

**Presented and Approved: May 7, 2020**  
**SUBJECT: Approval to Execute Change Order No. 001 of Contract**  
**No. 170180, Ulliman Schutte Construction**

**#20-38**  
**RESOLUTION**  
**OF THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the Authority") at its meeting on May 7, 2020 upon consideration of a joint use matter, decided by a vote of eleven (11) in favor and none (0) opposed to approve Change Order No. 001 of Contract No. 170180, Ulliman Schutte Construction.

**Be it resolved that:**

The Board of Directors hereby authorizes the General Manager to execute Change Order No. 1 of Contract No. 170180, Ulliman Schutte Construction. The purpose of the change order is to continue to have a contractor available to perform emergency and non-emergency repairs on existing process equipment which is beyond routine, preventive and corrective maintenance to avoid potential violations of its National Pollutant Discharge Elimination System (NPDES) permit. The change order amount is \$1,660,000.

  
Secretary to the Board of Directors

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**Presented and Approved: May 7, 2020**

**SUBJECT: Approval to Execute Supplemental Agreement No. 2 of  
DCFA #459-WSA, O'Brien and Gere/Arcadis**

**#20-39  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
D.C. WATER AND SEWER AUTHORITY**

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the Authority") at its meeting on May 7, 2020 upon consideration of a non-joint use matter, decided by a vote of six (6) in favor and none (0) opposed to approve Supplemental Agreement No. 2 of DCFA #459-WSA, O'Brien and Gere/Arcadis.

**Be it resolved that:**

The Board of Directors hereby authorizes the General Manager to execute Supplemental Agreement No.2 of DCFA #459-WSA , O'Brien and Gere/Arcadis. The purpose of the supplemental agreement is to provide construction management services to supplement in house resources as needed for DC Water's Lead Service Replacement Programs throughout the end of 2021. The supplemental agreement amount is \$1,350,385.

  
Secretary to the Board of Directors

**Presented and Adopted: May 7, 2020**  
**SUBJECT: Approval to Publish Notice of Proposed Rulemaking for**  
**Proposed Amendment of Bill Challenge Regulations**

**#20-40**  
**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 (“DC Water”) at the Board meeting held on May 7, 2020 upon consideration of a non-joint use matter, decided by a vote of six (6) in favor and none (0) opposed, to approve the following action with respect to the proposal to amend the bill challenge regulations.

**WHEREAS**, on April 28, 2020, the DC Retail Water and Sewer Rates Committee met to consider amending the bill challenge regulations codified in 21 DC MR §§ 402.1 and 402.2, as proposed by the General Manager; and

**WHEREAS**, in accordance with 21 DCMR §§ 402.1 and 402.2, if a customer believes their bill is incorrect, they may challenge their bill and either: 1) pay their bill under protest and notify DC Water why they believe the bill is incorrect or 2) not pay the current charges in the bill and notify “[DC Water] in writing, within 10 working days after receipt of the bill of the reasons(s) why the bill is believed to be incorrect;” and

**WHEREAS**, in accordance with DC Water’s current procedures, Customer Service exercises discretion in the enforcement of the 10-day notice requirement because of the uncertainties when a customer in fact received their bill and may extend the notice period up to the bill due date or 30 days after bill issuance after reviewing the circumstances around receipt of the bill; and

**WHEREAS**, the General Manager recommends amending the bill challenge regulations to be consistent with DC Water’s current procedures; and

**WHEREAS**, the amendments to the regulations will: 1) clarify which bill the customer can pay under protest, “the current charges in the bill”; 2) clarify when a customer must pay their bill under protest, “within 30 days after the bill date;” 3) provide additional time for a customer to not pay their bill and notify DC Water that the bill is incorrect, revised from “10 working days after receipt of the bill” to “within 30 days after the bill date;” and 4) make other grammatical revisions; and

**WHEREAS**, this proposal to increase the time period when DC Water customers can challenge their bill from 10 working days after bill receipt to 30 days after the bill date is more than the 20 days other District utilities customers are provided under 15 DCMR §§ 305.1 and 304.7(l); and

**WHEREAS**, on April 28, 2020, upon further discussion and consideration of the General Manager's recommendation, the DC Retail Water and Sewer Rates Committee recommended to the Board amending the bill challenge regulations codified in 21 DCMR §§ 402.1 and 402.2.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Board approves the publication of the Notice of Proposed Rulemaking to amend the bill challenge regulations codified in 21 DCMR §§ 402.1 and 402.2 as provided in Attachment A.
2. The General Manager is authorized to take all steps necessary in his judgment and as otherwise required, to initiate the public comment process as required by the District of Columbia's Administrative Procedures.

This resolution is effective immediately.

  
Secretary to the Board of Directors

## Attachment A

### Proposed Amendment to Bill Challenge Regulations

- 402.1 An owner or occupant may challenge the most recent charges assessed by WASA for water, sewer and groundwater sewer service by either:
- (a) Paying the current charges in the bill and notifying WASA in writing, within thirty (30) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect and that the bill is being paid under protest; or
  - (b) Not paying the current charges in the bill and notifying WASA in writing, within thirty (30) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect.
- 402.2 Challenges received after the thirty-day (30) period as stated in § 402.1 will be deemed to have been filed in an untimely manner and will not stop the imposition of a penalty for nonpayment of charges or the possibility of termination of service for nonpayment.



**Presented and Adopted: May 7, 2020**

**SUBJECT: Approval to Change Date for the Public Hearing and Extend Comment Period for the Proposed FY 2021 & FY 2022 Rates, Charges & Fees Rulemaking**

**#20-41  
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 (“DC Water”) at the Board meeting held on May 7, 2020 upon consideration of a non-joint use matter, decided by a vote of six (6) in favor and none (0) opposed, to approve the following action with respect to the proposal to change the date for the Public Hearing and extend the Public Comment period for the Proposed FY 2021 & FY 2022 Rates, Charges and Fees Rulemaking.

**WHEREAS**, on March 5, 2020, the Board approved Resolution 20-19 authorizing the General Manager to publish a Notice of Proposed Rulemaking to initiate the public comment process in accordance with D.C. Official Code § 34-2202.16(b), 21 DCMR Chapter 40 and the District of Columbia’s Administrative Procedures for the proposed FY 2021 and FY 2022 metered water and sewer service rates, right-of-way (ROW) fee, payment-in-lieu of taxes (PILOT) fee, customer metering fees, clean rivers impervious area charge (CRIAC) discount and amendments to CAP2 regulations; and

**WHEREAS**, on March 20, 2020, DC Water published a Notice of Proposed Rulemaking (NOPR) in the D.C. Register (DCR) for the proposed FY 2021 and FY 2022 Rates and Fees, at 67 DCR 3282, and published a Notice of Public Hearing for that NOPR at 67 DCR 3248 for the scheduled public hearing on June 10, 2020; and

**WHEREAS**, on March 11, 2020, Mayor Bowser issued Mayor’s Order 2020-045, Declaration of Public Health Emergency: Coronavirus (COVID-19), the World Health Organization declared the COVID-19 outbreak a pandemic; and on March 13, 2020, the President of the United States declared a national emergency in response to the spread of COVID-19; and

**WHEREAS**, on March 24, 2020, Mayor Bowser issued Mayor’s Order 2020-053, Closure of Non-Essential Businesses and Prohibition on Large Gatherings During Public Health Emergency for the 2019 Novel Coronavirus (COVID-19), which ordered the closure of all non-essential businesses in the District of Columbia, of which water and wastewater operations were deemed essential; and

**WHEREAS**, March 30, 2020, Mayor Bowser issued Mayor's Order 2020-054, Stay at Home Order, which ordered all individuals living in Washington, DC to stay at their place of residence, except as specified in the Order, and issued Mayor's Order 2020-063 on April 15, 2020 extending the period for the public health emergency to May 15, 2020; and

**WHEREAS**, on April 28, 2020, the DC Retail Water and Sewer Committee met to consider changing the date for the public hearing and extending the public comment period for FY 2021 and FY 2022, rates, charges and fees rulemaking due to the social distancing requirements provided in Mayor's declaration of a public health emergency in response to the COVID-19 pandemic; and

**WHEREAS**, on April 28, 2020, the General Manager proposed changing the date of the public hearing from June 10, 2020 to August 5, 2020, revising the dates for Town Hall meetings and other outreach activities, and extending the public comment period from June 15, 2020 to end on August 10, 2020 for the proposed FY 2021 and FY 2022 rates, charges and fees rulemaking; and

**WHEREAS**, on April 28, 2020, upon further discussion and consideration of the General Manager's recommendation, the DC Retail Water and Sewer Rates Committee recommended to the Board changing the date of the public hearing to August 5, 2020 and extending public comment period to end on August 10, 2020 for the proposed FY 2021 and FY 2022 rates, charges and fees rulemaking.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Board approves the change in the date for the public hearing and extension of the public comment period for proposed FY 2021 and FY 2022 rates, charges and fees rulemaking due to the social distancing requirements provided in Mayor's declaration of a public health emergency in response to the COVID-19 pandemic.
2. The General Manager is authorized to take all steps necessary in his judgment and as otherwise required, to initiate the public comment process and shall provide notice of the proposed rate adjustments and fees in the manner provided by DC Official Code § 34-2202.16(b), 21 DCMR Chapter 40, and the District of Columbia's Administrative Procedures.

This resolution is effective immediately.

  
Secretary to the Board of Directors