

AN ACT

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Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Public Works Act of 1954 to broaden the bases for the determination of sanitary sewer service charges to include impervious surface area and to provide for an appeal process for the assessment of an impervious surface fee; and to amend the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to authorize the General Manager of the District of Columbia Water and Sewer Authority to restrict combined sewer flow into the District from Maryland and Virginia, to require the District of Columbia Water and Sewer Authority to develop a comprehensive report to assess the impact of rate increases on low-income households, to develop a aggressive strategy to enroll qualified low-income customers in assistance programs, to create a low-impact design incentive program for low-income customers, to institute an ongoing analysis and assessment of the overall impact of low-impact development projects on the reduction of pollutants, and to establish a retroactive credit program for impervious surface fee discounts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Water and Sewer Authority Equitable Ratemaking Amendment Act of 2008”.

Sec. 2. Section 207 of the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 106; D.C. Official Code § 34-2107), is amended as follows:

**Amend
§ 34-2107**

(a) Subsection (a) is amended as follows:

(1) The lead-in language is amended to read as follows:

“(a) The sanitary sewer service charges established under the authority of this title shall be based on the following:”.

(2) Paragraph (1) is amended to read as follows:

“(1) 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. For the purposes of this paragraph, 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”.

(3) Paragraph (2) is repealed.

(b) A new subsection (c) is added to read as follows:

“(c) Any owner or occupant of a property that is assessed an impervious surface fee has a right to an appeal under section 1805.”.

Sec. 3. 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. Official Code § 34-2201.01 *et seq.*), is amended as follows:

(a) Section 206 (D.C. Official Code § 34-2202.06) is amended as follows:

Amend
§ 34-2202.06

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b) The General Manager, in his or her sole discretion, may restrict combined sewer flow into the District from Maryland and Virginia, so long as the action does not violate section 218.”.

(b) Section 216 (D.C. Official Code § 34-2202.16) is amended by adding a new subsection (b-1) to read as follows:

Amend
§ 34-2202.16

“(b-1)(1) The Authority shall offer financial assistance programs to mitigate the impact of any increases in retail water and sewer rates on low-income residents of the District, including a low-impact design incentive program.

(2) Within 6 months of the effective date of the Water and Sewer Authority Equitable Ratemaking Amendment Act of 2008, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-935), the authority shall provide a report to the Council of the District of Columbia detailing the number of low-income residents affected by increases in retail water and sewer rates and strategies that will significantly increase enrollment in existing discount programs available to low-income ratepayers.”.

(c) A new section 216a is added to read as follows:

“Sec. 216a. Low-impact design incentive program and fee discounts.

“(a) Within one year of the effective date of the Water and Sewer Authority Equitable Ratemaking Amendment Act of 2008, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-935), the Authority shall establish, together with the District Department of the Environment (“DDOE”), a low-impact design incentive program within the DDOE, to reduce the surface area 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.

“(b) The Authority and the DDOE will continue to collect and document the effects of

the low-impact design techniques throughout the District on reducing stormwater runoff and the possible implications of how proven, long-term reductions in stormwater runoff may be used to renegotiate the consent decree and reduce the cost and size of the Long-Term Control Plan .

“(c) Impervious surface fee discounts approved by the Authority shall be retroactive to no earlier than the date of the implementation of the impervious surface fee. A property owner may not qualify for an impervious surface fee discount until the stormwater management measures for which the property owner seeks a discount are demonstrated to be fully functional.”.

Sec. 4. Fiscal impact statement.

The Council adopts the December 16, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia