

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in Section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Code §§ 34-2202.03(3), (11) and 34-2202.16, Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code § 2-505(a), hereby gives notice of its intention to amend Title 21 of the District of Columbia Municipal Regulations (DCMR) Chapter 41, Retail Water and Sewer Rates, by adding new subsections 4101.2 - 4101.5 to the existing section 4101, Rates for Sewer Service, and adding a new section 4104, Customer Classifications for Water and Sewer Rates, and to amend Title 21 DCMR Chapter 4, Contested Water and Sewer Bills by adding new subsections 402.7 and 402.8 to the existing Section 402.

The Board expressed its intention to amend the DCMR through the addition of these sections and subsections at its regularly scheduled Board meeting held February 5, 2009 pursuant to Board Resolution # 09-38. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Comments on these proposed rules should be submitted, in writing, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to, Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C. 20032.

**Rulemaking Proposal**

The following rulemaking action is proposed:

**Title 21 DCMR, Chapter 41, RETAIL WATER AND SEWER RATES, Section 4101 RATES FOR SEWER SERVICE, is amended by adding new subsections 4101.2-4101.5 to read as follows:**

- 4101.2        The Impervious Surface Area Charge shall be based upon the Equivalent Residential Unit (ERU). An ERU is defined as one-thousand (1,000) square feet of impervious surface area, taking account of a statistical median of residential properties.
- 4101.3        All residential customers shall be assessed one (1) ERU.
- 4101.4        All non-residential customers 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 converted into ERU(s), truncated to the nearest one-hundred (100) square feet.

- 4101.5 Impervious Only Properties are properties that do not currently have metered water/sewer service (i.e. parking lots) and require the creation of new accounts. Impervious Only Properties with more than twenty-five (25) ERU's shall be billed monthly; those with less than twenty-five (25) ERU's shall be billed every six (6) months.

**Title 21 DCMR, Chapter 41, RETAIL WATER AND SEWER RATES, is amended by adding new section 4104, CUSTOMER CLASSIFICATION FOR WATER AND SEWER RATES, to read as follows:**

**4104 CUSTOMER CLASSIFICATIONS FOR WATER AND SEWER RATES**

- 4104.1 The customer classifications for water and sewer rates shall consist of a residential class and a non-residential class:
- (a) Residential – a single-family dwelling used for domestic purposes; a condominium or apartment unit where each unit is served by a separate service line and is individually metered and the unit is used for domestic purposes; or a multifamily structure of less than four apartment units where all the units are served by a single service line that is master metered.
  - (b) Non-residential – all customers not within the residential class.

**Title 21 DCMR, Chapter 4, CONTESTED WATER AND SEWER BILLS, Section 402, INITIATING A CHALLENGE, is amended by adding new subsections 402.7 and 402.8 to read as follows:**

- 402.7 Non-residential owners or their agents may seek an impervious surface area charge adjustment if the owner or agent can establish that the property has been assigned to the wrong rate class, the impervious service area used in the computation of the charge is incorrect or if the ownership information is incorrect.
- 402.8 Non-residential owners or their agents shall submit a site survey, prepared by a registered professional land surveyor, showing impervious surfaces on the site and other information that may be requested by WASA.