

Presented and Adopted: September 2, 2010
Subject: Approval for Publication of Final Amendments to
Pretreatment Regulations for Notice of Final Rulemaking

#10-82
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 September 2, 2010, upon consideration of a joint-use matter, decided by a vote of eight (9) in favor and none (0) opposed, to approve the following action with respect to publication of final amendments to the Authority's Pretreatment Regulations:

WHEREAS, the Authority is required by the U.S. Environmental Protection Agency (EPA) Region III to amend the Authority's pretreatment discharge limits at Title 21 District of Columbia Municipal Regulations (DCMR), Chapter 15, Section 1501, Subsection 1501.4; and

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

1. Revise the discharge limits for Cadmium, Molybdenum and Silver;
2. Clarify the discharge limit for Mercury; and
3. Add a discharge limit for Polychlorinated Biphenyls in Table I, consistent with EPA requirements; and

WHEREAS, the Authority is required by EPA Region III to adopt final regulations by September 25, 2010 to comply with requirements under the National Pollution Discharge Elimination System (NPDES) Permit, effective April 5, 2007; and

WHEREAS, the Environmental Quality and Sewerage Services Committee met on June 17, 2010 and has recommended approval for publication of the proposed amendments to the pretreatment regulations for Notice of Proposed Rulemaking.

WHEREAS, the Board met on July 1, 2010 and pursuant to Resolution 10-74 approved for publication the Notice of Proposed Rulemaking for the proposed amendments to the pretreatment regulations.

WHEREAS, the Notice of Proposed Rulemaking was published in the July 9, 2010 edition of the D.C. Register at 57 DCR 5962 for public comment.

WHEREAS, no comments were received during the comment period and one comment was received after the close of the comment period related to implementation.

WHEREAS, no changes to the regulations are recommended.

NOW THEREFORE BE IT RESOLVED THAT:

The Board hereby approves publication of the attached Notice of Final 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 FINAL RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), 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.), at its regularly scheduled meeting on September 2, 2010 took final action to amend Title 21 DCMR Water and Sanitation Regulations, Chapter 15, Discharges to Wastewater System, Section 1501, Discharge Standards, Subsection 1501.4

The Board expressed its intention to amend the DCMR at its regularly scheduled Board meeting held on July 1, 2010 pursuant to Board Resolution # 10-74. The Authority's proposed rulemaking was published in the July 9, 2010 edition of the *D.C. Register* (57 DCR 5963) for public comment. No comments were received during the comment period. One comment was received after the close of the comment period concerning implementation procedures. No changes have been made to the rules. The rules amend the discharge limits for Cadmium, Molybdenum and Silver, clarify the discharge limit for Mercury, and add a discharge limit for Polychlorinated Biphenyls in Table I, consistent with the U.S. Environmental Protection Agency Region III requirements.

This final rulemaking will be effective when published in the *D.C. Register*.

Title 21 DCMR, Chapter 15, Section 1501, "Discharge Standards" Subsection 1501.4 is amended to read as follows:

- 1501.4 The following shall apply to discharges to the wastewater system:
- (a) No person shall introduce into the wastewater system any discharges with pH of less than 5 or greater than 10 and temperatures in excess of 140 degrees Fahrenheit or 60 degrees Centigrade;
 - (b) No person shall discharge to 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;
 - (c) Dischargers may be required to monitor other pollutants, including chromium, selenium, total toxic organics (TTO), and any other pollutants as required;
 - (d) For purposes of this subsection, "concentrations" shall be determined using composite samples collected over the daily operation in proportion to flow except for those parameters requiring grab samples including cyanide, total phenols, oil and grease, and volatile organic compounds. When flow-

- (e) proportional composite sampling is not feasible, time-proportional composite sampling may be used. "Total toxic organics (TTO)" shall be defined as set forth in paragraph (e) of this subsection:

TABLE I

<u>SUBSTANCE</u>	<u>CONCENTRATION</u> <u>mg/L</u>
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 (non-polar)	100
PCBs (T) (1)	Non-detect

(T) – Total

(1) – Total PCBs shall be measured using EPA Method 608 with a detection limit of at least 0.001 mg/L.

- (e) The term "TTO" shall mean total toxic organics, which is the summation of all quantifiable values greater than .01 milligrams per liter for the following 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/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
PCB-1221
PCB-1232
PCB-1242
PCB-1248
PCB-1254
PCB-1260
Toxaphene
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)

Presented and Adopted: September 2, 2010
SUBJECT: Approval to Execute Contract No. 100070, Riviera
Enterprises, Inc.

#10-83
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on September 2, 2010 upon consideration of a non-joint use matter decided by a vote of five (5) in favor and none (0) oppose to approve Contract No. 100070, Riviera Enterprises, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. 100070, Riviera Enterprises, Inc. The purpose of the contract is to provide cleaning and CCTV inspection, combined CCTV/Sonar inspection and Sonar inspection of the sewers. The contract amount is \$1,447,750.00.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: September 2, 2010
SUBJECT: Approval to Execute Contract No. 100060, Corinthian Contractors, Inc.

#10-84
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Board of Directors ("Board") of the District of Columbia Water and Sewer Authority, ("the Authority"), at the Board meeting held on September 2, 2010 upon consideration of a non-joint use matter decided by a vote of five (5) in favor and none (0) oppose to approve Contract No. 100060, Corinthian Contractors, Inc.

Be it resolved that:

The Board of Directors hereby authorizes the General Manager to execute Contract No. 100060, Corinthian Contractors, Inc. The purpose of the contract is to provide crews to respond to emergencies that exceeds the number of available DC Water Crews. In addition, contract crews will perform routine system repair work in coordination with DC Water crews to support schedule water system repairs and replacements. The contract amount is \$8,065,224.70.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: September 2, 2010
Subject: Ratification of 2010 PILOT/FIREHYDRANT FEE MOU with the
District of Columbia

#10-85
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 September 2, 2010, upon consideration of a non-joint use matter decided by a vote of five (5) in favor and none (0) opposed to take the following action with respect to Ratification of a Memorandum of Understanding (MOU) with the District of Columbia (the District).

WHEREAS, the Authority and the District have entered into previous MOUs and amendments regarding the Payment in Lieu of Taxes (PILOT), Right-of-Way Fees, and Fire Protection Services and fees which describe the purposes and mutual agreement for payment; and

WHEREAS, the Authority has remitted PILOT payments to the District at the FY 2007 level since October 2007 at the direction of the Board of Directors pending receipt of the annual cost certificate from the District Chief Financial Officer(DC CFO); and

WHEREAS, the upgrades and improvements in the District fire hydrants have greatly expanded since FY 2006 and pursuant to 2007 MOU between the Authority, the District and the District Fire and Emergency Medical Services (FEMS), increasing the costs of providing services to the District; and

WHEREAS, the Authority amended Title 21 DCMR Water and Sanitation Regulations, Chapter 41, Retail Water and Sewer Rates, Section 4103, Fire Protection Service Fee, effective April 12, 2010 to increase the fire protection service fee from \$217.00 to \$680.00 per hydrant; and

WHEREAS, the Authority and the District have disputed elements of the billing structures and support for each of the payments/receipts referenced by the various MOUs; and

WHEREAS, for fiscal years 2010 and 2011, AUTHORITY and the District wish to establish current payment obligations among all parties, ensure continuation of appropriate services, ensure appropriate organizational budgeting, and resolve their differences, without concession of their respective positions; and

WHEREAS, the Authority and the District agree that they will continue negotiations on permanent changes to the current methodology and approach for assessing the PILOT (or alternate fee arrangement);

NOW THEREFORE BE IT RESOLVED THAT:

The Board ratifies the attached MOU and the commitments expressed therein, and authorizes the General Manager to take all actions necessary to implement the intentions expressed in this Resolution and the MOU.

This resolution is effective immediately.


Secretary to the Board

Presented and Adopted: September 2, 2010
SUBJECT: FY 2011 Customer Assistance Program (CAP)
Expansion

#10-86
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The District members of the Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the Authority") at the Board meeting held on September 2, 2010, upon consideration of a non-joint use matter, decided by a vote of five (5) in favor and none (0) opposed, to approve the following action with respect to expanding the Customer Assistance Program (CAP) to provide further discounts to eligible low income customers

WHEREAS, in Resolution # 00-38 the Board authorized the General Manager to implement a Customer Assistance Program (CAP) to assist low income customers (homeowners) in paying their water service charges; and

WHEREAS, in Resolution # 04-10 the Board expanded the CAP to tenants; and

WHEREAS, in Resolution # 08-65 the Board authorized the General Manager to expand the CAP in accordance with all applicable notice provisions, to retail sewer service ; and

WHEREAS, on March 12, 2010, the Authority published notice of proposed rulemaking (57 DCR 11) which, if adopted, will further expand the CAP to assist eligible low income customers in paying the Payment in Lieu of Taxes (PILOT) and Right of Way (ROW) fees; and

WHEREAS, the notice of proposed rulemaking was published in the March 12, 2010 edition of the *D.C. Register* (57 DCR 11) and a public hearing was held on June 9, 2010; and

WHEREAS, the Retail Rates Committee met on July 27, 2010 to consider the comments offered at the June 9, 2010 public hearing, comments received during the record period, and during the comment period of the proposed rulemaking and recommendations from the General Manager; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The General Manager is authorized to publish a notice of final rulemaking to adopt the following changes to Title 21 DCMR, Chapter 41, Retail Water and Sewer Rates, Section 4102, Customer Assistance Program, subsection 4102.1.

Title 21 DCMR, CHAPTER 41 RETAIL WATER AND SEWER RATES, Section 4102 CUSTOMER ASSISTANCE PROGRAM is amended to read as follows:

4102 CUSTOMER ASSISTANCE PROGRAM

4102.1 CUSTOMER ASSISTANCE PROGRAM FOR HOUSEHOLDS AND TENANTS

- (a) Eligible households and tenants will receive an exemption from water service charges, sewer service charges, and Payment in Lieu of Taxes (PILOT) and Right of Way (ROW) fees for the first Four Hundred Cubic Feet (4 CCF) per month of water used. If the customer uses less than 4 CCF of water in any month, the exemption will apply to that month's actual water usage.
- (b) Participation in the Customer Assistance Program is limited to single-family residential accounts and individually metered tenant accounts when the eligible applicant is responsible for paying for water services.
- (c) Eligibility is determined by the District Department of Environment's Energy Office based upon the customer having a household income below 150% of the Federal Poverty Guidelines, as established periodically by the United States Department of Health and Human Services.

2. The General Manager is further authorized to take all actions as may be required to insure that the final regulations conform to the publication requirements of the Office of Documents.

3. This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: September 2, 2010
SUBJECT: Implementation of Six – Tier Residential Impervious
Area Surface Charge (IAC) For Fiscal Year 2011

#10-87
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The District members of the Board of Directors (“Board”) of the District of Columbia Water and Sewer Authority (“the Authority”) at the Board meeting held on September 2, 2010, upon consideration of a non-joint use matter, decided by a vote of five (5) in favor and none (0) opposed, to approve the following action with respect to implementing a Six-Tier structure for residential customers to replace the current methodology which assesses all residential customers one (1) ERU, regardless of property size and impervious area.

WHEREAS, on November 1, 2007, the Board adopted Resolution # 07-86 which authorized the General Manager to develop rates and charges based on impervious area owned or controlled by customers of DC Water or by others and to use an impervious area charge, rather than rates based on gallons (volumetric) of water purchased by customers, to recover objectively determined portions of DC Water’s costs; and

WHEREAS, on March 6, 2008, the Board adopted Resolutions # 08-33 and #08-34 that established several key policies related to the Impervious Area Charge, including: the definition of impervious area, the use of the Equivalent Residential Unit (ERU) and binary classification (no gradation) in determining imperviousness; and

WHEREAS, the “Water and Sewer Authority Equitable Ratemaking Act of 2008” (the “Act”) which allows for billing methodology that takes into account both the water consumption of, water service to property and the amount of impervious surface on the property, was adopted by the Council of the District of Columbia (Council) on December 12, 2008, signed by Mayor Adrian Fenty on January 23, 2009 and subsequently transmitted to the United States Congress for the legislative review period; and

WHEREAS, the proposed rulemaking to replace the Residential Customer Assessed Equivalent Residential Unit (ERU’s) for the Impervious Area Surface

Charge (IAC) with a Six – Tier Residential Rate Structure was published in the March 12, 2010 edition of the *D.C. Register* (57 DCR 11) and a public hearing was held on June 9, 2010; and

WHEREAS, the Retail Rates Committee met on July 27, 2010 to consider the comments offered at the June 9, 2010 public hearing, comments received during the record period of 30 days to receive written comments after the public hearing, and during the comment period of the proposed rulemaking;

NOW THEREFORE BE IT RESOLVED THAT:

1. All residential customers shall be assessed an IAC based on the following Six – Tier Residential Rate Structure for the IAC:

Tiers	Size of Impervious Area (Square Feet)	Equivalent Residential Unit (ERU)	# of properties
Tier 1	100 – 600	0.6	18,563
Tier 2	700 - 2000	1.0	77,514
Tier 3	2,100 – 3,000	2.4	5,736
Tier 4	3,100 – 7,000	3.8	2,499
Tier 5	7,100 - 11000	8.6	124
Tier 6	11,100 and more	13.5	47

2. The General Manager is authorized to publish a notice of final rulemaking that is consistent with the intentions expressed in the resolution.

3. The General Manager is further authorized to take all actions as may be required to insure that the final regulations conform to the publication requirements of the Office of Documents.

This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: September 2, 2010
SUBJECT: FY 2010 Transfer to the Rate Stabilization Fund Transfer

#10-88
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The District of Columbia members of the Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the Authority") at the Board meeting held on September 2, 2010, upon consideration of a non-joint use matter, decided by a vote of five (5) in favor and none (0) opposed, to approve the following action with respect to transfer of sixteen million one hundred thousand dollars (\$16.1 million) from operating funds to the Rate Stabilization Fund no later than September 30, 2010.

WHEREAS, on December 4, 1997 the Board of Directors, in Resolution, 97-124, approved Rate Setting Policies ("Policies") for the District of Columbia Water and Sewer Authority which state that as cash reserves and/or revenues permit, WASA will establish a rate stabilization fund or other innovative approaches to assist in mitigating annual rate increases; and

WHEREAS, on November 1, 2007, the Board of Directors in Resolution, 07-87, approved a Rate Stabilization Fund Policy and authorized the General Manager to implement the policy; and


WHEREAS, on July 1, 2010, the Board of Directors in Resolution, 10-76, approved revisions to the "Rate Stabilization Fund Policy" which are consistent with the principles expressed in Resolution 97-124; and

WHEREAS, at committee meetings on both July 29 and August 26, 2010, the Finance and Budget Committee received management's recommendation of amounts to consider for transfer to the Rate Stabilization fund from FY 2010 projected operating surplus (cash in excess of operating reserve requirement).

WHEREAS, upon consideration on August 26, 2010, the Finance and Budget committee recommended the transfer of \$16.1 million (\$16,100,000) from the Authority General Fund to the Rate Stabilization Fund no later than September 30, 2010; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board approves the transfer of \$16.1 million (\$16,100,000) from operating funds to the Rate Stabilization Fund.
2. This resolution is effective immediately.


Secretary to the Board of Directors

Presented and Adopted: September 2, 2010
**SUBJECT: Final Water and Sewer Service Rates, Customer
Metering Fee, Right of Way/PILOT Fee and
Impervious Area Surface Charge (IAC) For Fiscal Year
2011**

10-89
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The District members of the Board of Directors ("Board") of the District of Columbia Water and Sewer Authority ("the Authority") at the Board meeting held on September 2, 2010 upon consideration of a non-joint use matter, decided by a vote of five (5) in favor and none (0) opposed, to approve the following action with respect to proposed retail rates for water and sewer service, customer service metering fee, impervious area surface charge and the right of way and payment in lieu of taxes (PILOT) fee.

WHEREAS, the Board has adopted a rate-setting policy that calls for implementation of retail rate increases in a gradual and predictable manner, avoiding large one-time rate increases; and

WHEREAS, the Board has adopted a ten year financial plan that requires annual rate increases to generate sufficient revenues to pay for the Authority's projected operating and capital expenses and will assure compliance with Board policies regarding maintenance of senior debt coverage and cash reserves; and

WHEREAS, on March 12, 2010, the Authority published notice of proposed rulemaking (57 DCR 11) which, if adopted, would increase the rate for retail metered water service from \$2.51 per One Hundred Cubic Feet of water used to \$3.10 per One Hundred Cubic Feet of water used, effective October 1, 2010; and

WHEREAS, in the same notice, the Authority published notice of proposed rulemaking (57 DCR 11) which, if adopted, would increase the rate for retail metered sewer service from \$3.61 per One Hundred Cubic Feet of water used to \$3.79 per One Hundred Cubic Feet of water used, effective October 1, 2010; and

WHEREAS, in the same notice, the Authority published notice of proposed rulemaking (57 DCR 11) which, if adopted, would increase the annual Impervious Surface Area Charge (IAC) from \$26.40 to \$41.40 per Equivalent Residential

Unit(ERU). The charge per ERU shall be billed monthly at \$3.45 per ERU, effective October 1, 2010; and

WHEREAS, in the same notice, the Authority published notice of proposed rulemaking (57 DCR 11) which, if adopted, would increase the Customer Metering Fee from \$2.01 to \$3.86 per month for the standard 5/8" meter and vary accordingly for other meter sizes, effective October 1, 2010; and

WHEREAS, in the same notice, the Authority published notice of proposed rulemaking (57 DCR 11) which, if adopted, would increase the Right of Way (ROW) Occupancy Fee /PILOT Fee (Pass Through Charges assessed by the District of Columbia Government) from \$0.57 per One Hundred Cubic Feet of water used to \$0.63 per One Hundred Cubic Feet of water used, effective October 1, 2010; and

WHEREAS, the comment period on the notice of proposed rulemaking for the retail water and sewer rates, the impervious area surface charge, the Right of Way Occupancy Fee/PILOT Fee and the Customer Metering Fee ended on July 8, 2010; and

WHEREAS, the Authority published a public hearing notice in the D.C. Register on May 28, 2010 (57 DCR 22), which described the same rate and fee proposals referred to above; and

WHEREAS, a notice of public hearing on the rate and fee proposals was published on the Authority's website and also in several local newspapers including: The Current on April 28, 2010; The Informer April 29 – May 5, 2010; and other community newspapers; and

WHEREAS, on June 9, 2010, a public hearing was held to receive comments on the rate and fee proposals; and

WHEREAS, the Authority also conducted sixteen (16) community meetings from April 27 through July 26 to receive comments on the rate and fee proposals; and

WHEREAS, the record of the June 9 public hearing was left open to receive written comments for a period of 30 days through July 8, 2010; and

WHEREAS, comments were received during the June 9, 2010 public hearing; and

WHEREAS, the Retail Rates Committee met on July 27, 2010 to consider the comments offered at the June 9, 2010 public hearing, comments received during the record period, and during the comment period of the proposed rulemaking and recommendations from the General Manager regarding action on the proposed rate and fee changes; and

WHEREAS, the Retail Rates Committee has considered comments made at the June 9, 2010 public hearing, during the open record period and during the comment period of the proposed rulemaking and the General Manager's report on the matter which sets forth the basis for the proposed rate and fee adjustments; and

WHEREAS, given the revenue requirements of the Authority, anticipated capital and operating expenditures and the various funding sources the General Manager recommended the rate and fee increase as published in the DC Register; and

WHEREAS, upon consideration of management's recommendation, comments offered at the public hearing and during the comment periods, the Retail Rates Committee accepted and recommended the proposed rates and fee changes; and

WHEREAS, after consideration of the recommendation of the Retail Rates Committee, the report of the General Manager on this subject and public comments at the June 9, 2010 public hearings and during the comment period of the proposed rulemaking and open record period, the District members of the Board of Director's, upon further consideration and discussion, recommended increases to the water and sewer volumetric rates, increases to the IAC and Customer Metering Fees, and increases to the ROW Occupancy/ PILOT Fees in accordance with the General Manager's recommendation; and

WHEREAS, adoption of these rate and fee changes would increase the average residential customer's monthly bill (using 6.69 Ccfs per month) by approximately \$8.66 per month or \$103.92 per year; and

WHEREAS, the final rules and rates adopted by the Board would:

1. Provide for a Fiscal Year 2011 increased revenue requirement from retail rates of approximately \$24.6 million due to the water and sewer rate increase and an increased revenue requirement from the ROW Occupancy / PILOT Fees of approximately \$2.1 million, and an approximate \$5.9 million increase to the IAC;
2. Implement a combined water and sewer retail rate of \$6.89/Ccf; an increase of \$0.77/CCf from the current combined rate of \$6.12/Ccf for Fiscal year 2011 effective, October 1, 2010; and
3. Revise the IAC from \$2.20 to \$3.45 per ERU per month for Fiscal Year 2011 effective, October 1, 2010; and

4. Revise the Customer Metering Fee from \$2.01 to \$3.86 for the standard 5/8" meter and vary accordingly for the other meter sizes for Fiscal Year 2011, effective October 1, 2010

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board finds that the Authority's projected expenditures require that it adopt the following changes in its retail rates and fees:

Revise Water Service Rates

- a. An increase in the rate for retail metered water service from \$2.51 per One Hundred Cubic Feet ("Ccf"), to \$3.10 per Ccf, effective October 1, 2010.

Revise Sewer Service Rates

- b. An increase in the rate for retail sanitary sewer service from \$3.61 per Ccf to \$3.79 per Ccf, effective October 1, 2010.

Impervious Surface Area Charge

- c. An increase in the Annual Impervious Surface Area Charge (IAC) from \$26.40 to \$41.40 per ERU, to be billed monthly at \$3.45 ERU, effective October 1, 2010

Right of Way / PILOT Fee

- d. An increase in the Right of Way / PILOT fee from \$0.57 per Ccf to \$0.63 per Ccf, effective October 1, 2010, divided as follows:
 - i. Payment in Lieu of Taxes to the Office of the Chief Financial Officer (OCFO) of the District of Columbia - \$0.49 per Ccf; and
 - ii. District of Columbia Right of Way Fee - \$0.14 per Ccf.

Revise Customer Metering Fee

- e. An increase in the Customer Metering Fee from \$2.01 to \$3.86 for the standard 5/8" meter and vary according to the following table for other meter sizes, effective October 1, 2010.

Meter Size	FY 2011 Monthly Fee Per Meter
5/8"	\$3.86
3/4"	\$4.06
1	\$4.56
1x1.25	\$4.83
1.5	\$6.88
1x1.5	\$6.88
2	\$7.54
2x1/2	\$8.00
2x5/8	\$8.00
3	\$76.98
3x5/8	\$77.94
3x1	\$77.94
3x3/4	\$77.94
4	\$137.37
4x3/4	\$138.15
4x1	\$138.15
4x1.5	\$138.15
4x2	\$138.15
4x2"5/8	\$181.04
6	\$268.14
6 x 1	\$272.70
6 x 1 x 1/2	\$323.09
6x1.5	\$323.09
6x3	\$323.09
6x3x1/2	\$323.09
6x3"3/4	\$323.09
8	\$323.29
8x2	\$323.29
8x4x1	\$358.26
8x4"3/4	\$358.26
10	\$317.91
10x2	\$403.62
10x6	\$403.62
10x6x1	\$403.62
12	\$329.66
12x6	\$329.66
16	\$349.45

2. The General Manager shall publish a notice of final rulemaking that is consistent with the intentions expressed in the resolution.

3. The General Manager is authorized to take all actions as may be required to insure that the final regulations conform to the publication requirements of the Office of Documents

This resolution is effective immediately.


Secretary to the Board of Directors