-Build JV (Traylor, Skanska, Jay Dee) Employment Data *as of September 2011*

- Report forms on employment statistics collects data that tracks and monitors contractor hiring on a weekly and/or monthly basis.
- 40% Design – employment data non-conclusive
- Construction employment will yield new hires for skilled labor in upcoming months - November/December 2011
- Collection of data includes:
  - ✓ Name of Contractor
  - ✓ Contractor Tier
  - ✓ Number of Employees
  - ✓ Employee Residence
  - ✓ If District residents, # of employees and Ward
  - ✓ New Positions or existing
  - ✓ Collection of information to date
- Working with all User Jurisdiction Government Employment Agency Programs
- New Hire Projections (New DC Water data collection)





# Employment Reports/Statistics

Attachment C, Page 1

## Clean Rivers Project Contractor Employment Overview **HIRING** STATISTICAL UPDATE

	CONTRACTOR NAME	Tier	Total # Employees	Employee Location							# of Jobs	
				All	DC*	PG	MC	AR	FX	LO	Other	New
No.												
1.												
2.												
3.												
4.												
5.												
6.												
	<b>TOTALS</b>											

**Legend:**

Tier – What level of contractor participation on the project

Total # of Employees – Number of individuals employed by the contractor on the project

DC = District of Columbia

PG = Prince Georges' County

MC = Montgomery County

AR = Arlington County

FX = Fairfax County

LO = Loudon County

New = New Employees

Trsf = Existing employees transferred onto the project by contracted firms

\*If this column has a numeric value of 1 or greater, Part II of this form must be completed and submitted.





# Employment Reports/Statistics

August 31, 2011

Attachment C, Page 2

**Clean Rivers Project**  
**Contractor Employment Overview**  
**HIRING STATISTICAL UPDATE**  
*District of Columbia By Ward*

No.	CONTRACTOR NAME	Total # Employees	Total # DC Employees	DC Employees By Ward							
				1	2	3	4	5	6	7	8
1.											
2.											
3.											
4.											
5.											
6.											
7.											
8.											
9.											
10.											
<b>TOTALS</b>											



# Employment Reports/Statistics

Attachment D

## Clean Rivers Project Contractor Employment Overview APPRENTICESHIP STATISTICAL UPDATE

N o.	CONTRACTOR NAME	CONTRACT AMOUNT	TRADE	Indicate Approved* Program	# OF APPRENTICES	# OF APPRENTICE HOURS	# HIRED	PROGRAM START/END DATE
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
	<b>TOTAL</b>	XXXXXXXXXXXX	XXXXXXX	XXXXXXXXXX				XXXXXXXXXXXX

\*Indicate which "approved" jurisdiction Apprenticeship Program is being implemented on the project contract.

DC = District of Columbia    PG = Prince Georges' County    MC = Montgomery County  
 AR = Arlington County    FX = Fairfax County    LO = Loudon County  
 MD = State of Maryland    VA = State of Virginia

OR name the specific Union or non-Union approved Apprenticeship program

1. Traylor Skanska Jay Dee will be adopting Laborers 657's apprenticeship program. 0 hours.

Ulliman Schutte – NTP 9/1/11 – no one on site





# Blue Plains Tunnel Design-Build JV (Traylor, Skanska, Jay Dee) Employment Compliance

- **New COMPLIANCE PLAN drafted to ensure Contracting and Employment compliance on the Mega projects**
- **DC Water Ongoing Monitoring /Tracking/Reporting**
  - Weekly Employment Reporting**
  - Monthly Contracting Reporting**
  - Quarterly Governance Updates**
  - Annual Board of Director Reporting**
- **Participation required of Primes and all lower tiers**
- **Enforcement**
  - **DOES**
  - **DC Water FSEA Execution and EPA Fair Share Participation**



# DC Water Employment Development Programs

- Employment Training Resource Forum
  - ✓ **Information on the major projects at DC Water**
  - ✓ **A peak at potential short and long term employment opportunities**
  - ✓ **A commitment from organizations to support DC Waters employment program**
  - ✓ **Reviewing training programs to determine if their training meets the skilled labor requirements of upcoming employment opportunities at DC Water**
- Employment Opportunity Open House for potential skilled and unskilled laborers
- “Contractor’s Roundtable” to discuss thoughts and ideas on hiring local residents



# DC Water Contracting Compliance

- EPA Fair Share Objectives (Eligible for Federal Funding Projects)
  - 40 CFR Part 33

Services	Fair Share Objectives (%)	
	MBE	WBE
Professional (A/E Agreements)	28	4
Construction	32	6

- Objectives are based on goals established by EPA Region 3: DC, DE, MD, PA, VA, & WV
- DC Water’s policy is to meet or exceed EPA objectives for MBE and WBE participation in prominent and leadership roles
- Institution of Six (6) Affirmative Steps to ensure DBEs have equitable access to available procurements.
- Monthly Reporting by Prime Contractors to DC Water
- Reporting to the EPA



# Blue Plains Tunnel Outreach Programs

- Procurement Outreach Events
  - Anacostia River Tunnel (*Division H*) Industry Outreach August 2011
  - Over 100 Local/Small/M/WBE attendees)
  - Business and Association Mailings
  - DC Water website Information and Updates
  - E-Mails and Fax Alerts (over 2000)
  - Targeted Advertising (local, regional, national)
- Short-listed Proposers individual outreach programs
- Subcontracting Plan/Good Faith Effort Programs submitted with Cost Proposals
- Upcoming M Street Diversion Sewer – Division E (*CSO 15, 16, 17*) Outreach to M/WBE firms at DC Water
- Two Ward 8 events October 2011



## Project-Specific Compliance Monitoring for Blue Plains Tunnel Contract

- **Contract Award**
  - Executed EPA 6100-4 DBE Subcontractor Utilization Form and EPA 6100-3 DBE Subcontractor Performance Form with Subcontractor Certification
  - Executed First Source Agreements, as required
  - Subcontractor Approval Request
  
- **Weekly**
  - Certified Payroll Report
  - First Source Agreement Submittal to DOES, as required
  
- **Monthly and Cumulative**
  - Report for Prime and Sub-Tier Contracts on A&E (28%/4%) and Construction (32%/6%) goal attainment
  - Employment Report showing number of new DC hires and distribution of new hires among DC Wards and DC Water User Jurisdictions
  
- **Annual**
  - Report with Inclusive summation of good faith efforts and goal achievement







## **Contracting and Employment Third Party Compliance Officer Responsibilities**

These duties are to be accomplished by DC Water's third party Compliance Officers for BPT

### **Contracting**

- Monitor and Track Architectural/Engineering Compliance of 28% and 4% MBE/WBE Participation
- Monitor and Track Construction Compliance of 32% and 6% MBE/WBE Participation
- Monitor compliance with EPA DBE Subcontracting standards, AAP/EEO requirements
- Monitor for Design-Build contractors' Business Development Program good faith efforts and program implementation commitments.

### **Employment**

- Submit certified payroll in accordance with the Davis Bacon Wage Rates
- Collect First Source Agreement data - 51% of new hires to be DC Residents if available in the trade required
- Confirm Registration of Apprenticeship and Training Program on applicable contracts – 35% local apprentices
- Monitor for Design-Build contractors' Employment compliance with good faith and program implementation commitments.



## Traylor, Skanska, Jay Dee JV Update

- Traylor Brothers, the managing partner of the JV, has assured us that they are fully committed to DC Water's M/WBE program
- To date, TSJD fully compliant with all contracting and employment issues.

MEMORANDUM

**To:** Governance Committee Members  
**From:** Kimberly Turner, Policy and Government Relations  
**Date:** September 14, 2011

This *Legislative Update* is current through September 7, 2011 and provides information on the activities of the 112th Congress of interest to DC Water. For more specific and detailed information regarding DC Water strategy and other activities related to specific legislation, please contact me directly.

**Federal Issues and Legislation**

**Briefing on the Clean Rivers Project for the U.S. Senate Appropriations Committee**

Given the constraints this fiscal appropriations cycle, it is critical that the federal government continue to meet its responsibilities to the District and DC Water in terms of the federal match and maintaining the District's stringent timeline for completing the Clean Rivers Project. The President recommended a federal match of \$20 million for FY 2012; the House Appropriations Committee through the Financial Services & General Government Operations Appropriations Bill provided no funding for the Clean Rivers Project. DC Water took the initiative and reached out to U.S. Senate Appropriations Committee and was able to brief the committee in depth about the background, timeline for completion, performance measurements, benefits achieved with funding and the significance of the federal match as it pertains to our ratepayers. The government relations team created an opportunity to engage and galvanize bipartisan momentum in the Senate for our funding request.

**Senate Hearing: National Spotlight for DC Water Digester Initiative**

Senator Benjamin Cardin(D-MD) and Chairwoman Barbra Boxer have invited DC Water to testify before the Senate Environment and Public Works Committee to discuss the DC Water Digester initiative as an innovative model deserving of national attention, its benefit to the Chesapeake Bay and federal support. The Environmental and Public Works Committee has jurisdiction over solid waste recycling, regional economic development and environmental research and development pursuant to water and wildlife. Also to testify are the Environmental Protection Agency, the Department of Energy and Maryland farmers. The hearing is scheduled for September 13<sup>th</sup> at 10:00 A.M. Senate Dirksen room 406.

**Money Matters Regulatory Prioritization Legislation Poised for Capitol Hill**

NACWA has finalized a working draft of its regulatory prioritization legislation as part of its "Money Matters . . . Smarter Investment to Advance Clean Water" campaign. This legislation is the product of significant work by the *Money Matters* Task Force led by our General Manager, George Hawkins. The legislation sets forth a process under the Clean Water Act (CWA) to prioritize the growing array of

regulations. It takes care to ensure that there can be no backsliding under the CWA and advances an approach that allows municipalities to apply to their State regulatory agency with a compliance schedule priority plan based on one or more changed circumstances set forth in the legislation.

**DC Water Filed Comment Letter in Support of Draft Guidance Regarding Identification of Waters Protected by the Clean Water Act**

On June 23, 2011 DC Water filed comments on EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean water Act, 76 FR 24479 Docket ID No. EPA-HQ-OW-2011-0409. The guidance attempts to clear up confusion and protection problems following two Supreme Court decisions which muddied the waters on the question of jurisdiction of which waters receive Clean Water Act protections from pollution. DC Water submitted comments which reinforce the idea that water protections should apply to all waters, including intermittent streams and wetlands. The Guidance is under attack in Congress by Congressional Republicans led by freshman Rep. Bob Gibbs of Ohio. Gibbs chairs the key Subcommittee on Water resources and Environment. Congressman Gibbs has gathered 170 House signatures on a letter to the President contesting reinstated U.S. waterway protections that had been severely cut under the Bush administration. Congressman Gibbs also opposes the U.S. Environmental Protection Agency efforts to clean up the Chesapeake Bay and Florida's waters.

**District of Columbia Rulemaking, Legislation and Hearings**

**DC Water to File Comment Letter in Response to the District Department of Environment(DDOE) Notice of Proposed Rulemaking (NPRM) Stormwater Fee Discount Program**

DDOE's proposed rulemaking establishes a stormwater fee discount program for retail water and sewer customers. This program would provide discounts to the District stormwater fee that appears on the customer's monthly bill from DC Water. The United States Environmental Protection Agency (EPA) requires the District to minimize and treat its stormwater in order to protect the Anacostia and Potomac rivers, their tributaries, and the Chesapeake Bay through Municipal Separate Storm Sewer System (MS4) Permit (August 19, 2004). In order to fund the program that responds to this requirement, the District charges each customer a monthly stormwater fee based on the area of impervious surface found on the customer's property. These proposed rules would establish a program to provide the discount, and thereby an incentive to a water and sewer customer, to install stormwater retention practices. Comments are due September 16, 2011.

**DC Water Testified Before the Council of the District of Columbia's Committee of the Judiciary pursuant to "Fire Hydrant Inspection, Maintenance, and Repair"**

The Committee on the Judiciary, Chaired by Phil Mendelson held a hearing at on July 14th at 10 A.M. in the council chamber regarding Fire Hydrant Inspection, Maintenance, and Repair. The hearing was oversight in nature. DC Water gave an update regarding (a) the status of District fire hydrants and the respective work of FEMS to inspect, maintain and repair hydrants; (b) status of the negotiated MOU; and (c) our support of the private hydrant law.

**DC Council**

There was a reshuffling DC Council Committee assignments. Council Chair Kwame Brown reassigned Councilmember Tommy Wells (D-Ward 6) off the Council's Committee and Public Works and Transportation to the Libraries, Parks and Recreation Committee. Councilmember Mary Cheh will now chair the Public Works, Transportation and the Environment Committee which has oversight over DC Water.

Below is a summary of who's chairing what committee:

- \* Kwame Brown (Chair) - Committee of the Whole (Education, Economic Development)
- \* Jim Graham (Ward 1) - Human Services
- \* Jack Evans (Ward 2) - Finance and Revenue
- \* Mary Cheh (Ward 3) - Public Works, Transportation and the Environment
- \* Muriel Bowser (Ward 4) - Government Operations
- \* Harry Thomas, Jr. (Ward 5) - No committee.
- \* Tommy Wells (Ward 6) - Libraries, Parks and Recreation
- \* Yvette Alexander (Ward 7) - Public Services and Consumer Affairs
- \* Marion Barry (Ward 8) - Aging and Community Affairs
- \* David Catania (At-Large) - Health
- \* Phil Mendelson (At-Large) - Public Safety and the Judiciary
- \* Michael A. Brown (At-Large) - Housing and Workforce Development
- \* Vincent Orange (At-Large) - Small Business Development



Office of the General Manager

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY | 5000 OVERLOOK AVENUE, SW | WASHINGTON, DC 20032

June 23, 2011

Water Docket  
Environmental Protection Agency  
Mail Code 2822T  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

**Via electronic mail: [ow-docket@epa.gov](mailto:ow-docket@epa.gov)**

Re: DC Water's Comments on EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act, 76 FR 24479  
Docket ID No. EPA-HQ-OW-2011-0409

The District of Columbia Water and Sewer Authority ("DC Water") strongly endorses the Draft Guidance (the "Guidance") on Identifying Waters Protected by the Clean Water Act ("CWA") issued by the Environmental Protection Agency ("EPA").

In general, DC Water is perplexed by much of the debate over the protection of waterways that has generated the need for this guidance. To reason by analogy, we instinctively understand that to protect the air that we breath means not just protecting air in 'navigable' airspaces used for commercial flight. Obviously, air moves around and is unfettered, and the only way to ensure clean air is to make sure there are protections everywhere. We would suggest that the same principle holds for water. Water ultimately moves around in a complex hydrological cycle, and the only way to ensure that the water that flows in "navigable" waterways (no matter how defined) is clean to protect it everywhere. The drop of polluted water in an intermittent wetland can flow under the ground to the nearest River, or evaporate and fall as rainfall to a far off lake. Water protections should apply to all waters, since the water cycle ensures that all water is connected.

On a more historical front, we know all too well that the District of Columbia has lost many of its historic waterways in the process of development of the city, precisely because the protections provided by the CWA did not exist at that time. However, there are a few streams left in the city, such as the Foundry Branch, Fort DuPont and several un-named streams that are intermittent in nature. To begin with, these waterways have become intermittent because many of the channels that provided constant flow have been eliminated by structures built over these rivulets. Yet, these streams continue to serve an important role in the city's aquatic eco-system, and in fact provide necessary and essential drainage during heavy rainfall. The District's Department of Environment (DDOE) monitors the environmental health of these streams, and has initiated multiple projects to improve their qualities. We are pleased that the Guidance would provide protection to these intermittent streams.

We are also pleased that the wetlands in the District, the remaining few, would be protected under the Guidance. Wetlands act as nature's kidneys, filtering pollutants and they also act as a natural sponge to soak up excess water during large precipitation events. As a result of modifications and channelization of the District's rivers, especially the Anacostia River, undertaken by the U. S. Army Corps of Engineers in early 20th century, the District has lost an overwhelming majority of its wetlands, a vital resource now well recognized for its role in the enhancement of water quality and aquatic life. The District, with the help of the National Aquatic Garden, other governmental and non-governmental entities have been trying to restore some of these wetlands, replanted vegetations in some and taking other necessary measures. It is essential that further loss of wetland is prevented. Wetland losses make flood events worse, damaging property, endangering lives and impacting myriad of District business enterprises and recreational tourism.

Finally, even though the source water for potable water supply from the Potomac River in the District of Columbia and many other jurisdictions in its watershed are far outside the District, we strongly recommend that all steps be taken to protect these from pollutants. Of particular increasing concern is the presence of harmful chemicals such as PCBs and emerging contaminants attributable to pharmaceuticals, detergents and other personal products. Stricter control of these, preferably by substitution with less harmful consumer products should be pursued and EPA is encouraged to explore regulatory means of controlling pollutants before these are released into the environment.

We support the Guidance for its consistency with the goals of the Federal Clean Water Act. Congress clearly intended to protect these critical water resources when they passed the Clean Water Act nearly 40 years ago. We applaud the EPA and Army Corps of Engineers on its judicious approach to protecting the Nation's aquatic environment. Finally, we support further steps that can be taken to protect the Nation's water resources. Thank you for the opportunity to comment on the draft guidance. Please do not hesitate to contact me if there are any questions.

Sincerely,



George Hawkins  
General Manager

Presented and Adopted: May 5, 2011

Subject: Approval for Publication of Proposed Amendments to Pretreatment Regulations for Notice of Proposed Rulemaking

#11-59  
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 May 5, 2011, upon consideration of a joint-use matter, decided by a vote of ( ) in favor and ( ) opposed, to approve the following action with respect to publication of proposed and final amendments to the Authority's Pretreatment Regulations.*

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 Council of the District of Columbia promulgated the "Wastewater System Regulation Amendment Act of 2010", effective October 26, 2010; and*

*WHEREAS, the Authority is required by the U.S. Environmental Protection Agency (EPA) Region III to amend the Authority's Pretreatment Regulations at Title 21 District of Columbia Municipal Regulations (DCMR), Chapter 15, "Discharges to Wastewater System" to be consistent with the EPA's General Pretreatment Regulations, 40 CFR Part 403; and*

WHEREAS, the Authority prepared proposed amendments to pretreatment regulations, which were submitted to the EPA Region III, the District Department of the Environment, and User Jurisdictions for comments.

*WHEREAS, the attached proposed amendments to the Authority's Pretreatment Regulations would:*

- 1. Conform with EPA's Pretreatment Streamlining Rule;*
- 2. Include the general and specific prohibitions from the D.C. Code;*
- 3. Allow for waivers to the upper pH limit and clarify compliance requirements where continuous pH monitoring is conducted;*
- 4. Require Best Management Practices for dental practitioners;*



5. *Require maintenance, inspection, and cleaning of grease, oil, and sand interceptors;*
6. *Allow new permit categories and permit terms to be increased up to five (5) years for all types of Industrial User Wastewater Discharge Permits;*
7. *Include new regulations for Temporary Discharge Authorization Permits, Hauled Waste Permits; and High-Strength Waste Fee; and*
8. *Add new enforcement procedures and fine categories and redefine late reporting under Significant Non-Compliance.*

WHEREAS, the Authority presented the proposed amendments to Environmental Quality and Sewerage Services Committee on April 21, 2011, and the Committee reviewed the proposed amendments and recommended the Notice of Proposed Rulemaking for the proposed amendments to be submitted to the Board for approval; and

NOW THEREFORE BE IT RESOLVED THAT:

*The Board hereby approves publication of the attached Notice of Proposed Rulemaking.*

*The Board directs the General Manager to publish in the D.C. Register, notice of the Board's action. The General Manager is further authorized to take all steps necessary and to make such changes as may be needed to insure that the regulations conform to the publication requirements of the District of Columbia Office of Documents and Administrative Issuances.*

*This resolution is effective immediately.*

---

*Secretary to the Board of Directors*

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**NOTICE OF PROPOSED RULEMAKING**

The Board of Directors ("the Board"), of the District of Columbia Water and Sewer Authority (DC Water) pursuant to the authority set forth in the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Code § 34-2201.01 *et seq.*) hereby gives notice of its intent to amend Chapter 15, "Discharges to Wastewater System," of Title 21 of the District of Columbia Municipal Regulations consistent with the U.S. Environmental Protection Agency Region requirements.

The Board expressed its intention to amend the DCMR at its regularly scheduled Board meeting held on May 5, 2011 pursuant to Board Resolution # 11-XX. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Comments on these proposed rules should be submitted, in writing, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to, Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C. 20032, or email [Lmanley@dcwater.com](mailto:Lmanley@dcwater.com). Copies of these proposed rules may be obtained from the DC Water at the same address.

**Chapter 15, "Discharges to Wastewater System," of Title 21, "Water and Sanitation," of the DCMR is amended as follows:**

**1500 GENERAL PROVISIONS**

- 1500.1 The purpose of this chapter is to provide procedures for complying with the requirements of the Wastewater System Regulation Amendment Act of 1985 (D.C. Law 6-95; D.C. Official Code §§ 8-105, *et seq.* (2006 Repl. Vol.)).
- 1500.2 These regulations shall apply to all Users that indirectly discharge non-domestic wastewater to the District's wastewater system or directly discharge domestic or non-domestic wastewater into the District of Columbia Water and Sewer Authority's Septage Receiving Facility.
- 1500.3 These regulations provide for the issuance of wastewater discharge permits; monitoring, compliance, and enforcement activities; reporting; and administrative review procedures.
- 1500.4 The objectives of these regulations are to:
- (a) Prevent the introduction of pollutants into the District of Columbia Water and Sewer Authority (WASA) sewerage system that will or may interfere with the operation of the District's wastewater system;

- (b) Prevent the introduction of pollutants into the District's wastewater system that will or may pass through the District's wastewater system, inadequately treated, into the Potomac River and its tributaries or otherwise be incompatible with the District's wastewater system;
- (c) Enable WASA to comply with its National Pollutant Discharge Elimination System permit conditions, and any other Federal, State or District laws to which WASA is subject to;
- (d) Ensure that the quality of the biosolids produced is maintained at a level that allows for beneficial reuse in compliance with applicable statutes and regulations; and
- (e) Protect the general public and WASA's personnel.

1500.5 Except as otherwise provided herein, the WASA General Manager shall promulgate, administer, implement, and enforce the provisions of these regulations. Any powers granted to or duties imposed upon the General Manager may be delegated to WASA personnel.

## **1501 DISCHARGE STANDARDS AND SEWER USE REQUIREMENTS**

1501.1 It shall be unlawful to discharge into the wastewater system of the District except in accordance with this chapter.

1501.2 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 § 1501.4 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.

1501.3 Affirmative Defenses. A User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in § 1501.2 and the specific prohibitions in § 1501.4(c)-(g) where the User can demonstrate that:

- (a) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and
- (b) One of the following conditions:
  - (1) A local limit designed to prevent pass through and/or interference, as the case may be, was developed in accordance with paragraph

40 CFR § 403.5(c) for each pollutant in the User's discharge that caused pass through or interference, and the User was in compliance with each such local limit directly prior to and during the pass through or interference; or

- (2) If a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed in accordance with 40 CFR § 403.5(c) for the pollutant(s) that caused the pass through or interference, the User's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the User's prior discharge activity when WASA was regularly in compliance with WASA's NPDES permit requirements and, in the case of interference, applicable requirements for beneficial reuse of biosolids.

1501.4 Specific Prohibitions: No User shall introduce the following pollutants 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 one hundred forty degrees Fahrenheit (140° F) or sixty degrees Centigrade (60° C) using test methods specified in 40 CFR Chapter I, Subchapter N, Part 261.21 or waste streams causing two (2) readings on an explosion hazard meter at the point of discharge into the District's wastewater system, or at any point in the District's wastewater system, 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;
- (b) Pollutants which have a pH of less than five (5.0) or more than ten (10.0), except when a waiver to the upper pH limit is authorized in writing by WASA, or which have any corrosive property capable of damaging or creating a hazard to structures, equipment, processes, or personnel of the District's wastewater system, 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;
- (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 thirty-two degrees Fahrenheit (32° F) or zero degrees Centigrade (0° C), solids having any linear dimensions greater than one inch (1 in.), 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;

- (d) Any pollutant, including, but not limited to oxygen demanding pollutants, released in the discharge at a flow rate, or concentration, or a combination of both, which causes interference with or compromises the structural integrity of 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 one hundred forty degrees Fahrenheit (140° F) or sixty degrees Centigrade (60° C), 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 one hundred four degrees Fahrenheit (104° F) or forty degrees Centigrade (40° C), except where a variance from the one hundred forty degrees Fahrenheit (140° F) or sixty degrees Centigrade (60° C) discharge limit is authorized in writing by WASA;
- (f) Any wastewater containing petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause pass through or interference;
- (g) Any wastewater containing 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;
- (h) Any wastewater of objectionable color or tint not removed in the treatment process, including, but not limited to, dye wastes and vegetable tanning wastes;
- (i) Any trucked or hauled pollutants, except at discharge points designated by WASA;

- (j) Wastewater containing any radioactive wastes or isotopes of such half-life or 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;
- (k) Any substance including, but not limited to, septic tank sludge, restaurant grease, waste from a fuel service station, marine holding tank or portable toilet, unless specifically authorized by WASA;
- (l) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (m) Medical or infectious wastes except as specifically authorized in writing by WASA;
- (n) Wastewater causing, alone or in conjunction with other sources, the effluent from Blue Plains to fail toxicity tests;
- (o) Detergents, surface-active agents, or other substances which might cause excessive foaming in the District's wastewater system;
- (p) Any waste that if otherwise disposed of would be a hazardous waste, unless specifically authorized in writing by WASA; or
- (q) 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 Blue Plains Title V permit issued pursuant to the Clean Air Act.

1501.5 Liquid and solid pharmaceutical wastes shall not be discharged to the sewer if they contain materials known or suspected of being toxic to humans, animals, aquatic life, the environment, or to biological or other wastewater treatment processes.

1501.6 Excreta from individuals undergoing medical diagnosis or therapy with radioactive material shall be exempt from any limitations contained in this chapter.

1501.7 The following shall apply to discharges into the wastewater system:

- (a) No User shall discharge into the wastewater system arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, silver, zinc, cyanide, oil and grease, or Polychlorinated Biphenyls (PCBs) in concentrations greater than those listed in Table I of this subsection.

TABLE I

SUBSTANCE	DAILY MAXIMUM CONCENTRATION, mg/L
Arsenic (T)	0.23
Cadmium (T)	0.07
Copper (T)	2.3
Lead (T)	1.0
Mercury (T)	<0.001
Molybdenum (T)	0.89
Nickel (T)	2.2
Silver (T)	1.3
Zinc (T)	3.4
Cyanide (T)	0.56
Oil and Grease (petroleum)	100
PCBs (T)(1)	Non-detect

(T) - Total

(1) – Total PCBs shall be measured using EPA Method 608 (or comparable method approved in writing by WASA) with a detection limit of at least one thousandth milligram per liter (0.001 mg/L)

- (b) Industrial Users may be required to monitor other pollutants, including, but not limited to, chromium, selenium, total toxic organics (TTO), and any other pollutants as required by WASA.
- (c) For purposes of this subsection, "daily maximum concentration" shall be determined using grab samples for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, the daily maximum concentration shall be determined using twenty-four (24)hour flow-proportional composite samples collected over the daily operation, unless time-proportional composite sampling or grab sampling is representative of the discharge and is authorized by WASA in accordance with § 1507.5.
- (d) Total toxic organics (TTO) is the summation of all quantifiable values greater than one hundredth milligram per liter (0.01 mg/l) for the following list of toxic organics:

**Volatile Organic Compounds:**

- Acrolein
- Acrylonitrile
- Benzene
- Bromoform (tribromomethane)
- Carbon tetrachloride (tetrachloromethane)
- Chlorobenzene
- Chlorodibromomethane

Chloroethane  
2-Chloroethyl vinyl ether (mixed)  
Chloroform (trichloromethane)  
1, 1-Dichloroethane  
1, 2-Dichloroethane  
1, 1-Dichloroethylene  
1, 2-Dichloropropane  
1, 3-Dichloropropylene (1, 3-dichloropropene)  
Ethylbenzene  
Methyl bromide (bromomethane)  
Methyl chloride (chloromethane)  
Methylene chloride (dichloromethane)  
1, 1, 2, 2-Tetrachloroethane  
Tetrachloroethylene  
Toluene  
1, 2-Trans-dichloroethylene  
1, 1, 1-Trichloroethane  
1, 1, 2-Trichloroethane  
Trichloroethylene  
Vinyl chloride (chloroethylene)

**Semi-volatile Organic Compounds:**

Acenaphthene  
Acenaphthylene  
Anthracene  
1, 2-Benzanthracene (benzo (a) anthracene)  
Benzidine  
Benzo (a) pyrene (3,4-benzopyrene)  
3, 4-Benzoflouranthene  
(benzo (b) flouranthene)  
11, 12-Benzoflouranthene (benzo (k) flouranthene)  
1, 12-Benzoperylene (benzo (ghi) perylene)  
Bis (2-chloroisopropyl) ether  
Bis (2-chloroethoxy) methane  
Bis (2-chloroethyl) ether  
Bis (2-ethylhexyl) phthalate  
4-Bromophenyl phenyl ether  
Butyl benzyl phthalate  
2-Chloronaphthalene  
2-Chlorophenol  
4-Chlorophenyl phenyl ether  
Chrysene  
1, 2, 5, 6-Dibenzanthracene (dibenzo (a, h) anthracene)  
1, 2-Dichlorobenzene  
1, 3-Dichlorobenzene



1, 4-Dichlorobenzene  
3, 3-Dichlorobenzidine  
Dichlorobromomethane  
2, 4-Dichlorophenol  
Diethyl phthalate  
Dimethyl phthalate  
2, 4-Dimethylphenol  
Di-n-butyl phthalate  
Di-n-octyl phthalate  
2, 4-Dinitrotoluene  
2, 6-Dinitrotoluene  
2, 4-Dinitrophenol  
4, 6-Dinitro-o-cresol  
1, 2-Diphenylhydrazine  
Fluoranthene  
Fluorene  
Hexachlorobenzene  
Hexachlorobutadiene  
Hexachlorocyclopentadiene  
Hexachloroethane  
Indeno (1, 2, 3-cd) pyrene (2, 3-o-phenylene pyrene)  
Isophorone  
Naphthalene  
Nitrobenzene  
2-Nitrophenol  
4-Nitrophenol  
N-nitrosodimethylamine  
N-nitrosodiphenylamine  
N-nitrosodi-n-propylamine  
Parachlorometa cresol  
Pentachlorophenol  
Phenanthrene  
Phenol  
Pyrene  
1, 2, 4-Trichlorobenzene  
2, 4, 6-Trichlorophenol

**Pesticides/Polychlorinated biphenyls (PCBs):**

Aldrin  
Dieldrin  
Chlordane  
4,4'-DDT  
4,4'-DDE (p,p-DDX)  
4,4'-DDD (p,p-TDE)  
Alpha-endosulfan

Beta-endosulfan  
Endosulfan sulfate  
Endrin  
Endrin aldehyde  
Heptachlor  
Heptachlor epoxide  
Alpha-BHC  
Beta-BHC  
Delta-BHC  
Gamma-BHC  
PCB-1016 (Arochlor 1016)  
PCB-1221 (Arochlor 1221)  
PCB-1232 (Arochlor 1232)  
PCB-1242 (Arochlor 1242)  
PCB-1248 (Arochlor 1248)  
PCB-1254 (Arochlor 1254)  
PCB-1260 (Arochlor 1260)  
Toxaphene  
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)

1501.8 Where an Industrial User continuously measures the pH of a wastewater discharge and either voluntarily or pursuant to a requirement in a permit, the Industrial User shall maintain the pH of such wastewater within the range set forth in the permit, except excursions from the range are authorized subject to the following limitations:

- (a) No excursion below five (5.0) or above twelve and a half (12.5) is allowed;
- (b) The total time during which the pH values are outside the required range of pH values shall not exceed seven (7) hours and twenty-six (26) minutes in any calendar month; and
- (c) No individual excursion from the range of pH values shall exceed sixty (60) minutes.

1501.9 Industrial Users that handle mercury amalgam including, but not limited to, dental practitioners, shall implement and perform the following WASA approved Best Management Practices (BMPs) for mercury amalgam waste discharges. WASA's approved BMPs include the following:

- (a) Do not use bulk liquid mercury (*i.e.*, elemental or raw mercury); only preencapsulated dental amalgam alloy is permitted;
- (b) Use chair-side traps, vacuum pump filters, or amalgam separator equipment that meet International Standards Organization (ISO) 11143 to retain amalgam particles and recycle their contents;

- (c) Maintain chair-side traps, vacuum pump filters, and amalgam separator equipment in accordance with manufacturer recommendations;
  - (d) Do not rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink, toilet or other sanitary sewer connection;
  - (e) All amalgam waste including, but not limited to, contact and noncontact amalgam waste, used amalgam capsules and teeth containing amalgam shall be recycled or disposed of as hazardous waste;
  - (f) Store contact and noncontact amalgam waste and teeth containing amalgam in accordance with recycler or hauler instructions;
  - (g) Do not use bleach or chlorine-containing disinfectants to disinfect the vacuum line system or to clean any other plumbing lines;
  - (h) Train staff that handle mercury amalgam waste in the proper handling of amalgam materials and disposal of amalgam waste. Training shall be completed within one (1) year of the effective date of these regulations for current employees, and within one (1) year of hiring new employees. Staff shall be retrained once every three (3) years, thereafter.
  - (i) Maintain training records and amalgam recycling or disposal records for a minimum of three (3) years and have available for inspection at the dental facility; and
  - (j) Submit self-certification of BMP compliance, if required by WASA.
- 1501.10 No User shall discharge wastes from garbage grinders into the wastewater system except as follows:
- (a) Wastes generated in preparation of food normally consumed on the premises; or
  - (b) Wastes of a specific character, the discharge of which after grinding is authorized by a written permit issued by WASA.
- 1501.11 All garbage grinders shall shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewers in accordance with § 1501.4(c).
- 1501.12 Wastes from garbage grinders used for grinding or shredding plastic, paper products, inert materials, or garden refuse shall not be discharged to the wastewater system.
- 1501.13 The following shall apply to discharges of ground water, storm water, and other non-wastewater flows to the District's wastewater system:

- (a) All non-wastewater flows including all storm waters (including snow melt), surface waters, ground waters, subsurface drainage (including foundation, footing, and under drainage), cooling waters, roof drainage, irrigation waters, diverted stream flows, or spring waters shall not be discharged to the separate sanitary sewer system.
  - (b) Whenever any waters listed in § 1501.13(a) are found to be discharged to a separate sanitary sewer, WASA may require such discharge to be connected to the storm sewer system at the expense of the User.
  - (c) If there is no separate storm sewer within one hundred feet (100 ft.) of the property line of a residential property or two hundred fifty feet (250 ft.) of a commercial property, the water listed in § 1501.13(a) may be discharged to the combined sewer system, if authorized in writing by WASA.
  - (d) Where combined sewers are provided, WASA may authorize the discharge of storm water to the combined sewer system provided that:
    - (1) Where a building or land disturbance permit is required, the post-development peak storm water discharge to the combined sewer for the twenty-four (24) hour two (2) and fifteen (15)-year frequency storm events shall be equal to or less than the peak discharge for the predevelopment condition.
    - (2) The provisions of subsections 1501.13(d)(1) shall not apply to:
      - (A) Additions, or modifications to existing single family residential structures, detached garages, sheds, swimming pools or similar improvement; and
      - (B) Construction or grading operations or both that do not disturb more than five thousand square feet (5,000 sq. ft.) of land area, unless such construction or grading operation is part of an approved subdivision plan.
- 1501.14 Notwithstanding any other provision of this chapter, pretreatment standards that have been promulgated pursuant to the Clean Water Act and published in 40 CFR Chapter I, Subchapter N, Parts 403-471 shall be incorporated by reference. Additions, deletions or amendments to these standards shall be incorporated by reference as of the dates of promulgation.
- 1501.15 All Industrial Users shall comply with National pretreatment regulations in 40 CFR Part 403 and the applicable National Categorical Pretreatment Standards set forth in 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as amended.
- 1501.16 When wastewater subject to a Categorical Pretreatment Standard is mixed with

wastewater not regulated by the same Categorical Pretreatment Standard, WASA shall impose an alternate limit in accordance with 40 CFR § 403.6(e).

**1502            PRETREATMENT REQUIREMENTS**

1502.1            If any wastewater which is or may be discharged to the District's wastewater system and which, in WASA's judgment has or may have a potential to upset the treatment plant, a deleterious effect on the wastewater system, receiving waters, the disposal of WASA's biosolids, constitute a nuisance, or otherwise create a hazard to life or the environment, WASA may take any of the following actions, including but not limited to:

- (a)            Reject the wastewater;
- (b)            Require the pretreatment to an acceptable condition for discharge to the wastewater system;
- (c)            Require control over the quantities and rates of discharge; or
- (d)            Require payment of a high-strength waste fee.

1502.2            Each Industrial User shall provide the wastewater pretreatment deemed necessary to comply with the requirements of this chapter. Any pretreatment or control facilities required to pretreat wastewater shall be installed, operated, monitored, and maintained at the Industrial User's expense.

1502.3            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.

1502.4            Approval of existing or proposed pretreatment or control facilities or equipment by WASA shall not, in any way, guarantee that these facilities or equipment will function in the manner described by the owner, designer, constructor or manufacturer. WASA's approval shall not relieve any User of the responsibility of enlarging or otherwise modifying such pretreatment or control facilities to accomplish the intended purpose of pretreatment or control.

1502.5            Where pretreatment or control facilities are required, they shall be maintained continuously in satisfactory and effective condition by the Industrial User at his or her expense and shall be subject to periodic inspection by WASA.

1502.6            Each Industrial User shall provide pretreatment or control facilities to protect the wastewater system from slug discharges, accidental discharges, prohibited materials, or other regulated wastes. The pretreatment or control facilities shall be provided and maintained at the Industrial User's expense.

1502.7            Significant Industrial Users shall be evaluated to determine whether a plan or other action is needed to control slug discharges within one (1) year of being

designated by WASA as a Significant Industrial User. Slug control plans shall address at a minimum the following:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures to be used for notifying WASA immediately of any slug discharges, including any discharge that would violate a prohibition under §1501.4 and procedures for follow-up written notification within five (5) days;
- (d) Procedures to be used for notifying WASA immediately of any changes at its facility affecting potential for a slug discharge; and
- (e) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

1502.8 Industrial Users shall provide secondary containment measures where substances are stored, transported, treated, disposed of, or otherwise handled in areas draining into a District sewer which, because of actual or potential discharge or leakage from the storage or conveyance system, 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. Secondary containment plans are subject to review by WASA, and shall include reasonable safeguards to eliminate or minimize the potential detrimental effect.

1502.9 Detailed plans delineating and describing the facilities and operating procedures required by §§ 1502.6 and 1502.7 shall be maintained by the Industrial User and made available for inspection by WASA or authorized representatives at any reasonable time as provided for in § 1506.

1502.10 Whenever deemed necessary, WASA may require Industrial Users to restrict their discharge during peak flow periods, designate specific sewers to discharge wastewater, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the District's wastewater system and determine the Industrial User's compliance with the requirements of this regulation.

1502.11 WASA may require any User discharging to the District's wastewater system to install and maintain, on their property and at their expense, a suitable storage and

flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

- 1502.12 WASA may issue any Industrial User a compliance schedule for installation of technology required to comply with this chapter in accordance with D.C. Official Code § 8-105.07(b)(3). Compliance schedules shall contain increments of progress in the form of activities to be performed and dates for the commencement and completion of these activities leading to the construction and operation of the pretreatment technology or completion of other activities required to bring the Industrial User into compliance. Failure to initiate or complete the required activities by the date specified in the compliance schedule shall be a violation of this chapter and shall be enforceable in accordance with § 1513.
- 1502.13 Industrial Users including, but not limited to, restaurants, cafeterias, hotel kitchens, church kitchens, school kitchens, hospital cafeterias, bars, or other facilities that have the potential to discharge oil or grease laden wastewater shall provide and maintain a grease abatement system for the proper handling of wastewater containing excessive amounts of oil and grease in accordance with the District of Columbia Plumbing Code or as required by WASA.
- 1502.14 Industrial Users including, but not limited to, gas stations, maintenance facilities, laundries, car washes, or other facilities that have the potential to discharge oil, or sand laden wastewater shall provide oil or sand interceptors for the proper handling of wastewater containing excessive amounts of oil or sand in accordance with the District of Columbia Plumbing Code or as required by WASA.
- 1502.15 Industrial Users that have the potential of discharging grease, oil, or sand laden wastewater into the District's wastewater system shall comply with the following requirements:
- (a) Implement appropriate best management practices for minimizing the discharge of grease, oil, or sand laden wastewater into the sewer system;
  - (b) All grease abatement systems and interceptors shall comply with the currently approved District of Columbia Plumbing Code requirements and shall be easily accessible for cleaning and inspection;
  - (c) Grease abatement systems and interceptors shall be maintained and inspected regularly and repaired as needed, the Industrial User at their expense;
  - (d) Grease, oil, and settled solids shall be removed from such grease abatement systems and interceptors at a frequency necessary to ensure proper operation and to prevent pass-through of these materials to the District's wastewater system;

- (e) Cleaning frequency shall not exceed thirty (30) days for an indoor grease abatement system or interceptor and ninety (90) days for an outdoor grease abatement system or interceptor, unless granted a written variance by WASA. A written variance may be issued if the Industrial User can satisfactorily demonstrate that the accumulation of grease, oils, and solids does not exceed twenty-five percent (25%) of the liquid retention capacity of the grease abatement system or interceptor during the Industrial User's proposed cleaning frequency. The entire contents of the grease abatement system and interceptor shall be pumped out and properly disposed of to allow for thorough cleaning of the interception unit. All costs for removal of material or cleaning of the grease abatement system or interceptor shall be at the Industrial User's expense; and
- (f) Documentation of the most recent cleaning of the grease abatement system or interceptor shall be retained on site and shall include, at a minimum, the date cleaned, the company or person performing the cleaning, the volume of material removed, and the method and location of disposal. Cleaning records shall be retained for a period of at least three (3) years.

### **1503 NOTICES**

- 1503.1 To collect information consistent with the purposes of the Act and these regulations, WASA may require any party who discharges, or whom WASA reasonably believes discharges, into the District's wastewater system, to provide reports concerning the nature, contents, quantity and frequency of such discharges and the party's actions, if any, to monitor or alter such discharges. WASA may require such reports regardless of whether the party shall have a permit under the Act. WASA may issue a discharge notification letter to such parties, identifying what specific information is sought, the frequency with which the information shall be provided, and a statement concerning the period of time during which the obligation to provide such information will continue.
- 1503.2 All Industrial Users shall promptly notify WASA prior to any new or increased contribution of pollutants or change in the nature of pollutants or substantial change in the volume or character of pollutants in their discharge, including the listed and characteristic hazardous waste for which the Industrial User has submitted initial notification under § 1503.5. WASA reserves the right to prohibit or impose conditions on the discharge of any new, increased or changed contribution of pollutants.
- 1503.3 All Industrial Users that experience an unplanned discharge due to a spill, slug discharge, or other potential problem, shall notify WASA as follows:
  - (a) All Industrial Users shall notify WASA immediately of all discharges that could cause problems to the District's wastewater system, including any slug loadings as defined by 40 CFR § 403.5(b). The notification shall



include the date, time, and location of the discharge; type, concentration and volume of waste; and corrective actions. The Industrial User shall be liable for any expense, loss, or damage to the District's wastewater system, in addition to any fines imposed by WASA.

- (b) Within five (5) days following the unplanned discharge, the Industrial User shall submit to WASA a detailed written report describing the cause of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences.
- (c) If the unplanned discharge contains a listed or characteristic hazardous waste, as defined in 40 CFR Part 261 and District regulations, the Industrial User shall also comply with the requirements of § 1503.5(a).

1503.4 Notice of Changed Discharge - All Significant Industrial Users are required to notify WASA immediately of any changes at their facility affecting the potential for a slug discharge.

1503.5 All Industrial Users proposing to discharge hazardous waste to the District's wastewater system shall comply with the following requirements:

- (a) Industrial Users shall make a written notification to WASA, the Mayor, and the director of EPA's Region III Waste Management Division, prior to a discharge into the District's wastewater system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 and District regulations. Such notification shall include:
  - (1) The name of the hazardous waste as set forth in 40 CFR Part 261;
  - (2) EPA hazardous waste number;
  - (3) The type of discharge (continuous, batch, or other); and
  - (4) A statement certifying that the Industrial User has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (b) If the Industrial User intends to discharge more than one hundred (100) kilograms of hazardous waste per calendar month to the District's wastewater system, the notification shall also contain the following information to the extent the information is known and readily available to the Industrial User:
  - (1) An identification of the hazardous constituents contained in the wastes;

- (2) An estimation of the mass and concentration of such constituents in the wastestream to be discharged during the calendar month; and
  - (3) An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
- (c) Industrial Users shall provide notification prior to the discharge of a listed or characteristic hazardous waste. This notification shall be submitted only once for each hazardous waste intended to be discharged. However, notifications of changed discharges shall be submitted under 40 CFR § 403.12(j) and § 1503.4. The notification requirement, however, does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR § 403.12(b), (d), and (e) and § 1508.
- (d) WASA shall review the hazardous waste discharge notification and may issue a new or revised pretreatment permit. Industrial Users shall not discharge a listed or characteristic hazardous waste prior to the issuance of a pretreatment permit that authorizes the discharge.

1503.6 In the case of any new regulations under § 3001 of the Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User shall notify WASA, the EPA Regional Waste Management Waste Division Director, and District of Columbia hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

**1504 PERMIT APPLICATIONS FOR INDUSTRIAL USERS WITHIN THE DISTRICT**

1504.1 WASA may require persons to complete and submit to WASA a questionnaire for the purpose of determining which Users need to submit a permit application. This questionnaire shall be completed and returned within fifteen (15) days of receipt or as stated on the questionnaire.

1504.2 Each Significant Industrial User located within the District proposing to directly or indirectly discharge into the wastewater system of the District shall apply for a Wastewater Discharge Permit at least ninety (90) days before connecting to, or discharging into, the wastewater system. Non-Significant Industrial Users may also be requested by WASA to complete a permit application.

1504.3 All Significant Industrial Users located within the District that do not have a current Wastewater Discharge Permit and are directly or indirectly discharging into the wastewater system of the District, shall immediately apply for a Wastewater Discharge Permit.

- 1504.4 Applications for Wastewater Discharge Permits shall contain at least the following:
- (a) Name, address, office telephone number, and Standard Industrial Classification or North American Industry Classification System number(s) of applicant;
  - (b) A list of any environmental permits held by or for the facility;
  - (c) Volume of wastewater to be discharged expressed in gallons per day. For Categorical Industrial Users, the volume of wastewater from each regulated or manufacturing process stream is required and other streams as necessary to allow use of the combined wastestream formula;
  - (d) Time and duration of discharge;
  - (e) Average and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
  - (f) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by a Categorical Standard, of regulated pollutants in the discharge from each regulated process, including the parameters listed in Table I in § 1501.7, biochemical oxygen demand, total suspended solids, total nitrogen, total phosphorus, and pH. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures outlined in § 1507;
  - (g) For Categorical Industrial Users, the categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
  - (h) Ground plan or plat that indicates locations of building sewers, building drains, process waste sewers, monitoring and pretreatment facilities, buildings, property lines, adjacent streets and sewers, and industrial process facilities.
  - (i) Description of activities, facilities and plant processes on or proposed at the premises, including all materials and types of materials which are or could be discharged to the wastewater system;
  - (j) Each product produced or to be produced by type, amount, and chemical composition;
  - (k) Number of employees and hours of work;
  - (l) For a corporation, the State of incorporation, address of the corporate office, names and titles of corporate officers and the name and address of the registered agent in the District;

- (m) Any other information which WASA deems to be necessary to evaluate the permit application including, but not limited to, any information required by applicable federal laws and regulations;
- (n) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on § 1507.10;
- (o) Any request to be covered by a general permit based on § 1504.8; and
- (p) Certification statement provided in § 1508.10 and with the signature of an authorized representative in accordance with § 1508.11.

1504.5 WASA may, at any time:

- (a) Request any additional sampling and analytical testing of the wastewater characteristics;
- (b) Perform a site inspection of the waste discharge system, pretreatment systems, or other systems;
- (c) Request additional process or treatment system information or any other information as necessary for WASA to evaluate the permit application; or
- (d) Return incomplete or inaccurate applications to the User for revision.

1504.6 After evaluation of the data furnished, WASA may:

- (a) Determine that a Wastewater Discharge Permit is not required;
- (b) Deny any application for a Wastewater Discharge Permit; or
- (c) Determine that a permit is required and issue an invoice for the applicable Wastewater Discharge Permit fee as provided in 21 DCMR Chapter 1. Upon payment, WASA shall issue a Wastewater Discharge Permit subject to terms and conditions provided in the Wastewater Discharge Permit.

1504.7 The following types of Wastewater Discharge Permits may be issued by WASA:

- (a) Significant Categorical Industrial User Permits – Issued to Industrial Users that are subject to Categorical Pretreatment Standards, and at any time discharge more than one hundred gallons per day (100 gpd) of total categorical wastewater excluding sanitary, non-contact cooling and boiler blowdown wastewater unless specifically included in the pretreatment standard.

- (b) Significant Non-Categorical Industrial User Permits – Issued to Industrial Users that are not subject to Categorical Pretreatment Standards, and discharge an average of twenty-five thousand gallons per day (25,000 gpd) or more of process wastewater to the District’s wastewater system (excluding sanitary, non-contact cooling and boiler blowdown wastewater), or contribute more than five percent (5%) of hydraulic or organic loading to the Blue Plains WWTP, or WASA has determined that the industrial User has a reasonable potential to adversely affect the operation of Blue Plains, violate any pretreatment standard or requirement, harm the environment, or cause a threat to wastewater utility personnel.
- (c) Non-Significant Categorical Industrial User Permit – Issued to Industrial Users that are subject to Categorical Pretreatment Standards, never discharge more than one hundred gallons per day (100 gpd) of categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard), and meet the three (3) conditions provided in the definition for Non-Significant Categorical Industrial User in § 1599.
- (d) Non-Significant Non-Categorical Industrial User Permit – Issued to Industrial Users that are not subject to Categorical Pretreatment Standards, discharge less than twenty-five gallons per day (25,000 gpd) of process wastewater, and specifically designated by WASA due to type of business, characteristics of the discharge, or presence of pretreatment facilities.
- (e) General Permit – Industrial Users that have a process that is acceptable for a general permit, as established by WASA in accordance with 40 CFR § 403.8(f)(1)(iii)(A) and 21 DCMR § 1504.8.

1504.8 At the discretion of WASA, general permits may be used to control Significant or Non-Significant Industrial User discharges if the following conditions are met. General permits shall cover facilities that:

- (a) Involve the same or substantially similar types of operations;
- (b) Discharge the same type of wastes;
- (c) Require the same effluent limitations;
- (d) Require the same or similar monitoring; and
- (e) In the opinion of the General Manager, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

1504.9 Industrial User’s seeking coverage under a general permit shall not be subject to

production-based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for Industrial Users whose limits are based on the Combined Wastestream Formula.

**1505 PERMIT CONDITIONS**

1505.1 The following minimum conditions shall be incorporated into, and made a part of every Wastewater Discharge Permit, whether such conditions are recited therein or not:

- (a) The Industrial User shall report the actual wastewater constituents and characteristics of its discharge;
- (b) The Industrial User shall report significant changes in operation, and in wastewater constituents and characteristics;
- (c) The Industrial User shall allow reasonable access to its premises for the purpose of inspection or wastewater monitoring; and
- (d) The Industrial User shall comply with each and every term and condition of the permit.

1505.2 Wastewater Discharge Permit holders shall comply with the requirements of this chapter. Individual or general permits may contain any or all of the following:

- (a) Statement of duration (issuance date, effective date, and expiration date);
- (b) Statement of non-transferability;
- (c) Limits on rate and time of discharge and requirements for flow regulation and equalization;
- (d) Effluent limits, including average and maximum wastewater constituents and concentrations and Best Management Practices, based on applicable general pretreatment standards, Categorical Pretreatment Standards, local limits, and State and local law;
- (e) Requirements for installation of inspection and sampling facilities;
- (f) Pretreatment requirements;
- (g) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, Best Management Practices to be monitored, an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with 40 CFR § 403.12(e)(2) and § 1507.10,

or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in 40 CFR § 403, Categorical Pretreatment Standards, local limits, and State and local law;

- (h) Requirement for immediate notification to WASA where self-monitoring results indicate non-compliance and to repeat sampling and analysis and submit results to WASA within thirty (30) days after becoming aware of the violation;
- (i) Requirement to immediately report a bypass or upset of a pretreatment facility and all discharges, including slug loadings, that could adversely impact the District's wastewater system;
- (j) Requirements for notification of, and acceptance by, WASA of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater system;
- (k) Requirements for disposal of sludges, floats, and skimmings;
- (l) Requirements for submission of technical reports or discharge reports, including the submission of data obtained from monitoring which is conducted by the Industrial User, but which is not required by law, and frequency of submission;
- (m) Requirements for maintaining records relating to wastewater discharge, including but not limited to, records of all information resulting from any monitoring activities, including documentation associated with Best Management Practices;
- (n) Requirements for payment of permit fees, sampling and analysis fees, high strength waste fees, or other fees, as provided in 21 DCMR Chapter 1;
- (o) Requirements to control slug discharges, if determined by WASA to be necessary;
- (p) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule; and
- (q) Additional requirements as may be determined by WASA.

1505.3 Wastewater Discharge Permit holders shall make available to their employees copies of this chapter and any other wastewater information and notices which may be furnished by WASA from time to time to achieve more effective water pollution control. A notice shall be furnished and permanently posted by the

Industrial User in a conspicuous place advising employees whom to call in case of any discharge or accident in violation of this chapter.

- 1505.4 Wastewater Discharge Permits issued by User Jurisdictions that are not required to implement a pretreatment program by applicable federal law shall contain the condition(s) enumerated in §§ 1505.2 and 1518.7, appropriate to the facts and circumstances of such User Jurisdiction.
- 1505.5 Permits for Industrial Users shall be issued for a specified period of time and in no event shall a permit extend beyond five (5) years from the effective date of the permit.
- 1505.6 Industrial Users shall apply to renew their permit thirty (30) days prior to the expiration date of their permit. Upon request by an Industrial User, WASA may grant permission to submit an application to renew the permit at a later date, but no later than the date of expiration of the permit. Failure to timely renew a permit shall constitute a violation of this chapter and shall be subject to the fines and penalties set forth in § 1516.
- 1505.7 If an Industrial User has timely applied to renew their permit and has submitted any additional information that may be requested by WASA in connection with the application, and WASA does not issue a new permit before the expiration date of the previous permit, the previous permit shall be extended administratively and shall remain fully effective and enforceable.
- 1505.8 When changes in a permit are proposed by WASA before the expiration date of the permit, the permit holder shall be notified in writing at least sixty (60) days prior to the effective date of the changes. The notice shall include a specific time schedule for compliance if new pretreatment or control facilities are required. The time schedule shall be based on practical delivery and construction time requirements, and shall become part of the permit.
- 1505.9 Wastewater Discharge Permits shall be issued to specific Industrial Users for specific operations.
- 1505.10 A Wastewater Discharge Permit shall not be assignable or transferable to another owner, another Industrial User or to different premises, whether for valuable consideration or not. If the ownership of a permitted operation changes, the new owner shall submit an application for a Wastewater Discharge Permit and shall obtain a permit prior to transfer of ownership.
- 1505.11 A Wastewater Discharge Permit shall not be transferable to a new or significantly changed operation. The Industrial User shall submit a new application for a Wastewater Discharge Permit and shall obtain a new permit prior to instituting a new or significantly changed operation.
- 1505.12 Any attempt to assign or transfer a Wastewater Discharge Permit shall render the permit void from the date of the attempted assignment or transfer.



- 1505.13 Industrial Users may petition WASA to reconsider the issuance of a Wastewater Discharge Permit or the terms or conditions of a discharge permit within fifteen (15) calendar days of the effective date of the permit by submission of a Permit Appeal form. The submission of a Permit Appeal for reconsideration shall not stay compliance with Wastewater Discharge Permit conditions.
- (a) Failure to submit a timely Permit Appeal for review shall be deemed to be a waiver of administrative appeal unless a time extension is granted by WASA.
  - (b) In the Permit Appeal, the Industrial User shall indicate the discharge permit provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the discharge permit.
  - (c) WASA will review and make a decision on the Permit Appeal. If the permit appeal is denied by WASA, the Industrial User may appeal the Permit Appeal decision by filing a petition for an administrative hearing within fifteen (15) calendar days of the date of WASA's decision. The petition shall be filed in accordance with the requirements set forth in 21 DCMR § 412.

**1506 RIGHT OF ENTRY**

- 1506.1 For the purposes of inspection, observation, measurement, sampling and testing, WASA or WASA's authorized representative shall have the right to enter upon or through any premises to determine compliance with this chapter. This right to enter and inspect shall be in accordance with section 9 of the Wastewater System Regulation Amendment Act (D.C. Official Code § 8-105.08).
- 1506.2 Any temporary or permanent obstruction to safe and easy access to a facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the request of WASA and shall not be replaced. The cost of clearing such obstructions shall be the responsibility of the Industrial User.
- 1506.3 Where an Industrial User has security measures in place which would require proper identification and clearance before entry, the Industrial User shall make the necessary arrangements so that upon presentation of suitable identification, WASA, or WASA's authorized representative, will be permitted entry without delay.
- 1506.4 Appropriate credentials for making an inspection shall include:
- (a) A duly issued photo identification card showing the name of the inspector and proof of employment with WASA; or
  - (b) A WASA authorized representative with a photo identification and a notice of inspection issued by WASA, containing the following

information:

- (1) Name of the Industrial User;
- (2) Address of the place or identification of the facility to be inspected;
- (3) Date of the inspection;
- (4) Name of the WASA authorized representative; and
- (5) Signature of the WASA official.

1506.5 Entry by WASA or WASA's authorized representative may be made with or without notice, as follows:

- (a) At any time, in emergency situations, or where there is a potential immediate threat to human health and safety, the environment or the District's wastewater system; or
- (b) At any reasonable time in non-emergency situations. The following times shall be deemed reasonable for the purpose of entry:
  - (1) Between the hours of 7:30 a.m. and 6:00 p.m. on weekdays; and
  - (2) Any hour during which the facility is open for business or operation.

1506.6 Unreasonable delays in allowing WASA or WASA's authorized representative access to the Industrial Users premises shall constitute a violation of the Act and this chapter.

## **1507 WASTEWATER MONITORING**

1507.1 WASA may require any Industrial User to construct monitoring facilities to allow inspection, sampling, and flow measurement of the discharges from the building sewer or internal drainage systems, and may also require sampling or metering equipment to be provided, installed and operated, at the expense of the Industrial Users.

1507.2 The monitoring facility shall be situated on the Industrial User's premises and located so that it will not be obstructed by the landscape or by parked vehicles. There shall be ample room in or near such monitoring facilities to allow accurate flow measurement, sampling and compositing of samples for analysis.

1507.3 The monitoring facilities, sampling, and measuring equipment shall be approved by WASA and maintained at all times in a safe and proper operating condition at

the expense of the Industrial User.

1507.4 Sampling and analysis shall be done in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto and documented in accordance with the requirements in § 1512. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA Administrator determines that the 40 CFR Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by WASA, and approved by the EPA Region III Administrator.

1507.5 Industrial Users shall collect and analyze all samples as follows:

- (a) Collect grab samples for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds.
- (b) Collect twenty-four (24) hour composite samples for all other pollutants, through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by WASA.
- (c) Where time-proportional composite sampling or grab sampling is authorized by WASA, the samples shall be representative of the discharge and the decision to allow the alternative sampling shall be documented in the Industrial User file for that facility or facilities.
- (d) Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows:
  - (1) For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field.
  - (2) For volatile organic compounds and oil and grease the samples may be composited in the laboratory.
  - (3) Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by WASA, as appropriate.

1507.6 For sampling required in support of the Baseline Monitoring Report in § 1508.5 and ninety (90) day Compliance Report in § 1508.7, a minimum of four (4) grab samples shall be collected for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data

do not exist. For facilities for which historical sampling data are available, WASA may authorize a lower number of required grab samples.

- 1507.7 For sampling required in support of the Periodic Compliance Report in § 1508.3, WASA shall specify the number of grab samples necessary to assess and ensure compliance by Industrial Users with applicable pretreatment standards and requirements.
- 1507.8 For all Categorical Industrial Users, samples shall be collected immediately downstream from pretreatment facilities or from the regulated process if no pretreatment exists. For all Industrial Users, sampling location(s) will be specified in the permit and shall be representative of the normal discharges occurring during the reporting period.
- 1507.9 Industrial Users shall maintain records of all information resulting from any monitoring activities required by this chapter, including documentation associated with Best Management Practices. The records shall include for all samples:
- (a) Date, time, and place of sampling, method of sampling, preservation used, and the names of the person or persons taking the samples;
  - (b) Date, time, and place where sample analyses were performed;
  - (c) Name of the person who performed the analyses;
  - (d) Analytical techniques/methods used; and
  - (e) Results of such analyses.
- 1507.10 Waivers to Sampling Requirements. WASA may authorize Industrial Users subject to Categorical Pretreatment Standards to forego sampling of a pollutant if the Industrial User has submitted a request for a waiver and has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in their discharge or is present only at background levels (*i.e.*, due to the levels in their water intake) and without any increase in the pollutant due to the activities of the Industrial User. All waiver requests are subject to the following conditions:
- (a) A waiver may be granted if the pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Pretreatment Standard and otherwise includes no process wastewater.
  - (b) The waiver shall be included in the Industrial User's permit and is valid only during the period of the permit, which in no case shall exceed five (5) years. The Industrial User shall submit a new waiver request for each permit issued.

- (c) To justify the waiver request, the Industrial User shall sample their waste stream on at least two (2) separate occasions from a location that is representative of all wastewater from all processes prior to any treatment at the facility. All sampling shall follow the sampling and analysis requirements listed in this section. Non-detect sample results may only be used as a determination that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used for the analysis.
- (d) The waiver request shall include the certification statement in § 1508.10 and shall be signed in accordance with § 1508.11.
- (e) Industrial Users who are granted a waiver shall certify on each Periodic Compliance Report that there has been no increase in the pollutant in its discharge using the following language:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ (specify applicable National Pretreatment Standards), I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ (list the pollutant) in the wastewater due to the activities at the facility since filing of the last periodic report as required under Section 1508.

- (f) In the event that a waived pollutant is found to be present or is expected to be present based on changes to the Industrial User's operations, the Industrial User shall immediately notify WASA and comply with monitoring and reporting requirements listed in § 1508.3 or other more frequent monitoring imposed by WASA.
- (g) The granting of a waiver does not supersede certification or other requirements established in Categorical Pretreatment Standards.

1507.11 Sampling and analysis may be conducted by WASA in lieu of or in addition to Industrial User sampling. Fees for sampling and laboratory analyses may be charged to the Industrial User.

## **1508 REPORTING**

1508.1 General Reporting Requirements. Industrial Users may be required to submit test results from samples collected of their discharged wastewater or other information requested by WASA on a routine and continuing basis. The Industrial User shall bear the costs of such tests and reports.

1508.2 Baseline Monitoring Reports, ninety (90) Day Compliance Reports, and Periodic Compliance Reports (for both Categorical and Non-Categorical Industrial Users), shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report and representative of conditions occurring during the reporting period.

- 1508.3 Periodic Compliance Reports (applicable to all Industrial Users). Any Industrial User that is required to have a discharge permit and performs self monitoring shall submit Periodic Compliance Reports to WASA at a frequency specified in the discharge permit, indicating the nature and concentration of pollutants in the discharge during that reporting period. At a minimum, Significant Industrial Users shall sample their discharge and submit Periodic Compliance Reports once every six (6) months, or as required by WASA. Categorical Industrial Users (except for Non-Significant Categorical Industrial Users) shall submit reports during the months of June and December, unless required more frequently in the Pretreatment Standard or an alternative schedule is established in writing by WASA. All Periodic Compliance Reports shall include:
- (a) A record of the concentrations (and mass if specified in the discharge permit) of the pollutants listed in the discharge permit that were measured and a record of all flow measurements or the average and maximum daily flow for the reporting period;
  - (b) Documentation to demonstrate compliance with the Best Management Practices (BMP) or the average and maximum daily flow for the reporting period, in cases where the discharge standards are based on compliance with BMPs;
  - (c) Flow data, reported on the basis of actual measurement except when WASA may allow for verifiable estimates of these flows if justified by cost or feasibility considerations;
  - (d) Sampling and analysis data collected at the permitted location when the Industrial User performs sampling and analysis more frequently than is required and follows the sampling and analysis procedures in this chapter; and
  - (e) The certification statement provided in § 1508.10 signed by an authorized representative in accordance with § 1508.11.
- 1508.4 Reporting Violations (applicable to all Industrial Users). If sampling performed by an Industrial User exceeds an effluent limit, the Industrial User shall notify WASA within twenty-four (24) hours of becoming aware of the exceedance. The Industrial User shall repeat the sampling and analysis for that parameter and submit the results of the repeat analysis to WASA within thirty (30) days after becoming aware of the violation. If WASA performed the sampling and analysis in lieu of the Industrial User and a result exceeds an effluent limit, then WASA shall perform the repeat sampling and analysis for that parameter unless WASA requires the Industrial User to perform the repeat analysis.
- 1508.5 Baseline Monitoring Reports. All Categorical Industrial Users shall comply with the following requirements for Baseline Monitoring Reports:
- (a) Existing Categorical Industrial Users currently discharging to or scheduled to discharge to the District's wastewater system shall be required to

submit to WASA a report which contains the information listed in § 1508.5(c) within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard or the final administrative decision on a category determination under 40 CFR § 403.6(a)(4), whichever is later.

- (b) New sources and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard, shall be required to submit to WASA a report which contains the information listed in § 1508.5(c) at least, ninety (90) days prior to commencement of their discharge. A new source shall also be required to report the methods of pretreatment it intends to use to meet applicable Categorical Pretreatment Standards. New sources shall give estimates of anticipated flows and pollutants discharged.
- (c) Baseline Monitoring Reports shall include the following:
  - (1) The name and address of the facility, and the name of the operator and owner.
  - (2) A list of environmental control permits (including but limited to, hazardous waste generator permit, underground storage tank registration, pesticide operator license, etc.) held by the facility.
  - (3) A brief description of the nature of the industrial processes or operations, average rate of production, and North American Industrial Classification System or Standard Industrial Classification of the operation(s) carried out by the Industrial User. This description should include a schematic process diagram which indicates points of discharge to the District's wastewater system from the regulated processes.
  - (4) Measured average daily flow and the maximum daily flow in gallons per day for each of the regulated process streams and any other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR § 403.6(e). WASA may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
  - (5) The Categorical Pretreatment Standards applicable to each regulated process, if known.
  - (6) The results of sampling and analysis of at least one (1) representative sample identifying the nature and concentration (and/or mass where required by the Pretreatment Standard or WASA) of regulated pollutants in the discharge from each regulated process. Both daily maximum and daily average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and collected and analyzed in accordance with procedures listed in § 1507.6.

WASA may allow historical data to be used if information is sufficient to determine the need for industrial pretreatment measures. Submitted data shall include the time, date, and place of sampling, methods of analysis, and certification that sampling and analysis is representative of normal work cycles and expected pollutant discharges to the District's wastewater system.

- (7) In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the Industrial User shall submit documentation as required by WASA or the applicable Standards to determine compliance with the Standard.
- (8) Certification. A statement reviewed by the Industrial User's authorized representative and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment, is required to meet the pretreatment standards and requirements.
- (9) Compliance schedule. If additional pretreatment and/or O&M is required to meet the pretreatment standards, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section shall meet the requirements set out in 40 CFR § 403.12 (c).
- (10) All baseline monitoring reports shall include the certification statement provided in § 1508.10 and shall be signed by an authorized representative in accordance with § 1508.11.

1508.6 Compliance Schedule Progress Reports (applicable to Industrial Users subject to a compliance schedule). Not later than fourteen (14) days following each date in a schedule and the final date for compliance, the Industrial User shall submit a progress report to WASA including, at a minimum, whether or not the Industrial User complied with the compliance deadlines and, if not, the date on which the Industrial User expects to comply with the compliance deadlines, the reason for delay, and the steps being taken by the Industrial User to return to the established compliance schedule. In no event shall more than nine (9) months elapse between such progress reports to WASA.

1508.7 Ninety (90) Day Compliance Reports shall be submitted under the following conditions:

- (a) Final Compliance Reports shall be submitted by existing Industrial Users within ninety (90) days following the date for final compliance with the applicable pretreatment standards in a compliance schedule.



- (b) Final Compliance Reports shall be submitted by Categorical Industrial Users within ninety (90) days following the date for final compliance with the applicable Categorical Pretreatment Standards.
- (c) Initial Compliance Reports shall be submitted by New Source Categorical Industrial Users within ninety (90) days following commencement of the discharge to the District's wastewater system.
- (d) Both the ninety (90) Day Final and Initial Compliance Reports shall include the information described in § 1508.5(c)(4) – (10).

1508.8 Pretreatment Facilities Operation and Maintenance Certification. In addition to the certification requirements associated with the discharge monitoring reports, Industrial Users may be requested by WASA to submit a list of their pretreatment facilities and a certification stating that their pretreatment facilities are being properly operated and maintained. If requested by WASA, the following certification statement shall be signed by an authorized representative in accordance with § 1508.11 and submitted to WASA:

Based on my inquiry of the person or persons directly responsible for operating and maintaining the pretreatment facilities, I certify under penalty of law that, to the best of my knowledge and belief that during the period from [specify month, day, year] to [specify month, day, year], the facility described as [specify facility name] located at [provide address] has properly operated and maintained all pretreatment facilities in accordance with manufacturers' recommendations and District and WASA regulations. This certification is based on the following information: [provide supporting documentation that may include, but is not limited to, the following: operating logs; cleaning, inspection, and/or maintenance records; preventive maintenance work orders; equipment calibration records; and equipment repair or replacement records]. I am aware that there are significant penalties for submitting false information, including the possibility of having to pay a fine and imprisonment for knowingly doing so.

1508.9 Annual Certification by Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User pursuant to 40 CFR § 403.3(v)(2) shall annually submit the following certification statement, signed by an authorized representative in accordance with § 1508.11:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR Parts 405-471 [specify applicable section], I certify under penalty of law that, to the best of my knowledge and belief that during the period from [specify month, day, year] to [specify month, day, year]: (a) The

facility described as [specify facility name] located at [provide address] met the definition of a Non-Significant Categorical Industrial User as described in 40 CFR § 403.3(v)(2); (b) the facility complied with all applicable pretreatment standards and requirements during this period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based on the following information [provide supporting documentation]. I am aware that there are significant penalties for submitting false information, including the possibility of having to pay a fine and imprisonment for knowingly doing so.

1508.10 General Certification Statement. Industrial Users shall include the following certification statement in the submission of all applications, reports, waiver requests, notices to WASA (except for Pretreatment Facilities Operation and Maintenance Certification, and annual certification by Non-Significant Categorical Industrial Users):

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of having to pay a fine and imprisonment for knowing violations.

1508.11 Signature Requirements. All applications, reports, certifications, and notices shall be signed as follows:

- (a) By a responsible corporate officer, if the Industrial User is a corporation.
- (b) By a general partner or proprietor if the Industrial User is a partnership or sole proprietorship, respectively.
- (c) By a duly authorized representative of the individual designated in §§ 1508.11(a) or 1508.11(b) of this subsection if:
  - (1) The authorization is made in writing by the individual described in §§ 1508.11(a) or 1508.11(b);
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, general manager, facility manager, operator of a

well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(3) The written authorization is submitted to WASA.

(d) If an authorization under § 1508.11(c) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of § 1508.11(c) of this section shall be submitted to WASA prior to or together with any reports to be signed by an authorized representative.

1508.12 A written report or certification received by WASA after a specified due date shall be deemed a late report or certification and the Industrial User shall be subject to enforcement action in accordance with § 1513.

### **1509 TEMPORARY DISCHARGE AUTHORIZATION**

1509.1 Temporary Discharge Authorization (TDA) Permits are issued to Users who have a need to discharge directly into a catch basin or a manhole connected to the combined sewer or sanitary sewer for a limited period of time. All Users who are issued a TDA Permit shall comply with the requirements of this subchapter and the requirements of §§ 1501-1503, 1506-1508, 1512, and 1514-1516.

1509.2 In an emergency situation, WASA may, upon request, authorize a User to discharge directly to a catch basin or manhole connected to the combined sewer or sanitary sewer for a limited period of time, provided the User submits a TDA Permit application within seventy-two (72) hours of the emergency situation.

1509.3 A TDA Permit may be issued to Users to permit the discharge of treated or untreated groundwater, surface water, storm water, or other discharges including but not limited to, swimming pool drainage, wash water, and hydrodemolition waters. TDA Permit's may be issued to permit the discharge of groundwater from remediation sites, dewatering at construction or restoration sites, and other sources. The TDA Permit may be issued under the following conditions:

(a) The discharge consists entirely of treated or untreated groundwater or surface waters, or other approved wastewater discharges and is being discharged to the combined sewer system or consists of approved wastewater discharges to the sanitary sewer system in conformance to § 1501.13(a);

(b) The Users have no other reasonable means for disposal; and

- (c) The volume of discharge for groundwater remediation discharges is less than twenty-five thousand gallons per day (25,000 gpd). If volume of discharge is greater than twenty-five thousand gallons per day (25,000 gpd), the User shall apply for a Significant Industrial User permit.
- 1509.4 TDA Permits shall have a maximum term of two (2) years and may be reissued as authorized by WASA, following submittal of a new application at least fourteen (14) days prior to the expiration of the TDA permit.
- 1509.5 The TDA Permit application shall include the following information:
- (a) Name, address, and contact information;
  - (b) Project address (including square and lot number);
  - (c) Permit information, including, but not limited to, WASA's sheeting and shoring permit, and the District's sediment and erosion control permit, as applicable;
  - (d) Project description, including, but not limited to, a description of the proposed pretreatment facilities for contaminated sites;
  - (e) Description of discharge to include daily maximum flow and rate of discharge;
  - (f) Results from laboratory analysis of a representative sample of the water to be discharged (if applicable);
  - (g) Discharge location map;
  - (h) Design plan (for remediation projects), dewatering plan and geotechnical report (for construction projects), and site assessment report, if available; and
  - (i) Certification statement (included on the application) signed by an authorized representative of the applicant in accordance with § 1508.11.
- 1509.6 After evaluation of the information submitted, WASA may:
- (a) Deny any application for a TDA Permit; or
  - (b) Issue an invoice for the applicable TDA Permit fees as provided in 21 DCMR Chapter 1. Upon payment, WASA shall issue a TDA Permit subject to terms and conditions provided in the TDA Permit.
- 1509.7 Upon review of the TDA Permit application or subsequent monitoring data, WASA may require the User to provide pretreatment of the wastewater prior to discharge to the District's wastewater system in accordance with § 1502.

- 1509.8 Any User that is issued a TDA Permit shall comply with all permit conditions as established by WASA. Discharge of wastewater without a permit shall be prohibited, unless authorized by WASA.
- 1509.9 Any User that is issued a TDA Permit shall monitor the volume of discharge and perform sampling and analysis of the wastewater discharged as required by the TDA Permit.
- 1509.10 Reports shall be submitted to WASA as required by the TDA Permit and shall include, but not limited to, average daily flow, analytical data, and chain-of-custody documentation. All reports shall include the certification statement provided in § 1508.10 and shall be signed by an authorized representative in accordance with § 1508.11.
- 1509.11 A sanitary sewer service charge shall apply based on the measured quantity of water discharged to the wastewater system under the TDA Permit in accordance with D.C. Official Code § 34-2107 and 21 DCMR § 207.
- 1509.12 Unless otherwise permitted under District law, the discharge of groundwater or surface water to the District's wastewater system without a permit or in violation of a permit shall be subject to enforcement action as provided in § 15 of the Act and as provided in §§ 1513 and 1517.
- 1509.13 A TDA Permit may be suspended, terminated, or denied for good cause including, but not limited to, the following:
- (a) Information indicating that the permitted discharge poses a threat to the District's wastewater system, WASA personnel, or the public.
  - (b) Violation of any terms or conditions of the TDA Permit.
  - (c) Obtaining a TDA Permit by misrepresentation or failure to disclose fully, all relevant facts.
  - (d) The unauthorized discharge of wastewater from non-domestic sources.
  - (e) Denying WASA personnel access to a facility for purposes of collecting a sample and/or obtaining instrument readings.
  - (f) Failure to pay applicable fees.

**1510 HAULED WASTEWATER**

- 1510.1 It shall be unlawful for any User to dispose of any hauled wastewater, comprising liquid or solid and liquid wastes, removed from septic tanks, grease abatement systems, portable toilets, or wastes from any other source, anywhere in the

District of Columbia except at the Septage Receiving Facility located at the wastewater treatment facility at 5000 Overlook Ave., SW.

1510.2 Any User intending to discharge hauled wastewater in the District of Columbia, shall apply for and obtain a Waste Hauler Discharge Permit.

1510.3 The application for issuance of a Waste Hauler Discharge Permit shall be submitted to WASA thirty (30) days prior to discharge for a new permit or the expiration of a current permit. The application shall include the following information:

- (a) Name, address, and contact information;
- (b) Vehicle information for each vehicle used to discharge waste at the WASA Septage Receiving Facility, including: make, model, year, tag number, state of registration, serial number, tank capacity, garage address, and insurance coverage;
- (c) Estimated number of loads per week;
- (d) Services provided (type of waste and service area);
- (e) List of commercial and industrial customers (if applicable);
- (f) Waste characterization data, if requested by WASA;
- (g) Operating permits (if applicable); and
- (h) Certification statements (included on the application), signed by an authorized representative in accordance with § 1508.11.

1510.4 After evaluation of the information submitted, WASA may:

- (a) Deny any application for a Waste Hauler Discharge Permit; or
- (b) Issue an invoice for the applicable Waste Hauler Discharge Permit fees as provided in 21 DCMR Chapter 1. Upon payment, WASA shall issue a Waste Hauler Discharge Permit subject to terms and conditions provided in the Waste Hauler Discharge Permit.

1510.5 Upon receiving a Waste Hauler Discharge Permit, the Waste Hauler shall comply with all permit conditions. Discharge of wastewater without a permit shall be prohibited, unless authorized by WASA.

1510.6 Waste Hauler Discharge Permits shall be effective for a period of one (1) year and may contain any or all of the following conditions:

- (a) Statement of duration;
  - (b) Statement of non-transferability;
  - (c) Load restrictions;
  - (d) Manifest requirements;
  - (e) Right of refusal;
  - (f) Hours of operation, and procedures for discharging outside of the normal hours of operation; and
  - (g) Additional requirements as may be determined by WASA.
- 1510.7 Permits are not transferable, unless specifically authorized in writing by WASA. The permittee shall notify WASA immediately if their license plate or registration has changed on any of their permitted vehicles. WASA shall issue a revised Waste Hauler Discharge Permit.
- 1510.8 Wastes that are not compatible with the District's wastewater treatment process, including, but not limited to, wastewater or additives containing petroleum products, solvents, formaldehyde, or 1,4-dichlorobenzene shall not be discharged at the Septage Receiving Facility.
- 1510.9 Wastes from water or wastewater treatment plants or other non-domestic sources shall not be discharged at the Septage Receiving Facility unless specifically authorized in writing by WASA. WASA may require characterization of the discharge prior to authorization to discharge.
- 1510.10 Waste from water or wastewater treatment plants or other non-domestic sources shall not be mixed with waste from domestic sources.
- 1510.11 The waste hauler shall submit a manifest form to WASA prior to entering the Blue Plains facility. The manifest form shall contain the following information on each load:
- (a) Company name and Waste Hauler Discharge Permit number;
  - (b) Vehicle make, model, and license number;
  - (c) For each source, the customer's name, address and volume of hauled waste;
  - (d) Type of waste(s) (*e.g.*, grease trap, septic tank, etc.);
  - (e) Total volume of the load; and

- (f) Driver certification statement.
- 1510.12 Disposal into the Septage Receiving Facility shall be in accordance with the following provisions:
- (a) All loads shall comply with WASA discharge standards as provided in § 1501.
  - (b) WASA shall reserve the right to refuse acceptance of any load. Dischargers may be required to cease unloading operations at any time. In the case of composite loads, any part of the load that is restricted or prohibited shall make the entire load unacceptable for discharge.
  - (c) Upon request, any Waste Hauler shall provide WASA personnel with access to the wastewater contained in the vehicle for collecting samples or taking instrument readings.
  - (d) All haulers shall clean up all spills resulting from their discharge activity at the Septage Receiving Facility. Additional expenses shall be charged to the hauler if WASA has to clean up any spills or deposits, unclog the septage discharge lines, or repair damage occurring as the result of the hauler's discharge activity.
- 1510.13 Except as authorized by WASA, the discharge of truck-hauled wastewater without a permit or in violation of a permit shall be punishable as provided in § 15 of the Act and as provided in §§ 1513, 1516, and 1517.
- 1510.14 A Waste Hauler Discharge Permit may be suspended, terminated, or denied for good cause including, but not limited to, the following:
- (a) Information indicating that the permitted discharge poses a threat to the treatment system or WASA personnel;
  - (b) Violation of any terms or conditions of the Waste Hauler Discharge Permit;
  - (c) Obtaining a Waste Hauler Discharge Permit by misrepresentation or failure to disclose fully, all relevant facts;
  - (d) The unauthorized discharge of wastewater from non-domestic sources;
  - (e) Denying WASA personnel access to a vehicle or its contents for purposes of collecting a sample and/or obtaining instrument readings;
  - (f) Failure to obtain or maintain appropriate current hauling licenses or permits from Federal, State, or local agencies; and



(g) Failure to pay fees.

1510.15 Volume based disposal fees may be assessed in accordance with 21 DCMR Chapter 1 for each load of hauled wastewater received at the Septage Receiving Facility, based on the volume and type or strength of wastewater discharged. Additional fees may be assessed for hauled wastewater discharged outside of normal hours of operation.

1510.16 The volume of wastewater shall be based on either:

(a) the actual volume of sewage discharged as determined by a method acceptable to WASA; or

(c) the carrying capacity or a percentage of the carrying capacity of the waste hauler's vehicle, if the actual volume of sewage discharged cannot be determined by a method acceptable to WASA.

**1511 HIGH-STRENGTH WASTE FEE**

1511.1 Permitted Industrial Users discharging high strength wastewater into the District's wastewater system shall be assessed a high-strength waste fee, in addition to the normal sewer charges, which are based solely on the volume of wastewater discharged. The purpose of the high-strength waste fee is to defray the extra cost to WASA for treating such wastewater.

1511.2 The high-strength waste fee shall be applied to those permitted discharges whose average daily concentration exceeds one (1) or more of the following limits:

(a) Biochemical Oxygen Demand (BOD) of three hundred milligrams per liter (300 mg/L) or Chemical Oxygen Demand (COD) of four hundred fifty milligrams per liter (450 mg/L);

(b) Total Suspended Solids (TSS) of three hundred milligrams per liter (300 mg/L);

(c) Total Kjeldahl Nitrogen (TKN) or Total Nitrogen (TN) of forty-five milligrams per liter (45 mg/L); and

(d) Total Phosphorus (TP) of six milligrams per liter (6 mg/L).

1511.3 High-strength waste fees may be applied to additional constituents for other high strength wastewater based on criteria determined by WASA. Charges shall be computed in a similar manner provided in § 1511.4.

1511.4 The high-strength waste fee shall be computed using the following formula for those constituents exceeding the values specified in § 1511.2:

High-strength waste fee =  $V \times 8.34 \times [FB \text{ (AB-300 or AC-450)} + FS \text{ (AS-300)} + FN \text{ (AN-40)} + FP \text{ (AP-6)}]$

Where:

V = volume of sewage in millions of gallons discharged by the Industrial User during the billing period.

FB = the cost for treating BOD or COD expressed in dollars/pound.

AB = the average daily concentration of BOD in the sewage discharged expressed in mg/L, or

AC = the average daily concentration of COD in the sewage discharged expressed in mg/L (use the higher value of AB-300 or AC-450).

FS = the cost for treating TSS expressed in dollars/pound.

AS = the average daily concentration of TSS in the sewage discharged expressed in mg/L.

FN = the cost for treating TKN or TN expressed in dollars/pound.

AN = the average daily concentration of TKN or TN in the sewage discharged expressed in mg/L.

FP = the cost for treating TP expressed in dollars/pound.

AP = the average daily concentration of TP in the sewage discharged expressed in mg/L.

1511.5 The cost for treating each constituent shall be determined by WASA and provided in 21 DCMR Chapter 1.

1511.6 The volume of sewage from the Industrial User shall be determined based upon either:

- (a) Metered or estimated water consumption for the billing period; or
- (b) Metered or estimated wastewater discharge entering the sewer system.

1511.7 If estimated flows are used, the procedure for determining the flows shall be submitted by the Industrial User and approved by WASA.

1511.8 If metered wastewater discharge to the sewer system is used, the Industrial User shall provide and maintain at their own expense, metering facilities as required to indicate accurately, to the satisfaction of WASA, the volume of discharge to the sewer system. Flow data shall be submitted to WASA in a format and content

acceptable to WASA and at a frequency specified by WASA. If wastewater flow data provided by the Industrial User is not submitted to WASA by the specified date, WASA may calculate the high-strength waste fee using the metered water consumption.

1511.9 The average daily concentration of each constituent for each Industrial User shall be determined at least once a year based upon:

- (a) All sampling and analysis results from sampling conducted by WASA for the previous twelve (12) month monitoring period, or as specified by WASA; and
- (b) All sampling and analysis results from sampling conducted by the Industrial User for the previous twelve (12) month monitoring period, or as specified by WASA, that WASA determines is characteristic of the overall nature of such discharge; or
- (c) Historical records for Industrial Users having similar discharge characteristics.

1511.10 In cases where Industrial Users have discharge pollutant concentrations that fluctuate significantly, WASA may revise the average daily concentration of the constituents based on more frequent sampling and analysis of the discharge.

1511.11 In cases where an Industrial User makes a significant change at their facility to reduce the strength of their wastewater, WASA may revise the average daily concentration of the constituents based on sampling and analysis of the discharge following the change. To request a re-evaluation of the average daily concentration, the Industrial User shall submit a request to WASA containing the following information:

- (a) Description of the change; and
- (b) Analytical data for the constituent(s) to be re-evaluated consisting of weekly sampling for at least four (4) weeks, with the day of sampling to be rotated each week, or four (4) consecutive days of sampling within one week that are representative of the discharge following the change. Samples shall be collected as twenty-four (24) hour time-proportional or flow-proportional composite samples, unless otherwise approved by WASA. Copies of all laboratory reports and chain of custody documentation shall be included in the submittal.

**1512 RECORDKEEPING AND CONFIDENTIALITY**

1512.1 All Users shall retain, preserve and make available for inspection and copying by the District, WASA or EPA 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 (whether such monitoring is required by this chapter), and documentation associated with its Best Management Practices pursuant to this subchapter, for no less than three (3) years from the date of preparation, drafting, or memorialization. Permits shall be maintained for three (3) years from the date of expiration.

- 1512.2 Notwithstanding § 1512.1, all records which pertain or may pertain to matters which are the subject of enforcement or litigation activities or proceedings initiated by the District, WASA or EPA shall be retained and preserved by the User until such enforcement activities have concluded and all periods of appeal have expired.
- 1512.3 Users shall make such records available for inspection and copying by the District, WASA or EPA and shall submit any or all of the information described in §§ 1512.1 and 1512.2 to WASA, the District or EPA upon demand and as required in the Wastewater Discharge Permit.
- 1512.4 User information and data provided to WASA shall be available to the public or to any government agencies in accordance with § 10 of the Wastewater System Regulation Amendment Act, D.C. Official Code § 8-105.09.
- 1512.5 Information and data, which would disclose trade secrets or secret processes, shall be withheld from public inspection as provided in § 10 of the Act, D.C. Official Code § 8-105.09.
- 1512.6 In accordance with 40 CFR Part 2, any information submitted to WASA may be claimed as confidential by the submitter. The claim shall 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.
- 1512.7 Effluent data, as defined in 40 CFR § 2.302, which is provided to WASA shall be available to the public without restriction.
- 1512.8 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.
- 1512.9 Information accepted by the Mayor or WASA as confidential shall not be transmitted to any governmental agency, except EPA as provided in D.C. Office Code § 8-105.09, unless written notification is sent to the User at least ten (10) days before transmitting the information.

**1513 ADMINISTRATIVE ENFORCEMENT REMEDIES**

- 1513.1 When WASA finds or suspects that a User's discharge has a potential to violate any provision of the Act or this chapter, an individual wastewater discharge permit, order issued hereunder, or any other Pretreatment Standard or requirement, WASA may issue that User a written Notice of Warning. The Notice of Warning shall include:
- (a) Date and location of the potential violation, if applicable;
  - (b) Pretreatment standard or requirement potentially violated; and
  - (c) Recommended actions to prevent a violation.
- 1513.2 When WASA finds or suspects that a User's discharge has a potential to violate any provision of the Act or this chapter, an individual wastewater discharge permit, order issued hereunder, or any other Pretreatment Standard or requirement, WASA may issue that User a written Directive Letter. The Directive Letter shall include:
- (a) Date and location of the potential violation, if applicable;
  - (b) Pretreatment standard or requirement potentially violated; and
  - (c) Follow-up monitoring, corrective action, or other response requirements.
- 1513.3 When WASA finds that a User's discharge has violated, or continues to violate, any provision of the Act or this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement, WASA may issue that User a written Notice of Violation. The Notice of Violation shall include:
- (a) Date and location of the violation;
  - (b) Pretreatment standard or requirement violated and the concentration in the wastewater discharge (if applicable); and
  - (c) Follow-up monitoring, corrective action, or other response requirements.
- 1513.4 Within fourteen (14) calendar days of the receipt of the Notice of Violation or as specified by WASA, the User shall submit to WASA an explanation of the violation and a corrective action plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of such a corrective action plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this chapter shall limit the authority of WASA to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

- 1513.5 WASA may require any User to submit for approval a detailed time schedule for specific actions which the User shall implement in order to either prevent a discharge, or to correct a source or cause of the violation. WASA may modify such time schedule as appropriate prior to approval. WASA may require such notification as necessary to carry out the purposes of the Act and this chapter.
- 1513.6 Whenever WASA has reason to believe that a User is violating the Act, or this chapter, it may issue a Notice of Infraction and Proposed Order as set forth in §§ 1513 and 1514. The Notice of Infraction shall include the following:
- (a) The nature, time, and place of the violation (with reasonable specificity);
  - (b) The corrective or remedial action to be taken and any fines imposed or other amounts sought in accordance with this chapter;
  - (c) The date upon which the Proposed Order shall become effective; and
  - (d) The procedure by which a User 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.
- 1513.7 The Proposed Order may direct the User to do the following:
- (a) Eliminate the violation;
  - (b) Comply with the provisions of this chapter;
  - (c) Take specific actions to avoid future violations;
  - (d) Pay fines, costs, or other amounts, as authorized by this chapter; and
  - (e) Comply with the schedule for completion of any of the directives of the Proposed Order.
- 1513.8 The Proposed Order may provide for the suspension or revocation of any permit issued by WASA pursuant to this subchapter, or the suspension or revocation of any contract or agreement between the User and WASA, to the extent that such permit, contract, or agreement authorizes the User to discharge into the District's wastewater system.
- 1513.9 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.
- 1513.10 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.

- 1513.11 A User notified of a suspension of its discharge shall immediately stop or eliminate the discharge. In the event of a User's failure to immediately comply voluntarily with the notice of suspension, WASA may, in addition to suspending water service, take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the District's wastewater system, its receiving stream, or endangerment to any individuals.
- 1513.12 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 § 1513.8 or § 1513.9, is not required to be provided or conducted pursuant to subchapter I of chapter 5 of title 2.
- 1513.13 WASA's decision to suspend service may be appealed by filing a petition for an administrative hearing within fifteen (15) calendar days of the date of the notice of suspension as set forth in 21 DCMR § 412.
- 1513.14 The filing of an appeal of WASA's decision shall not stay suspension or termination of service.
- 1513.15 WASA shall restore the water service and allow the User to recommence its discharge as soon as practical after the emergency situation has been corrected and the User has demonstrated to the satisfaction of WASA that the period of endangerment has passed, unless WASA has terminated the Users permit.
- 1513.16 The permit of any User who violated the Act, any provision of this chapter or applicable federal law or regulations may be revoked.
- 1513.17 WASA may immediately revoke any Wastewater Discharge Permit in any case in which a violation of any provision of the Act or this chapter is known or found to exist or where a discharge or wastewater causes or threatens to cause a condition of interference, pollution, or nuisance as defined in this chapter. Revocation of a permit alone is sufficient grounds for termination of water service.

#### **1514 ENFORCEMENT PROCEDURES**

- 1514.1 Any notice, order, pleading, or other document produced by a party, including WASA, in response to an enforcement action brought pursuant to section 8 of the Wastewater System Regulation Act, D.C. Official Code § 8-105, shall be served on all of the other party(s) to the action, by hand delivery or by first class mail to the address of record of each party. The address of record for any party who has

applied for, or been issued, a wastewater discharge permit pursuant to the Wastewater System Regulation Act, shall be the address specified on the permit application, unless that party provides written notice to WASA and to the other party(s) to the action that a different address should be used. The address of record for WASA shall be, Office of the General Manager - Administrative Enforcement Proceedings, D.C. Water and Sewer Authority, 5000 Overlook Ave, SW, Washington, D.C. 20032. The address of record for any other party shall be the last known address of that party, unless that party provides written notice to WASA and any other party to the action that a different address should be used.

- 1514.2 Service upon a party, or an attorney representing a party, shall occur at the time of hand delivery; or, if service is done by mail, by the date of the postmark on the envelope in which the document was sent, plus three (3) business days.
- 1514.3 An answer to a Notice of Infraction and Proposed Order, shall be served on WASA, and any other party to the action, within thirty (30) days after the date of service of the Notice of Infraction and Proposed Order. A response to any motion filed in an action shall be served on all the parties within thirty (30) days after the date of service of the motion or other pleading. The hearing examiner may extend the thirty (30) day deadline imposed by this section upon a showing of good cause by the party seeking the extension.
- 1514.4 Unless otherwise directed by the hearing examiner, all requests to the hearing examiner for an order or other relief, except for the Proposed Order accompanying WASA's Notice of Infraction, shall be made by motion, in writing, except that motions made during a hearing may be made orally.
- 1514.5 The hearing examiner may decide a motion with or without a hearing.
- 1514.6 If a moving party fails to appear at a hearing on its motion, the hearing examiner may treat the motion as withdrawn, and the motion may be refiled only with the permission of the hearing examiner, upon a showing of good cause by the moving party. If the opposing party fails to appear at the hearing, the hearing examiner may treat the motion as conceded and grant the motion, except that the opposing party may request that the hearing examiner vacate the order granting the motion, upon a showing of good cause by the opposing party.
- 1514.7 All parties are encouraged to engage in voluntary discovery. Discovery may be obtained by any of the following methods:
- (a) Depositions upon oral examination or written questions;
  - (b) Written interrogatories;
  - (c) Requests for production of documents or other intangible things;
  - (d) Requests to conduct site visits; and



(e) Requests for admissions.

1514.8 Responses to requests for discovery shall be provided within thirty (30) days unless the parties agree to a different deadline or the hearing examiner, upon motion by one (1) of the parties and for good cause shown, establishes a different deadline.

1514.9 If a party fails to permit or provide discovery, an aggrieved party may file a motion to compel discovery with the hearing examiner.

1514.10 When determining whether to admit any material or testimony into evidence, the hearing examiner shall be guided by the rules of evidence applicable in civil proceedings in the D.C. Superior Court. If the hearing examiner concludes that the admission of evidence that would not be permitted by the court would be helpful to the determination of the matter before him or her, the hearing examiner may admit that testimony or material into evidence.

**1515 ANNUAL NOTICE OF SIGNIFICANT VIOLATIONS**

1515.1 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.

1515.2 The notification shall summarize the nature of the significant noncompliance and any enforcement action taken against the Industrial User during the same twelve (12) month period.

1515.3 For the purposes of this section, a Significant Industrial User (or any Industrial User which violates §§ 1515.3(c), (d), or (h)) is in significant noncompliance with the pretreatment standards and requirements if its violation meets one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, which are violations in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR § 403.3(l);

(b) Technical Review Criteria ("TRC") violations, which are violations in which thirty-three (33%) or more of all of the measurements taken for the same pollutant parameter during a six (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, Total Suspended Solids, Fats, Oil, and Grease, and 1.2 for all other pollutants except pH);

- (c) 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);
- (d) 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 emergency authority pursuant to 40 CFR § 403.8(f)(1)(vi)(B) and D.C. Official Code § 8-105.12 to halt or prevent such a discharge;
- (e) Any violation of the terms of a wastewater discharge permit which remains uncorrected forty-five (45) days after notification of the violation is received by the Industrial User; or any failure to meet, within ninety (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;
- (f) Failure to provide required reports, such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on progress with compliance schedules or orders, within forty-five (45) days after the due date;
- (g) Failure to timely and accurately report an instance of noncompliance with the pretreatment standards and requirements; and
- (h) 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.

**1516 ADMINISTRATIVE FINES**

1516.1 Any party who violates any of the requirements of the Act or this chapter may be subject to a fine, to be imposed by WASA. Where a fine is imposed, the initial fine shall be not less than three hundred dollars (\$ 300) for each day during which a violation occurs. If, after committing a violation for which an initial fine was imposed, a party repeats that violation, the daily fine for the more recent violation shall be at least one hundred dollars (\$ 100) greater than the daily fine that was imposed for the previous violation, except that no daily fine imposed pursuant to these rules for any of the violations listed below may exceed the specified maximum amounts:

	<b>Type of Violation</b>	<b>Maximum fine for each day during which a violation occurs</b>
1.	Recurring failure to monitor discharges or comply with permit requirements, including Best Management Practices	\$ 1,000
2.	Unintentional effluent dilution	\$ 1,000
3.	Wastestream intentionally diluted in lieu of treatment	\$ 10,000
4.	Significant Noncompliance due to Chronic or Technical Review Criteria violations	\$ 1,000
5.	Significant Noncompliance due to violations identified in §§ 1515.3(c)-(h)	\$ 10,000
6.	Unintentional prohibited discharges	\$ 500
7.	Unintentional prohibited discharges, which cause damage to the District's wastewater system or endangerment to health, welfare, or the environment	\$ 1,000
8.	Intentional prohibited discharges	\$ 5,000
9.	Intentional prohibited discharges, which cause damage to the District's wastewater system or endangerment to health, welfare, or the environment	\$ 10,000
10.	Failure to report spill or change in discharge	\$ 1,000
11.	Falsification or tampering with discharge monitoring equipment	\$ 10,000
12.	Negligently operated or maintained pretreatment facility	\$ 1,000
13.	Failure to comply with a requirement issued in a Directive Letter or Notice of Violation	\$ 500
14.	Failure to comply with compliance schedule deadline imposed in response to a previous violation	\$ 1,000
15.	Failure to comply with a procedural order or deadline imposed pursuant to §§ 1513 and 1514 of these regulations	\$ 1,000
16.	Failure to pay a fine imposed in response to a previous violation within 60 days	\$ 1,000
17.	Failure to apply for or renew a permit (i.e., discharging without a permit)	\$ 10,000
18.	Recurring failure to provide requested information	\$ 1,000
19.	Failure to allow right of entry	\$ 1,000
20.	Falsification of data or failure to report or accurately report non-compliance	\$ 10,000
21.	Failure to retain records for a minimum of 3	\$ 1,000

	years	
22.	Improper sampling technique	\$ 1,000
23.	Failure to perform required monitoring during reporting period	\$ 1,000

**1517 JUDICIAL ENFORCEMENT REMEDIES**

1517.1 Notwithstanding any other remedial authority conferred by the Act or this chapter, WASA may seek declaratory, injunctive or other appropriate relief to restrain, minimize, halt, prevent or eliminate a violation or imminent violation of any provision of this chapter.

1517.2 Any User who violates any provision of the Act or this chapter shall be liable for a civil fine not exceeding ten thousand dollars (\$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 as set forth in D.C. Official Code § 8-105.14(a) of the Act.

1517.3 WASA may add any such civil fines and cost to the bill for the User's usual sanitary sewer service charges, high-strength waste fees, wastewater treatment fees, administrative fines, and other fees, or may issue a separate bill for civil fines and costs.

1517.4 Any User who violates any provision of the Act or this chapter 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.

1517.5 Any person who intentionally, willfully or recklessly violates any provision of the Act or this chapter shall be punished by a criminal fine not to exceed ten thousand dollars (\$10,000) for each day each violation continues, or imprisonment not to exceed one (1) 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, as set forth in D.C. Official Code § 8-105.14(b) of the Act.

1517.6 Any User who knowingly makes any false or misleading statement, representation or certification with respect to any information or data submitted to, or required by, the District pursuant to the Act or this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method, samples or the results of same, upon conviction in a court of competent jurisdiction shall be liable for a fine of up to ten thousand dollars (\$ 10,000) for each count of such conviction.

**1518 AGREEMENTS WITH USER JURISDICTIONS**

1518.1 Each User Jurisdiction proposing to directly or indirectly connect to or discharge

into, the wastewater system of the District shall execute a pretreatment agreement with the District before the connection of discharge into the wastewater system.

- 1518.2 Each User Jurisdiction which is directly or indirectly connected to, or discharging into, the wastewater system of the District as of October 10, 1986, shall maintain an executed pretreatment agreement with the District.
- 1518.3 For User Jurisdictions in the State of Maryland, the pretreatment agreement shall be executed by the Washington Suburban Sanitary Commission on behalf of Montgomery and Prince George's Counties.
- 1518.4 The Inter-Municipal Agreement may be executed in lieu of a pretreatment agreement provided that it contains all of the provisions of § 1518.7.
- 1518.5 Only WASA shall issue Wastewater Discharge Permits to the following Industrial Users of the Potomac Interceptor: National Park Service; Metropolitan Washington Airports Authority; and Department of Navy.
- 1518.6 Each User Jurisdiction shall provide WASA with at least the following information about every Significant Industrial User located within the User Jurisdiction:
- (a) Name, address, office telephone number, Standard Industrial Classification number(s) or North American Industrial Classification number(s);
  - (b) Volume of wastewater to be discharged;
  - (c) Wastewater constituents and concentrations, including, but not limited to, biochemical oxygen demand, total suspended solids, ammonia, Total Kjeldahl Nitrogen or total nitrogen, total phosphorus and pH;
  - (d) Time and duration of discharge;
  - (e) Average and thirty (30) minute wastewater flow rates, including daily, monthly and seasonal variations, if any;
  - (f) Description of activities, facilities and plant processes in or proposed within the User Jurisdiction, including all materials and types of materials which are or could be discharged to the wastewater system;
  - (g) Each product produced or to be produced by type, amount and chemical composition; and
  - (h) Any other information WASA may consider to be necessary to evaluate the User Jurisdiction's Significant Industrial User.

- 1518.7 Agreements with User Jurisdictions required to implement pretreatment programs under applicable federal law shall contain the following provisions:
- (a) Agreement to diligently enforce a pretreatment program which conforms to the minimum legal requirements contained in the National Pretreatment Regulations (40 CFR Part 403) and any other provisions necessary to implement the requirements of the Act and this chapter.
  - (b) Explicit incorporation of the following provisions into the User Jurisdiction's pretreatment program:
    - (1) A definition for "Significant Industrial User" and "Non-Significant Categorical Industrial User" as set forth in § 1599 of this chapter. User Jurisdictions may elect not to include the provision for a Non-Significant Categorical Industrial User;
    - (2) A provision requiring any Industrial User responsible for a significant accidental discharge to immediately notify both WASA and the User Jurisdiction;
    - (3) A provision requiring a Significant Industrial User to immediately notify WASA and the User Jurisdiction of any changes at its facility affecting the potential for a slug discharge.
    - (4) A provision adopting discharge standards that match or exceed the District's discharge standards;
    - (5) A provision enabling the User Jurisdiction to enforce the provisions of their regulations and seek injunctive relief and civil and criminal penalties for noncompliance; and
    - (6) A grant of authority to the User Jurisdiction to require the installation of all monitoring and pretreatment facilities.
  - (c) Agreement to conduct an industrial waste survey to identify and locate all Industrial Users subject to the pretreatment program, including all Significant Industrial Users and Non-Significant Categorical Industrial Users, if applicable, within the User Jurisdiction;
  - (d) Agreement to evaluate whether a Significant Industrial User needs a plan or other action to control slug discharges within one (1) year of being designated a Significant Industrial User. For Industrial Users identified as significant prior to November 14, 2005, this evaluation shall have been conducted at least once by October 14, 2006;
  - (e) Agreement to control through wastewater discharge permits the discharges from each Significant Industrial User and Non-Significant Categorical

Industrial User, if applicable, within the User Jurisdiction;

- (f) Agreement, if requested to do so, to provide access to, and copies of, all permits and permit applications, industrial monitoring reports, baseline reports, records or violations and enforcement actions taken and any other monitoring or reporting requirements imposed by Federal, state or local regulations. These records shall be maintained for at least three (3) years;
- (g) Agreement that any grant of a monitoring waiver by the User Jurisdiction shall be included as a condition in the Industrial User's control mechanism. The reasons supporting the waiver and any information submitted by the Industrial User in its request for the waiver shall be maintained by the User Jurisdiction for three (3) years after the expiration of the waiver;
- (h) Agreement to grant WASA the right to enter and inspect any part of the User Jurisdiction's sewer system and the facilities of Industrial Users within the User Jurisdiction at any reasonable time for the purpose of inspecting the entire premises, taking independent samples, and examining and copying records. The User Jurisdiction shall make all necessary legal and administrative arrangements for these inspections;
- (i) Agreement to provide WASA with quarterly pretreatment program reports and annual pretreatment reports; and
- (j) Agreement for the User Jurisdiction to enter into a pretreatment agreement with Contributing Jurisdictions where Industrial Users located outside the boundary of the User Jurisdiction are discharging into the Contributing Jurisdiction's sewer system, which discharges into the User Jurisdiction's sewer system and ultimately to the District's wastewater system. Such pretreatment agreements shall be substantially equivalent to the District's pretreatment agreement with the User Jurisdiction and shall be fully secured prior to a discharge from any Industrial User into the Contributing Jurisdiction's sewer system.

## 1599 DEFINITIONS

1599.1 When used in this chapter, the following words and phrases shall have the meanings ascribed:

**Act** - The District of Columbia Wastewater System Regulation Act of 1985, D.C. Law 6-95, as amended, D.C. Official Code §§ 8-105, *et seq.*

**Analytical Testing** - all methods of sample collection, preservation, and analysis as prescribed in 40 CFR § 136, "Guidelines Establishing Tests Procedures for the Analysis of Pollutants under the Clean Water Act."

**Best Management Practices (BMPs)** - 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), and local pretreatment requirements. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**Biochemical Oxygen Demand (BOD)** - oxygen utilized in the biochemical oxidation of organic matter in five (5) days at twenty degrees Centigrade (20°C), expressed in milligrams per liter (mg/l) as determined by the methods of Analytical Testing.

**Biosolids** - wastewater sludge and residue that has been processed through a wastewater treatment system to meet the pathogen reduction and vector attraction reduction requirements of 40 CFR § 503.15 for land application as fertilizer and soil amendment.

**Blue Plains** - The District of Columbia's Wastewater Treatment Plant at Blue Plains, a POTW.

**Categorical Pretreatment Standards or Categorical Standards or National Categorical Pretreatment Standards** - 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.

**Categorical Wastewater** – wastewater subject to National Categorical Pretreatment Standards.

**Chemical Oxygen Demand (COD)** - the oxygen equivalent of that portion of the organic matter that is susceptible to oxidation by a strong chemical oxidant. The values shall be as determined by the methods of Analytical Testing.

**Clean Water Act** - the Federal Water Pollution Control Act approved October 18, 1972 (86 Stat. 816; 33 U.S.C. §§ 1251, *et seq.*).

**CFR** – the Code of Federal Regulations.

**Combined Sewer** - a sewer which is intended by the District to serve as both a storm sewer and sanitary sewer.

**Compatible Pollutants** - biochemical oxygen demand, total suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified by WASA if the wastewater treatment plant in fact removes such additional pollutants to a substantial degree. The term "substantial degree" is not subject to precise definition, but generally contemplates removals in the order of eighty percent (80%) or greater. Minor incidentals removals in the order of ten to thirty percent (10% to 30%) are not considered substantial. Examples of the additional pollutants which may be considered compatible include the following:



- (a) Chemical oxygen demand;
- (b) Total organic carbon;
- (c) Phosphorous and phosphorous compounds; and
- (d) Nitrogen and nitrogen compounds.

**Contributing Jurisdiction** – a jurisdiction whose Industrial Users are located outside the jurisdictional boundary of a User Jurisdiction, but the discharges from the Industrial Users discharge into the User Jurisdiction sewer system and ultimately into WASA’s wastewater system.

**Cooling Water** - 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.

**Daily Maximum** – the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

**Daily Maximum Limit** – the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

**Discharge** - any solid, liquid, or gas introduced into the wastewater system, including indirect discharges.

**District** - the District of Columbia, a municipal corporation.

**District Pretreatment Standards or Local Limits** - those limits found in 21 DCMR § 1501 and D.C. Official Code § 8-105.06.

**Domestic Wastewater** – Any wastewater produced by ordinary living uses, including, but not limited to, liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other sources of water-carried wastes of human origin. This definition includes wastewater from commercial, industrial or residential sources which is of a similar quality, constituents and strength, to that produced by these same ordinary living uses.

**EPA** - the U.S. Environmental Protection Agency.

**Garbage** - solid wastes from domestic and commercial preparation, cooking, or dispensing of food, or from the handling, storage, or sale of produce. For purposes of this chapter, "garbage" is not the same as "shredded garbage".

**Grease Abatement System** - Any grease interceptor, grease trap, grease recovery device, or any treatment system designed to remove Fats, Oils and Grease (FOG) from food service establishments, including but not limited to, cafeterias, hotel kitchens, church kitchens, school kitchens, hospital cafeterias, bars, or any other commercial food service establishment.

**Hazardous Waste** - waste defined as hazardous waste in the District of Columbia Hazardous Waste Management Act of 1977, effective March 16, 1978 (D.C. Law 2-64; D.C. Official Code § 8-1302(2)), as amended.

**High Strength Wastewater** - wastewater containing concentrations of organic matter, solids, or nutrients that are higher than domestic strength wastewater as established by WASA.

**Incompatible Pollutant** - any pollutant which is not a "compatible pollutant" as defined in this section.

**Indirect Discharge** - 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 the Act.

**Industrial User or IU** - 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.

**Infectious Waste** - any waste defined as infectious waste in the Solid Waste Facility Permit Act of 1995, effective February 27, 1996 (D.C. Law 11-94; D.C. Official Code § 8-1051(21)), as amended).

**Interference** - 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):
  - (1) Section 405 of the Clean Water Act;
  - (2) 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;
  - (3) Clean Air Act;

- (4) Toxic Substances Control Act; and
- (5) Marine Protection, Research, and Sanctuaries Act.

**Mayor** - the Mayor of the District of Columbia or any representative or agency designated by the Mayor to carry out the provisions of the Act and these regulations.

**Medical Waste** - any waste defined as medical waste in section 2(3A) of the Illegal Dumping Enforcement Act of 1994, effective May 20, 1994 (D.C. Law 10-117; D.C. Official Code § 8-901(3A)), as amended.

**National Pretreatment Standards, Pretreatment Standards, or Standards** - any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 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 established pursuant to 40 CFR § 403.5, D.C. Official Code § 8-105.06, and this chapter.

**Natural Outlet** - any outlet into a watercourse, pond, ditch, river, lake, or other body of surface water.

**New Source** -

- (a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Clean Water Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - (1) The building, structure, facility or installation is constructed at a site at which no other source is located, or;
  - (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) The production or wastewater generating processes of the building, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a)(2) and (a)(3) above, but otherwise alters, replaces, or adds to existing process or production equipment.

- (c) Construction of a new source as defined above has commenced if the owner or operator has:
  - (1) Begun, or caused to begin as part of a continuous onsite construction program:
    - (A) Any placement, assembly, or installation of facilities or equipment; or
    - (B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**Non-Significant Categorical Industrial User** – an Industrial User subject to Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR Chapter I, Subchapter N that WASA determines is a Non-Significant Categorical Industrial User rather than a Significant Categorical Industrial User on a finding that the Industrial User does not discharge more than one-hundred (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:

- (a) The Industrial User, prior to WASA’s finding has consistently complied with all applicable Categorical Pretreatment Standards and requirements;
- (b) The Industrial User annually submits the certification statement required in § 1508.9 together with any additional information necessary to support the certification statement; and
- (c) The Industrial User never discharges any untreated concentrated wastewater.

**North American Industry Classification System (NAICS)** – the classification and classification numbers of Users based on the 2007 North American Industry Classification Manual by the Executive Office of the President, Office of Management and Budget, as it may be revised, updated, replaced or amended.

**NPDES Permit** – means the National Pollution Discharge Elimination System permit issued by the EPA Region III to WASA for the operation of the Blue Plains Wastewater Treatment Facility in effect on September 30, 2010, 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.

**Non-Contact Cooling Water:** Water used for cooling which does not come into direct contact with any raw material, product, byproduct, or waste.

**Nuisance** - any condition, state or combination of circumstances which injures, or threatens or endangers health, safety or welfare.

**Objectionable Color** - a color inappropriate for the normal characteristics of the receiving water.

**Pass Through** - 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 or duration of a violation.

**Person** - any natural person, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns.

**pH** - the logarithm to the base ten (10) of the reciprocal of the concentration of hydrogen ion in grams per liter (g/l) of solution as determined by the methods of Analytical Testing.

**Phosphorus or Total Phosphorus (TP)** – phosphorus content in wastewater as determined by the methods of Analytical Testing.

**Pollutant** - 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 District's wastewater system.

**Pretreatment**- 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 section 7(h) of the Act. 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).

**Pretreatment Requirements** - any District pretreatment standard or federal, state, or local substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

**Process Wastewater** – wastewater discharged from an industrial process excluding sanitary, noncontact cooling and boiler blowdown wastewater.

**Publicly Owned Treatment Works or POTW** - a treatment works as 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 conveyance, which convey wastewater to a treatment plant.

**Residue** - the accumulated solids, grease, liquids and scum separated from wastewater during the wastewater treatment process. Also referred to as "sludge and residue".

**Responsible Corporate Officer** - shall be:

- (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
- (b) The manager of one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

**Sanitary Sewer Service Charge** - the charge levied against Users to recover the costs of rendering wastewater treatment system services.

**Septic Tank** - 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.

**Sewer** - any pipe or conduit for conveying wastewater or drainage water.

**Shredded Garbage** - garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one inch (1 in.) in dimension. For purposes of this chapter, "shredded garbage" is not the same as "garbage".

**Significant Accidental Discharge** - any unintentional or uncontrolled release of pollutant(s) which results in a violation of a permit issued pursuant to this chapter or results in a violation of

the NPDES permit issued to operate Blue Plains.

**Significant Industrial User -**

- (a) Except as provided in paragraphs (b) below, any Industrial User that either:
  - (1) Is an Industrial User subject to Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR chapter I, subchapter N; and
  - (2) Any other Industrial User that:
    - (i) Discharges an average of twenty-five thousand gallons per day (25,000 gpd) or more of process wastewater to the District's wastewater system or other POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
    - (ii) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of Blue Plains; or
    - (iii) 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, for harming the environment or for causing a threat to wastewater utility personnel.
- (b) Upon a finding that an Industrial User meeting the criteria in subparagraph (a)(2)-(4) 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.

**Significant Noncompliance** - for the purposes of this provision, a Significant Industrial User is in significant noncompliance with the pretreatment standards and requirements if it violates a term of a discharge permit and its violation meets one (1) or more of the criteria listed in § 1515, or an Industrial User whose violation meets one (1) or more of the criteria listed in §§ 1515.3(c), (d), or (h) of this chapter.

**Significantly Changed Operation** - what constitutes a "significantly changed operation" shall be determined by WASA on a case-by-case basis by reference to such factors as the increase in the level of pollutant(s) discharged, the potential for the discharge of additional pollutants or the potential for accidental or uncontrolled discharges as a result of process modifications, production increases, equipment modifications and the like.

**Slug Discharge or Slug Load** - 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 prohibited discharge limits and local pretreatment requirements in § 1501 of this chapter.

**Standard Industrial Classification** - the classification and classification numbers of Users based on the 1987 Standard Industrial Classification Manual (SIC) by the Executive Office of the President, Office of Management and Budget, as it may be revised, updated, replaced or amended.

**Termination of Service** - includes closing off or removing branch sewer(s), disconnecting water service(s) and removal of water service lines.

**Total Kjeldahl Nitrogen (TKN)** – the sum of the content of organic nitrogen, ammonia and ammonium in the wastewater, expressed in milligrams per liter (mg/l) as determined by the methods of Analytical Testing.

**Total Suspended Solids (TSS)** - solids that either float on the surface of, or may be suspended in, water, sewage, or other liquids, and which may be removable by laboratory filtering, with concentrations expressed in milligrams per liter (mg/l). The value shall be as determined by the methods of Analytical Testing.

**Toxic Pollutant** - any pollutant which is identified as toxic by the EPA or which is designated as toxic by WASA.

**User** - any person who discharges, causes, or permits the discharge of wastewater into the District's wastewater system.

**User Jurisdictions** – the jurisdiction that directly or indirectly connects to or discharges into, the District's wastewater system, including Montgomery County and Prince George's County, Maryland, as represented by the Washington Suburban Sanitary Commission; Fairfax County, Virginia; Loudoun County, Virginia; and Vienna, Virginia.

**WASA** - the District of Columbia Water and Sewer Authority.

**Waste** - sewage and any and all other waste substances of human or animal origin, or associated with human habitation, or resulting from any production, storage, manufacturing or processing operation of whatever nature, whether liquid, solid, gaseous or radioactive. This definition includes such wastes placed within containers of whatever nature prior to, and for purposes of, disposal.

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

**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.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
PUBLIC OVERSIGHT HEARING  
COMMITTEE ON PUBLIC SAFETY AND THE JUDICIARY**

**THE HONORABLE PHIL MENDELSON, CHAIRMAN**



**TESTIMONY OF GEORGE S. HAWKINS, ESQ.  
GENERAL MANAGER  
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY  
“FIRE HYDRANT INSPECTION, MAINTENANCE, AND REPAIR”**

**THURSDAY, JULY 14, 2011 AT 10:00 A.M.  
ROOM 412  
JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, NW**

Good morning Chairman Mendelson, members of the committee. My name is George Hawkins, and I am the General Manager of the District of Columbia Water and Sewer Authority (DC Water). It is my privilege to lead the 1,000-strong workforce I call Team Blue, in delivering a life-giving service to more than 16 million people every year.

The following are my prepared remarks for the record of your July 14, 2011 Public Hearing on Fire Hydrant Inspection, Maintenance, and Repair.

Let me begin by saying that DC Water is proud to be part of the effort to comprehensively upgrade and improve the District's public fire hydrant system, an undertaking that has been championed by this committee. In the past few years, DC Water and the Fire and Emergency Medical Services Department (FIRE & EMS) have worked collaboratively to inspect, maintain and upgrade public fire hydrants throughout the city, with great success, and with the appointment of Chief Kenneth B. Ellerbe this partnership has only grown stronger. The results of this partnership are demonstrated in the Insurance Services Office (ISO) recent review of the District's fire protection services. The ISO's Public Protection Classification (PPC) program provides current information on municipal fire protection services throughout the country and is used by virtually every U.S. insurance provider to set premiums on commercial and residential properties. The District received an overall classification of two based on a scale of one to ten with one representing the highest rating. The water supply system received a one classification, placing the District near the top of more than 44,000 fire protection districts in the country. This success is primarily due to the coordinated efforts of our agencies and your Committee's work to ensure a world-class fire protection system is in place for the residents of and visitors to our Nation's Capital.

At DC Water we have instituted a Fire Hydrant Service Status Program that measures our performance of maintenance, repair and replacement of every public fire hydrant in the District while simultaneously keeping the public informed. Our report measures the following: a) the number of public hydrants, b) how many are out of service and mapping of those locations, c) of the ones out of service, how many require repair or replacement, d) how many out of service hydrants are due to inaccessibility or temporarily construction, and e) further breakdown of the specific type of defect. These measures are continuously

monitored and a detailed report and explanation is provided every month to our DC Retail Water and Sewer Rates Committee and our full Board of Directors. Moreover, DC Water also launched a unique tool, based on Google Earth, to provide the general public with easy access to important data about the condition of fire hydrants in the City. The Google Earth tool is accessible to the public by visiting our website. By using this tool, the public will be able to easily locate fire hydrants and obtain basic status information. The information for each hydrant includes its identification number, current operational status and last inspection date. Additionally, customers can report a problem regarding a specific hydrant.

As you know, DC Water funded an initial capital program to replace approximately 3,500 hydrants over a five period beginning in 2007. We completed this capital program in half the time with the help of Fire & EMS. In fact, 5,681 hydrants of the nearly 9,100 public hydrants in the system have been replaced or upgraded to the National Fire Protection Association (NFPA) standard in less than four years. This is a remarkable achievement under any comparative standard.

Further, since the October 2007 signing of a Memorandum of Understanding (MOU) with FIRE & EMS, significant progress has been made. First, Fire & EMS have inspected hydrants twice yearly ensuring that both our agencies know the current status and condition of every hydrant in the District. Second, DC Water significantly expanded its maintenance program to ensure that defective hydrants are quickly repaired while performing preventative maintenance on all the public hydrants in the system. Third, water counter maps were provided to Fire and EMS along with our GIS system to ensure that the available water in the area can quickly be identified. Finally, the Google Earth application was developed to quickly aid the firefighter in making decisions on how they may deploy resources based on water availability. As you know, the District government reimburses the costs of the hydrant upgrade program through the fire protection fee. We are currently negotiating a new memorandum of understanding with the District to determine the timetable the District wants to use to complete the hydrant upgrade program in addition to the other services that the District has requested DC Water to provide.

#### Private Hydrants

In addition to the extensive public hydrant inventory, there are an estimated 1,420 private hydrants in the District. Of the 1,420 private hydrants, we estimate

that 317 do not have the ownership identified. The “Private Fire Hydrant Amendment Act of 2009” fostered by this Committee identifies the role that private hydrants have played in the City while clarifying that ownership of a hydrant, not the location, determines who has responsibility for the maintenance and repair of the private hydrant.

With this in mind, we encourage the Committee to consider the following two concerns in order to have a workable private hydrant program. First, the law states, if ownership of a private hydrant cannot be determined by the City, then the District will assume ownership and be responsible for the maintenance, repair and replacement of the hydrants. This places an additional financial obligation on the District, as reimbursement for the repair, replacement and general maintenance would be the same as for any other public hydrant within the City. Moreover, given the many unknowns of the underground water systems, the additional costs could be significant. For emphasis, the one additional hydrant requested by Fire & EMS to serve Klinge Terrace NW is estimated to cost over \$100,000 because of the condition of underlying private water system. Second, the Private Hydrant Act authorizes the District to clearly identify and provide notification to each private hydrant owner of their obligation to maintain, repair and replace the private hydrant. However, what are ambiguous are the duties, obligations, liabilities and enforcement authority arising out of non-compliance.

Finally, since the bill’s passage we look forward to resolving the uncertainties and working with the Mayor’s designee to begin discussions of the private hydrant memorandum of understanding which will designate the inspection agency and govern responsibilities for inspection.

Chairman Mendelson, this concludes my prepared remarks. As always, I want to thank you for your careful attention and oversight of this public safety matter. Thank you and I welcome any questions that the Committee may have. I look forward to answering any questions you may have.

