

COUNCIL OF THE DISTRICT OF COLUMBIA

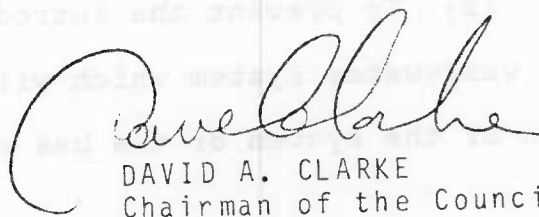
NOTICE

D.C. LAW 6-76

"Wastewater System Regulation Temporary Act of 1985".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 6-314 on first and second readings, September 24, 1985, and October 8, 1985, respectively. Following the signature of the Mayor on November 4, 1985, this legislation was assigned Act No. 6-99, published in the November 15, 1985, edition of the D.C. Register, (Vol. 32 page 6478) and transmitted to Congress on November 7, 1985 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 6-76, effective January 25, 1986.



DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

November	7,8,12,13,14,15,18,19,20,21,22
December	2,3,4,5,6,9,10,11,12,13,16,17,18,19,20
January	21,22,23,24

AN ACT

D.C. ACT 6 - 99

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOV 04 1985

To establish, on a temporary basis, uniform requirements for discharges into the District of Columbia's wastewater system and to enable the District to protect public health in conformity with federal statutes and regulations; and for other purposes.

Codification  
New subchapter  
IV of chapter  
9 of title 6,  
entitled Waste  
water Control

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Wastewater System Regulation Temporary Act of 1985".

Sec. 2. Purpose.

In enacting this act, the Council of the District of Columbia supports the following statutory purposes and objectives:

New,  
D.C. Code,  
sec. 6-951  
(1986 supp.)

- (1) To provide for the maximum possible beneficial public use of the District's wastewater system;
- (2) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or the use or disposal of sludge and residue;
- (3) To prevent the introduction of pollutants into the wastewater system, into receiving waters, or into the atmosphere;
- (4) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;

(5) To prevent tampering or misuse of the wastewater system; and

(6) To provide procedures for complying with the requirements contained in this statute.

Sec. 3. Definitions.

For the purposes of this act, the term:

New,  
D.C. Code,  
sec. 6-952  
(1986 supp.)

(1) "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, approved October 18, 1972 (86 Stat. 816; 33 U.S.C. sec. 1251 et seq.).

(2) "Discharge" means any solid, liquid, or gas introduced into the wastewater system.

(3) "District" means the District of Columbia.

(4) "Interference" means the inhibition or disruption of the District's wastewater system processes or operations which causes, may cause, or contributes to a violation of any requirement of the District's National Pollutant Discharge Elimination System permit, or which threatens life, property, or environment. Interference includes inhibition or prevention of legitimate sludge use or disposal.

(5) "Mayor" means the Mayor of the District of Columbia.

(6) "Objectionable color" means a color inappropriate for the normal characteristics of the receiving water.

(7) "NPDES" means the National Pollutant Discharge Elimination System.

(8) "Person" means any natural person, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns.

(9) "Pollutant" means any substance which induces or may induce an alteration of the chemical, physical, biological, or radiological integrity of water, which has or may have a detrimental effect on a subsequent use of that water, or which interferes or may interfere with the wastewater system.

(10) "Pretreatment" means the elimination of or reduction in the amount of pollutants or the alteration of the nature of pollutant properties in wastewater to a less detrimental state prior to discharge into the District's wastewater system.

(11) "Septic tank" means a watertight receptacle which receives the discharge from a drainage system or a part of the drainage system, and is designed and constructed to separate solids from the liquid, decompose organic matter through a period of detention, and allow the liquids to discharge into the soil outside of the tank.

(12) "Sludge and residue" means the accumulated solids, grease, liquids, and scum separated from wastewater during the wastewater treatment process.

(13) "Slug load" means pollutant, including pollutants which use oxygen.

(14) "User" means any person who discharges,

causes, or permits the discharge of wastewater into the District's wastewater system.

(15) "Wastewater" means the liquid and water-carried wastes from dwellings, commercial buildings, industrial facilities, institutions, and swimming pools.

(16) "Wastewater system" means the devices, facilities, structures, equipment, or works owned, operated, maintained, or used by the District for the purpose of the transmission, storage, treatment, recycling, and reclamation of wastewater or to recycle or reuse water, including intercepting sewers, outfall sewers, wastewater collection systems, treatment, pumping, power, and other equipment and their appurtenances, extensions, improvements, remodeling of improvements, additions, and alterations to the additions, elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities, and any works, including land, that are or may be an integral part of the treatment process or that are or may be used for disposal of sludge and residue resulting from such treatment, and sewers designated as storm sewers shall be considered a part of the wastewater system for purposes of this act.

Sec. 4. Separate agreements.

Nothing in this act shall be construed as prohibiting any agreement between the District and any user of the wastewater system under which wastewater of specific strength or character is accepted into the wastewater system and treated subject to any payments or fees as may be

New,  
D.C. Code,  
sec. 6-953  
(1986 supp.)

applicable, except that national pretreatment standards shall not be waived.

Sec. 5. Falsifying information.

Any person who knowingly makes any false statement, representation, or certification in any information or data submitted to, or required by, the District under this act, or the rules and regulations promulgated pursuant to this act, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method, upon conviction, shall be liable for the penalties provided in section 15.

New,  
D.C. Code,  
sec. 6-954  
Note,  
D.C. Code,  
sec. 22-251  
(1986 supp.)

Sec. 6. Tampering and misuse.

No person shall break, alter, damage, tamper with, or otherwise interfere with or impair the wastewater system.

New,  
D.C. Code,  
sec. 6-955  
Note,  
D.C. Code,  
sec. 22-3112  
(1986 supp.)

Sec. 7. Regulation.

(a) The Mayor is authorized to establish a system of wastewater treatment allocation.

New,  
D.C. Code,  
sec. 6-956  
(1986 supp.)

(b) No user shall discharge or cause to be discharged any of the following described substances into the District's wastewater system:

(1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or to injure in any other way the wastewater system or the processes or operation and maintenance of the system. No 2 successive readings on an explosion hazard meter, whether at the point of discharge into the wastewater system or at any other point in the system, shall exceed 5 percent nor shall any single reading

be over 10 percent of the lower explosive limit of an explosion hazard meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

(2) Solid or viscous substances with a specific gravity greater than 2.50, or having any linear dimension greater than 1 inch, or which will or may cause, or contribute to obstruction of the flow in a sewer or otherwise interfere with the operation of the wastewater system including, but not limited to, grease, incompletely shredded garbage, animal remains, blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, waste paper, wood, plastic, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Any wastewater having a pH (that is, a base 10 logarithm of the reciprocal of the concentration of hydrogen ions stated in grams per liter) of less than 5, or greater than 10, or having any other corrosive property capable of damaging or creating a hazard to structures, equipment, processes, and personnel of the wastewater system.

(4) Any wastewater containing a toxic pollutant, or other pollutant described in section 307(a) of the Act, in sufficient quantity to inhibit or interfere with any

wastewater treatment process, constituting a hazard to humans or animals, or creating a toxic effect in the receiving water, either alone or by interaction with other pollutants.

(5) Any noxious or malodorous liquids, gases, or solids which either alone or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry by District personnel into the sewers to perform maintenance or repair.

(6) Any wastewater of objectionable color or tint not removed in the treatment process, including but not limited to dye wastes and vegetable tanning wastes.

(7) Any wastewater of a temperature greater than 66 degrees Celsius, which causes individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 40 degrees Celsius.

(8) Any slug load released in a discharge of such volume or strength as to cause interference in the wastewater system. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed, for any time period longer than 30 minutes, more than 5 times the average 24-hour concentrations, quantities, or flow of the user during normal operation.

(9) Any wastewater containing fats, wax, grease, or oils of animal or vegetable origin, whether emulsified or not, in excess of 100 milligrams for each liter, or containing substances which may solidify or become viscous



at temperatures between 0 degrees Celsius and 66 degrees Celsius, and any wastes containing oil or grease of petroleum origin.

(10) Wastewater containing inert suspended solids including, but not limited to, Fullers earth, lime slurries and lime residues, or dissolved solids including, but not limited to, sodium chloride and sodium sulfate, in such quantities that they interfere or may interfere with the operation of the wastewater system.

(11) Any substance which causes or may cause the District to violate its NPDES permit, issued pursuant to section 402 of the Act, or the water quality standards of the receiving water.

(12) Any substance which causes or may cause the District's effluent or any other product of the wastewater system, such as sludge and residue, to be unsuitable for reclamation and reuse, or which interferes or may interfere with the reclamation process, or which causes or may cause the District to violate sludge use or disposal regulations developed under section 405 of the Act, other federal regulations, or sludge regulations of Maryland and Virginia applicable to user jurisdiction discharges to the District.

(13) Any wastewater containing substances which endanger or may endanger health or environment, or cause interference with the wastewater system.

(c) All users shall comply with federal standards, requirements, or limitations on discharges. Should any federal standard, requirement, or limitation conflict with a

matter regulated by this act or its implementing regulations, the more stringent standard shall govern.

(d) Storm waters (including snow), surface waters, ground waters, roof runoff, subsurface drainage, cooling waters, or other non-wastewater flow shall be discharged only into those sewers specifically designated as storm or combined sewers, or to a natural outlet. Discharge of any waters into any storm or combined sewer or to a natural outlet is prohibited if the discharge will create a detrimental effect upon the receiving water.

(e) Disposal of radioactive wastes shall comply with the regulations of the Nuclear Regulatory Commission, promulgated March 17, 1966 (31 Fed. R. 4502; 10 CFR, ch. 1).

(f) Unless specifically authorized by the Mayor, no user shall discharge directly into a manhole or catch basin or similar opening in or into a sewer, any substance including, but not limited to, septic tank sludge, restaurant grease, waste or discharge from fuel service stations, or boat holding tank or portable toilet effluent.

(g) After the effective date of the Wastewater System Regulation Emergency Act of 1985, the installation of septic tanks shall be prohibited. Whenever replacement or significant repair to a septic tank or discharge piping is necessary, the user shall notify the District, which shall determine if the tank should be discontinued and the wastewater conducted to the wastewater system.

(h) Increased use of process water or dilution of a discharge shall not constitute either a partial or complete

substitute for adequate or necessary pretreatment to achieve compliance with any discharge limitation.

(i) Provisions for storage of any substance in areas draining into a District sewer which, because of actual or potential discharge or leakage from the storage, creates or may create an explosion hazard in, or in any other way have a detrimental effect upon, the wastewater system, or otherwise constitute or pose a hazard to human beings, animals, property, or the receiving waters shall be subject to review by the Mayor, who shall require reasonable safeguards to eliminate or minimize the detrimental effect.

(j) In the case of an accidental discharge, the user shall immediately notify the Mayor of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions undertaken or to be undertaken by the user. Within 5 days following an accidental discharge, the user shall submit to the Mayor a detailed written report describing the cause of the discharge and the measures taken or to be taken by the user to prevent similar future occurrences. The notice shall not relieve the user of liability for any expense, loss, or damage which may be incurred or occasioned by damage to the wastewater system, injury to fish, or other damage to persons, property or the environment caused by the user's act. Compliance with this provision shall not relieve the user of liability for any fines or penalties which may be imposed by this act or other applicable law or regulation. Notices shall be permanently posted on the

user's bulletin boards or other prominent places advising employees whom to notify in the event of an accidental discharge. Employers shall ensure that all employees who may cause or discover a discharge are advised of the emergency notification procedures.

(k) All users shall provide wastewater pretreatment necessary to comply with this act. Any facilities required to pretreat wastewater shall be provided, operated, monitored, and maintained at the user's expense.

Sec. 8. Administration.

(a) The Mayor shall administer, implement, and enforce the provisions of this act and ensure compliance with this act through permits, contracts, orders, or other means the Mayor considers necessary.

(b) The Mayor shall issue rules to implement the provisions of this act under title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.), and the rules shall include, but not be limited to:

(1) Regulations requiring users to submit information considered necessary by the Mayor to evaluate the user's actual or potential discharge status, including, but not limited to, description of facilities and plant processes, wastewater constituents and characteristics, discharge variations, and mechanical and plumbing plans and details;

(2) Regulations imposing conditions on users, including, but not limited to, limits on new or increased

New,  
D.C. Code,  
sec. 6-957  
(1986 supp.)

contributions of pollutants, changes in the nature of pollutants discharged, flow regulation or equalization, installation of sampling facilities and specifications for monitoring programs, and installation of pretreatment facilities;

(3) Regulations requiring the development of compliance schedules for the installation of technology required to comply with this act;

(4) Regulations imposing fees to treat high strength wastes as may be defined by the Mayor;

(5) Regulations to effectively and safely dispose of wastes collected in portable collection systems, including, but not limited to, septic tank sludge, restaurant grease, and marine holding tank or portable toilet effluent;

(6) Regulations providing for the issuance and renewal of certificates of water and sewer availability, and

(7) Regulations preventing tampering, other misuse, potential, or actual harm to the wastewater system.

Sec. 9. Inspection authority.

New,  
D.C. Code,  
sec. 6-958  
(1986 supp.)

In order to determine compliance with this act or any rule issued pursuant to this act, the Mayor shall have a right to enter upon or through any premises at reasonable times for the purpose of inspection, observation, measurement, sampling, and testing. Where a user has security measures in force which would require proper identification and clearance before entry, the user shall make necessary security arrangements so that, upon

presentation of suitable identification, the Mayor will be permitted entry without delay.

Sec. 10. Confidential information.

(a) User information and data provided to the District shall be available to the public or to any government agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Mayor that the release of the information would divulge information, processes, or methods of operation entitled to protection as trade secrets, pursuant to section 204(a)(1) of the District of Columbia Administrative Procedure Act, effective March 29, 1977 (D.C. Law 1-96; D.C. Code, sec. 1-1524(a)(1)).

New,  
D.C. Code,  
sec. 6-959  
(1986 supp.

(b) When requested by the user, information and data which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available, upon written request, to governmental agencies in connection with uses related to this act or to pretreatment programs. This information and data shall be available to the District or to any District agency in judicial review or enforcement proceedings to which the user is a party or in which the user has standing.

(c) Wastewater constituents and characteristics shall not be considered confidential information.

(d) Information accepted by the Mayor as confidential shall not be transmitted to any governmental agency unless written notification is sent to the user at least 10 days before transmitting the information.

(e)(1) All users shall retain and preserve any records, books, documents, memoranda, reports, correspondence, and any summaries of these materials relating to testing, internal or external monitoring, sampling, investigative and chemical analyses made by or in behalf of a user in connection with its discharge for no less than 3 years from the date of preparation, drafting, or memorialization.

(2) All records which pertain to or may pertain to matters which are the subject of enforcement or litigation activities initiated by the District shall be retained and preserved by the user until all the enforcement activities have concluded and all periods of appeal have expired.

Sec. 11. Enforcement.

New,  
D.C. Code,  
sec. 6-960  
(1986 supp.)

(a)(1) Whenever the Mayor believes or has reason to believe there is or may be a violation of this act or its implementing rules, in addition to any other enforcement procedure, the Mayor may give written notice of the violation to the person responsible for the violation, and order the person to take corrective measures the Mayor considers reasonable and necessary.

(2) The notice shall state the violation and allow reasonable time for the performance of the necessary corrective measures, consistent with the protection of health, safety, life, property, and the environment.

(3) If a person fails to comply with this notice within the time period stated in the notice, the Mayor shall

institute such action as may be necessary to promptly and effectively terminate the violation or to protect life, property, or the environment.

(4) Any person adversely affected by an action taken pursuant to the provisions of this act or the rules promulgated pursuant to this act is entitled to a hearing upon filing with the Mayor a written request for a hearing within 15 days of the date of the action.

(5) The hearing shall be held in accordance with section 109 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1208; D.C. Code, sec. 1-1509 et seq.).

Sec. 12. Injunction.

Notwithstanding any other provision of this act, the Mayor may authorize appropriate civil action to secure a temporary restraining order, a preliminary or permanent injunction, or declaratory or other appropriate relief to restrain, minimize, halt, or eliminate the violation of, or attempted violation of, any provision of this act or its implementing rules.

New,  
D.C. Code,  
sec. 6-961  
(1986 supp.)

Sec. 13. Emergency suspension of service.

(a) In the event of an actual or threatened discharge to the wastewater system which in the opinion of the Mayor presents or may present an imminent and substantial danger to life, safety, the environment or the operation or integrity of the wastewater system, the Mayor may suspend water service to any user who is or may be responsible for the discharge as is necessary to avoid or abate the danger.

New,  
D.C. Code,  
sec. 6-962  
(1986 supp.)



(b) The services shall be restored by the Mayor as soon as practicable after the emergency situation has been corrected.

(c) The Mayor's decision to suspend service may be appealed to the Board of Appeals and Review as set forth in section 11.

(d) An appeal of the Mayor's decision shall not stay suspension of service.

Sec. 14. Annual publication.

New,  
D.C. Code,  
sec. 6-963  
(1986 supp.)

(a) A list of all users charged with significant violations of this act during the preceding 12 months shall be published annually by the Mayor in a local newspaper.

(b) The notification also shall summarize any enforcement action taken against each violator during the same 12-month period.

(c) For the purpose of this section only, a significant violation is a violation which remains uncorrected 45 days after notification of noncompliance which:

- (1) Is part of a pattern of noncompliance over a 12-month period;
- (2) Involves a failure to report accurately the noncompliance;
- (3) Results in the District exercising its emergency authority under section 13; or
- (4) The Mayor considers significant in light of the circumstances.

Sec. 15. Penalties.

New,  
D.C. Code,  
sec. 6-964  
Note,  
D.C. Code,  
sec. 23-101  
(1986 supp.)

(a) Any person who violates any provision of this act or the rules issued pursuant to this act shall be liable for a civil penalty not exceeding \$1,000 for each day each violation continues.

(b)(1) Notwithstanding any other provision of this act, any person who intentionally, willfully, or recklessly violates any provision of this act or the rules issued pursuant to this act shall be punished by a fine not to exceed \$10,000, imprisonment not to exceed 1 year, or both.

(2) Each day of a violation shall constitute a separate offense, and the penalties described shall be applicable to each of the separate offenses.

(3) All prosecutions under this section shall be in the Superior Court of the District of Columbia in the name of the District of Columbia, and shall be instituted by the Corporation Counsel.

(c) Any person who violates any provision of this act or the rules issued pursuant to this act shall be liable to the District for all expenses, losses, or damages incurred by the District by reason of the violation.

#### Sec. 16. Repealers.

(a) The following provisions of the Model Plumbing Code for the Washington Metropolitan Area are repealed:

- (1) Section 314-1;
- (2) Last sentence of Section 319-10(b);
- (3) Section 501(d), 501(e) and 501(f);
- (4) Section 505-1 through 505-6;
- (5) Section 507(c); and

(6) Section 703-15.

(b) The following provisions of the District's Police Regulations are hereby repealed:

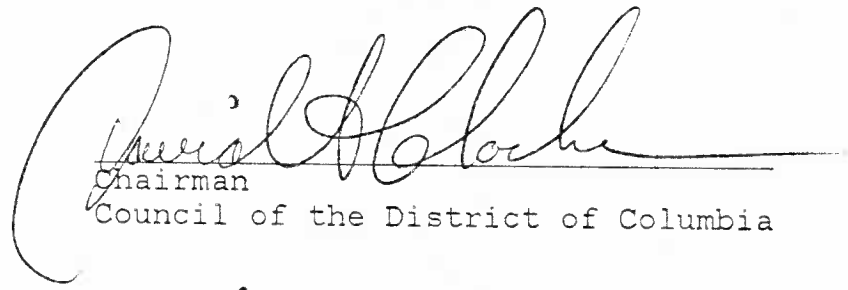
- (1) Article III, Section 12;
- (2) Article III, Section 18; and
- (3) Article III, Section 19.

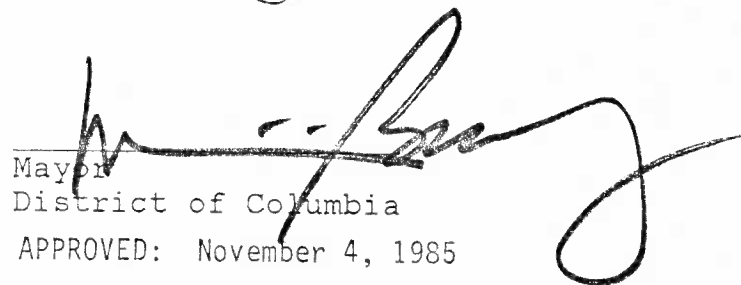
(c) Section 201 of DCMR Title 21, Chapter 2, is repealed.

Sec. 17. (a) This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).

(b) This act shall expire on the 180th day following its having taken effect.

Note,  
D.C. Code,  
sec. 6-951 t  
6-964  
(1986 supp.)

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED: November 4, 1985



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Council Period Six — First Session**

**RECORD OF OFFICIAL COUNCIL VOTE**

DOCKET NO: B 6-314

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 9-24-85

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Ray and Shackleton

ROLL CALL VOTE: — RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

*Russell Smith*  
 Secretary to the Council

10/18/85  
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 10-8-85

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

*Russell Smith*  
 Secretary to the Council

10/18/85  
 Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD