

Presented and Adopted: October 8, 2026

SUBJECT: Approval of Award and Authorization to Execute Phase One of Contract No. 250210, Main Sewage Pumping Station Rehabilitation (MSPSR) – Historic Rehabilitation, Structural Preservation Systems LLC

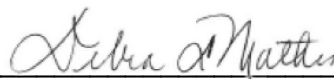
**#26-63
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
D.C. WATER AND SEWER AUTHORITY**

The Board of Directors (“Board”) of the District of Columbia Water and Sewer Authority, (“DC Water”) at its meeting held on October 8, 2026, upon consideration of a joint-use matter, decided by a vote of eleven (11) in favor and none (0) opposed to approve the award and authorize execution of phase one of Contract No. 250210, Structural Preservation Systems LLC.

Be it resolved that:

The Board of Directors hereby authorizes the Interim CEO and General Manager to award and execute phase one of Contract No. 250210, Structural Preservation Systems LLC. This progressive design-build contract will rehabilitate DC Water’s historic Main Sewage Pumping Station while preserving its character, architectural features, and materials, addressing long-term infrastructure needs, and extending the facility’s service life. Phase One preconstruction services include planning; advancing the concept and design development; preparing construction drawings; validating costs and schedules; and completing related activities required to establish the basis for a subsequent Guaranteed Maximum Price. The total value of phase one contract is not-to-exceed \$4,476,209.33.

This Resolution is effective immediately.



Acting Secretary to the Board of Directors

Presented and Adopted: October 8, 2026

SUBJECT: Approval of Award and Authorization to Execute Master Service Agreements with Two (2) Contractors, Contract No. 260080, Supervisory Control and Data Acquisition (SCADA) System Integrator Services Contract III: M.C. Dean, Inc and Optimum Controls Corp

**#26-64
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("DC Water") at its meeting held on October 8, 2026, upon consideration of a joint-use matter, decided by a vote of eleven (11) in favor and none (0) opposed to approve the award and authorize execution of Master Service Agreements for two Contractors, Contract No. 260080, M.C. Dean, Inc and Optimum Controls Corp.

Be it resolved that:

The Board of Directors hereby authorizes the Interim CEO and General Manager to award and execute Master Service Agreements for two Contractors, Contract No. 260080: M.C. Dean, Inc and Optimum Controls Corp. This contract provides SCADA system integration services to upgrade, replace, and optimize existing water, stormwater, and sewer facilities, including pumping stations, tanks, reservoirs, dams, odor-control facilities, and metering sites to improve reliability. The total value is not-to-exceed \$8,000,000,00 over three-year contract term, plus two one-year option years. DC Water may approve and exercise the option years at its sole discretion.

This Resolution is effective immediately.



Acting Secretary to the Board of Directors

Presented and Adopted: October 8, 2026

SUBJECT: Approval of Award and Authorization to Execute Architectural and Engineering Services Contract No. DCFA #557-WSA, Water, Sewer, Storm Linear Infrastructure Condition Assessment Program, Arcadis District of Columbia, P.C.

**#26-65
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("DC Water") at its meeting held on October 8, 2026, upon consideration of a joint-use matter, decided by a vote of eleven (11) in favor and none (0) opposed to approve the award and authorize execution of Architectural and Engineering Services Contract No. DCFA #557-WSA, Arcadis District of Columbia, P.C.

Be it resolved that:

The Board of Directors hereby authorizes the Interim CEO and General Manager to award and execute Architectural and Engineering Services Contract No. DCFA #557-WSA, Arcadis District of Columbia, P.C. This contract will use appropriate technology and expertise to inspect and assess the condition of water, sewer, and storm linear assets; analyze and document findings; provide actionable insights; and prioritize assets for repair, maintenance, or further investigation based on structural integrity, sustainability, and related conditions. The contract has a not-to-exceed value of \$50,000,000.00 and includes a three-year base term plus two optional one-year extensions. DC Water may approve and exercise the option years at its sole discretion.

This Resolution is effective immediately.



Acting Secretary to the Board of Directors

Presented and Adopted: October 8, 2026

SUBJECT: Approval and Authorization to Fund Rolling Owner Controlled Insurance Program (ROCIP) VII, Insurance Premiums, Contract No. 10632, Alliant Insurance Services, Inc.

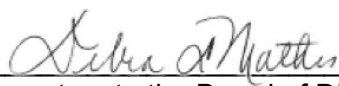
**#26-66
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("DC Water") at its meeting held on October 8, 2026, upon consideration of a joint-use matter, decided by a vote of eleven (11) in favor and none (0) opposed to approve and authorize funding for Rolling Owner Controlled Insurance Program (ROCIP) VII, Contract No. 10632, Alliant Insurance Services, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the Interim CEO and General Manager to execute funding for Rolling Owner Controlled Insurance Program (ROCIP) VII, Contract No. 10632, Alliant Insurance Services, Inc. This action will fund six years of ROCIP VII insurance premiums for contractors working on DC Water capital projects. Coverage will be secured through commercial insurance brokers contracted on DC Water's behalf or directly from insurers. The base-period premium is not-to-exceed \$22,225,000.00 and covers November 1, 2026, through November 30, 2032.

This Resolution is effective immediately.



Acting Secretary to the Board of Directors

Presented and Adopted: October 8, 2026

SUBJECT: Approval and Authorization to Execute the Award of Contract No. 10652, Independent Risk Management Consulting Services, Artex Risk Solutions, Inc.

**#26-67
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("DC Water") at its meeting held on October 8, 2026, upon consideration of a joint-use matter, decided by a vote of eleven (11) in favor and none (0) opposed to approve and authorize the award of Contract No. 10652, Artex Risk Solutions, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the Interim CEO and General Manager to execute the award of Contract No. 10652, Artex Risk Solutions, Inc. The firm will provide independent risk management consulting services, including coverage assessments, ROCIP project management, claims and risk analyses, policy reviews, and guidance on insurance planning for active and future capital projects, including improvements to the Blue Plains Advanced Wastewater Treatment Plant and related infrastructure.

The contract has a not-to-exceed value of \$1,410,670.00 and includes a two-year base term and three option years.

This Resolution is effective immediately.



Acting Secretary to the Board of Directors

Presented and Adopted: October 8, 2026

SUBJECT: Approval to Publish the Second Notice of Proposed Rulemaking to Establish the House By House Lead Pipe Replacement Assistance Program

**#26-68
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The District members of the Board of Directors (“Board”) of the District of Columbia Water and Sewer Authority (“the DC Water”) at its meeting held on October 8, 2026 upon consideration of a non-joint use matter decided by a vote of six (6) in favor and none (0) opposed, to take the following action with respect to approval to publish the Second Notice of Proposed Rulemaking to Establish the House By House Lead Pipe Replacement Assistance Program.

WHEREAS, on March 13, 2019, the Council of the District of Columbia (Council) enacted the “Lead Water Service Line Replacement and Disclosure Amendment Act of 2018” (Lead Replacement Act), effective May 18, 2018, but implementation was subject to funding. Subsequently, the Council enacted the “District of Columbia Water and Sewer Authority Omnibus Amendment Act of 2020” effective January 13, 2021, which amended the Lead Replacement Act including clarifying the definition of lead water service line to include brass and galvanized water service lines; and

WHEREAS, the Lead Replacement Act requires DC Water to perform full lead pipe replacements unless the owner does not consent and established the District’s Lead Pipe Replacement Assistance Program (LPRAP) to provide funding up to 100% of the costs to replace the remaining portion of the lead service line on private property remaining after the replacement of the lead service line in public space resulting in the removal of all of the lead water service line. The Council approved funds in the District’s FY 2020 budget to cover the costs for DC Water to replace lead service lines on private property when replacing the portion in public space and funds to implement the LPRAP program; and

WHEREAS, in 2019, the General Manager established and implemented the Lead Free DC Program to replace lead service lines in the District by 2030 and used District funds to pay for the costs to replace the lead service line on private property through multiple programs: small diameter water main replacement projects (SDWM) and Capital Improvement Project and Emergency Repair Replacement (CIPERR) Block by Block; and

WHEREAS, the District's initial funding for LPRAP averaged \$2 Million per fiscal year from FY 2020 - FY 2024, but for Fy 2025 and FY 2026, the District reduced the amount of its funding for the LPRAP program to \$478,659 and \$356,591.53, respectfully, which was depleted within approximately 3 months of those fiscal year. Fortunately, since September 2023, Environmental Protection Agency (EPA) has authorized DC Water to use federal grant funds to supplement the District's funding to cover the cost of lead pipe replacements on private property to maintain the LPRAP program; and

WHEREAS, on October 30, 2024, EPA finalized the National Primary Drinking Water Regulations for Lead and Copper: Improvements (LCRI), requiring all public water systems, including DC Water to identify and replace all lead and galvanized requiring replacement (GRR) service lines under their control by December 31, 2037; and

WHEREAS, on April 15, 2026, the Environmental Quality and Operations Committee met to consider the proposal to promulgate regulations to establish House By House Lead Pipe Replacement Assistance Program (HBH LPRAP), which would mirror the District LPRAP program, but when District's funds are depleted the assistance would be continued and administered under DC Water HBH LPRAP, which would streamline the administration of the program and provide funding assistance to maintain continuity of the private lead replacement work to meet the EPA's 2037 deadline; and

WHEREAS, the General Manager estimates 500-800 replacements per year at cost of \$1.2 Million to \$2 Million that is within the approved capital budget; and

WHEREAS, the General Manager recommended and requested the Environmental Quality and Operations Committee to recommend Board approval to publish the Notice of Proposed Rulemaking to receive public comments on the proposed HBH LPRAP; and

WHEREAS, on April 15, 2026, the Environmental Quality and Operations Committee recommended the Board approve the publication of the Notice of Proposed Rulemaking to receive public comments to establish HBH LPRAP; and

WHEREAS, on May 7, 2026, the Board through Resolution #26-27 approved the publication of the Notice of Proposed Rulemaking to promulgate regulations to establish HBH LPRAP; and

WHEREAS, on May 22, 2026, the General Manager published in the *District of Columbia Register* (DCR) for public comment the Notice of Proposed Rulemaking to establish HBH LPRAP at 73 DCR 007923; and

WHEREAS, on July 16, 2026, the Environmental Quality and Operations Committee met to consider the comments received during the public comment period for the NOPR to establish HBH LPRAP and the General Managers recommendation for the final rules; and

WHEREAS, the General Manager discussed the public comments received from the Campaign for Lead Free Water, DC Healthy Housing Collaborative, Young Gifted & Green, and 3 individuals (2 DC residents, 1 CA resident); and based on those comments the General Manager did not recommend any revisions to the rules as published except to clarify the definition of “Partial Lead Water Service Line” in the rules for HBH LPRAP; and

WHEREAS, on July 16, 2026, the Environmental Quality and Operations Committee after consideration of the comments received and the General Managers responses and recommendation for the final rules, recommended the Board approve the publication of the Notice of Final Rulemaking as proposed by the General Manager; and

WHEREAS, subsequent to the Environmental Quality and Operations Committee meeting, the General Manager determined additional revisions were needed to the rules for the HBH LPRAP; and

WHEREAS, on September 17, 2026, the Environmental Quality and Operations Committee met to consider additional amendments to the proposed regulations to establish the HBH LPRAP; and

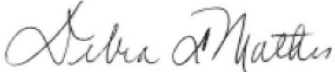
WHEREAS, the General Manager discussed the need for publishing a second proposed rulemaking to propose additional amendments to align HBH LPRAP project costs requirements in 21 DCMR § 4204.2 with the District’s LPRAP project costs requirements in 20 DCMR § 3803.5 and to amend the definition of “Partial Lead Water Service Line” to address the public comments received for the NOPR as provided in Attachment A; and

WHEREAS, on September 17, 2026, the Environmental Quality and Operations Committee recommended the Board approve the publication of the Second Notice of Proposed Rulemaking to receive public comments on the amended rules for the HBH LPRAP.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board (District members) hereby approve the publication of the Second Notice of Proposed Rulemaking to receive public comments to amended House By House Lead Pipe Replacement Assistance Program.
2. The Board directs the General Manager to publish the Second Notice of Proposed Rulemaking as provided in Attachment A to receive public comments and to take all steps necessary in their judgment and as otherwise required, in the manner provided by the District of Columbia’s Administrative Procedure Act.

This resolution shall be effective immediately.



Acting Secretary to the Board of Directors

Attachment A – Second Notice of Proposed Rulemaking to Establish DC Water House by House Lead Pipe Replacement Assistance Program

Title 21 DCMR, WATER AND SANITATION, is amended by adding a new Chapter 42, DC WATER HOUSE BY HOUSE LEAD PIPE REPLACEMENT ASSISTANCE PROGRAM, is added to read as follows:

CHAPTER 42 DC WATER HOUSE BY HOUSE LEAD PIPE REPLACEMENT ASSISTANCE PROGRAM

4200 DC WATER HOUSE BY HOUSE LEAD PIPE REPLACEMENT ASSISTANCE PROGRAM

4201 APPLICATION PROCESS

4202 ELIGIBILITY

4203 LEAD PIPE REPLACEMENT

4204 BENEFITS

4205 DENIAL OR REVOCATION OF BENEFITS

4206 ADMINISTRATIVE APPEALS

4299 DEFINITIONS

4200 DC WATER HOUSE BY HOUSE LEAD PIPE REPLACEMENT ASSISTANCE PROGRAM

4200.1 DC Water adopts these regulations to establish and implement the requirements for the DC Water House by House (HBH) Lead Pipe Replacement Assistance Program (LPRAP) for eligible property owners to receive assistance to replace the eligible portion of the lead water service line.

4200.2 As defined in section 4299, the “eligible portion of the lead service line” is the portion of the lead water service line located on private property and/or any portion of the lead water service line remaining on public property after a partial lead water service line replacement.

4201 APPLICATION PROCESS

4201.1 To allow DC Water to determine the eligibility of an applicant to receive HBH LPRAP assistance, the District property owner or their authorized representative shall complete and submit to DC Water a HBH Lead Water Service Line Replacement Application (HBH LSLR Application).

- (a) For a property owned by one person, that property owner or their authorized representative to act on behalf of the property owner must complete and submit an HBH LSLR Application.

- (b) For a property owned by multiple persons, at least one of the property owners or an authorized representative to act on behalf of the property owners must complete and submit a HBH LSLR Application.
- (c) As a condition of eligibility, each applicant shall sign a release, or provide electronic acknowledgement, that authorizes DC Water to obtain or verify information necessary to process the HBH LSLR Application or for reporting purposes.
- (d) An applicant requesting HBH LPRAP assistance must mark “HBH LPRAP” on the HBH LSLR application and submit the completed application to DC Water through DC Water’s website or mail to:

DC Water - Private LSL Replacement Project
5000 Overlook Avenue, SW, COF Bldg., 5th Floor
Washington, DC 20032

4201.2 An authorized representative of the property owner(s) may apply on behalf of the property owner(s) if the representative provides:

- (a) A written document signed by a property owner designating the authorized representative to act on their behalf of the property owner(s); or
- (b) Other documentation that affirms that the authorized representative is authorized to act on their behalf of the property owner(s).

4201.3 After submitting the HBH LSLR Application, the applicant shall notify DC Water of any change in ownership of the property before the work begins.

4202 ELIGIBILITY

4202.1 To be eligible for a HBH LPRAP assistance, the applicant shall be the property owner or authorized representative of the property owner(s) of a property in the District of Columbia that has an eligible portion of the lead water service line.

4202.2 DC Water shall determine whether the property has an eligible portion of the lead water service line if the portion of the water service line on private property and/or the portion in public space remaining after a partial lead water service line replacement is confirmed to be a lead water service line.

4202.3 The material of the water service line on private property or remaining in public space after a partial lead water service line replacement shall be confirmed to be a lead water service line based on:

- (a) Information on DC Water's Water Service Information Map (available at <https://dcwater.com/leadmap/>) designates the water service line material as "verified lead" on private property and/or the portion in public space remaining after a partial lead service line replacement;
- (b) Information provided by the residential property owner or authorized representative confirms the water service line material located on private property and/or the portion in public space remaining after a partial lead water service line replacement is a lead water service line; or
- (c) Information from the property owner's contractors completed test pit that confirms the water service line material located on private property and/or the portion in public space remaining after a partial lead water service line replacement is a lead water service line.

4202.4 Each applicant shall cooperate fully in establishing eligibility by providing documentation or other proof of:

- (a) Property ownership by the applicant for the property to be benefited; and
- (b) Additional information that DC Water may require, which is relevant to establishing eligibility.

4202.5 DC Water may obtain the information used in determining eligibility from any relevant sources.

4202.6 DC Water shall complete the eligibility and benefit determination within thirty (30) days after it receives a completed application, or, in the event of an unexpected or extenuating circumstance that affects DC Water, such as a natural disaster, as promptly thereafter as possible, except that the following shall toll the timeline:

- (a) An applicant's failure to supply information to document facts stated in an application;
- (b) An applicant's refusal to permit DC Water to inspect their property, including the location inside where the pipe enters the structures;
- (c) DC Water's inability to make contact with an applicant after three (3) attempts;
- (d) Evidence of misrepresentation in an application;
- (e) A failure to respond by a third party from whom DC Water has requested necessary information and over whom DC Water has no control; or

- (f) A delay in receipt of necessary information over which DC Water has no control.

4202.7 DC Water shall notify the applicant of the eligibility and benefit determination, which shall expire within ninety (90) days or at the end of the fiscal year, whichever occurs first.

4202.8 If the lead pipe replacement is not completed within ninety (90) days from the date of approval or before the end of the fiscal year in which the application was approved, whichever occurs first, DC Water may require the applicant to reapply for HBH LPRAP assistance.

4203 LEAD PIPE REPLACEMENT

4203.1 An applicant approved for HBH LPRAP assistance shall complete the following actions to receive benefits:

- (a) Contract with a DC Water HBH LPRAP approved contractor;
- (b) Sign and date the estimate of the project costs, and the HBH LPRAP approved contractor shall submit the estimate along with all required documentation for the replacement of the eligible portion of the lead service line to DC Water for approval.
- (c) If the project cost estimate exceeds the reasonable caps in section 4204.2, DC Water may:
 - 1. Approve the estimate that exceeds the reasonable caps;
 - 2. Require the applicant to sign a statement acknowledging that costs that exceed the reasonable caps will not be covered by DC Water under HBH LPRAP Assistance Program and will be the sole responsibility of the property owner(s); or
 - 3. Require the applicant to submit an additional estimate for further consideration.
- (d) Upon DC Water's approval of the estimate, obtain the District Department of Buildings required permits.
- (e) Prior to initiating any field work, the applicant's HBH LPRAP approved contractor shall:

1. Notify DC Water at least one (1) day prior to initiating an emergency repair/replacement work.
 2. Notify DC Water at least five (5) business days prior to initiating any field work for non-emergency replacement work.
- (f) Notify DC Water of any change in ownership of the property before the work begins.
- (g) Conduct a test pit or approved alternative test method and inspect the point of entry to confirm the water service line material;
1. If the test pit or alternative method and point of entry inspection confirms the water service line material is not a lead water service line; STOP all service line replacement work and submit the report results (tap card), signed by the HBH LPRAP approved contractor, to DC Water within thirty (30) days.
 2. If the test pit or alternative method and point of entry inspection confirms the eligible portion of the water service line material is a lead water service line, complete the replacement of the lead water service line, keep the excavation open, notify DC Water to inspect the site and submit report (tap card), signed by the HBH LPRAP approved contractor, to DC Water within thirty (30) days of the replacement; and
- (h) Within thirty (30) days of completing the test pit in (g)(1) or lead water service line replacement in (g)(2), submit the HBH LPRAP approved contractor's invoice for 1) the test pit costs or 2) the lead water service line replacement costs and any additional information required by DC Water.

4204

BENEFITS

- 4204.1 HBH LPRAP assistance is a one-time benefit per eligible District property, subject to the availability of funds:
- (a) DC Water shall pay 100% of the actual replacement costs to the DC Water HBH LPRAP approved contractor, which are subject to the reasonable caps provided in section 4204.2;
 - (b) The HBH LPRAP assistance shall be provided to the HBH LPRAP approved contractor only after:
 1. The eligible applicant's HBH LPRAP approved contractor completes a test pit or approved alternative testing method and point

of entry inspection and confirms the water service line is not lead and submits an invoice and any required documentation to DC Water within thirty (30) calendar days of completing the work; or

2. The eligible applicant's HBH LPRAP approved contractor completes the test pit or approved alternative testing method and point of entry inspection and confirms the water service line is a lead water service line and the HBH LPRAP approved contractor:
 - (A) Completes the replacement of the eligible portion of the lead water service line and keeps the excavation open, pending DC Water's inspection;
 - (B) Notifies DC Water as soon as practicable of completion of the work to conduct the inspection;
 - (C) DC Water inspects the work; and
 - (D) The contractor submits an invoice and any required documents to DC Water within thirty (30) calendar days of completing the work.

4204.2 The project costs shall be in accordance with the project costs provided in 20 DCMR § 3803.5.

4204.3 If DC Water determines that remaining available funds may be insufficient to provide HBH LPRAP assistance during a fiscal year, DC Water may:

- (a) Suspend the process of taking new applications; or
- (b) Suspend the process of awarding new assistance and place the application on the waitlist.

4205 DENIAL OR REVOCATION OF BENEFITS

4205.1 If an applicant is determined ineligible for HBH Lead Pipe Replacement Assistance Program, DC Water will provide to the applicant notice of ineligibility or revocation, to include:

- (a) A statement of the determination of ineligibility and an explanation of that determination;
- (b) A statement of the action that the applicant must take, if any, to be found eligible; and

- (c) Notice of the applicant's right to appeal the determination, as provided in § 4206.

4205.2 If DC Water determines that a prior eligibility decision for HBH Lead Pipe Replacement Assistance Program was based on material error, falsity, misrepresentation, concealment, omission, or fraud, DC Water will:

- (a) Reopen the application;
- (b) Inform the applicant of DC Water's final action or intended action;
- (c) Provide the applicant with a reasonable opportunity to respond;
- (d) Revise or revoke the determination of eligibility; and
- (e) Take all steps authorized by law to recover any funds provided, if applicable.

4205.3 The applicant shall not have a right to appeal a reduction, suspension, or revocation of the benefit based on a lack of available funding.

4206 ADMINISTRATIVE APPEALS

4206.1 With respect to a matter governed by §§ 4201 to 4205 of this chapter, an applicant adversely affected or aggrieved by an action of DC Water may file a written appeal to the General Manager of DC Water, or the General Manager's designee, stating the basis of the appeal, and providing any information or material that would support a change to DC Water's action. The appeal must be filed within fifteen (15) calendar days after receipt of DC Water's action.

4206.2 The General Manager shall review the applicant's appeal and issue a notice of final action. The decision of the General Manager or the General Manager's designee upon appeal shall become the final action of DC Water.

4206.3 An applicant may seek review of the General Manager's notice of final action by filing a petition for an administrative hearing to request a hearing before the DC Water Administrative Hearing Officer within fifteen (15) days of the date of the General Manager's notice of final action as provided in 21 DCMR § 412.

4299 DEFINITIONS

DC Water – the District of Columbia Water and Sewer Authority.

Eligible portion of the lead service line – the portion of the lead water service line located on private property and/or any portion of the lead water service line remaining on public property after a partial lead water service line replacement.

House by House (“HBH) Lead Pipe Replacement Assistance Program – The DC Water House by House Assistance Program that provides eligible properties with assistance for the replacement of the eligible portion of the lead water service line.

Lead water service line – for purposes of this chapter, the pipe supplying potable water from the water main to the first connection in a property whose material is lead or galvanized.

Partial Lead Water Service Line – For purposes of this chapter, the lead water service line that remains after a partial replacement where the lead water service line in public space is replaced with a nonlead water service line from the watermain to the property line and the portion of the water service line in private property is a lead water service line.

Replacement Costs – exploratory, construction, and restoration costs incurred under the HBH Assistance Program.

All persons desiring to comment on this Second Notice of Proposed Rulemaking should submit comments in writing not later than [DATE]. Comments should be submitted to Debra Mathis, Acting Secretary to the Board, District of Columbia Water and Sewer Authority, 1385 Canal Street, S.E., Washington, D.C. 20003 or by email to Board.Secretary@dcwater.com. Copies of the Notice of Proposed Rulemaking may be obtained from DC Water at the same address or by contacting Ms. Mathis at (202) 787-2331.

Rulemaking Schedule:

September 17, 2026	EQ&Ops Recommends Board Approval of Second NOPR
October 8, 2026	Board Approves Second NOPR
October 23, 2026 -	Publish Second NOPR
Oct. 23-Nov. 23, 2026	Public Comment Period
December 17, 2026	EQ&Ops Recommends Board Approval of NOFR
January 7, 2027	Board Approves NOFR
January 22, 2027	Publish NOFR
February 1, 2027	Go Live

Presented and Adopted: October 8, 2026

SUBJECT: Approval to Publish the Notice of Proposed Rulemaking to Amend CRIAC Billing and Bill Dispute Regulations

**#26-69
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The District members of the Board of Directors (“Board”) of the District of Columbia Water and Sewer Authority (“the DC Water”) at its meeting held on October 8, 2026 upon consideration of a non-joint use matter decided by a vote of six (6) in favor and none (0) opposed, to take the following action with respect to approval to publish the Notice of Proposed Rulemaking to amend CRIAC billing and bill dispute regulations.

WHEREAS, On March 25, 2009, the Council of the District of Columbia enacted “Water and Sewer Authority Equitable Ratemaking Amendment Act of 2008,” effective March 25, 2009, to amend D.C. Code § 34-2107(a)(1) authorizing DC Water to bill customers sanitary sewer service charges based on “A billing methodology which takes into account both the water consumption of, and water service to, a property and the amount of impervious surface on a property that either prevents or retards the entry of water into the ground as occurring under natural conditions, or that causes water to run off the surface in greater quantities or at an increased rate of flow, relative to the flow present under natural conditions;” and

WHEREAS, on September 2, 2010, the Board through Resolution #10-87, adopted final rules to implement a six Tier Residential Rate Structure for billing CRIAC to residential customers, published in the *D.C. Register* on September 17, 2010 at 57 DCR 8419; and

WHEREAS, On September 18, 2025, the District of Columbia Court of Appeals (DCCA) issued its judgement in the case, Capitol Park IV Condominium Association, Inc v. DC Water, invalidating the use of metering as a factor for billing CRIAC to residential customers differently from multi-family customers and holding that the use of metering as one of several factors in the classification of a property for CRIAC billing regulations “seems arbitrary and capricious” and remanded the case to the District of Columbia Superior Court for further proceedings; and

WHEREAS, On July 8, 2026, District of Columbia Superior Court (DCSC) issued an order directing DC Water within 90 days (extended to 111 days) to publish for public comment in the *D.C. Register* proposed revised regulations for billing CRIAC “that is responsive to the issues in this case;” and

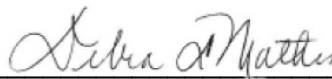
WHEREAS, On September 22, 2026, the D.C. Retail Water and Sewer Rates Committee met to consider proposed amendments to the CRIAC billing and bill dispute rules in 21 DCMR Chapter 4 and 41 to comply with the DCCA and DCSC orders; and

WHEREAS, the General Manager and Raftelis discussed the proposed rules as presented in Attachment A and the technical analysis to: 1) support the continued use of the Tier Residential Rate Structure with revisions to the square foot limit for Tier 6 capped at 20,000 square feet; 2) add Tier 7 for residential properties with more than 20,000 square feet to be billed CRIAC based on the total amount of impervious area; 3) support billing residential customers with up to 3 dwelling units based on the revised seven Tier Residential Rate Structure; 4) establish new CRIAC classifications based on a property's characteristics that does not include metering as a factor in billing CRIAC: CRIAC Residential, CRIAC Multi-Family, CRIAC Non-residential, and Impervious Only; 5) define terms used in CRIAC billing rules; and 6) amend the CRIAC bill dispute rule procedures to apply to all customers and permit use of date stamped photo of the property to support a CRIAC bill adjustment; and

WHEREAS, on September 22, 2026, after considering the proposed amendments and the technical support and the General Manager's recommendation, the DC Retail Water and Sewer Rates Committee recommend the Board approve the publication of the proposed amendments to the CRIAC billing and bill dispute rules in 21 DCMR Chapter 4 and 41 and presented in Attachment A; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board hereby approves the publication of the Notice of Proposed Rulemaking to receive public comments on the CRIAC billing and bill dispute rules as presented in Attachment A.
2. The General Manager is authorized to take all steps necessary in his judgment and as otherwise required to publish the Notice of Proposed Rulemaking to receive public comments on the amendments and to publish a Notice of Public Hearing to receive testimony at public hearing in accordance with D.C. Official Code § 34-2202.16(b), 21 DCMR Chapter 40, and the District of Columbia's Administrative Procedures Act.
3. This resolution shall be effective immediately.



Acting Secretary to the Board of Directors

Attachment A

Chapter 4, Subsection 402.7 and 402.8 are amended to read as follows:

- 402.7 Property owners or their agents may seek an impervious surface area charge adjustment under Subsection 402.1 if the owner or agent can establish that the impervious service area used in the computation of the charge is incorrect or if the ownership information is incorrect.
- 402.8 Property owners or their agents shall submit: 1) date stamped photo of the property, 2) a site survey, prepared by a registered professional land surveyor, showing impervious surfaces on the site, and 3) other information that may be requested by DC Water.

Chapter 41, Subsections 4101.5 and .6, 4104 and 4199 are amended to read as follows:

- 4101.5 All CRIAC residential customers, as defined in 21 DCMR 4104.2, shall be assessed a CRIAC based on the following Seven-Tier Residential Rate Structure for the CRIAC:

Tier	Size of Impervious Area (Square Feet)	Equivalent Residential Unit (ERU)
Tier 1	100 – 600	0.6
Tier 2	700 – 2000	1.0
Tier 3	2,100 – 3,000	2.4
Tier 4	3,100 – 7,000	3.8
Tier 5	7,100 – 11,000	8.6
Tier 6	11,100 – 20,000	13.5
Tier 7	More than 20,000	See 4101.5(a)

- (a) For Tier 7, the number of ERU(s) shall be based upon the total amount of impervious surface area on each lot. The total amount of impervious surface shall be truncated down to the nearest lower one-hundred (100) square feet and converted into ERU(s). Example: 2,670 square feet truncated to 2,600 square feet = 2.6 ERUs.

- 4101.6 All CRIAC non-residential and CRIAC multi-family customers, as defined in 4104.2, shall be assessed ERU(s) based upon the total amount of impervious surface area on each lot. This total amount of impervious surface shall be truncated down to the nearest one-hundred (100) square feet and converted into ERU(s). Example: 2,670 square feet truncated to 2,600 square feet = 2.6 ERUs.

Section 4104 is amended to add Subsection 4104.2 to read as follows:

- 4104.2 The CRIAC customer classifications for impervious area charges shall consist of a CRIAC residential class, CRIAC multi-family class, and a CRIAC non-residential class:

- (a) CRIAC Residential – a customer whose property is a single-family dwelling unit used for domestic purposes or an apartment building, condominium, or cooperative housing association with less than four (4) dwelling units. Excluding a property operated as a nursing home, dormitory or transient housing business, including, but not limited to a bed and breakfast, hotel, motel, inn, boarding house or rooming house.
- (b) CRIAC Multi-Family – a customer whose property is an apartment building, condominium, or cooperative housing association with four (4) or more dwelling units used for domestic purposes. Excluding a property operated as a nursing home, dormitory or transient housing business, including, but not limited to a bed and breakfast, hotel, motel, inn, boarding house or rooming house.
- (c) CRIAC Non-residential – a customer whose property is not within either the CRIAC residential class, CRIAC multi-family class or Impervious Only class including customers whose property is comprised of one or more units that is not used for domestic purposes.
- (d) Impervious Only – a customer whose property does not currently have metered water/sewer service (for example, parking lots).

Section 4199 is amended to add the following terms to read as follows:

4199 Definitions:

Apartment building – a property with one or more units used for domestic purposes that is rented or leased to one or more individuals or entities.

Condominium – a real property entity formed under D.C. Code §§ 42-1901.01, et seq. or D.C. Code §§ 42-2001, et seq.

Cooperative housing association – a real property entity formed under D.C. Code §§ 29-901, et seq.

Impervious Surface – surface that either prevents or retards the entry of water into the ground as occurring under natural conditions, or that causes water to run off the surface in greater quantities or at an increased rate of flow, relative to the flow present under natural conditions.

Single-family dwelling – a single dwelling unit used for domestic purposes consisting of only one dwelling unit that is not part of a condominium, cooperative housing or apartment building.

Surface - For the purposes of this chapter, the term “surface” shall include rooftops, footprints of patios, driveways, private streets, other paved areas, athletic courts and swimming pools, and any path or walkway that is covered by impervious material.

Presented and Adopted: October 8, 2026

SUBJECT: Approval of Liability Insurance Coverage for the Board of Directors and Certain Executives and Advancement of Legal Expenses for Covered Matters

**#26-70
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the DC Water") at its meeting held on October 8, 2026 upon consideration of a joint-use matter decided by a vote of eleven (11) in favor and none (0) opposed, to take the following action with respect to approval of liability insurance coverage for Board of Directors and certain executives and Advancement of Legal Expenses for Covered Matters.

WHEREAS, the District of Columbia Water and Sewer Authority ("DC Water" or the "Authority") is governed by a Board of Directors (the "Board"), whose members, including principal and alternate members ("Directors"), serve in a fiduciary capacity for the Authority; and

WHEREAS, Directors and executives may become subject to claims, investigations, inquiries, or proceedings arising from their service, including after their service ends; and

WHEREAS, the Board finds that protecting Directors and certain executives against the cost of such matters serves the Authority's interests.

NOW, THEREFORE, BE IT RESOLVED THAT:

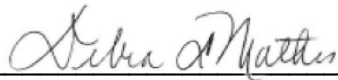
The Board of Directors hereby authorizes the following procedures and directives related to covering legal costs of Directors, and the CEO and General Manager and the Chief Legal and Ethics Officer, on matters arising from their service to DC Water:

1. Covered Persons. This Resolution applies to each current and former principal and alternate member of the Board (each a "Covered Director") and the current CEO and General Manager and current Chief Legal and Ethics Officer ("Covered Executives"). Covered Directors and Covered Executives shall be collectively referred to as "Covered Persons." Other executives on the Senior Executive Team may be extended Covered Person status on a specific matter upon the approval of the Board Chair and the Chief Legal and Ethics Officer.

2. Covered Matters. A "Covered Matter" is any threatened, pending, or completed civil, criminal, administrative, legislative, or investigative action, inquiry, or proceeding in which a Covered Person is named, subpoenaed, interviewed, or otherwise required to participate, related to the Covered Person's service as a director or executive or by reason of actions taken at the Authority's request, and the Covered Person is at risk of liability as an actual or potential defendant. A "Covered Matter" shall not include any fraudulent or criminally prosecutable act committed by a director or executive in connection with an act or omission of the Authority. The Chief Legal and Ethics Officer (CLEO) shall determine whether a matter is a Covered Matter under this Resolution. If the CLEO is the Covered Person on the matter or if the CLEO has a conflict of interest related to another Covered Person's request, then the Chair of the Board shall determine whether the matter is a Covered Matter; and if the Chair also has a conflict of interest, then the Vice-Chair of the Board shall make the determination.
3. Insurance. Pursuant to D.C. Official Code § 34-2202.05(f), the Board directs the CEO and General Manager to maintain directors' and officers' (D&O) insurance coverage for the Covered Persons with limits the Board considers adequate, and such coverage shall continue for former Covered Persons, through run-off or tail coverage, for as long as a claim could be asserted against them for acts or omissions during their service. The CEO and General Manager is authorized to take all actions (including delegating actions to staff as appropriate) reasonably necessary to secure and maintain D&O insurance coverage in line with this Paragraph.
4. Advancement of Legal Expenses. If a Covered Person is represented by legal counsel in a Covered Matter separate from legal counsel for the Authority, the Authority shall bear responsibility for the reasonable legal fees and expenses of the Covered Person. The Authority may fulfill this obligation either through a claim under the D&O insurance policy, or by paying the Covered Person's legal fees directly (or by reimbursing the Covered Person for reasonable fees and expenses if the Covered Person has already paid the legal fees). In the latter situation, the Authority shall pay the Covered Person's reasonable attorneys' fees and related expenses incurred in a Covered Matter within 30 days of receiving an itemized invoice, subject to Paragraph 5 below.
5. Counsel and Administration. When a D&O insurance claim is filed for the Covered Matter, the Covered Person must select counsel from the list of the insurer's eligible counsel. If an insurance claim has not been filed, a Covered Person may select counsel, subject to the CLEO's confirmation that counsel is reasonably acceptable to the Authority, which shall not be unreasonably withheld. The CLEO shall review invoices for reasonableness prior to authorizing payments due under Paragraph 4. If the CLEO is the Covered Person seeking legal representation or if the CLEO has a conflict of interest, then the Chair of the Board will perform the CLEO's responsibilities under this Paragraph 5, and if the Board Chair also has a conflict of interest, the Vice-Chair of the Board will perform those responsibilities.

6. Post-Service Rights. A Covered Person's rights under this Resolution continue after service ends with respect to Covered Matters arising from acts or omissions during service, and extend to the Covered Person's heirs and personal representatives.
7. Non-Exclusivity and Non-Impairment. Rights under this Resolution are in addition to any rights under law, the Bylaws, any contract, or insurance. No later amendment or repeal of this Resolution shall reduce rights as to acts or omissions occurring before the amendment or repeal.
8. Authorization. The CEO and General Manager and the CLEO are authorized to execute undertakings, retainer agreements, and related documents consistent with this Resolution.
9. Severability. If any provision is held invalid, the remainder shall continue in effect.

This resolution shall be effective immediately.



Acting Secretary to the Board of Directors