

AN ACT

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*Codification  
District of  
Columbia  
Code  
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to establish a Storm Water Administration, a Storm Water Compliance Fund, storm water fees, a Storm Water Advisory Panel, and to provide for reporting requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Storm Water Permit Compliance Amendment Act of 2000".

Sec. 2. The Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 is amended as follows:

(a) Section 201 is amended by adding new paragraphs (9A) and (9B) to read as follows:

"(9A) "Storm water fee" means the fee established pursuant to section 216(e).

"(9B) "Storm water permit" or "Permit" means NPDES No. DC0000221, issued April 20, 2000."

(b) New sections 206a, 206b, and 206c are added to read as follows:

"Sec. 206a. Storm Water Administration.

"(a) There is established within the Authority a Storm Water Administration ("Administration"). The Administration shall be responsible for monitoring and coordinating the activities of all District agencies, including the activities of the Authority, which are required to maintain compliance with the storm water permit. The General Manager shall designate a person to head the Administration. The Storm Water Advisory Panel created pursuant to section 206c may ratify the designation made by the General Manager.

"(b) The expenses of the Administration shall be disbursed from the Storm Water Permit Compliance Enterprise Fund established pursuant to section 206b.

"(c) The Department of Health, the Department of Public Works, and any District agency identified by the General Manager or his or her designee shall comply with all requests made by the General Manager or his or her designee related to storm water permit compliance, including the submission of information, plans, proposed budgets or supplemental budgets related to storm water activities.

"(d) All budgets submitted by the Mayor to the Council shall include a written determination by the General Manager or his or her designee on whether the budget adequately

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funds storm water permit compliance activities. The General Manager or his or her designee shall inform the Council of any deficiency and indicate the revisions that shall be made to correct the deficiency.

"(e)(1) The General Manager shall prepare, and make available to the Council and the public, a report by the Authority, the Department of Health, the Department of Public Works, and any other District agency identified by the General Manger as having responsibilities under the storm water permit.

"(2) The General Manger shall transmit the first report to the Mayor and the Council of the District of Columbia no later than 6 months from the effective date of the Storm Water Permit Compliance Amendment Act of 2000, and shall transmit subsequent reports every 6 months after the transmission of the first report. The first report shall describe activities undertaken in the 6 months following the effective date of the Storm Water Permit Compliance Amendment Act of 2000, and activities planned for the following 6 months. Subsequent reports shall describe activities undertaken in the previous 6 months, and activities planned for the following 6 months. The reports shall include descriptions of each storm water-related activity undertaken and planned, including:

- "(1) Compliance with storm water permit requirements;
- "(2) Administrative, planning, and regulatory actions;
- "(3) Operation, maintenance, and capital improvement of storm water facilities;
- "(4) Fund expenditures from the Storm Water Permit Compliance Enterprise

Fund; and

"(5) Expenditures on related storm water activities from annual appropriations, federal grants, and the Water and Sewer Enterprise Fund.

"Sec. 206b. Storm Water Permit Compliance Enterprise Fund.

"(a) There is established a Storm Water Permit Compliance Enterprise Fund ("Fund"). Monies from the Fund shall only be used to fund the Storm Water Administration established pursuant to section 206a, the Authority's costs of billing and collecting the storm water fee, and a District agency's costs of complying with the storm water permit, including all administrative, operating, and capital costs. Monies shall not be disbursed from the fund for costs associated with storm water activities carried out prior to April 20, 2000, except to the extent those costs increased in order to comply with the terms of the Permit.

"(b) All revenues, proceeds, and moneys collected from the storm water fee or from grants made for storm water activities which are collected or received, shall be credited to the Fund and shall not, at any time, be transferred to, lapse into, or be commingled with the General Fund of the District of Columbia, the Water and Sewer Authority Enterprise Fund, the Cash Management Pool, or any other funds or accounts of the District of Columbia.

"Sec. 206c. Storm Water Advisory Panel.

"(a) There is established the Storm Water Advisory Panel ("Panel") for the purpose of preparing comprehensive recommendations to the Council that identify the best means by which the District of Columbia can meet all present and future federal regulatory and permit

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requirements pertaining to the discharge of storm water into receiving waters. The Panel may establish a Citizens Advisory Board to assist the Panel in preparing its recommendations to the Council.

"(b) The Panel shall be composed of the following 5 persons or their designees:

"(1) The Mayor;

"(2) The Chairman of the Council;

"(3) The General Manager of the Authority;

"(4) The Director of the Department of Health, Environmental Health Administration; and

"(5) The Director of the Department of Public Works.

"(c) The Panel shall provide its recommendations in a report, which shall be submitted to the Council no later than one year after the Panel's first meeting. The Panel's report shall be published in the District of Columbia Register for a 30-day period of public comment and provided to each Advisory Neighborhood Commission at least 45 days prior to being submitted to the Council. The report shall make specific findings on whether the existing:

"(1) Allocation of storm water management responsibilities among District agencies, including the Authority is capable of meeting present and future regulatory requirements for storm water discharge, and, if not, what changes need to be made or new government entities created; and

"(2) Storm water fee structure and rate are equitable and sufficient for the District to meet its present and future regulatory requirements for storm water discharge, and, if not, what fee structure and rate would be required to most fairly meet these responsibilities. The Panel shall consider, determine whether to create, and estimate the initial cost and time necessary to design a storm water fee based on the relationship between impervious surface and the amount of storm water discharged into the District's storm water system.

"(d) The Panel shall hold its first meeting no later than 90 days from the effective date of the Storm Water Permit Compliance Amendment Act of 2000. The Panel shall hold at least one public hearing to receive testimony from citizens with respect to the issues stated in subsection (c)(1) and (2) of this section."

(c) Section 207(b) is amended by adding the phrase  
", except those collected or received from the storm water fee," after the phrase "source derived".

(d) Section 216 is amended as follows:

(1) New subsections (d-1) and (d-2) are added to read as follows:

"(d-1) Within 90 days of the effective date of the Storm Water Permit Compliance Amendment Act of 2000, the Authority shall collect a storm water fee from each District of Columbia retail water or sewer customer as follows:

"(1) For single family homes, the fee shall be \$7.00 per year;

"(2) For multifamily residential buildings, the fee shall be equal to 1.4% of the charge for water and sewer services; or

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"(3) For all other properties, the fee shall be equal to 2% of the charge for water and sewer services.

"(d-2) A landlord shall not pass a charge to a tenant which is more than the 1.4% of the charge for water and sewer services."

(2) Subsection (f) is amended by adding the phrase, "including the storm water fee", after the phrase "pay the charges".

(e) Section 219(b) is amended by adding the phrase "for the failure to pay any charge, fee, assessment, or levy authorized or required by section 216 of this act" after the phrase "the power to obtain and enforce liens".

**Sec. 3. Fiscal impact statement.**

The fiscal impact statement is attached.

**Sec. 4. 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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), 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. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia