

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public oversight roundtable on the “State of the Metropolitan Police Department: Crime, Community Policing, and Selecting the Next Chief of Police”
- D.C. Council schedules a public roundtable on “Small Business Saturday, Made in DC implementation, and other Small Business Support”
- D.C. Commission on the Arts and Humanities announces funding availability for the Fiscal Year 2017 Performance Grant Program and the Special Arts Initiative: Field Trip Experiences Grant Program
- Department of For-Hire Vehicles schedules a public hearing to review the Taxicab rate structure
- Department of Housing and Community Development solicits offers for the development of six District-owned properties in historic Anacostia
- Office of the Deputy Mayor for Planning and Economic Development makes technical amendments to the FY2016 Great Streets Retail Small Business Reimbursement Grants
- Office of Public-Private Partnerships sets period for accepting unsolicited proposals for possible public-private partnership projects

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 *et seq.* (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §§2-501 *et seq.* (2012 Repl.).

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

RM 520 – 441 4th ST, ONE JUDICIARY SQ. - WASHINGTON, D.C. 20001 - (202) 727-5090

MURIEL E. BOWSER
MAYOR

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ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAWS

L21-162 Medical Marijuana Cultivation Center Relocation Temporary Amendment Act of 2016013344

L21-163 Grocery Store Restrictive Covenant Prohibition Temporary Act of 2016013345

L21-164 Gas Station Advisory Board Temporary Amendment Act of 2016.....013346

L21-165 Washington Metropolitan Area Transit Authority Compact Temporary Amendment Act of 2016.....013347

D.C. ACTS

A21-506 Omnibus Sursum Corda Development Emergency Act of 2016 [B21-876]..... 013348 - 013350

A21-507 Omnibus Sursum Corda Development Act of 2016 [B21-672]..... 013351 - 013353

RESOLUTIONS

Res 21-625 Code Revision Advisory Group Paul Butler Appointment Emergency Declaration Resolution of 2016.....013354

Res 21-626 Code Revision Advisory Group Paul Butler Emergency Appointment Resolution of 2016.....013355

Res 21-627 Code Revision Advisory Group Donald Braman Appointment Emergency Declaration Resolution of 2016.....013356

Res 21-628 Code Revision Advisory Group Donald Braman Emergency Appointment Resolution of 2016.....013357

Res 21-629 Collective Bargaining Agreement between the District of Columbia and Compensation Unit 35, Federation of Administrative Law Judges – D.C. Emergency Declaration Resolution of 2016..... 013358 - 013359

Res 21-630 Collective Bargaining Agreement between the District of Columbia and Compensation Unit 35, Federation of Administrative Law Judges – D.C. Emergency Approval Resolution of 2016.....013360

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

ADOPTED CEREMONIAL RESOLUTIONS

ACR 21-275 Marcus Edwards Posthumous Recognition Resolution
of 2016 013361 - 013362

ACR 21-276 Tifereth Israel Congregation Centennial Celebration
Recognition Resolution of 2016 013363 - 013364

ACR 21-277 Washington DC Gay Games XI Support Recognition
Resolution of 2016 013365 - 013366

ACR 21-278 District of Columbia Week of Non-Violence Recognition
Resolution of 2016 013367 - 013368

ACR 21-279 Youth Justice Awareness Month Recognition Resolution
of 2016 013369 - 013370

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -

Bills B21-921 - B21-925 and Proposed Resolutions
PR21-989 - PR21-995 013371 - 013373

COUNCIL HEARINGS

Notice of Public Hearing/ Public Roundtable -

B21-779 Quiet Green Zones Pilot Act of 2016
(Public Hearing) (Revised) 013374 - 013375

B21-881 Healthy Public Buildings Assessment Act of 2016
(Public Hearing) (Revised) 013374 - 013375

PR21-984 Director of the Department of General Services
Greer Gillis Confirmation Resolution of 2016
(Public Roundtable) (Revised)..... 013374 - 013375

Notice of Public Hearings -

B21-919 Nationals Park Graphics and Entertainment
Regulatory Amendment Act of 2016.....013376

B21-921 Snow Removal Agreement Authorization
Amendment Act of 2016.....013377

PR 21-617 Sense of the Council Regarding Federal
Immigration Raids Resolution of 2016.....013378

Notice of Public Oversight Roundtable -

The State of the Metropolitan Police Department: Crime,
Community Policing, and Selecting the Next Chief of Police013379

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

COUNCIL HEARINGS CONT'D

Notice of Public Roundtables -

PR21-911 Director of the Office of Veterans Affairs Ely S. Ross
Confirmation Resolution of 2016013380

PR21-862 Housing Finance Agency Board of Director Stephen
Green Confirmation Resolution of 2016.....013380

PR21-956 Hill East Redevelopment – Phase 1: Parcels F-1
and G-1 Extension Approval Resolution of 2016.....013381

PR21-957 Fifth Street, NW and I Street NW Disposition
Extension Approval Resolution of 2016.....013381

Apprenticeship Council Confirmation Resolutions of 2016

PR 21-966 Violet Carter 013382 - 013383

PR 21-967 Stephen Lanning 013382 - 013383

PR 21-968 Frederick Howell 013382 - 013383

PR 21-969 Frank Chiaramonte 013382 - 013383

PR 21-970 Leroy Watson..... 013382 - 013383

PR21-984 Director of the Department of General Services
Greer Gillis Confirmation Resolution of 2016
(Revised) - See Page 013374

Small Business Saturday, Made in DC implementation,
and other Small Business Support013384

OTHER COUNCIL ACTIONS

Notice of Reprogramming Requests -

21-237 Request to reprogram \$1,078,919 of Fiscal Year 2016
Local funds budget authority within the Department
of Employment Services (DOES)..... 013385 - 013390

21-238 Request to reprogram \$3,750,000 of Fiscal Year 2016
Local funds budget authority from Workforce
Investments to the Pay-As-You-Go (Paygo)
Capital Fund..... 013385 - 013390

21-239 Request to reprogram \$871,140 of Fiscal Year 2016
Local funds budget authority within the Office of the
Chief Financial Officer (OCFO)..... 013385 - 013390

21-240 Request to reprogram \$900,000 of Fiscal Year 2016
Local funds within the Department of Public Works
(DPW)..... 013385 - 013390

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

OTHER COUNCIL ACTIONS CONT'D

Notice of Reprogramming Requests - cont'd

- 21-241 Request to reprogram \$500,450 of Fiscal Year 2016 Local funds budget authority from the Office of the Attorney General for the District of Columbia (OAG) to the Pay-As-You-Go (Paygo)..... 013385 - 013390
- 21-242 Request to reprogram \$1,384,503 of Fiscal Year 2016 Local funds budget authority from the Office of the Chief Technology Officer (OCTO) to the Pay-As-You-Go (Paygo)..... 013385 - 013390
- 21-243 Request to reprogram \$5,070,634 of Pay-As-You-Go (Paygo) Capital Funds budget authority and allotment from the District of Columbia Public Schools (DCPS) to the Local funds budget of DCPS 013385 - 013390
- 21-244 Request to reprogram \$240,240 of Fiscal Year 2016 Local funds budget authority from the Office of the Attorney General for the District of Columbia (OAG) to the Pay-As-You-Go (Paygo) Capital Fund..... 013385 - 013390
- 21-245 Request to reprogram \$1,000,000 of Fiscal Year 2016 Local funds budget authority from the Department of Forensic Sciences (DFS) to the Pay-As-You-Go (Paygo) Capital Fund..... 013385 - 013390
- 21-246 Request to reprogram \$140,000 of Fiscal Year 2016 Local funds budget authority from the Department of Energy and Environment (DOEE) to the Pay-As-You-Go (Paygo) Capital Fund..... 013385 - 013390
- 21-247 Request to reprogram \$7,081,000 of Fiscal Year 2016 Local funds budget authority within the Department of General Services (DGS)..... 013385 - 013390
- 21-248 Request to reprogram \$77,283 of Fiscal Year 2016 Local funds budget authority from the Department of General Services (DGS) to the Pay-As-You-Go (Paygo) Capital Fund..... 013385 - 013390
- 21-249 Request to reprogram \$5,500,000 of Fiscal Year 2016 Local funds budget authority from the Department of General Services (DGS), the Unemployment Compensation Fund (UCF), the Department of Human Services (DHS), and Special Education Transportation (SET) to the Pay-As-You-Go (Paygo) Capital Fund 013385 - 013390

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

OTHER COUNCIL ACTIONS CONT'D

Notice of Reprogramming Requests - cont'd

- 21-250 Request to reprogram \$40,000,000 of Fiscal Year 2016
Local funds budget authority from several agencies to
the Housing Production Trust Fund (HPTF) 013385 - 013390

- 21-251 Request to reprogram \$1,000,000 of Fiscal Year 2017
Local funds budget authority within the Department of
For-Hire Vehicles (DFHV)..... 013385 - 013390

- 21-252 Request to reprogram \$708,916 of Fiscal Year 2016
Capital funds budget and allotment within the District
Department of Transportation (DDOT)..... 013385 - 013390

- 21-253 Request to reprogram \$1,929,718 of Fiscal Year 2017
Local funds budget authority within the Fire and
Emergency Medical Services Department (FEMS)..... 013385 - 013390

- 21-254 Request to reprogram \$6,440,222 of Fiscal Year 2016
Pay-As-You-Go (Paygo) Capital funds budget authority
and allotment from the District Department of Transportation
(DDOT) to the Local funds budget of the Department of
Housing and Community Development (DHCD)..... 013385 - 013390

- 21-255 Request to reprogram \$62,802,096 of Fiscal Year 2016
Local funds budget authority from Repay Emergency and
Contingency Reserve Funds (RECRF) to several District
agencies..... 013385 - 013390

- 21-256 Request to reprogram \$20,000,000 of Fiscal Year 2016
Local funds budget authority from various agencies to
the Pay-As-You-Go (Paygo) Capital Fund to support
various capital projects 013385 - 013390

- 21-257 Request to reprogram \$300,000 of Fiscal Year 2016
Local funds budget authority from the Department of
Small and Local Business Development (DSLBD) to
the Pay-As-You-Go (Paygo) Capital Fund..... 013385 - 013390

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

Benning Heights Market - ANC 7D - Change of Hours 013391

Boulangerie Christophe - ANC 2E - New 013392

Class C Renewals for October 28, 2016 013393 - 013400

Dickson Wine - ANC 1B - Renewal - RESCIND..... 013401

Takoma Station Tavern - ANC 4B - Renewal 013402

Whole Foods Market - ANC 6C - New..... 013403

For-Hire Vehicles, Department of -

Review of the Taxicab Rate Structure - November 4, 2016 013404

FINAL RULEMAKING

Alcoholic Beverage Regulation Administration - Amend 23

DCMR (Alcoholic Beverages), Ch. 3 (Limitations on Licenses),
 Sec. 307 (West Dupont Circle Moratorium Zone), to renew the
 existing West Dupont Circle Moratorium Zone (WDCMZ)
 for three (3) years..... 013405 - 013407

Energy and Environment, Department of - Amend 20 DCMR

(Environment), to add Ch. 36 (Energy Assistance and
 Conservation Programs), Sections 3600 - 3609, 3618, 3619,
 and 3620, and Sec. 3699 (Definitions), to establish procedures
 for administering the Low Income Home Energy Assistance
 Program (LIHEAP) and other energy assistance programs 013408 - 013419

Energy and Environment, Department of - Amend 21 DCMR

(Water and Sanitation), to add Ch. 17 (Biosolids Management),
 Sections 1700 - 1705, and Sec. 1799 (Definitions), to establish
 standards for distributing biosolids in the District..... 013420 - 013423

Energy and Environment, Department of - Amend 21 DCMR

(Water and Sanitation), to add Ch. 18 (Well Construction,
 Maintenance, and Abandonment Standards),
 Sections 1800 - 1834 and Sec. 1899 (Definitions), to establish
 standards and procedures for the construction, maintenance,
 and abandonment of wells in the District of Columbia..... 013424 - 013489

For-Hire Vehicles, Department of - Amend 31 DCMR

(Taxicabs and Public Vehicles For Hire), Ch. 6 (Taxicab
 Parts and Equipment), Sec. 603 (Modern Taximeter Systems),
 to change the equipment requirements for modern taximeter
 systems (MTSS) to allow passengers to rate ride experiences
 through the rear console..... 013490

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

- Health, Department of - Amend 22 DCMR (Health), Subtitle B (Public Health and Medicine), to change the title from Ch. 102 (Licensing of Medical Device Distributors and Manufacturers) to Ch. 102 (Licensing of Medical Devices – Distributors, Manufacturers, Initial Importers, and Vendors), update Sections 10200, 10203, 10204, 10207, 10208, and add Sec. 10299, Ch. 105 (Establishment, Registration, and Device Listing for Manufacturers and Initial Importers of Devices), Sections 10500 and 10599, and Ch. 106 (Pre-market Approval of Medical Devices), Sec. 10699, to require medical device initial importers and vendors to be licensed and regulated013491 - 013496
- Motor Vehicles, Department of - Amend 18 DCMR (Vehicles and Traffic), Ch. 4 (Motor Vehicle Title and Registration), to add Sec. 438 (Expedited Title and Registration Service), to establish a fee-based expedited titling and registration service for motor vehicle dealers013497 - 013498

PROPOSED RULEMAKING

- Energy and Environment, Department of - Amend 21 DCMR (Water and Sanitation), Ch. 23 (Expanded Polystyrene Prohibition), Sec. 2301 (Expanded Polystyrene Prohibition), to add Sec. 2302 (Compostable or Recyclable Product Requirement), and Sec. 2399 (Definitions), to require food service entities to use only disposable food service ware that is compostable or recyclable..... 013499 - 013500
- Public Service Commission - RM9-2016-01-E to Amend 15 DCMR (Public Utilities and Cable Television), Ch. 9 (Net Energy Metering), Sec. 900 (General Provisions) and Sec. 999 (Definitions), to establish policies and procedures for implementing the net energy and community net metering provisions of the Community Renewable Energy Credit Rate Clarification Amendment Act of 2016.....013501 - 013502

EMERGENCY AND PROPOSED RULEMAKING

- Administrative Hearings, Office of (OAH) - Amend 1 DCMR (Mayor and Executive Agencies), Ch. 29 (Office of Administrative Hearings: Rules for DCPS, Rental Housing, Public Benefits, and Unemployment Insurance Cases), to add Sections 2950 - 2956, to establish procedures for Public Sector Workers' Compensation cases referred to OAH by the District of Columbia Office of Risk Management (ORM).....013503 - 013510

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY AND PROPOSED RULEMAKING CONT'D

Corrections, Department of - Amend 28 DCMR (Corrections, Courts, and Criminal Justice), Ch. 6 (Good Time Credits), Sec. 601 (Limitations on Credits), to increase the limit on good time credit from eight (8) to ten (10) credits per month013511

NOTICES, OPINIONS, AND ORDERS

MAYOR’S ORDERS

2016-163 Reappointments and Appointments – District of Columbia Commission for National and Community Service (10 members)013512 - 013513

2016-164 Reappointments and Appointments – District of Columbia Commission on Fathers, Men, and Boys (7 members)013514 - 013515

NOTICES, OPINIONS, AND ORDERS CONT'D

BOARDS, COMMISSIONS, AND AGENCIES

Administrative Hearings, Office of -
Public Notice of Meeting - October 26, 2016013516

Alcoholic Beverage Regulation Administration -
ABC Board's Calendar - November 2, 2016.....013517 - 013518
ABC Board's Cancellation Agenda - November 2, 2016.....013519 - 013521
ABC Board's Cease and Desist Agenda - November 2, 2016.....013522
ABC Board's Investigative Agenda - November 2, 2016013523
ABC Board's Licensing Agenda - November 2, 2016013524

Arts and Humanities, DC Commission on the -
Funding Availability -
FY 2017 Performance Grant Program.....013525
FY 2017 Special Arts Initiative: Field Trip Experiences Grant Program013526

DC Bilingual Public Charter School -
Request for Proposals - Field Trip Transportation Services013527

E.L. Haynes Public Charter School -
Extension of Request for Proposals - Roof Replacement013528

Health Care Finance, Department of -
Pharmacy and Therapeutics Committee Meeting - December 1st, 2016013529

Housing and Community Development, Department of -
Solicitation for Offers - Development of Six District-owned Properties in Historic Anacostia.....013530

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Housing Authority, DC -
 Board of Commissioners - Notice of Public Meetings -
 November 9, 2016 and December 14, 2016..... 013531

National Collegiate Preparatory Public Charter School -
 Invitation for Bid - Food Service Management Services 013532

Planning and Economic Development, Office of the Deputy Mayor for -
 Technical Amendment - FY2016 Great Streets Retail
 Small Business Reimbursement Grants013533 - 013534

Public Service Commission, DC -
 Notice of Reimbursable Budgets and Total Gross Jurisdictional
 Revenues - ASMT2017, Assessments for Fiscal Year 2017..... 013535

Public-Private Partnerships, Office of -
 Notice of Intent to Accept Unsolicited Proposals -
 November 28, 2016 to January 26, 2017 013536

Secretary, Office of the -
 Recommendations for Appointment as DC Notaries Public -
 Effective December 1, 2016.....013537 - 013544

Sentencing Commission, DC -
 Change in Meeting Dates - November 29, 2016 and December 20, 2016..... 013545
 Meeting Agenda - October 18, 2016..... 013546

Two Rivers Public Charter School -
 Request for Proposals -
 Payroll Services..... 013547
 Visual Art Contractor013547

Washington Latin Public Charter School -
 Request for Proposals - Computers and Cart Suppliers 013548

Water and Sewer Authority, DC -
 Board of Directors Meeting - November 3, 2016 013549

Zoning Adjustment, Board of - Cases -
 19106 Richard Alan Seutter, Jr., Susan T. Seutter, and Katelijn
 van den Berg - ANC 5E - Order Denying Appeal013550 - 013560
 19193 C & S Development , LLC - ANC 6B - Order 013561 - 013568

COUNCIL OF THE DISTRICT OF COLUMBIA

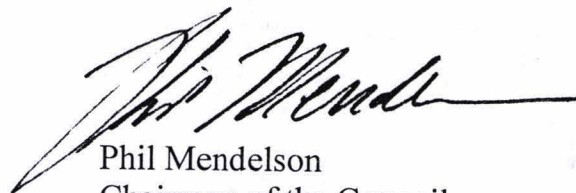
NOTICE

D.C. LAW 21-162

"Medical Marijuana Cultivation Center Relocation
Temporary Amendment
Act of 2016"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-783 on first and second readings June 7, 2016, and June 28, 2016, respectively. Following the signature of the Mayor on July 15, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-449 and was published in the July 29, 2016 edition of the D.C. Register (Vol. 63, page 9815). Act 21-449 was transmitted to Congress on August 30, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-449 is now D.C. Law 21-162, effective October 13, 2016.


Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

August 30, 31
September 1, 2, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
October 3, 4, 5, 6, 7, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-163

**"Grocery Store Restrictive Covenant Prohibition
Temporary Act of 2016"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-806 on first and second readings June 28, 2016, and July 12, 2016, respectively. Following the signature of the Mayor on July 21, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-469 and was published in the August 5, 2016 edition of the D.C. Register (Vol. 63, page 10164). Act 21-469 was transmitted to Congress on August 30, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-469 is now D.C. Law 21-163, effective October 13, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

August	30, 31
September	1, 2, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
October	3, 4, 5, 6, 7, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-164

"Gas Station Advisory Board Temporary Amendment Act of 2016"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-809 on first and second readings June 28, 2016, and July 12, 2016, respectively. The legislation was deemed approved without the signature of the Mayor on July 30, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-470 and was published in the August 5, 2016 edition of the D.C. Register (Vol. 63, page 10166). Act 21-470 was transmitted to Congress on August 30, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-470 is now D.C. Law 21-164, effective October 13, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

- August 30, 31
- September 1, 2, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
- October 3, 4, 5, 6, 7, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-165

**"Washington Metropolitan Area Transit Authority
Compact Temporary Amendment
Act of 2016"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-811 on first and second readings June 28, 2016, and July 12, 2016, respectively. Following the signature of the Mayor on July 21, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-471 and was published in the August 5, 2016 edition of the D.C. Register (Vol. 63, page 10168). Act 21-471 was transmitted to Congress on August 30, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-471 is now D.C. Law 21-165, effective October 13, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

August	30, 31
September	1, 2, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
October	3, 4, 5, 6, 7, 11, 12

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-506

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 19, 2016

To order, on an emergency basis, the closing of First Terrace, N.W., between L Street, N.W., and M Street, N.W.; L Place, N.W., between First Terrace N.W., and First Place, N.W.; and First Place N.W., between L Street, N.W., and L Place, N.W., adjacent to Lots 247, 248, 249, 250, 251, 895, and 896 in Square 620; to accept the dedication and designation of First Place, N.W., extending approximately 214 feet north from L Street, N.W., for public street purposes; to authorize the improvement of the dedicated land for street purposes; to authorize modifications to the permanent system of highways in the District of Columbia; to designate the dedicated street as First Place, N.W., in Ward 6, and to authorize the disposition of District-owned real property in Square 620, Lots 894 and 895.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Sursum Corda Development Emergency Act of 2016".

Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*) ("Act"), the Council finds that the public streets adjacent to Lots 247, 248, 249, 250, 251, 895, and 896 in Square 620, as shown by the hatchmarks on the Surveyor's plat in S.O 15-54214, are unnecessary for street purposes and orders them closed with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. (a) Pursuant to section 302(3) of the Act (D.C. Official Code § 9-203.02(3)), and notwithstanding the requirements set forth in sections 303 and 304 of the Act (D.C. Official Code §§ 9-203.03 and 9 203.04), the Council accepts the dedication of the street adjacent to Square 620, as shown on the Surveyor's plats filed under S.O. 15-54214.

(b) Pursuant to section 401 of the Act (D.C. Official Code § 9-204.01) and notwithstanding section 402 of the Act (D.C. Official Code § 9-204.02), the street created by the dedication of land in subsection (a) of this section shall be designated "First Place, N.W."

(c) The approval of the Council of the closing in section 2, the dedication in subsection (a) of this section, and the designation in subsection (b) of this section, are contingent upon the

ENROLLED ORIGINAL

satisfaction of all the conditions set forth in the official file, S.O. 15-54214, prior to the recordation of the plat by the Surveyor.

Sec. 4. (a) The properties known for tax and assessment purposes as Lots 894 and 895 in Square 620 ("Property") are no longer required for public purposes because the properties' condition cannot viably accommodate a District agency use or other public use.

(b) The Property is comprised of 3,767 square feet of unimproved land that is situated on a 6.7-acre site that is planned to be redeveloped into approximately 1,131 new residential dwelling units. Of these new units, 199 will be set aside as affordable with a blended affordability limit of 60% Area Median Income, and 136 of these affordable units will be reserved for the current residents of the site.

(c) Notwithstanding An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), the Mayor is authorized to dispose of the Property; provided, that an order related to a Planned Unit Development for Lots 248, 249, 250, 893, 894, and 895 in Square 620, be approved by the Zoning Commission.

Sec. 5. Transmittal.

The Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Omnibus Sursum Corda Development Act of 2016, passed on 1st reading on July 12, 2016 (Engrossed version of Bill 21-672), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. Effective date.

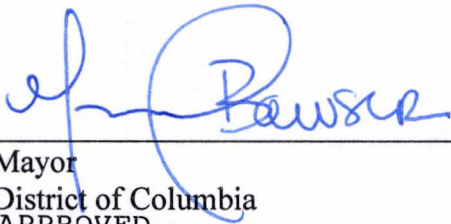
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 19, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-507

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 19, 2016

To order the closing of First Terrace, N.W., between L Street, N.W., and M Street, N.W.; L Place, N.W., between First Terrace N.W., and First Place, N.W.; and First Place N.W., between L Street, N.W., and L Place, N.W., adjacent to Lots 247, 248, 249, 250, 251, 895, and 896 in Square 620; to accept the dedication and designation of First Place, N.W., extending approximately 214 feet north from L Street, N.W., for public street purposes; to authorize the improvement of the dedicated land for street purposes; to authorize modifications to the permanent system of highways in the District of Columbia; to designate the dedicated street as First Place, N.W., in Ward 6, and to authorize the disposition of District-owned real property in Square 620, Lots 894 and 895.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Sursum Corda Development Act of 2016".

Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813, D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*) ("Act"), the Council finds that the public streets adjacent to Lots 247, 248, 249, 250, 251, 895, and 896 in Square 620, as shown by the hatchmarks on the Surveyor's plat in S.O 15-54214, are unnecessary for street purposes and orders them closed with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. (a) Pursuant to sections 302(3) of the Act (D.C. Official Code §§ 9-203.02(3)), and notwithstanding the requirements set forth in sections 303 and 304 of the Act (D.C. Official Code §§ 9-203.03 and 9-203.04), the Council accepts the dedication of the street adjacent to Square 620, as shown on the Surveyor's plats filed under S.O. 15-54214.

(b) Pursuant to section 401 of the Act (D.C. Official Code § 9-204.01), and notwithstanding section 402 of the Act (D.C. Official Code § 9-204.02), the street created by the dedication of land in subsection (a) of this section shall be designated "First Place, N.W.".

(c) The approval of the Council of the closing in section 2, the dedication in subsection (a) of this section, and the designation in subsection (b) of this section, are contingent upon the satisfaction of all the conditions set forth in the official file, S.O. 15-54214, prior to the recordation of the plat by the Surveyor.

ENROLLED ORIGINAL

Sec. 4. (a) The properties known for tax and assessment purposes as Lots 894 and 895 in Square 620 ("Property") are no longer required for public purposes because the properties' condition cannot viably accommodate a District agency use or other public use.

(b) The Property is comprised of 3,767 square feet of unimproved land that is situated on a 6.7-acre site that is planned to be redeveloped into approximately 1,131 new residential dwelling units. Of these new units, 199 will be set aside as affordable with a blended affordability limit of 60% of Area Median Income, and 136 of these affordable units will be reserved for the current residents of the site.

(c) Notwithstanding An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), the Mayor is authorized to dispose of the Property; provided, that an order related to a Planned Unit Development for Lots 248, 249, 250, 893, 894, and 895 in Square 620, be approved by the Zoning Commission.

Sec. 5. Transmittal.

The Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. 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

ENROLLED ORIGINAL

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
APPROVED
October 19, 2016

ENROLLED ORIGINAL

A RESOLUTION

21-625

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 18, 2016

To declare the existence of an emergency with respect to the need to appoint Mr. Paul Butler as a member of the Code Revision Advisory Group.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Code Revision Advisory Group Paul Butler Appointment Emergency Declaration Resolution of 2016”.

Sec. 2. (a) The Code Revision Advisory Group (“Advisory Group”) was established by section 3124 of the Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775), to review and provide information and suggestions on proposals prepared by the Criminal Code Reform Commission (“Commission”) related to comprehensive criminal code reform recommendations.

(b) The Advisory Group consists of 5 voting members and 2 non-voting members. Of the 5 voting members, 2 must be professionals from established organizations, including institutions of higher education, devoted to the research and analysis of criminal justice issues, appointed by the Council.

(c) Meetings of the Advisory Group are conducted by the Commission's Executive Director, with meetings scheduled as necessary to fulfill the statutory responsibilities of the Commission.

(d) The voting members of the Advisory Group must vote to approve the final recommendations proposed by the Commission, with a majority of voting members necessary to approve the recommendations before submission to the Council and the Mayor.

(e) The Advisory Group officially began its work on October 1, 2016.

(f) There exists an immediate need to appoint Paul Butler to ensure that the Advisory Group has a quorum to assess and vote on proposed recommendations by Commission staff.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Code Revision Advisory Group Paul Butler Emergency Appointment Resolution of 2016 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-626

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 18, 2016

To appoint, on an emergency basis, Mr. Paul Butler as a member of the Code Revision Advisory Group.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Code Revision Advisory Group Paul Butler Emergency Appointment Resolution of 2016”.

Sec. 2. The Council of the District of Columbia appoints:

Mr. Paul Butler
1911 Parkside Drive, N.W.
Washington, D.C. 20012
(Ward 4)

as a professional member from an established organization devoted to the research and analysis of criminal justice issues of the Code Revision Advisory Group, established by section 3124 of the Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775), for a term beginning on October 1, 2016.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-627

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 18, 2016

To declare the existence of an emergency with respect to the need to appoint Mr. Donald Braman as a member of the Code Revision Advisory Group.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Code Revision Advisory Group Donald Braman Appointment Emergency Declaration Resolution of 2016".

Sec. 2. (a) The Code Revision Advisory Group ("Advisory Group") was established by section 3124 of the Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775), to review and provide information and suggestions on proposals prepared by the Criminal Code Reform Commission ("Commission") related to comprehensive criminal code reform recommendations.

(b) The Advisory Group consists of 5 voting members and 2 non-voting members. Of the 5 voting members, 2 must be professionals from established organizations, including institutions of higher education, devoted to the research and analysis of criminal justice issues, appointed by the Council.

(c) Meetings of the Advisory Group are conducted by the Commission's Executive Director, with meetings scheduled as necessary to fulfill the statutory responsibilities of the Commission.

(d) The voting members of the Advisory Group must vote to approve the final recommendations proposed by the Commission, with a majority of voting members necessary to approve the recommendations before submission to the Council and the Mayor.

(e) The Advisory Group officially began its work on October 1, 2016.

(f) There exists an immediate need to appoint Donald Braman to ensure that the Advisory Group has a quorum to assess and vote on proposed recommendations by Commission staff.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Code Revision Advisory Group Donald Braman Emergency Appointment Resolution of 2016 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-628

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 18, 2016

To appoint, on an emergency basis, Mr. Donald Braman as a member of the Code Revision Advisory Group.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Code Revision Advisory Group Donald Braman Emergency Appointment Resolution of 2016”.

Sec. 2. The Council of the District of Columbia appoints:

Mr. Donald Braman
1656 Monroe Street, N.W.
Washington, D.C. 20010
(Ward 1)

as a professional member from an established organization devoted to the research and analysis of criminal justice issues of the Code Revision Advisory Group, established by section 3124 of the Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775), for a term beginning on October 1, 2016.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-629

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 18, 2016

To declare the existence of an emergency with respect to the need to approve the negotiated compensation collective bargaining agreement submitted by the Mayor between the District of Columbia and the Administrative Law Judges in the Office of Administrative Hearings in Compensation Unit 35, who are represented by the Federation of Administrative Law Judges – D.C.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Collective Bargaining Agreement between the District of Columbia and Compensation Unit 35, Federation of Administrative Law Judges – D.C. Emergency Declaration Resolution of 2016”.

Sec. 2. (a) The District of Columbia Office of Administrative Hearings negotiated a working conditions and compensation agreement (the “Collective Bargaining Agreement”) with the Federation of Administrative Law Judges – D.C. (“FALJ-DC”) that requires certain wage increases and other compensation and benefits over a period of 4 years, beginning in Fiscal Year 2016. The Mayor is proposing, as agreed with the union, that the first such compensation increase will move the base salary to \$160,000 for FALJ-DC employees employed by the Office of Administrative Hearings, retroactively from the first full pay period after October 1, 2015, which constitutes a change to the pay schedule and a resulting minimum increase to each bargaining unit member’s gross salary. Given section 1717(f)(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(f)(1)), which contemplates “that negotiations shall be completed prior to submission of a budget” for the years covered by the agreement, this agreement must be acted on by the Council immediately.

(b) In order to effectuate the terms of the Collective Bargaining Agreement in Fiscal Year 2016, the Mayor recommends that the Collective Bargaining Agreement between the District of Columbia and Compensation Unit 35, Federation of Administrative Law Judges – D.C. Emergency Approval Resolution of 2016 be approved on an emergency basis.

(c) Failure to effectuate the express terms of the negotiated agreement may result in undermining the confidence of union members in the District of Columbia government and its leadership.

ENROLLED ORIGINAL

(d) Failure to act in an expedited manner may jeopardize the future relationship between labor and management in the District of Columbia and the success of collaborative efforts, as agreed under the terms of the negotiated agreement.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Collective Bargaining Agreement between the District of Columbia and Compensation Unit 35, Federation of Administrative Law Judges – D.C. Emergency Approval Resolution of 2016 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-630

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 18, 2016

To approve, on an emergency basis, the negotiated compensation collective bargaining agreement submitted by the Mayor between the District of Columbia and the Administrative Law Judges in the Office of Administrative Hearings in Compensation Unit 35, who are represented by the Federation of Administrative Law Judges – D.C.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Collective Bargaining Agreement between the District of Columbia and Compensation Unit 35, Federation of Administrative Law Judges – D.C. Emergency Approval Resolution of 2016”.

Sec. 2. Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(j)), the Council of the District of Columbia approves the compensation collective bargaining agreement between the District of Columbia and the Administrative Law Judges in the Office of Administrative Hearings in Compensation Unit 35, who are appointed pursuant to sections 9 and 11 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.06 and 2.1831.08) (“Act”), and compensated pursuant to section 8(a)(11) of the Act (D.C. Official Code § 2-1831.05(a)(11)), who are represented by the Federation of Administrative Law Judges – D.C., which was transmitted by the Mayor to the Council on September 19, 2016.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Federation of Administrative Law Judges – D.C. and to the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-275

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To posthumously recognize and celebrate the life of Marcus Edwards for his commitment to public service, dedication to improving community-police relations, and unwavering support of the Metropolitan Police Department, and to declare September 27, 2016, as “Marcus Edwards Day” in the District of Columbia.

WHEREAS, Marcus Edwards was born on January 11, 1995;

WHEREAS, Marcus Edwards was a resident of the District and resided in the Trinidad neighborhood of Ward 5;

WHEREAS, Marcus Edwards was a graduate of Cesar Chavez Public Charter Schools For Public Policy - Capitol Hill Campus;

WHEREAS, Marcus Edwards successfully completed the Junior Police Academy in 2010 and returned every summer to volunteer for the Metropolitan Police Department;

WHEREAS, Marcus Edwards interned at the United States Department of Treasury in 2015 and 2016;

WHEREAS, Marcus Edwards was mentored by Metropolitan Police Department members and Commander Michael Reese, who supported him and helped foster a strong bond with the Metropolitan Police Department;

WHEREAS, Marcus Edwards had such a close working relationship with the officers at the Second District Station that Commander Melvin Gresham often referred to Marcus Edwards as the future Commander of the Second District Police Department;

WHEREAS, Marcus Edwards was attending Morgan State University to pursue his undergraduate degree in social work;

WHEREAS, Marcus Edwards intended to use his degree in social work to work with children as a Metropolitan Police Department officer;

ENROLLED ORIGINAL

WHEREAS, Marcus Edwards worked to improve relationships between the Metropolitan Police Department and his community;

WHEREAS, Marcus Edwards' contributions, passion, and spirit will be missed by all but will be carried on by family, friends, schoolmates, community members, members of the Metropolitan Police Department, church members, and those who knew him best; and

WHEREAS, Marcus Edwards is survived by his loving mother, stepfather, 2 sisters, 3 brothers, and extended family.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Marcus Edwards Posthumous Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia recognizes, honors, and celebrates the life of Marcus Edwards for his commitment to public service and contributions to the Metropolitan Police Department and the District of Columbia and declares September 27, 2016, as "Marcus Edwards Day" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-276

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To recognize Tifereth Israel Congregation located at 7701 16th Street, N.W., for its contributions to the city and to the Shepherd Park community on the occasion of its 100th anniversary.

WHEREAS, Tifereth Israel Congregation was founded in 1916 by 6 recent European immigrants and incorporated in 1917;

WHEREAS, Tifereth Israel Congregation is a lay-led, traditional, egalitarian member of Judaism's Conservative Movement, and its families include intermarried couples, persons of color, young families, older adults, deaf persons, and LGBT congregants;

WHEREAS, Tifereth Israel Congregation has a tradition of advocacy and support of civil and human rights and social action, which has included the founding of Neighbors, Inc., the recognition of women's equality in religious and congregational roles, as well as marriage equality, and it continues this tradition through its vital social action program;

WHEREAS, Tifereth Israel Congregation led the region's Jewish community in providing funerals for its members in a caring manner, without undue pressure and at no cost, and its efforts resulted in the formation of the Jewish Funeral Practices Committee of Greater Washington.

WHEREAS, the spiritual leaders of Tifereth Israel Congregation, Rabbi Ethan Seidel and Rabbi Emeritus A. Nathan Abramowitz, have provided scholarly, thoughtful programs and pastoral leadership to the congregation; and

WHEREAS, the congregation recently demonstrated its environmental commitment through its rain garden project that not only diverts 3,000 gallons from the city's storm water system, but is also an ecological education site.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tifereth Israel Congregation Centennial Celebration Recognition Resolution of 2016".

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes Tifereth Israel Congregation for its contributions to the community and celebrates its 100th anniversary.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-277

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To support the bid of the Washington, D.C. Gay Games XI BID Committee to bring the 2022 Gay Games and Cultural Festival to the District of Columbia and to declare October 21, 2016 as “Gay Games XI Bid Support Recognition Day” in the District of Columbia.

WHEREAS, Team DC, the Washington, DC region’s association of Lesbian, Gay, Bisexual, and Transgendered sports clubs, was founded in 2000 to promote good mental and physical health through exercise and positive social interaction, and to help facilitate the participation in sports of thousands of people through its College Scholarship Program and events like the Night OUT at the Nationals;

WHEREAS, Team DC has been an active promoter of multi-sports programs and cultural festivals that highlight the District of Columbia and attract participants from around the world;

WHEREAS, various LGBTQ sports teams have hosted national and international championship programs in the District of Columbia by attracting regional, national, and international sporting events to the metropolitan area;

WHEREAS, the LGBTQ sports teams have attracted sporting events by highlighting the diverse community, history, and resources of the District of Columbia;

WHEREAS, The Federation of Gay Games hosts a quadrennial event that attracts more than 10,000 participants and tens of thousands of spectators for a week of diverse, cultural celebration and athletic competitions in over 30 sports;

WHEREAS, The Federation of Gay Games has welcomed cities to submit bids to host the 2022 Gay Games;

WHEREAS, Team DC and local LGBT athletic groups, along with Events DC and Destination DC, among others, have assembled a bid to host the 2022 Gay Games in the District of Columbia;

ENROLLED ORIGINAL

WHEREAS, the games will benefit the District of Columbia by exposing thousands of visitors to local neighborhoods, businesses, and venues;

WHEREAS, the games will place a high priority on being the most environmentally conscious games ever by maximizing the use of multi-mobile transit options and by reducing the carbon footprint of all activities and venues to the lowest possible levels;

WHEREAS, Gay Games XI in 2022 will provide opportunities for participation of all residents of the District of Columbia; and

WHEREAS, Gay Games XI in 2022 will utilize existing venues for events with a particular emphasis on local schools, universities, and recreational facilities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Washington DC Gay Games XI Support Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia enthusiastically supports the efforts of Team DC and the Washington, DC Gay Games XI Bid Committee, in its bid for the Gay Games and looks forward to welcoming participants from around the world to the District of Columbia for Gay Games XI, and declares October 21, 2016 as “Gay Games XI Bid Support Recognition Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first day of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-278

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare October 17 through 25, 2016, as the “Week of Non-Violence” in the District of Columbia.

WHEREAS, incidents of violent crime across the country have received heightened attention and affected communities deeply;

WHEREAS, it is in the nation’s and the District’s best interests to increase knowledge and training about conflict resolution, mental health, mediation, parenting skills, and non-violence strategies, and to make resources available to change the culture of violence in America;

WHEREAS, non-violence has historically been utilized as an important strategy for social and political change;

WHEREAS, Dr. Martin Luther King, Jr., Mahatma Gandhi, Nelson Mandela, and Cesar Chavez demonstrated leadership in nonviolence and called for a peaceful resolution to conflicts and disagreements in order to create more fair and just societies;

WHEREAS, women such as Rosa Parks, Ella Baker, and Dolores Huerta demonstrated leadership in nonviolence and called for democratic and grassroots participation to bring about collective change;

WHEREAS, violence cessation strategies include intervening in and preventing crime by treating its root causes in a sustainable and nonviolent way;

WHEREAS, a holistic approach that includes collaboration between government agencies, community organizations, and District residents is essential to violence prevention;

WHEREAS, Black Women for Positive Change, a national civil, inter-faith volunteer organization, in collaboration with elected officials, faith leaders, community activists, and youth, are calling for a National Week of Non-Violence from October 17 through 25, 2016; and

ENROLLED ORIGINAL

WHEREAS, Black Women for Positive Change is urging national, state, and local leaders to organize workshops to teach non-violence, anger management, and conflict resolution during the week to help alleviate violence in our communities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Week of Non-Violence Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia declares October 17 through 25, 2016, as the “Week of Non-Violence” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-279

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the month of October 2016 as “Youth Justice Awareness Month” in the District of Columbia.

WHEREAS, President Barack Obama proclaimed October 2016 as National Youth Justice Awareness Month on September 30, 2016, in order to call for juvenile justice reform nationwide;

WHEREAS, there were 3,141 youth arrested in the District of Columbia in 2015;

WHEREAS, there were 528 District youth committed to the care of the Department of Youth Rehabilitation Services in 2015;

WHEREAS, there was an average of 17 District youth held by the Department of Corrections in 2015;

WHEREAS, the juvenile justice system does not impact all communities equally;

WHEREAS, in 2015, 90% of youth committed to the care of the Department of Youth Rehabilitation Services had a mental health diagnosis; 80% had an Individualized Education Plan; 64% were from Wards 5,7, and 8; and 100% were African-American;

WHEREAS, youth may be rehabilitated if provided effective, age-appropriate services and supports;

WHEREAS, effective diversion programs can improve outcomes for youth and reduce recidivism;

WHEREAS, juvenile mandatory minimum and life without parole sentences do not provide a sufficient opportunity for consideration of the differences between youth and adults;

WHEREAS, adult jails and prisons are not well-suited to providing for the safety, welfare, and rehabilitation of youth;

ENROLLED ORIGINAL

WHEREAS, solitary confinement of youth has been shown to lead to harmful, long-term psychological consequences;

WHEREAS, the impact of rehabilitation programs must be measured to ensure that youth are well-served; and

WHEREAS, the District of Columbia is answering the President’s call by engaging in a collaborative effort to advance comprehensive juvenile justice reform legislation by the end of the year.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Youth Justice Awareness Month Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia declares the month of October 2016 as “Youth Justice Awareness Month” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA**PROPOSED LEGISLATION****BILLS**

- | | |
|---------|---|
| B21-921 | Snow Removal Agreement Authorization Amendment Act of 2016

Intro. 10-18-16 by Councilmember Allen and referred to the Committee of the Whole, Subcommittee on Local Business Development and Utilities |
| <hr/> | |
| B21-922 | Medical Marijuana Additional Recommenders Amendment Act of 2016

Intro. 10-20-16 by Chairman Mendelson at the request of the Mayor and referred sequentially to the Committee on Health and Human Services and the Committee on Judiciary |
| <hr/> | |
| B21-923 | Pedestrian and Bicycle Safety Technical Amendment Act of 2016

Intro. 10-20-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment |
| <hr/> | |
| B21-924 | Closing of a Public Alley in Square 2960, S.O. 15-53893, Act of 2016

Intro. 10-21-16 by Councilmember Todd and referred to the Committee of the Whole |
-

B21-925 Brishell Jones Way Designation Act of 2016

Intro. 10-24-16 by Chairman Mendelson and referred to the Committee of the Whole

PROPOSED RESOLUTIONS

PR21-989 Office of Employee Appeals Pamela Victoria Williams Confirmation Resolution of 2016

Intro. 10-18-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

PR21-990 Signs Appendix Amendment Approval Resolution of 2016

Intro. 10-18-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole, Subcommittee on Consumer Affairs

PR21-991 Not-for-Profit Hospital Corporation Board of Directors Konrad L. Dawson Appointment Resolution of 2016

Intro. 10-19-16 by Chairman Mendelson and referred to the Committee of the Whole

PR21-992 Office of Employee Appeals Patricia Hobson Wilson Confirmation Resolution of 2016

Intro. 10-19-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

PR21-993 Commission on the Arts and Humanities Haili C. Francis Confirmation Resolution of 2016

Intro. 10-20-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

PR21-994 Historic Preservation Review Board Outerbridge Horsey Confirmation
Resolution of 2016

Intro. 10-20-16 by Chairman Mendelson at the request of the Mayor and
referred to the Committee of the Whole

PR21-995 Board of Architecture and Interior Designers Ms. Mathilda Cox Confirmation
Resolution of 2016

Intro. 10-20-16 by Chairman Mendelson at the request of the Mayor and
referred to the Committee of the Whole, Subcommittee on Boards and
Commissions

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

REVISED

NOTICE OF PUBLIC HEARING ON

**B21-779, the Quiet Green Zones Pilot Act of 2016
and
B21-881, the Healthy Public Buildings Assessment Act of 2016**

AND

NOTICE OF PUBLIC ROUNDTABLE ON

**PR21-984, the Director of the Department of General Services Greer Gillis
Confirmation Resolution of 2016**

Thursday, November 3, 2016
at 11:00 a.m.
in Room 412 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Thursday, November 3, 2016, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B21-779, the Quiet Green Zones Pilot Act of 2016 and B21-881, the Healthy Public Buildings Assessment Act of 2016, and a public roundtable on PR21-984, the Director of the Department of General Services Greer Gillis Confirmation Resolution of 2016. The hearing and roundtable will begin at 11:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

B21-779, the Quiet Green Zones Pilot Act of 2016, would require the Department of Parks and Recreation and the Department of General Services to implement a pilot program to minimize audible sounds from the maintenance and lawn care of public land, and require DGS to purchase only electric or battery-powered landscape maintenance equipment beginning in FY 2022, as feasible. B21-881, the Healthy Public Buildings Assessment Act of 2016, would require DGS to regularly assess public buildings for listed indoor health hazards, to establish a protocol for the testing and remediation of each condition, and to publish an annual report card on its compliance with the protocols for each public building. PR21-984, the Director of the Department of General Services Greer Gillis Confirmation Resolution of 2016, would confirm the Mayor's nomination of Greer Gillis as Director of the Department of General Services

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms.

Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 5 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on November 10, 2016.

This notice has been revised to include consideration of PR21-984, the Director of the Department of General Services Greer Gillis Confirmation Resolution of 2016.

COUNCIL OF THE DISTRICT OF COLUMBIA
SUBCOMMITTEE ON CONSUMER AFFAIRS
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRPERSON BRIANNE K. NADEAU
COMMITTEE OF THE WHOLE
SUBCOMMITTEE ON CONSUMER AFFAIRS
ANNOUNCES A PUBLIC HEARING**

on

B21-919, Nationals Park Graphics and Entertainment Regulatory Amendment Act of 2016

on

**Monday, November 14, 2016
10:00 a.m., Hearing Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember Brianne K. Nadeau, Chairperson of the Subcommittee on Consumer Affairs, announces a public hearing before the Subcommittee on Consumer Affairs on B21-919, the “Nationals Park Graphics and Entertainment Regulatory Amendment Act of 2016.” The hearing will be held at 10:00 a.m. on Monday, November 14, 2016 in room 500 of the John A. Wilson Building.

The stated purpose of Bill 21-919, the “Nationals Park Graphics and Entertainment Regulatory Amendment Act of 2016,” is to authorize and establish guidelines for the issuance of permits for the erection of graphic displays and digital signs on the exterior of Nationals Park. Further, the bill establishes the dimensions and allowable locations of National Park graphics and establishes restrictions due to, among other things, traffic safety.

Those who wish to testify are asked to notify the Subcommittee on Consumer Affairs through Faye Caldwell: fcaldwell@dccouncil.us, or (202) 724-6683, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday, November 10, 2016. Persons wishing to testify are encouraged to submit 15 copies of written testimony. Public witnesses should limit their testimony to three minutes and representatives of organizations should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. A copy of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Subcommittee on Consumer Affairs, Committee of the Whole, Council of the District of Columbia, Suite 119 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, November 15, 2016.

COUNCIL OF THE DISTRICT OF COLUMBIA
SUBCOMMITTEE ON LOCAL BUSINESS DEVELOPMENT AND
UTILITIES

NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE OF THE WHOLE: SUBCOMMITTEE ON LOCAL BUSINESS
DEVELOPMENT AND UTILITIES

ANNOUNCES A PUBLIC HEARING ON

Bill 21-0921, Snow Removal Agreement Authorization Amendment Act of 2016

on

Thursday, November 17, 2016, 10 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Councilmember Charles Allen, Chairperson of the Subcommittee on Local Business Development and Utilities, announces a public hearing on **B21-0921**, the Snow Removal Agreement Authorization Amendment Act of 2016. The hearing will be held at 10:00 a.m. on Thursday, November 17, 2016 in room 412 of the John A. Wilson Building.

The stated purpose of B21-0921 is to amend An Act Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia in order to authorize the Mayor to enter into an agreement with a Business Improvement District or Main Street program for snow and ice removal from sidewalks, curb cuts, and crosswalks within the geographical boundary of the district or program during a declared snow emergency. A copy of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or at <http://lims.dccouncil.us/Download/36707/B21-0921-Introduction.pdf>.

The Subcommittee invites the public to testify. Those who wish to testify are asked to contact Ms. Jamie Gorosh, Legal Fellow with the Subcommittee, via email at jgorosh@dccouncil.us or at (202) 741-0929 to provide your name, address, telephone number, organizational affiliation and title (if any), by close of business Tuesday, November 15, 2016. Persons wishing to testify are encouraged to bring 15 copies of written testimony to the hearing. If electronic testimony is submitted by the close of business on November 15, 2016, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to jgorosh@dccouncil.us or to the Subcommittee on Local Business Development and Utilities, 1350 Pennsylvania Avenue, N.W., Suite 406, Washington, D.C. 20004. The record will close at 5:00 p.m. on November 22, 2016.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

PR 21-617, Sense of the Council Regarding Federal Immigration Raids Resolution of 2016

1 p.m., Thursday, November 17, 2016

**In the Council Chamber
Room 500 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on PR 21-617, Sense of the Council Regarding Federal Immigration Raids Resolution of 2016.” The hearing will be held at 1 p.m. on Thursday, November 17, 2016 in the Council Chamber of the John A. Wilson Building.

The stated purpose of PR 21-617 is to declare the Sense of the Council that all residents of the District deserve safety and security, regardless of immigration status, and that the Council opposes federal raids that jeopardize resident’s privacy, safety, and security on suspicion of immigration status issues.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or email Michael Battle, Legislative Assistant, at mbattle@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business [day of week, date 2 days before]. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on [date 2 days before] the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. A copy of PR 21-617 can be obtained on <http://lims.dccouncil.us>, or through the Legislative Services Division (Room 10) of the Secretary of the Council’s office.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on December 1, 2016.

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON THE JUDICIARY**

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

**THE STATE OF THE METROPOLITAN POLICE DEPARTMENT:
CRIME, COMMUNITY POLICING, AND SELECTING THE NEXT CHIEF OF POLICE**

**Thursday, November 3, 2016, 5 p.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, November 3, 2016, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on the Judiciary, will convene a public oversight roundtable on “The State of the Metropolitan Police Department: Crime, Community Policing, and Selecting the Next Chief of Police”. The roundtable will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 5 p.m.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact the Committee on the Judiciary via email at judiciary@dccouncil.us or at (202) 727-8275, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business, October 31, 2016**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee at judiciary@dccouncil.us or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on November 15, 2016.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT**

ANNOUNCES A PUBLIC ROUNDTABLE OF THE COMMITTEES ON

**PR21-0911, the “Director of the Office of Veterans Affairs Ely S. Ross Confirmation
Resolution of 2016”**

and

**PR21-0862, the “Housing Finance Agency Board of Director Stephen Green Confirmation
Resolution of 2016”**

on

Thursday, November 10, 2016, at 1:00 PM
John A. Wilson Building, Room 120
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Councilmember Anita Bonds, Chairperson of the Committee on Housing and Community Development, will hold a public roundtable on PR21-0911, the “Director of the Office of Veterans Affairs Ely S. Ross Confirmation Resolution of 2016” and PR21-0862, the “Housing Finance Agency Board of Director Stephen Green Confirmation Resolution of 2016”. The public roundtable will be held on Thursday, November 10, 2016, at 1:00 PM in Room 120 of the John A. Wilson Building.

The stated purpose of PR21-0911 is to confirm the appointment of Ely S. Ross as the Director of the Office of Veterans Affairs. The stated purpose of PR21-0862 is to confirm the appointment of Stephen Green to the Housing Finance Agency Board of Directors. The purpose of this roundtable is to receive testimony from government and public witnesses as to the fitness of this nominee for this position.

Those who wish to testify are requested to telephone the Committee on Housing and Community Development, at (202) 724-8900, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on November 9, 2016. Persons wishing to testify are encouraged to submit 15 copies of written testimony. Oral testimony should be limited to three minutes for individuals and five minutes for organizations. If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Community Development, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, November 24, 2016.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC ROUNDTABLE

on

PR21-956, the “Hill East Redevelopment – Phase 1: Parcels F-1 and G-1 Extension Approval Resolution of 2016”

PR21-957, the “Fifth Street, NW and I Street NW Disposition Extension Approval Resolution of 2016”

on

**Monday, November 7, 2016
12:30 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole regarding PR21-956, the “Hill East Redevelopment – Phase 1: Parcels F-1 and G-1 Extension Approval Resolution of 2016” and PR21-957, the “Fifth Street, NW and I Street NW Disposition Extension Approval Resolution of 2016”. The roundtable will be held at 12:30 p.m. (or immediately following the previous committee hearing) on Monday, November 7, 2016 in Hearing Room 120 of the John A. Wilson Building.

The stated purpose of **PR 21-956** is to extend the time for the disposition of District-owned real property located at the northeast corner of 19th Street, S.E., and Massachusetts Avenue, S.E., known as parcels F-1 and G-1 in Square E-1112, in Ward 7. The purpose of this measure is to facilitate a mixed-use development project known as Hill East District Waterfront. The stated purpose of **PR 21-957** to extend the time for the disposition of District-owned real property located at 901 Fifth Street, N.W., known as Lot 59 in Square 516, in Ward 6. The purpose of this measure is to facilitate a mixed-use development project that will be a combination hotel and apartment building. Both extensions are for two years.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or email Randi Powell, Legislative Policy Advisor at [cow@dccouncil.us](mailto:cw@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Thursday, November 3, 2016. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on November 3, 2016 the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. Copies of PR 21-956 and 21-957 can be obtained on <http://lims.dccouncil.us>, or through the Legislative Services Division (Room 10) of the Secretary of the Council’s office.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Monday, November 21, 2016.

COUNCIL OF THE DISTRICT OF COLUMBIA
SUBCOMMITTEE ON WORKFORCE
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRPERSON ELISSA SILVERMAN
COMMITTEE OF THE WHOLE
SUBCOMMITTEE ON WORKFORCE**

ANNOUNCES A PUBLIC ROUNDTABLE

on

- PR 21-966, Apprenticeship Council Violet Carter Confirmation Resolution of 2016**
PR 21-967, Apprenticeship Council Stephen Lanning Confirmation Resolution of 2016
PR 21-968, Apprenticeship Council Frederick Howell Confirmation Resolution of 2016
PR 21-969, Apprenticeship Council Frank Chiamonte Confirmation Resolution of 2016
PR 21-970, Apprenticeship Council Leroy Watson Confirmation Resolution of 2016

on

Friday, October 28, 2016
11:00 a.m., Hearing Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Councilmember Elissa Silverman, Chairperson of the Subcommittee on Workforce, announces a public roundtable before the Subcommittee on PR 21-966 through PR 21-970, confirmation resolutions for mayoral appointments to the Apprenticeship Council for: Violet Carter, Stephen Lanning, Frederick Howell, Frank Chiamonte, and Leroy Watson. The roundtable will be held at 11:00 a.m. on Friday, October 28, 2016 in room 120 of the John A. Wilson Building.

The purpose of the roundtable is to provide the public an opportunity to comment on five Mayoral nominees for reappointment to the Apprenticeship Council. The Apprenticeship Council approves apprenticeship standards that meet minimum basic standards of regulations, ensures compliance of Affirmative Action Plans associated with apprenticeship standards, acts as second level of appeal for complaints of apprentices, deregisters apprenticeship programs not in compliance with local and federal apprenticeship regulations, assists in educating the community to apprenticeship, and formulates policies for the effective administration of apprenticeship programs.

Those who wish to testify before the Subcommittee are asked to contact Charnisa Royster at croyster@dccouncil.us or (202) 724-7772 by close of business Thursday, October 27, 2016 to provide your name, address, telephone number, organizational affiliation and title (if any), as well as the language of oral interpretation, if any, they require. Those wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Those representing organizations will have five minutes to present their testimony, and individuals will have three minutes to present their testimony; less time will be allowed if there are a large number of

witnesses. A copy of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted by email to Ms. Royster at croyster@dccouncil.us or mailed to the Subcommittee on Workforce, Council of the District of Columbia, Suite 408 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on November 3, 2016.

**COUNCIL OF THE DISTRICT OF COLUMBIA
SUBCOMMITTEE ON LOCAL BUSINESS DEVELOPMENT AND
UTILITIES**

NOTICE OF PUBLIC ROUNDTABLE

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE OF THE WHOLE: SUBCOMMITTEE ON LOCAL BUSINESS
DEVELOPMENT AND UTILITIES**

ANNOUNCES A PUBLIC ROUNDTABLE ON

Small Business Saturday, Made in DC implementation, and other Small Business Support

on

**Thursday, November 17, 2016, 2 p.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember Charles Allen, Chairperson of the Subcommittee on Local Business Development and Utilities, announces a public roundtable on Small Business Saturday, the Made in DC implementation, and other small business supports provided by the Department of Small and Local Business Development (DSLBD). The roundtable will be held at 2:00 p.m. on Thursday, November 17, 2016 in room 412 of the John A. Wilson Building.

The purpose of the roundtable is to discuss the District's Small Business Saturday initiative, and DSLBD's implementation of the Made in DC Program Establishment Act of 2016 (D.C. Law 21-0135) and its other small business support efforts.

The Subcommittee invites the public to testify. Those who wish to testify are asked to contact Ms. Jamie Gorosh, Legal Fellow with the Subcommittee, via email at jgorosh@dccouncil.us or at (202) 741-0929 to provide your name, address, telephone number, organizational affiliation and title (if any), by close of business Tuesday, November 15, 2016. Persons wishing to testify are encouraged to bring 15 copies of written testimony to the roundtable. If electronic testimony is submitted by the close of business on November 15, 2016, the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to jgorosh@dccouncil.us or to the Subcommittee on Local Business Development and Utilities, 1350 Pennsylvania Avenue, N.W., Suite 406, Washington, D.C. 20004. The record will close at 5:00 p.m. on November 22, 2016.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

A reprogramming will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a reprogramming will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Room 5 Washington, D.C. 20004. Copies of reprogrammings are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 21-237: Request to reprogram \$1,078,919 of Fiscal Year 2016 Local funds budget authority within the Department of Employment Services (DOES) was filed in the office of the Secretary on October 20, 2016. This reprogramming ensures that the agency is able to cover participant wages and vendor payments within the Transitional Employment Program (TEP) through the end of the fiscal year.

RECEIVED: 14 day review begins October 21, 2016

Reprog. 21-238: Request to reprogram \$3,750,000 of Fiscal Year 2016 Local funds budget authority from Workforce Investments to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on October 20, 2016. This reprogramming ensures that DMPED is able to support a Tax Increment Financing (TIF) bond issuance by paying for capitalized interest, creating the debt service reserve, and cash-funding the bond proceeds.

RECEIVED: 14 day review begins October 21, 2016

Reprog. 21-239: Request to reprogram \$871,140 of Fiscal Year 2016 Local funds budget authority within the Office of the Chief Financial Officer (OCFO) was filed in the Office of the Secretary on October 20, 2016. This reprogramming covers fee payments for certain software licenses and other contract-related costs within the agency, which are higher than anticipated.

RECEIVED: 14 day review begins October 21, 2016

Reprog. 21-240: Request to reprogram \$900,000 of Fiscal Year 2016 Local funds within the Department of Public Works (DPW) was filed in the Office of the Secretary on October 20, 2016. This reprogramming ensures that DPW will be able to align the budget with projected year-end expenditures for fleet maintenance and repairs for vehicles and equipment.

RECEIVED: 14 day review begins October 21, 2016

Reprog. 21-241: Request to reprogram \$500,450 of Fiscal Year 2016 Local funds budget authority from the Office of the Attorney General for the District of Columbia (OAG) to the Pay-As-You-Go (Paygo) was filed in the Office of the Secretary on October 20, 2016. This reprogramming ensures that OAG is able to transform its existing conference rooms into state-of-the-art Smart Room System Teleconferencing Centers.

RECEIVED: 14 day review begins October 21, 2016

Reprog. 21-242: Request to reprogram \$1,384,503 of Fiscal Year 2016 Local funds budget authority from the Office of the Chief Technology Officer (OCTO) to the Pay-As-You-Go (Paygo) was filed in the Office of the Secretary on October 20, 2016. This reprogramming ensures that OAG is able to transform its existing conference rooms into state-of-that-art Smart Room System Teleconferencing Centers.

RECEIVED: 14 day review begins October 21, 2016

Reprog. 21-243: Request to reprogram \$5,070,634 of Pay-As-You-Go (Paygo) Capital Funds budget authority and allotment from the District of Columbia Public Schools (DCPS) to the Local funds budget of DCPS was filed in the Office of the Secretary on October 20, 2016. This reprogramming will ensure that there is a sufficient available operating budget in these programs to cover this expense.

RECEIVED: 14 day review begins October 21, 2016

Reprog. 21-244: Request to reprogram \$240,240 of Fiscal Year 2016 Local funds budget authority from the Office of the Attorney General for the District of Columbia (OAG) to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on October 20, 2016. This reprogramming is needed to pay for office equipment and fleet upgrades in FY 2017.

RECEIVED: 14 day review begins October 24, 2016

Reprog. 21-245: Request to reprogram \$1,000,000 of Fiscal Year 2016 Local funds budget authority from the Department of Forensic Sciences (DFS) to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on October 21, 2016. This reprogramming is needed to support the replacement of critical laboratory equipment that has reached the end of its useful life.

RECEIVED: 14 day review begins October 24, 2016

Reprog. 21-246: Request to reprogram \$140,000 of Fiscal Year 2016 Local funds budget authority from the Department of Energy and Environment (DOEE) to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on October 21, 2016. This reprogramming ensures that DOEE is able to support the remedial investigation and collection of sediments in the Anacostia River and assist with the removal of hazardous materials on District land.

RECEIVED: 14 day review begins October 24, 2016

Reprog. 21-247: Request to reprogram \$7,081,000 of Fiscal Year 2016 Local funds budget authority within the Department of General Services (DGS) was filed in the Office of the Secretary on October 21, 2016. This reprogramming is needed to address budget pressures in the water, electricity and sustainable activities within Energy – Centrally Managed division as well as in certain personal services areas.

RECEIVED: 14 day review begins October 24, 2016

Reprog. 21-248: Request to reprogram \$77,283 of Fiscal Year 2016 Local funds budget authority from the Department of General Services (DGS) to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on October 21, 2016. This reprogramming is needed to pay for general improvements within DPR.

RECEIVED: 14 day review begins October 24, 2016

Reprog. 21-249: Request to reprogram \$5,500,000 of Fiscal Year 2016 Local funds budget authority from the Department of General Services (DGS), the Unemployment Compensation Fund (UCF), the Department of Human Services (DHS), and Special Education Transportation (SET) to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on October 21, 2016. This reprogramming is needed to support the cost of critical improvements to shelters as well as five DOCA senior wellness centers.

RECEIVED: 14 day review begins October 24, 2016

Reprog. 21-250: Request to reprogram \$40,000,000 of Fiscal Year 2016 Local funds budget authority from several agencies to the Housing Production Trust Fund (HPTF) was filed in Office of the Secretary on October 21, 2016. This reprogramming allocates funding projected from agency saving in the current fiscal year to the HPTF, which is a non-lapsing account.

RECEIVED: 14 day review begins October 24, 2016

Reprog. 21-251: Request to reprogram \$1,000,000 of Fiscal Year 2017 Local funds budget authority within the Department of For-Hire Vehicles (DFHV) was filed in the Office of the Secretary on October 21, 2016. This reprogramming ensures that DFHV is able to properly allocate funding for the Marketing and Outreach program.

RECEIVED: 14 day review begins October 24, 2016

Reprog. 21-252: Request to reprogram \$708,916 of Fiscal Year 2016 Capital funds budget and allotment within the District Department of Transportation (DDOT) was filed in the Office of Secretary on October 21, 2016. This reprogramming is needed to ensure that DDOT appropriately aligns the TIGER grant budget in SOAR with the approved modifications from Metropolitan Washington Council on Governments as well as to prepare the grant for close in align with the approved modifications by MWCOG, FTA and estimates from DDOT.

RECEIVED: 14 day review begins October 24, 2016

Reprog. 21-253: Request to reprogram \$1,929,718 of Fiscal Year 2017 Local funds budget authority within the Fire and Emergency Medical Services Department (FEMS) was filed in the Office of the Secretary on October 21, 2016. This reprogramming ensures that FEMS has adequate funding for ongoing uniform, supplies, vehicle parts and services, training, medical supplies, and software, and software maintenance needs.

RECEIVED: 14 day review begins October 24, 2016

Reprog. 21-254: Request to reprogram \$6,440,222 of Fiscal Year 2016 Pay-As-You-Go (Paygo) Capital funds budget authority and allotment from the District Department of Transportation (DDOT) to the Local funds budget of the Department of Housing and Community Development (DHCD) was filed in the Office of the Secretary on October 21, 2016. This reprogramming is needed for administrative costs.

RECEIVED: 14 day review begins October 24, 2016

Reprog. 21-255: Request to reprogram \$62,802,096 of Fiscal Year 2016 Local funds budget authority from Repay Emergency and Contingency Reserve Funds (RECRF) to several District agencies was filed in the Office of the Secretary on October 21, 2016. This reprogramming is needed to make a necessary accounting cleanup of these resources for the purpose of the Comprehensive Annual Financial Report (CAFR).

RECEIVED: 14 day review begins October 24, 2016

Reprog. 21-256: Request to reprogram \$20,000,000 of Fiscal Year 2016 Local funds budget authority from various agencies to the Pay-As-You-Go (Paygo) Capital Fund to support various capital projects was filed in the Office of the Secretary on October 21, 2016. This reprogramming is needed for capital eligible projects within various agencies (OCFO, OSSE, DPR and DDOT).

RECEIVED: 14 day review begins October 24, 2016

Reprog. 21-257: Request to reprogram \$300,000 of Fiscal Year 2016 Local funds budget authority from the Department of Small and Local Business Development (DSLBD) to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on October 21, 2016. This reprogramming is needed to design, build, test and implement a comprehensive Enterprise-Wide Customer Relationship Management.

RECEIVED: 14 day review begins October 24, 2016

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 28, 2016
Petition Date: December 12, 2016
Hearing Date: December 27, 2016

License No.: ABRA-099470
Licensee: Hewan, Inc.
Trade Name: Benning Heights Market
License Class: Retailer's Class "B" Grocery
Address: 547 42nd Street, N.E.
Contact: Abreham W. Minsun, Owner: 202-779-7991

WARD 7 ANC 7D SMD 7D06

Notice is hereby given that this licensee has applied for a Substantial Change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Change of Hours of Operation.

CURRENT HOURS OF OPERATION

Sunday through Saturday 7 am – 12 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 8 am – 12 am

PROPOSED HOURS OF OPERATION

Sunday through Saturday 12 am – 12 am (24 Hour Operation)

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 8 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 28, 2016
Petition Date: December 12, 2016
Hearing Date: December 27, 2016
Protest Date: February 22, 2017

License No.: ABRA-104129
Licensee: Boulangerie Christophe, LLC
Trade Name: Boulangerie Christophe
License Class: Retailer's Class "C" Restaurant
Address: 1422 Wisconsin Avenue, N.W.
Contact: Amy Veloz: (202) 686-7600

WARD 2

ANC 2E

SMD 2E03

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on February 22, 2017 at 4:30pm.

NATURE OF OPERATION

New C Restaurant with a Total Occupancy Load of 104 seats inside and a Summer Garden with 58 seats.

HOURS OF OPERATION FOR PREMISES AND SUMMER GARDEN

Sunday through Saturday 7:30 am – 9:00 pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR PREMISES AND SUMMER GARDEN

Sunday through Saturday 8:00 am – 9:00 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/28/2016

Notice is hereby given that:

License Number: ABRA-090865

License Class/Type: C Tavern

Applicant: Buzz, LLC

Trade Name: Homestead

ANC: 4C08

Has applied for the renewal of an alcoholic beverage license at the premises:

3911 GEORGIA AVE NW, WASHINGTON, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

12/12/2016

A HEARING WILL BE HELD ON:

12/27/2016

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	8 am - 2 am	8 am - 2 am
Monday:	8 am - 2 am	8 am - 2 am	8 am - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am	8 am - 3 am

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	8 am - 2 am	8 am - 2 am
Monday:	8 am - 2 am	8 am - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/28/2016

Notice is hereby given that:

License Number: ABRA-084689

License Class/Type: C Tavern

Applicant: Modern Dining Concepts, LLC

Trade Name: The Haymaker

ANC: 6A01

Has applied for the renewal of an alcoholic beverage license at the premises:

1015 H ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

12/12/2016

A HEARING WILL BE HELD ON:

12/27/2016

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 3:30 am	10 am - 1:30 am	6 pm - 12 am
Monday:	8 am - 3:30 am	10 am - 1:30 am	6 pm - 12 am
Tuesday:	8 am - 3:30 am	10 am - 1:30 am	6 pm - 12 am
Wednesday:	8 am - 3:30 am	10 am - 1:30 am	6 pm - 12 am
Thursday:	8 am - 3:30 am	10 am - 1:30 am	6 pm - 12 am
Friday:	8 am - 3:30 am	10 am - 2:30 am	6 pm - 12 am
Saturday:	8 am - 3:30 am	10 am - 2:30 am	6 pm - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/28/2016

Notice is hereby given that:

License Number: ABRA-100517

License Class/Type: C Nightclub

Applicant: PFM Restaurants, LLC

Trade Name: District Anchor

ANC: 2B06

Has applied for the renewal of an alcoholic beverage license at the premises:

1900 M ST NW, Washington, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

12/12/2016

A HEARING WILL BE HELD ON:

12/27/2016

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11:30 am - 2 am	11:30 am - 2 am	-
Monday:	11:30 am - 2 am	11:30 am - 2 am	-
Tuesday:	11:30 am - 2 am	11:30 am - 2 am	-
Wednesday:	11:30 am - 2 am	11:30 am - 2 am	-
Thursday:	11:30 am - 2 am	11:30 am - 2 am	-
Friday:	11:30 am - 3 am	11:30 am - 3 am	-
Saturday:	11:30 am - 3 am	11:30 am - 3 am	-

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	11:30 am - 2 am	11:30 am - 2 am
Monday:	11:30 am - 2 am	11:30 am - 2 am
Tuesday:	11:30 am - 2 am	11:30 am - 2 am
Wednesday:	11:30 am - 2 am	11:30 am - 2 am
Thursday:	11:30 am - 2 am	11:30 am - 2 am
Friday:	11:30 am - 3 am	11:30 am - 3 am
Saturday:	11:30 am - 3 am	11:30 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/28/2016

Notice is hereby given that:

License Number: ABRA-087685

License Class/Type: C Tavern

Applicant: Good Life 1207 LLC.

Trade Name: Irish Whiskey

ANC: 2B06

Has applied for the renewal of an alcoholic beverage license at the premises:

1207 19TH ST NW, WASHINGTON, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

12/12/2016

A HEARING WILL BE HELD ON:

12/27/2016

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8am - 2am	10am - 2am	6pm - 2am
Monday:	8am - 2am	8am - 2am	6pm - 2am
Tuesday:	8am - 2am	8am - 2am	6pm - 2am
Wednesday:	8am - 2am	8am - 2am	6pm - 2am
Thursday:	8am - 2am	8am - 2am	6pm - 2am
Friday:	8am - 3am	8am - 3am	6pm - 3am
Saturday:	8am - 3am	8am - 3am	6pm - 3am

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	8am - 1am	10am - 1am
Monday:	8am - 1am	8am - 1am
Tuesday:	8am - 1am	8am - 1am
Wednesday:	8am - 1am	8am - 1am
Thursday:	8am - 2am	8am - 2am
Friday:	8am - 2am	8am - 2am
Saturday:	8am - 2am	8am - 2am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/28/2016

Notice is hereby given that:

License Number: ABRA-094562

License Class/Type: C Tavern

Applicant: Rockfish, LLC

Trade Name: Stonefish Grill & Lounge

ANC: 2B05

Has applied for the renewal of an alcoholic beverage license at the premises:

1050 17TH ST NW, WASHINGTON, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

12/12/2016

A HEARING WILL BE HELD ON:

12/27/2016

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Cover Charge Dancing Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Monday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Tuesday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Wednesday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Thursday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Friday:	11:30 am - 3 am	11:30 am - 3 am	6 pm - 3 am
Saturday:	11:30 am - 3 am	11:30 am - 3 am	6 pm - 3 am

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	5 pm - 11 pm	5 pm - 11 pm
Monday:	11:30 am - 11 pm	11:30 am - 11 pm
Tuesday:	11:30 am - 11 pm	11:30 am - 11 pm
Wednesday:	11:30 am - 11 pm	11:30 am - 11 pm
Thursday:	11:30 am - 11 pm	11:30 am - 11 pm
Friday:	11:30 am - 11 pm	11:30 am - 11 pm
Saturday:	5 pm - 11 pm	5 pm - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/28/2016

Notice is hereby given that:

License Number: ABRA-094244

License Class/Type: C Nightclub

Applicant: RCX, LLC

Trade Name: Stadium Club

ANC: 5C02

Has applied for the renewal of an alcoholic beverage license at the premises:

2127 QUEENS CHAPEL RD NE, WASHINGTON, DC 20018

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

12/12/2016

A HEARING WILL BE HELD ON:

12/27/2016

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 3 am	11 am - 2 am	-
Monday:	11 am - 3 am	11 am - 2 am	-
Tuesday:	11 am - 3 am	11 am - 2 am	-
Wednesday:	11 am - 3 am	11 am - 2 am	-
Thursday:	11 am - 3am	11 am - 2 am	-
Friday:	11 am - 4 am	11 am - 3 am	-
Saturday:	11 am - 4 am	11 am - 3 am	-

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	11 am - 2 am	11 am - 2 am
Monday:	11 am - 2 am	11 am - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am
Thursday:	11 am - 2 am	11 am - 2 am
Friday:	11 am - 3 am	11 am - 3 am
Saturday:	11 am - 3 am	11 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/28/2016

Notice is hereby given that:

License Number: ABRA-070728

License Class/Type: C Tavern

Applicant: Etete Ethiopian Cuisine Llc

Trade Name: Etete Ethiopian Cuisine

ANC: 1B02

Has applied for the renewal of an alcoholic beverage license at the premises:

1942 9TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

12/12/2016

A HEARING WILL BE HELD ON:

12/27/2016

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	10 pm - 2 am
Monday:	9 am - 2 am	9 am - 2 am	10 pm - 2 am
Tuesday:	9 am - 2 am	9 am - 2 am	10 pm - 2 am
Wednesday:	9 am - 2 am	9 am - 2 am	10 pm - 2 am
Thursday:	9 am - 2 am	9 am - 2 am	10 pm - 2 am
Friday:	9 am - 3 am	9 am - 3 am	10 pm - 3 am
Saturday:	9 am - 3 am	9 am - 3 am	10 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/28/2016

Notice is hereby given that:

License Number: ABRA-090274

License Class/Type: C Tavern

Applicant: Hache Lounge, LLC

Trade Name: Hache Lounge

ANC: 4D02

Has applied for the renewal of an alcoholic beverage license at the premises:

441 KENNEDY ST NW, WASHINGTON, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

12/12/2016

A HEARING WILL BE HELD ON:

12/27/2016

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 3 am	11 am - 2 am	11 am - 3 am
Monday:	11 am - 3 am	11 am - 2 am	11 am - 3 am
Tuesday:	11 am - 3 am	11 am - 2 am	11 am - 3 am
Wednesday:	11 am - 3 am	11 am - 2 am	11 am - 3 am
Thursday:	11 am - 3 am	11 am - 2 am	11 am - 3 am
Friday:	11 am - 3 am	11 am - 2 am	11 am - 3 am
Saturday:	11 am - 3 am	11 am - 2 am	11 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/30/2016

****RESCIND****

Notice is hereby given that:

License Number: ABRA-082216

License Class/Type: C Tavern

Applicant: Dickson THC, LLC

Trade Name: Dickson Wine

ANC: 1B02

Has applied for the renewal of an alcoholic beverage license at the premises:

903 - 905 U ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

11/14/2016

A HEARING WILL BE HELD ON:

11/28/2016

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 2 am	12 pm - 2 am	6 pm - 2 am
Monday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Tuesday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Wednesday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Thursday:	5 pm - 2 am	5 pm - 2 am	6 pm - 2 am
Friday:	5 pm - 3 am	5 pm - 3 am	6 pm - 3 am
Saturday:	12 pm - 3 am	12 pm - 3 am	6 pm - 3 am

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	12pm - 2am	12pm - 2am
Monday:	5pm - 2am	5pm - 2am
Tuesday:	5pm - 2am	5pm - 2am
Wednesday:	5pm - 2am	5pm - 2am
Thursday:	5pm - 2am	5pm - 2am
Friday:	5pm - 3am	5pm - 3am
Saturday:	12pm - 3am	12pm - 3am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/28/2016

Notice is hereby given that:

License Number: ABRA-079370

License Class/Type: C Tavern

Applicant: MDM, LLC

Trade Name: Takoma Station Tavern

ANC: 4B02

Has applied for the renewal of an alcoholic beverage license at the premises:

6914 4TH ST NW, WASHINGTON, DC 20012

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

12/12/2016

A HEARING WILL BE HELD ON:

12/27/2016

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	10 am - 1:30 am
Monday:	10 am - 2 am	10 am - 2 am	10 am - 1:30 am
Tuesday:	10 am - 2 am	10 am - 2 am	10 am - 1:30 am
Wednesday:	10 am - 2 am	10 am - 2 am	10 am - 1:30 am
Thursday:	10 am - 2 am	10 am - 2 am	10 am - 1:30 am
Friday:	10 am - 3 am	10 am - 3 am	10 am - 2:30 am
Saturday:	10 am - 3 am	10 am - 3 am	10 am - 2:30 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 28, 2016
Petition Date: December 12, 2016
Hearing Date: December 27, 2016
Protest Date: February 22, 2017

License No.: ABRA-104498
Licensee: Whole Food Market Group, Inc.
Trade Name: Whole Foods Market
License Class: Retailer's Class "D" Restaurant
Address: 600 H Street, N.E.
Contact: Amy Veloz: (202) 686-7600

WARD 6

ANC 6C

SMD 6C05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on February 22, 2017 at 1:30pm.

NATURE OF OPERATION

A market that will serve hot and cold meals which includes salads, sandwiches, pizza, sushi, baked goods, and non-alcoholic beverages. Total Occupancy Load of 139 seats inside café. Summer Garden with seating for 85.

HOURS OF OPERATION INSIDE PREMISES AND FOR SUMMER GARDEN

Sunday through Saturday 8:00 am – 10:30 pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES AND FOR SUMMER GARDEN

Sunday through Saturday 9:00 am – 10:30 pm

**DISTRICT OF COLUMBIA DEPARTMENT OF FOR-HIRE VEHICLES
GOVERNMENT OF THE DISTRICT OF COLUMBIA**

NOTICE OF PUBLIC HEARING

Review of the Taxicab Rate Structure

The Department of For-Hire Vehicles (“DFHV” or “Department”) has scheduled a Public Hearing to be held at 10:00 a.m. on Friday, November 4, 2016 at 2235 Shannon Place, SE, Washington, DC 20020, in the Hearing Room, Suite 2032, to undertake a review of the taxicab rate structure.

The DFHV will divide the hearing into two parts, as explained below. Participants are reminded that this is an issue of importance to the public vehicle for-hire industry. Therefore, statements should be confined to rate making issues, and testimony should cite the specific section of Title 31 of the D.C. Municipal Regulations that is a concern, and provide a suggestion for alternative language, if appropriate. The taxicab rate rules relevant to the Department’s review appear in Title 31 of the D.C. Municipal Regulations (including § 801 (Passenger Rates and Charges), and § 804 (Snow Emergency Fares)). Although speakers will have a certain amount of time to speak, as indicated below, speakers are asked to be brief and concise, and to directly address specific issues of concern. All speakers should be prepared to answer questions that may be posed by the Department during the hearing.

The Public Hearing will be divided into two parts.

Part One: public vehicle-for-hire businesses, advocacy groups (including unions), taxicab companies, and taxicab associations. These entities may appear through their representatives, including leaders, managers, owners, and/or attorneys. Each participant will be limited to 30 minutes, and must provide DFHV with 10 paper copies of its written testimony in advance (to be delivered to the Department’s Secretary by the deadline for registration to speak (see below)). All speakers must register with the Secretary by Wednesday, November 2, 2016 at 4:00 p.m.

Part Two: individual public vehicle-for-hire stakeholders, independent owners, rental operators, and the general public (including entities and individuals). Given time restrictions, a speaker may not participate in Part Two if the speaker was represented by an individual who participates in Part One. Each participant in this part will be limited to five minutes. Although not required, each participant in this part is encouraged to submit his or her written testimony to the Secretary in advance of the hearing. All speakers must register with the Secretary by Wednesday, November 2, 2016 at 4:00 p.m.

The Secretary to the Department, Juanda Mixon, may be reached at 202-645-6002.

The Public Hearing will take place at the following time and location:

FRIDAY, NOVEMBER 4, 2016 AT 10:00 AM

**2235 SHANNON PLACE, SE, WASHINGTON, DC 20020
HEARING ROOM, SUITE 2032**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF FINAL RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in Section 101(a) of the Title 25, D.C. Code Enactment and Related Amendments Act of 2001, effective May 3, 2001 (D.C. Law 13-298; D.C. Official Code § 25-351(a) (2012 Repl.)), hereby gives notice of its intent to take final rulemaking action to amend Section 307 (West Dupont Circle Moratorium Zone) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

In summary, these rules renew the existing West Dupont Circle Moratorium Zone (WDCMZ) with certain modifications for a period of three (3) years. Specifically, the rules amend Section 307 to maintain the current limit on the number of retailer's Class CN and DN licenses, and remove the previous limitation on all other retailer class licenses in the WDCMZ.

The Board originally adopted Emergency and Proposed Rules extending the WDCMZ on August 12, 2015. Those rules were published in the *D.C. Register* on September 4, 2015, at 62 DCR 12241 [EXPIRED]. On December 9, 2015, the Board adopted Emergency Rules which extended the proposed amendments previously adopted by the Board. The emergency rules, which were published in the *D.C. Register* on March 11, 2016, at 63 DCR 3782, expired on April 9, 2016. Thereafter, the Board re-adopted Emergency and Proposed Rules on March 30, 2016, to avoid having the emergency rules expire while the proposed rulemaking underwent the mandatory ninety (90)-day Council review period. These Second Emergency and Proposed Rules were published in the *D.C. Register* on June 17, 2016, at 63 DCR 8533 [EXPIRED]. On July 27, 2016, the Board adopted emergency rules to avoid the expiration of the West Dupont Moratorium while the emergency and proposed rules were still undergoing Council Review. See Notice of Second Emergency Rulemaking published at 63 DCR 10997 (August 26, 2016).

On September 20, 2016, the Council's ninety (90)-day review period expired. As such, the Emergency and Proposed Rules were deemed approved at that time. See PR21-801, <http://lims.dccouncil.us/Legislation/PR21-0801?FromSearchResults=true>.

The Board adopted the Notice of Final Rulemaking on September 28, 2016, by a vote of five (5) to zero (0). No changes have been made to the rules since they were published in the *D.C. Register* on June 7, 2016, and the Board did not receive any comments during the public comment period. The final rules shall not take effect until five (5) days after they are published in the *D.C. Register*, and they shall supersede the Notice of Second Emergency Rulemaking.

Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 307 is amended to read as follows:

307 WEST DUPONT CIRCLE MORATORIUM ZONE

- 307.1 A limit shall exist on the number of retailer's licenses issued in the area that extends approximately six hundred feet (600 ft.) in all directions from the intersection of 21st and P Streets, N.W., Washington, D.C., as follows: Class CN or DN - Zero (0). This area shall be known as the West Dupont Circle Moratorium Zone.
- 307.2 The West Dupont Circle Moratorium Zone is more specifically described as the area bounded by a line beginning at 22nd Street and Florida Avenue, N.W.; continuing north on Florida Avenue, N.W., to R Street, N.W.; continuing east on R Street, N.W., to 21st Street, N.W.; continuing south on 21st Street, N.W., to Hillyer Place, N.W.; continuing east on Hillyer Place, N.W., to 20th Street, N.W.; continuing south on 20th Street, N.W., to Q Street, N.W.; continuing east on Q Street, N.W., to Connecticut Avenue, N.W.; continuing southeast on Connecticut Avenue, N.W., to Dupont Circle; continuing southwest around Dupont Circle to New Hampshire Avenue, N.W.; continuing southwest on New Hampshire Avenue, N.W., to N Street, N.W.; continuing west on N Street, N.W., to 22nd Street, N.W.; and continuing north on 22nd Street, N.W., to Florida Avenue, N.W. (the starting point).
- 307.3 All hotels, whether present or future, shall be exempt from the West Dupont Circle Moratorium Zone. The 1500 block of Connecticut Avenue, N.W., shall be exempt from the West Dupont Circle Moratorium Zone. Establishments located in, or to be located in, the New Hampshire side of One Dupont Circle, N.W., shall be exempt from the West Dupont Circle Moratorium Zone.
- 307.4 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license Class A, B, CR, CT, CX, DR, DT, or DX located within the West Dupont Circle Moratorium Zone, subject to the requirements of the Act and this title.
- 307.5 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the West Dupont Circle Moratorium Zone to a new location within the West Dupont Circle Moratorium Zone.
- 307.6 A CN/DN license holder outside the West Dupont Circle Moratorium Zone shall not be permitted to transfer its license to a location within the West Dupont Circle Moratorium Zone.
- 307.7 Subject to the limitation set forth in subsection 307.8, nothing in this section shall prohibit the filing of a license application or a valid protest of any transfer or change of license class.
- 307.8 No licensee in the West Dupont Circle Moratorium Zone shall be permitted to request a change of license class to CN, or DN.

- 307.9 A current holder of a retailer's license Class A, B, C, or D within the West Dupont Moratorium Zone shall not be permitted to apply to the Board for expansion of service or sale of alcoholic beverages into any adjoining or adjacent space, property, or lot, unless:
- (a) The prior owner or occupant has held within the last five (5) years a retailer's license Class A, B, C, or D; or
 - (b) The applicant is a Class CR or DR licensee and the prior owner or occupant has held during the last three (3) years, and continues to hold at the time of application, a valid restaurant license from the Department of Consumer and Regulatory Affairs.
- 307.10 The number of substantial change applications approved by the Board for expansion of service or sale of alcoholic beverages into an adjoining or adjacent space, property, or lot, as allowed under subsection 307.9, shall not exceed three (3) during the three (3) year period of the West Dupont Circle Moratorium Zone.
- 307.11 Nothing in this section shall prohibit holders of a retailer's license Class C or D from applying for outdoor seating in public space.
- 307.12 This section shall expire three (3) years after the date of publication of the notice of final rulemaking.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FINAL RULEMAKING**LIHEAP: Low Income Home Energy Assistance Program**

The Director of the Department of Energy and Environment (Department), pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl. & 2016 Supp.)); the District of Columbia Office of Energy Act of 1980, effective March 4, 1981 (D.C. Law 3-132; D.C. Official Code §§ 8-171.01 *et seq.* (2013 Repl.)); the Low Income Home Energy Assistance Act of 1981, approved August 13, 1981 (95 Stat. 893; 42 U.S.C. §§ 8621 *et seq.*); and Mayor's Order 2006-61, dated June 14, 2006, hereby amends Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR) by adopting a new Chapter 36 (Energy Assistance and Conservation Programs).

The rulemaking establishes procedures for the administration of the Low Income Home Energy Assistance Program (LIHEAP) and other programs that provide energy assistance, weatherization, energy conservation, or other energy services to low income customers in the District of Columbia.

The Department published a Notice of Proposed Rulemaking on April 22, 2016 in the *D.C. Register*, at 63 DCR 6187. The Department considered comments received during the comment period, and, in response to comments submitted by the public, has made non-substantial revisions that clarify the original intent of the rules. Interested persons can find both the comments and the Department's response to those comments at <http://doee.dc.gov/>. These rules were adopted as final on October 19, 2016, and will become effective upon publication of this notice in the *D.C. Register*.

Title 20 DCMR, ENVIRONMENT, is amended by adding a new Chapter 36 as follows:

CHAPTER 36 ENERGY ASSISTANCE AND CONSERVATION PROGRAMS

3600	SCOPE - ENERGY ASSISTANCE AND CONSERVATION PROGRAMS
3601	LIHEAP - GENERAL PROVISIONS
3602	LIHEAP - STATE PLAN DEVELOPMENT
3603	LIHEAP - APPLICATION PROCESS
3604	LIHEAP - APPLICANTS
3605	LIHEAP - ELIGIBILITY FOR A BENEFIT
3606	LIHEAP - AVAILABLE PROGRAM BENEFIT, BENEFIT LIMITATIONS & PROGRAM SUSPENSION
3607	LIHEAP - PROGRAM BENEFIT CALCULATION AND PAYMENT
3608	LIHEAP - IN-KIND ASSISTANCE BENEFIT
3609	LIHEAP - [RESERVED]
3618	LIHEAP - VENDOR AGREEMENT
3619	LIHEAP - DENIAL, REDUCTION, OR REVOCATION

3620 LIHEAP - ADMINISTRATIVE APPEALS
3699 DEFINITIONS

3600 SCOPE - ENERGY ASSISTANCE AND CONSERVATION PROGRAMS

3600 This chapter provides the purposes, process, eligibility criteria, benefit and payment guidance, and appeal procedures for the Department's various programs that provide energy assistance, weatherization, energy conservation, or other energy services.

3601 LIHEAP – GENERAL PROVISIONS

3601.1 Sections 3601 through 3620 and the applicable definitions in § 3699 provide the purposes, process, eligibility criteria, benefit and payment guidance, and appeal procedures for the Department's Low Income Home Energy Assistance Program (Program).

3601.2 The Department may execute contracts, grants, and agreements as necessary to carry out the Program.

3601.3 The Department's application and use of LIHEAP funds shall adhere to the requirements of the Low Income Home Energy Assistance Act of 1981 approved August 13, 1981 (95 Stat. 893; 42 U.S.C. §§ 8621 *et seq.*).

3601.4 Nothing in this chapter shall be interpreted to mean that a benefit provided through this Program is an entitlement, continuing or otherwise.

3601.5 Nothing in this chapter shall be interpreted to mean that an energy assistance benefit is a grant subject to 1 DCMR §§ 5000 *et seq.* or the City-Wide Grants Manual and Sourcebook, and neither a notice to a person of a determination that is made pursuant to this chapter, nor the determination itself, shall be governed by their provisions.

3602 LIHEAP – STATE PLAN DEVELOPMENT

3602.1 The Department shall annually develop and submit for approval to the US Department of Health and Human Services, or its successor, a State Plan that meets the requirements of the Low Income Energy Assistance Act of 1981, approved August 13, 1981 (95 Stat. 893; 42 U.S.C. §§ 8621 *et seq.*) and the implementing regulations in 45 C.F.R. §§ 96.1 through 96.68, and §§ 96.80 through 96.89.

3602.2 The Department shall adhere to the terms of the approved State Plan.

3602.3 For each fiscal year that the Program is administered, the Department shall publish notice of the draft State Plan in the *D.C. Register* and provide the public with notice and an opportunity to provide written comments.

3602.4 The Department shall publish the approved State Plan within one (1) calendar month of the date the State Plan is approved by the U.S. Department of Health and Human Services.

3603 LIHEAP – APPLICATION PROCESS

3603.1 In order to be eligible to receive LIHEAP benefits, a person shall file an application with the Department.

3603.2 The Department shall prescribe, and provide a paper or electronic application to be signed by the applicant under penalty of perjury.

3603.3 An authorized representative may apply on behalf of an applicant if the applicant provides:

- (a) A written and signed statement stating why the applicant cannot complete an application without a representative; and
- (b) The name and address of the person authorized to act on the applicant's behalf.

3603.4 If requested by an applicant with a disability, or the representative of a person with a disability authorized pursuant to § 3603.2, the Department shall assist the applicant or representative with the aspects of the application process necessary to ensure that the applicant with a disability has an equal opportunity to submit an application.

3603.5 The Department may also assist an applicant in the application process who is unable to apply for the benefit in person for a reason other than disability, including making a visit to an applicant's home, if:

- (a) The applicant is sixty-five (65) or older, infirm, or unable to travel; or
- (b) The applicant's residence is located in a building or complex of buildings that house many other likely applicants.

3603.6 As a condition of eligibility, each applicant shall sign:

- (a) Upon receipt of the notice of an applicant's rights and responsibilities and the Department's responsibilities, a statement acknowledging his/her receipt; and

- (b) A release form authorizing the Department to obtain or verify information necessary to process the application.

3603.7 Each applicant shall cooperate fully in establishing his or her eligibility, the nature of the need, and the extent of the need, each of which shall include providing documentation or other proof of:

- (a) Household composition;
- (b) Income; and
- (c) Any additional information that the State Plan requires.

3603.8 The Department may obtain the information used in determining eligibility from a document, telephone conversation or interview for which notes are taken, data from another government agency or energy provider, or from internet data.

3603.9 The Department shall complete the eligibility and benefit determination in as short a time as possible after the date the Department receives a completed application, but not later than the standard identified in the State Plan, except that the following shall toll the deadline:

- (a) An applicant's failure to supply information to document facts stated in an application;
- (b) An inability to contact an applicant after three (3) attempts;
- (c) Evidence of misrepresentation in an application;
- (d) A failure to respond by a third party from whom the Department has requested information and over whom the Department has no control; or
- (e) A delay in receipt of necessary information over which the Department has no control.

3603.10 If the Department determines that an applicant's participation in an additional energy conservation or rebate program would assist an applicant in minimizing the need for a benefit, the Department may require that the applicant participate in an additional program.

3603.11 If an applicant is seeking an emergency benefit, as defined in this chapter, the Department shall take all reasonable steps necessary to process the application within the time period specified in the most recently approved State Plan.

- 3603.12 If an applicant is determined eligible for an emergency benefit or a regular benefit, as defined in this chapter, the Department shall provide the applicant with a LIHEAP Benefit Letter, which shall include:
- (a) A clear statement of the benefit formula or the benefit matrix used to calculate the amount;
 - (b) A clear and detailed statement of the amount of the emergency or regular benefit for which the applicant has been determined eligible;
 - (c) Additional information or authorization needed from the applicant for the Department to proceed with the disbursement the benefit; and
 - (d) A clear and complete statement of the applicant's right to appeal the eligibility or assistance determination through fair hearing and administrative review proceedings, including each deadline for requesting the appeal and the applicant's procedural rights.
- 3603.13 The Department shall provide each applicant with notice of a determination.

3604 LIHEAP – APPLICANTS

- 3604.1 One person dwelling in the applicant household, or a representative authorized pursuant to § 3603.3, may apply for assistance on behalf of the entire household.
- 3604.2 For the purposes of determining eligibility and a benefit amount, a person who lives in the household shall be included in the LIHEAP household.
- 3604.3 A person temporarily away from home due to employment, hospitalization, vacation, or a visit shall be considered to be living in the household.
- 3604.4 A minor child who is away at school is considered to be living in the household if he or she returns to the home:
- (a) On a weekend during the school year;
 - (b) During a calendar holiday; or
 - (c) During a school vacation.

- 3604.5 The Department shall determine the makeup of the household pursuant to the definition provided in 42 U.S.C. § 8622.

3605 LIHEAP – ELIGIBILITY FOR A BENEFIT

- 3605.1 In order to be eligible for a Program benefit, each applicant household shall:

- (a) Be financially eligible, by meeting the annual income eligibility requirement of the State Plan;
- (b) Maintain a separate account, not included in the rent, for home energy service;
- (c) Not have exhausted the household’s regular or emergency benefit for the fiscal year; and
- (d) Reside in the District of Columbia.

3605.2 The applicant must be at least eighteen (18) years old or emancipated.

3605.3 A determination of financial eligibility shall be based on the gross annual income of the household, unless the applicant can provide sufficient evidence that the gross annual income is not an accurate representation of current income.

3605.4 In order to be eligible for emergency assistance from this Program, an applicant household shall:

- (a) Satisfy the criteria of this section; and
- (b) Meet the criteria for emergency assistance identified in the State Plan.

3605.5 Notwithstanding another provision of this section, a household with a credit on the energy utility account in excess of one thousand dollars (\$1,000) at the time of application shall be deemed ineligible to receive a benefit for that utility account.

3606 LIHEAP – AVAILABLE PROGRAM BENEFITS, BENEFIT LIMITS AND PROGRAM SUSPENSION

3606.1 The Department may provide a regular, emergency, or in-kind benefit.

3606.2 Except as otherwise provided in this chapter, an eligible household may not receive more than one (1) each per year of:

- (a) A regular benefit; and
- (b) An emergency benefit.

3606.3 The Department may limit a benefit for an eligible household to an emergency benefit if the Department has:

(a) Determined that available Program funds would likely be insufficient to pay all reasonably anticipated emergency benefits if regular benefits were to be paid; and

(b) Given notice to the public of the determination and limitation.

3606.4 Notwithstanding the provisions of Subsection 3606.2 the Department may provide an additional emergency benefit for a household if the Department has:

(a) Determined that, upon consideration of likely demands on the Program and Program resources, the Department will have sufficient funds available to pay the additional emergency benefit; and

(b) Given notice to the public of the availability of additional emergency benefits.

3606.5 If the Department determines that remaining funding may be insufficient to carry out the State Plan to the end of the fiscal year, the Department may:

(a) Suspend the process of taking applications;

(b) Suspend the process of awarding benefits; or

(c) Revise the benefit matrix to provide lower benefit amounts.

3606.6 The Department shall publish notice to the public as soon as practicable after making a decision to suspend or modify the benefit matrix, but not later than forty-five (45) days after the decision is made.

3607 LIHEAP – PROGRAM BENEFIT CALCULATION AND PAYMENT

3607.1 The Department may allocate funds by giving a priority to, or setting a higher benefit level for, a projected category of household applicant with higher home energy costs or needs in relation to household income.

3607.2 The Department may consider the following factors to develop eligibility and benefit level criteria in the benefit matrix, so if all other factors are equal, a larger household with a lower income receives the highest benefit for heating and cooling assistance:

(a) Household size;

(b) Fuel type;

(c) Dwelling type;

- (d) Household income; and
- (e) Whether the household has exceeded the energy service account credit threshold defined in § 3605.5.

3607.3 The Department shall publish in the *D.C. Register* for notice and comment:

- (a) Benefit levels, including the formula or matrix that displays benefit amounts; and
- (b) Each change to the matrix or formula.

3607.4 An applicant found eligible for a Program benefit shall also be considered eligible for in-kind assistance addressed in § 3608.

3608 LIHEAP – IN-KIND ASSISTANCE BENEFIT

3608.1 No household shall be eligible to receive an in-kind assistance benefit unless the household meets the eligibility criteria in § 3605.

3608.2 Subject to available funding, the Department may provide a regular in-kind assistance benefit, as follows:

- (a) The Department shall provide a cooling fan if the applicant:
 - (1) Has not been disconnected from electric service, but has an inoperable air conditioning unit; and
 - (2)
 - (A) Is fifty-five (55) years of age or older;
 - (B) Has a documented medical condition; or
 - (C) Has children under age six (6) in the home; and
 - (3) A cooling fan is available in inventory.
- (b) The Department shall provide an Energy Reduction Kit:
 - (1) If the applicant has not received an Energy Reduction Kit in the five (5) years preceding the date of application; and
 - (2) An Energy Reduction Kit is available in inventory.

3608.3 Subject to available funding, the Department may provide an emergency in-kind assistance benefit, as follows:

- (a) The Department shall provide a portable heater and blanket if the household has been disconnected from gas service but has electric service;
- (b) The Department shall provide a portable heater and blanket if the household has five percent (5%) or less of available capacity of home heating oil, but has electric service; and
- (c) The Department shall provide a blanket if the household has been disconnected from electric service.

3609 LIHEAP - [RESERVED]

3618 LIHEAP – VENDOR AGREEMENTS

3618.1 In order to be eligible to receive a LIHEAP benefit payment made by the Department on behalf of a customer, an energy vendor shall execute an agreement with the Department.

3618.2 A vendor agreement shall include the following requirements:

- (a) The vendor’s use of a benefit payment to reduce a customer’s respective obligation;
- (b) Procedures for the continuation, or resumption, of household energy service in return for the Department’s payment of a benefit to the vendor on behalf of the household;
- (c) Provisions for Department access to relevant electronic account information for each applicant who authorizes Department access;
- (d) Non-discrimination in customer service and provision of energy for a household by reason of payment of a benefit to the vendor on behalf of the household;
- (e) An accounting, regular reporting, and return of funds erroneously paid to the vendor, or unspent for the benefit of an eligible household;
- (f) Record-keeping for government audit purposes;
- (g) Recognition of the federal and District anti-deficiency requirements applicable to the Department, pursuant to the Federal Anti-Deficiency Act (96 Stat. 923; 31 U.S.C. §§ 1341, 1342, 1349, 1351); and the District Anti-Deficiency Act, effective April 4, 2003 (D.C. Law 14-285; D.C. Official Code §§ 47- 355.01- 355.08); and

- (h) Other measures that the Department determines are reasonably necessary for the stewardship of public funds.

3619 LIHEAP – DENIAL, REDUCTION, OR REVOCATION

3619.1 If an applicant is determined ineligible for a benefit, the Department shall provide a written notice of ineligibility, which shall include:

- (a) A statement of the determination of ineligibility and an explanation of that determination;
- (b) A statement of the action that the applicant must take, if any, to be found eligible;
- (c) Notice of the applicant's option to discuss the determination with a Department employee; and
- (d) Notice of the applicant's right to appeal the determination, as provided in § 3620.

3619.2 If the Department determines that a prior benefit decision was based on material error, falsity, misrepresentation, concealment, omission, or fraud, it shall:

- (a) Reopen the application;
- (b) Provide notice to the applicant of the Department's final action or intended action, which shall include the information in § 3619.1;
- (c) Provide the applicant with a reasonable opportunity to respond;
- (d) Reduce, increase, suspend, or revoke an award of a benefit; and
- (e) Notify the energy vendor of a change to the benefit amount.

3620 LIHEAP – ADMINISTRATIVE APPEALS

3620.1 Each applicant who is aggrieved by an action or inaction of the Department related to receipt of benefits under this program shall be entitled to a fair hearing with the District of Columbia Office of Administrative Hearings (OAH) or its successor in accordance with OAH Rules, 1 DCMR §§ 2800 *et seq.* and Public Benefits Cases Regulations, 1 DCMR §§ 2970 *et seq.*

3620.2 The applicant shall have ninety (90) calendar days following receipt of a notice of eligibility, in whole or in part, to request a fair hearing.

3620.3 Upon receipt of a fair hearing request, the Department shall offer the appellant or his or her authorized representative an opportunity for review of the benefit determination.

3699 DEFINITIONS

3699.1 When used in this chapter, the following terms shall have the meanings ascribed:

Applicant – the individual who is applying for energy assistance for his or her own needs or the needs of those in the household.

Benefit matrix – the grid that displays eligible regular benefit amounts as determined by fuel type, household size, income level, and other factors identified in the State Plan.

Emergency benefit – a payment of a benefit based on the determination that a household has been disconnected from energy service or the household's home heating oil is at five percent (5%) or less of capacity.

Day – a calendar day, unless stated otherwise.

Department – the Department of Energy and Environment.

District – the District of Columbia.

Household – an individual or group of individuals who are living together as one (1) economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent, in accordance with Section 8622(5) of the Low Income Home Energy Assistance Act of 1981, approved August 13, 1981 (95 Stat. 894; 42 U.S.C. § 8622(5)).

LIHEAP – Low Income Home Energy Assistance Program.

Program – Low Income Home Energy Assistance Program.

Program benefit – a Regular benefit or an Emergency benefit.

Publish – present to the public, including by making a printed copy available for examination or distribution, printing in a newspaper or magazine, distributing by e-mail, or posting on a website.

Regular benefit – a payment of a benefit based on a determination that the eligible household qualifies for a benefit using the criteria and algorithm of the LIHEAP benefits matrix excluding any benefits paid pursuant to the LIHEAP Heat and Eat program as authorized by Section 5083 of the

Fiscal Year 2010 Budget Support Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 4-261.03).

State Plan – the application that is submitted annually to the Secretary of the U.S. Department of Health and Human Services as required under federal law for the receipt and use of federal LIHEAP funds.

Written – "In writing", "writing", or "written", denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostat, fax, photography, word processing computer output, and e-mail. A "signed" writing includes an electronic symbol or process attached to, or logically associated with, a writing, and executed or adopted by a person with the intent to sign the writing.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FINAL RULEMAKING

Biosolids Management

The Director of the Department of Energy and Environment (DOEE), pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl. & 2016 Supp.)); the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.01 *et seq.* (2012 Repl. & 2016 Supp.)), and Mayor’s Order 2006-61, dated June 14, 2006, hereby amends Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR) by adding a new Chapter 17 (Biosolids Management) to authorize the distribution of exceptional quality biosolids in the District.

This final rulemaking establishes the conditions under which exceptional quality biosolids, blended exceptional quality biosolids, and composted exceptional quality biosolids may be distributed in the District. This rulemaking ensures that only the highest quality biosolids are permitted for distribution in the District, thereby furthering water quality and public welfare.

DOEE published a Notice of Emergency and Proposed Rulemaking in the *D.C. Register* on April 22, 2016, at 63 DCR 6267, and a Notice of Second Emergency Rulemaking on October 21, 2016 at 63 DCR 13170. The second emergency rule was adopted on July 28, 2016, became effective immediately, and will remain in effect until November 25, 2016 or until superseded by notice of final rulemaking. No public comments were received during the comment period. The final rule includes clarifying changes and technical edits to citations, but no substantive changes have been made.

These rules were adopted as final on October 12, 2016 and will become effective upon publication of this notice in the *D.C. Register*.

Title 21 DCMR, WATER AND SANITATION, is amended by adding a new Chapter 17, BIOSOLIDS MANAGEMENT, as follows:

CHAPTER 17 BIOSOLIDS MANAGEMENT

- 1700 EXCEPTIONAL QUALITY BIOSOLIDS DISTRIBUTION**
- 1701 ENFORCEMENT**
- 1702-1705 [RESERVED]**
- 1799 DEFINITIONS**

- 1700 EXCEPTIONAL QUALITY BIOSOLIDS DISTRIBUTION**

- 1700.1 The purpose of this chapter is to permit the sustainable and beneficial distribution of exceptional quality biosolids, composted exceptional quality biosolids, or blended exceptional quality biosolids for use in the District.
- 1700.2 No biosolids except exceptional quality biosolids, composted exceptional quality biosolids, or blended exceptional quality biosolids shall be distributed in the District.
- 1700.4 A person shall be deemed to have an exceptional quality biosolids distribution permit-by-rule if the person meets the following requirements:
- (a) Distributes only exceptional quality biosolids, blended exceptional quality biosolids, and composted exceptional quality biosolids;
 - (b) Submits a written notice to the Department that includes the name, address, and telephone number of the permittee;
 - (c) Pursuant to the Anacostia River Clean Up and Protection Fertilizer Act of 2012, effective April 20, 2013 (D.C. Law 19-262; D.C. Official Code §§ 8-104.01 *et seq.*), provides a legible label with sufficient information to allow the person who receives and uses the exceptional quality biosolids, composted exceptional quality biosolids, or blended exceptional quality biosolids to determine an agronomic rate of application and application requirements;
 - (d) Maintains the following information that shall be available to the Department upon request:
 - (1) The quantity of exceptional quality biosolids distributed in the District; and
 - (2) Information demonstrating that the biosolids being distributed meet the ceiling concentrations in Table 1 of 40 C.F.R. § 503.13 and the pollutant concentrations in Table 3 of 40 C.F.R. § 503.13; the Class A pathogen requirements in 40 C.F.R. § 503.32(a); and one of the vector attraction reduction requirements in 40 C.F.R. § 503.33(b)(1) through (b)(8);
 - (e) Complies with the monitoring and reporting requirements for exceptional quality biosolids in 40 C.F.R. Part 503; and
 - (f) Complies with all other applicable District and federal laws and regulations.

1700.5 Distribution within the District of biosolids, blended biosolids, or composted biosolids that do not meet the requirements for a permit-by-rule under this chapter is prohibited, and will be subject to enforcement pursuant to Section 1701.

1701 ENFORCEMENT

1701.1 This chapter shall be enforced pursuant to the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.15, 8-103.16, and 8-103.17), and the Water Pollution Enforcement Regulations (21 DCMR Chapter 22).

1701.2 In any instance where a civil fine, penalty or fee has been established pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04 (2012 Repl.)); and the Consumers, Commercial Practices, and Civil Infractions Regulations (Title 16 DCMR Chapter 40), the civil fine, penalty, or fee may be imposed as an alternative sanction to the penalties set forth in Subsection 1701.1.

1702- 1705 [RESERVED]

1799 DEFINITIONS

1799.1 When used in this chapter, the following terms shall have the meanings ascribed (some of the definitions were codified in the Act, indicated as [Statutory], and are reprinted below for regulatory efficiency):

Act - the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.01 *et seq.*)

Biosolids or Sludge - the solid or semi-solid material removed from wastewater during treatment, including but not limited to grit, screenings, grease, oil, settleable solids, and chemicals added to the treatment processes. [Statutory]

Blended Exceptional Quality Biosolids - exceptional quality biosolids that are mixed with other materials, such as leaves, saw dust, and soil, and that meet the ceiling concentrations, pollutant concentrations, pathogen requirements, and vector attraction reduction requirements of exceptional quality biosolids.

Clean Water Act - the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*

Composted Exceptional Quality Biosolids - exceptional quality biosolids treated by a biological process so as to achieve oxidation of the organic matter, dissipation of phytotoxic gases and offensive odors, and destruction of pathogens, and that meet the ceiling concentrations, pollutant

concentrations, pathogen requirements, and vector attraction reduction requirements of exceptional quality biosolids.

Department - the Department of Energy and Environment.

Distribution - the physical removal of exceptional quality biosolids, composted exceptional quality biosolids, or blended exceptional quality biosolids from a generating, composting, blending, storage or distribution facility to barter, sell, offer to sell, consign, furnish, provide, or supply to wholesalers, dealers, retailers, or individuals as part of a commercial enterprise or giveaway program.

Exceptional Quality Biosolids - biosolids that meet the ceiling concentrations in Table 1 of 40 C.F.R. § 503.13 and the pollutant concentrations in Table 3 of 40 C.F.R. § 503.13; the Class A pathogen requirements in 40 C.F.R. § 503.32(a); and one of the vector attraction reduction requirements in 40 C.F.R. § 503.33(b)(1) through (b)(8).

Permittee – a person who distributes exceptional quality biosolids, blended exceptional quality biosolids or composted exceptional quality biosolids under the terms of this permit-by-rule.

Person - any individual, including any owner or operator as defined in this chapter or the Act; partnership; corporation, including a government corporation; trust association; firm; joint stock company; organization; commission; the District or federal government; or any other entity.
[Statutory]

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FINAL RULEMAKING**Wells and Borings**

The Director of the Department of Energy and Environment (DOEE or Department), pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl.)); the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.01 *et seq.* (2013 Repl. & 2016 Supp.)) (the Water Pollution Control Act); and Mayor's Order 2006-61, dated June 14, 2006, hereby amends Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR) by adding a new Chapter 18 (Well Construction, Maintenance, and Abandonment Standards).

The rulemaking will establish standards and procedures for the construction, maintenance, and abandonment of wells in the District of Columbia.

These rules describe the process for the responsible party or owner to apply for a well construction permit in the District. The regulations detail the standards and procedures of proper well construction, including the specific components of a well such as the well casing, the well screen, the filter pack, and grout. The rules also outline the proper procedures for handling derived waste and drilling fluid in addition to proper well abandonment.

The Department published a Notice of Proposed Rulemaking in the *D.C. Register* on May 15, 2015, at 62 DCR 6015. In response to comments received during the comment period, the Department made substantive changes to the rulemaking and published a Notice of Second Proposed Rulemaking on April 22, 2016, at 63 DCR 6199. The second comment period closed on May 23, 2016, and a summary of comments and responses is available at <http://doee.dc.gov>. Based on comments filed in response to the Notice of Second Proposed, the Department has revised Subsection 1824.5 to narrow the scope of the prohibition on circulation of coolant fluid or refrigerant to apply only to the downhole piping or distribution manifold portions of ground freeze well systems. The Department has made clarifying amendments in Section 1899 to the definition of "Aquifer cross-contamination" to recognize that it is a condition in which a hydraulic connection has allowed contaminants to move from one aquifer to another. Also, the Department has amended the definition of "Infiltration test" to clarify that it is a measure of how stormwater may move vertically through the soil profile.

Finally, in order to reduce the administrative burden of these final rules, the Department has updated the implementation date by which existing wells must be registered or abandoned in Subsections 1801.4 and 1806.2, the date on which a well construction building permit application must include a well construction work plan in Subsection 1803.3, and the date on which the Department may begin to adjust fees for annual inflation in Subsection 1805.2.

The final rules are being adopted in substantially the same form as proposed with clarifications and deletions taking into account suggestions received in public comments. These changes do not substantially alter or change the intent, meaning, or application of the proposed rules or exceed the scope of the rules as published with the Notice of Second Proposed Rulemaking.

These rules were adopted as final on October 13, 2016 and will be effective upon publication of this notice in the *D.C. Register*.

Title 21 DCMR, WATER AND SANITATION, is amended by adding a new Chapter 18 as follows:

CHAPTER 18 WELL CONSTRUCTION, MAINTENANCE, AND ABANDONMENT STANDARDS

- 1800 PURPOSE AND SCOPE**
- 1801 APPLICABILITY**
- 1802 WELL CONSTRUCTION BUILDING PERMIT EXEMPTIONS**
- 1803 WELL CONSTRUCTION PERMIT APPLICATION PROCEDURE**
- 1804 DEPARTMENT REVIEW**
- 1805 FEE SCHEDULE**
- 1806 WELL REGISTRATION**
- 1807 CHANGE OF WELL USE OR OWNER**
- 1808 WELL DRILLERS IN THE DISTRICT**
- 1809 WELL CONSTRUCTION REQUIREMENTS: GENERAL**
- 1810 WELL CONSTRUCTION REQUIREMENTS: SITING**
- 1811 WELL CONSTRUCTION REQUIREMENTS: RELOCATION DURING CONSTRUCTION**
- 1812 WELL CONSTRUCTION REQUIREMENTS: SANITARY PROTECTION**
- 1813 WELL CONSTRUCTION REQUIREMENTS: DERIVED MATERIAL FROM WELL CONSTRUCTION, MAINTENANCE, AND ABANDONMENT**
- 1814 WELL CONSTRUCTION REQUIREMENTS: DRILLING FLUIDS**
- 1815 WELL CONSTRUCTION REQUIREMENTS: WELL CASING**
- 1816 WELL CONSTRUCTION REQUIREMENTS: WELL SCREENS**
- 1817 WELL CONSTRUCTION REQUIREMENTS: FILTER PACK IN WELL**
- 1818 WELL CONSTRUCTION REQUIREMENTS: WELL GROUTING**
- 1819 WELL CONSTRUCTION REQUIREMENTS: WELL DEVELOPMENT**
- 1820 WELL CONSTRUCTION REQUIREMENTS: WELL CAPS AND UPPER TERMINUS OF WELL**
- 1821 WELL CONSTRUCTION REQUIREMENTS: WELL LABELING**
- 1822 WELL CONSTRUCTION REQUIREMENTS: MONITORING WELL, OBSERVATION WELL, AND PIEZOMETER**
- 1823 WELL CONSTRUCTION REQUIREMENTS: CLOSED-LOOP GROUND SOURCE HEAT PUMP WELL**
- 1824 WELL CONSTRUCTION REQUIREMENTS: GROUND FREEZE WELL**

1825 WELL CONSTRUCTION REQUIREMENTS: RECOVERY WELL
1826 WELL CONSTRUCTION REQUIREMENTS: REPORTING
1827 WELL USE AND MAINTENANCE: GENERAL
1828 WELL USE AND MAINTENANCE: MONITORING OR OBSERVATION
WELL
1829 WELL USE AND MAINTENANCE: INJECTION WELL
1830 WELL ABANDONMENT REQUIREMENTS: GENERAL
1831 WELL ABANDONMENT PROCEDURES
1832 INSPECTION
1833 ENFORCEMENT AND PENALTIES
1834 ADMINISTRATIVE APPEALS AND JUDICIAL REVIEW
1899 DEFINITIONS

1800 PURPOSE AND SCOPE

1800.1 The provisions of this chapter shall be applicable to the construction, maintenance, and abandonment of wells in the District of Columbia, pursuant to the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.01 *et seq.*).

1800.2 The purpose of this chapter is to ensure that the construction, maintenance, and abandonment of a well is undertaken in a manner that protects public health and safety and the environment.

1801 APPLICABILITY

1801.1 A person engaged in the construction, maintenance, and abandonment of a well in the District shall comply with the requirements set forth in this chapter.

1801.2 A person shall not construct, maintain, or abandon a well in a manner that may create a point source or non-point source of pollutants to waters of the District, impair the beneficial uses of waters of the District, or pose a hazard to public health and safety or the environment.

1801.3 A well owner shall ensure that, as applicable:

- (a) The construction of the well is conducted in accordance with §§ 1809 through 1826;
- (b) The use and maintenance is conducted in accordance with §§ 1827 through 1829; and

- (c) The abandonment of the well is conducted in accordance with §§ 1830 and 1831.

1801.4 If a well was constructed prior to March 31, 2017, the well owner shall ensure that:

- (a) The well does not pose a hazard to public health and safety or the environment and does not impair the beneficial uses of waters of the District;
- (b) The well, well cap, upper terminus, and well labeling meet the requirements in §§ 1820 and 1821; and
- (c) By March 31, 2021, the well is registered with the Department in accordance with the requirements of § 1806; or
- (d) By March 31, 2021, the well is abandoned in accordance with the requirements of §§ 1830 and 1831.

1802 WELL CONSTRUCTION BUILDING PERMIT EXEMPTIONS

1802.1 An infiltration test well constructed and used in accordance with Chapter 5 (Water Quality and Pollution) of Title 21 of the District of Columbia Municipal Regulations (DCMR) and the Stormwater Management Guidebook shall be exempt from the requirements of this chapter.

1802.2 A well constructed for use in a best management practice in accordance with Chapter 5 of Title 21 DCMR and the Stormwater Management Guidebook shall be exempt from the requirements of this chapter.

1802.3 A well construction building permit shall not be required for a well which meets all of the following conditions:

- (a) The well is constructed to a depth of ten feet (10 ft.) or less;
- (b) The lower terminus of the well does not intersect the seasonal water table;
- (c) The well is not sited within twenty-five feet (25 ft.) of the mean high watermark of District surface waters;
- (d) The well is not sited within twenty-five feet (25 ft.) of wetland;
- (e) The construction and maintenance of the well is performed in accordance with the requirements of this chapter; and

- (f) The well is abandoned within five (5) business days of completion of construction in accordance with § 1830.1.

1802.4 If during the construction of a well for which no building permit was required, field conditions or new information indicate that any condition in § 1802.3 will not be met, the well owner shall:

- (a) Stop all well construction work and related activities;
- (b) Notify the Department within twenty-four (24) hours of the discovery;
- (c) Propose immediate corrective actions;
- (d) Implement Department-ordered corrective actions to prevent an imminent hazard to public health and safety or the environment; and
- (e) If additional action is necessary to meet the requirements of this chapter, or if requested by the Department, submit a well construction building permit application in accordance with § 1803.

1802.5 A well construction building permit shall not be required for the maintenance of a registered well, provided that the maintenance does not include a modification or material change in the original permitted design, specifications, or construction of the well.

1802.6 The Department may allow a well owner to delay submitting a well construction building permit application if:

- (a) The well owner immediately notifies the Department of an emergency circumstance that may impact a well, the environment, or public health and safety, which requires immediate corrective action;
- (b) The Department deems an emergency circumstance to exist, where obtaining a work plan approved by the Department for the maintenance or abandonment of a well would result in a delay that could pose an immediate hazard to public health and safety or the environment;
- (c) The well owner complies with the application procedures in § 1803 within seventy-two (72) hours after the emergency is identified; and
- (d) All work is conducted in accordance with applicable construction, maintenance, and abandonment requirements.

1802.7 A well abandonment permit shall not be required if:

- (a) The well is abandoned within thirty (30) days following the completion of construction of the well; and
- (b) A well abandonment work plan developed in accordance with §§ 1830 and 1831 is submitted with the initial well construction building permit application.

1803 WELL CONSTRUCTION PERMIT APPLICATION PROCEDURE

1803.1 Except as provided in § 1802, no person shall construct a well in the District without a well construction work plan conforming to the requirements of § 1803.3 approved by the Department, and a well construction building permit approved by the Department and issued by the Department of Consumer and Regulatory Affairs (DCRA).

1803.2 The well owner shall apply to the DCRA for a well construction building permit, which shall be issued by DCRA subject to the requirements of this chapter.

1803.3 Beginning on April 1, 2017, a well construction building permit application shall include a well construction work plan containing the following information, which shall be submitted to the Department for review and approval:

- (a) The well owner's name, mailing address, telephone number, and electronic mailing address;
- (b) The property owner's name, mailing address, telephone number, and electronic mailing address, if different from the well owner information provided pursuant to § 1803.3(a);
- (c) The well driller's name, address, telephone number, and electronic mailing address, a copy of the pertinent DCRA license(s), and a copy of the well driller's current driller's license;
- (d) The physical location of the property on which the well is sited, including the physical address, a square, suffix, and lot, or closest physical location identifier;
- (e) The intended use of the well;
- (f) A description of the well construction details;
- (g) A well design diagram or schematic detailing how the well will be constructed;
- (h) The topographic description of the site;

- (i) The geology underlying the property where the well is sited;
- (j) The proximity to the one hundred (100)-year floodplain;
- (k) The name of the aquifer or aquifers that will be penetrated;
- (l) The name of the aquifer or aquifers that will be screened, if applicable;
- (m) The proximity to and details of recognized environmental conditions identified on or adjacent to the property where the well will be sited;
- (n) Methods to prevent aquifer cross-contamination where a recognized environmental condition has been identified on or adjacent to the property where the well will be sited;
- (o) A site map, plat, or plan depicting:
 - (1) The lot and square;
 - (2) The geographical location of the well within the property boundaries;
 - (3) The geographical location of the well in relation to the nearest street intersection;
 - (4) The setback distances from property lines;
 - (5) The setback distances from recognized environmental conditions identified on the property where the well is sited;
 - (6) The identification of public spaces;
 - (7) The identification of structures and driveways;
 - (8) The extents of the land disturbing activities including any construction entrance and stockpile area(s);
 - (9) The identification of waters of the District of Columbia on or adjacent to the property where the well will be sited;
 - (10) Compass directions;
 - (11) A scale bar; and

- (12) A key or legend;
- (p) A description of the well construction activity including:
 - (1) The well construction materials and well installation equipment to be used;
 - (2) The well construction methods including drilling methods and procedures, and drilling fluids to be used; and
 - (3) Details of decontamination procedures, if applicable;
- (q) The plan for handling, analyzing, and disposal of derived waste; and
- (r) A description of any equipment or materials that shall or may be placed in the well such as:
 - (1) Pumps;
 - (2) Pipes;
 - (3) Loops;
 - (4) Packers; or
 - (5) Liners.

1803.4 In addition to the requirements of § 1803.3, the well construction work plan for the construction of a closed-loop ground source heat pump well shall include:

- (a) The type of closed-loop ground source heat pump system;
- (b) The design capacity of the proposed closed-loop ground source heat pump system;
- (c) The total number of loops in the well, loop configuration, the total number of loops in the system, the angles of the loops to the vertical plane and the depth to which they will be placed in the subsurface;
- (d) The pipe dimensions, type of pipe, and pipe material;
- (e) Details of the proposed circulation fluid, including:
 - (1) The type of circulation fluid;

- (2) The concentration of the circulation fluid;
 - (3) The manufacturer's specifications and product details including any additives or anti-corrosive agents;
 - (4) The applicable Safety Data Sheets for the chemicals used in the circulation fluid;
 - (5) Any known or potential environmental or public health and safety concerns or issues related to the use of the material as a circulation fluid for a closed-loop ground source heat pump system; and
 - (6) A pollution prevention plan and spill response plan to address the storage, handling, and management of the circulation fluid.
- (f) The type, mix ratios, and permeability of the grout, including how the grout will be inserted and the grout manufacturer's specifications for using the grout;
 - (g) The type, length, placement, and reason for using any outer casing material;
 - (h) The types of fittings and joints, and the procedures for sealing fittings and joints;
 - (i) The footprint of a proposed structure that shall be placed on top of a closed-loop ground source heat pump system must be clearly shown on the site plan; and
 - (j) Identification of any structure or operation that may impact or be impacted by the closed-loop ground source heat pump system.

1803.5

In addition to the requirements of § 1803.3, the well construction work plan for construction of a dewatering well shall include:

- (a) The proposed volume of water to be pumped and the estimated flow rate;
- (b) The proposed or anticipated radius of influence;
- (c) The quality of water to be pumped and supporting analytical data;
- (d) The details of any proposed treatment of recovered water containing known or suspected contaminants;

- (e) A copy of any required District or federal permit(s) issued or the status of a pending application for the required District or federal permit(s);
- (f) The purpose of dewatering;
- (g) The type, make, and model of pump used, including the horsepower;
- (h) The type and placement of the well screen;
- (i) The depth of pump intake;
- (j) The location of effluent discharge;
- (k) A description of discharge location such as, combined sewer system, public or private storm sewer system, water body, or licensed offsite facility;
- (l) The available analytical data for the property where the well will be sited, if a recognized environmental condition has been identified;
- (m) The proximity of the dewatering well to known sensitive receptors including, surface water bodies, wetlands, groundwater recharge areas, wellhead protection areas, and recognized environmental conditions located on the property and on properties adjacent to where the well will be sited;
- (n) A pollution prevention plan and spill response plan for a site where a system is anticipated or proposed for the treatment of dewatering well effluent;
- (o) The name of the aquifer(s) to be dewatered;
- (p) The proposed or anticipated decrease in potentiometric surface; and
- (q) The duration of dewatering expressed as start and end dates and the total dewatering period.

1803.6 In addition to the requirements of § 1803.3, the well construction work plan for construction of a ground freeze well shall include:

- (a) The purpose or application of the ground freeze well and ground freeze well system;
- (b) The proposed or anticipated radius and depth of influence of each ground freeze well;

- (c) The configuration or geometry of the ground freeze well system;
- (d) Proximity of ground freeze well system to underground utilities and means of protecting potentially affected utilities;
- (e) The type of refrigerant system to be used;
- (f) The type of refrigerant or coolant fluid to be circulated or used;
 - (1) The type of circulation fluid;
 - (2) The concentration of the circulation fluid;
 - (3) The manufacturer's specifications and product details including any additives or anti-corrosive agents;
 - (4) The applicable Safety Data Sheets for the chemicals used in the circulation fluid; and
 - (5) Any known or potential environmental or public health and safety concerns or issues related to the use of the material as a circulation fluid for a ground freeze well system;
- (g) The loop or circulation configuration within the well;
- (h) The circulation pipe dimensions, type of pipe, and pipe material;
- (i) The type, mix ratios, and permeability of the grout, including how the grout will be inserted and the grout manufacturer's specifications for using the grout;
- (j) The distribution manifold configuration and materials to be used;
- (k) The proposed or anticipated flow of refrigerant or circulating fluid;
- (l) The type, length, placement, and reason for using any outer casing material;
- (m) A pollution prevention plan and spill response plan to address the storage, handling, and management of the refrigerant or coolant fluid; and
- (n) If additional water will be introduced to supplement the ground freeze system, the method the water will be introduced into the formation.

- 1803.7 In addition to the requirements of § 1803.3, the well construction work plan for construction of an injection well shall include;
- (a) A copy of the EPA Underground Injection Control Permit or identification of an applicable exemption of this permit;
 - (b) The volume of fluid to be injected;
 - (c) The chemical, biological, physical, and radiological quality of the fluid to be injected;
 - (d) The Technical Information Sheet and Safety Data Sheet for each treatment material to be used;
 - (e) The proposed injection rate or feasible range;
 - (f) The proposed or anticipated radius and depth of influence;
 - (g) The injection method;
 - (h) The location and maximum number of injection points;
 - (i) The details of any proposed pilot testing;
 - (j) The location and number of observation wells;
 - (k) The proposed monitoring plans and monitoring protocols;
 - (l) The duration of injection;
 - (m) The identification of receiving aquifer(s);
 - (n) Any expected impact to the subsurface;
 - (o) Any expected impact to adjoining properties;
 - (p) The proximity to surface water and potential ecological receptors;
 - (q) Any expected impact to the closest surface water and potential ecological receptors;
 - (r) The volume of the water to be treated;
 - (s) The quality of the water to be treated;

- (t) The source of the contaminants;
- (u) The proposed implementation schedule;
- (v) The compliance schedule;
- (w) The compliance monitoring program;
- (x) A copy of any previous report or data related to the investigation and feasibility of the proposed action;
- (y) A map or series of maps showing the following:
 - (1) The topography;
 - (2) The geology;
 - (3) The location of on-site and nearby utility lines;
 - (4) The type and extent of the contaminants;
 - (5) The location of the proposed treatment system;
 - (6) The location of any existing contaminant treatment system; and
 - (7) The location of compliance monitoring wells;
- (z) The expected short-term and long-term effects on the environment and public health; and
- (aa) Any other relevant information.

1803.8

In addition to the requirements of § 1803.3, the well construction work plan for construction of a water supply well shall include:

- (a) The intended use of the water supply well;
- (b) The proposed withdrawal method;
- (c) The make and model of the pump;
- (d) The proposed drawdown on the aquifer(s);
- (e) The proposed groundwater withdrawal rates;

- (f) The proposed aquifer pump test;
- (g) The aquifer pump test data from a nearby test well or existing supply well;
- (h) The aquifer water quality data;
- (i) The size of the population that will be served by the withdrawal; and
- (j) The operation and maintenance details of the well.

1803.9 In addition to the requirements of §§ 1803.3 through 1803.8, the Department may require supplemental information related to the construction, maintenance, or intended use of a soil boring, recovery well, monitoring well, observation well, piezometer, industrial supply well, irrigation supply well, domestic supply well, or any other type of well.

1803.10 A well owner may request a special compliance standard or the modification of a requirement of this chapter, if conditions or circumstances exist such that compliance will result in poor construction, maintenance, or abandonment of a well or will preclude the construction of the well.

1803.11 A request for a special compliance standard or modification under § 1803.10 shall be submitted in writing to the Department for review and approval, and shall include:

- (a) A description of the circumstances or site conditions that warrant special consideration;
- (b) The proposed special compliance standard or modification request;
- (c) Documentation establishing that the proposed special compliance standard or modification is adequate and protective of public health and safety and the environment; and
- (d) The signature of the well owner certifying that the information in the request for the special standard is accurate and complete to the best of the owner's knowledge.

1803.12 Prior to construction of a well, a Department-approved well construction building permit application and well construction work plan may be modified provided the proposed modification is submitted to the Department and to the DCRA for review and approval in accordance with the requirements of §§ 1803.10 and 1803.11.

- 1803.13 During the construction of a well, a Department-approved well construction building permit application and well construction work plan may only be modified if:
- (a) The well owner immediately notifies the Department and the DCRA in writing; and
 - (b) The modification of the well construction building permit and well construction work plan does not violate District or federal laws or regulations.

1804 DEPARTMENT REVIEW

- 1804.1 The Department shall review each well construction building permit application submitted to the Department of Consumer and Regulatory Affairs (DCRA) and each well construction work plan to ensure that it meets the standards and requirements of this chapter.
- 1804.2 The Department may conduct the review and approval of a complete well construction building permit application and well construction work plan as part of the following remedial or removal actions or programs:
- (a) The Voluntary Remedial Action Program, pursuant to Section 6213 of Title 20 of the District of Columbia Municipal Regulations (DCMR);
 - (b) An enforcement corrective action taken pursuant to the District of Columbia Underground Storage Tank Management Act of 1990, as amended, D.C. Official Code §§ 8-113.01 *et seq.*, and its implementing regulations in Chapters 55-70 of Title 20 DCMR;
 - (c) The Voluntary Cleanup Program, pursuant to D.C. Official Code §§ 8-633.01 *et seq.*; or
 - (d) An enforcement action taken pursuant to the District of Columbia Brownfield Revitalization Amendment Act of 2000, as amended; D.C. Official Code §§ 8-631.01 *et seq.*
- 1804.3 The Department may reject an incomplete well construction building permit application or well construction work plan.
- 1804.4 If the Department rejects an incomplete well construction building permit application and well construction work plan, the Department shall notify the well owner in writing of the reason for the rejection.

- 1804.5 The Department shall reject the well construction building permit application and well construction work plan if the proposed well violates any District or federal laws or regulations, or poses a hazard to the environment, public health and safety, or otherwise interferes with the designated or beneficial uses of the waters of the District.
- 1804.6 The Department may consider the following when reviewing the well construction building permit application and well construction work plan:
- (a) The effects of the geology, topography, hydrology, hydrogeology, and hydraulics of the area of interest;
 - (b) The population density and water use;
 - (c) The potential to impact or be impacted by nearby properties;
 - (d) The conditions of the surface and subsurface;
 - (e) The current and future water quality;
 - (f) The designated and beneficial uses of the waters of the District;
 - (g) The depletion rate of the water resources;
 - (h) The on-site and nearby recognized environmental conditions; and
 - (i) Public health and safety and the environment.
- 1804.7 The Department's approval of a well construction building permit application and well construction work plan may be subject to additional conditions to ensure compliance with District or federal laws or regulations and the protection of the public health and safety, and the environment, including:
- (a) Requirements for the use of outer-casing during the construction of a soil boring;
 - (b) Requirements for the construction of a double-cased well;
 - (c) Limits on pumping rates and pumping duration;
 - (d) Special grouting requirements;
 - (e) Special use restrictions;
 - (f) Restrictions on well dimensions;

- (g) Restrictions on well locations within the property boundary;
- (h) Restrictions on well construction methods;
- (i) Special drilling requirements;
- (j) Special requirements for construction in various geologic formations;
- (k) Special requirements for construction in various ecological environments;
- (l) Special well construction material requirements;
- (m) Special monitoring requirements;
- (n) Special maintenance requirements;
- (o) Restrictions on well operation; and
- (p) Special abandonment requirements.

1804.8 The Department may require that a well owner submitting a well construction building permit application collect data or conduct analyses to determine if the proposed well impacts the District’s water resources, including the following information:

- (a) Lithological and geophysical boring logs;
- (b) Grain size analysis;
- (c) Land survey data;
- (d) Groundwater elevation data;
- (e) Groundwater quality data including field parameters;
- (f) Hydrogeological tests such as, pump or slug tests;
- (g) Modeling of groundwater, heat or contaminant flow; and
- (h) Leachability testing and modeling.

1805 FEE SCHEDULE

1805.1 Fees shall be paid in full at the time an application for well construction or well registration is made, as specified in Table 1.

Table 1: Well Fee Schedule

ITEM	FEE
Well Permit Review and Registration Origination a. Closed-Loop Ground Source Heat Pump Well b. Temporary Construction Dewatering Well and Ground Freeze Well c. Monitoring Well, Observation Well, Piezometer/Soil Boring, Injection Well, and Recovery Well d. Water Supply Well	\$15.00 per well or \$150.00 per lot \$5.00 per well or \$125.00 per lot \$10.00 per well or \$100.00 per lot \$75.00 per well
Well Registration Renewal a. Biennial well(s) registration renewal b. Five-Year Closed-Loop Ground Source Heat Pump Well(s) registration renewal	\$25.00 per lot \$25.00 per lot
Changes to Well Registration a. Change-in-Ownership b. Change-in-Well-Use	\$25.00 per lot \$25.00 per lot

1805.2 The Department may adjust the fees for inflation once every calendar year beginning on January 1, 2017, using the Urban Consumer Price Index published by the United States Bureau of Labor Statistics.

1806 WELL REGISTRATION

1806.1 The Department shall issue a unique well registration number for each well included in an approved well construction building permit application and well construction work plan or registered with the Department.

1806.2 By March 31, 2021, a well owner of any well constructed prior to March 31, 2017, shall:

- (a) If the well was permitted by the Department, submit a well completion report in accordance with § 1826;
- (b) If the well was not permitted by the Department, submit a registration application in accordance with § 1806.3; or

- (c) Abandon the well in accordance with the procedures in §§ 1830 and 1831 of this chapter.

1806.3 The well registration application required by § 1806.2 shall include:

- (a) The well owner's name, mailing address, telephone number, and electronic mailing address;
- (b) The property owner's name, mailing address, telephone number and electronic mailing address, if different from the information provided pursuant to § 1806.3(a);
- (c) The well driller's name, address, telephone number, electronic mailing address, and a copy of the pertinent Department of Consumer and Regulatory Affairs (DCRA) license(s);
- (d) The physical location of the property on which the well is sited, including the physical address, the square, suffix, and lot number, or the closest physical location identifier;
- (e) The specifications of the well such as the well diameter, depth, and construction materials, if known;
- (f) The well construction as-built schematic detailing the well construction, if available;
- (g) The well boring logs, if available;
- (h) The well construction method and procedures, if known;
- (i) The well construction completion date, if known;
- (j) The well use and corresponding application information for the following types of wells:
 - (1) Ground source heat pump, including well information required in § 1803.4;
 - (2) Dewatering well, including information required in § 1803.5;
 - (3) Ground freeze well, including information required in § 1803.6; and
 - (4) Injection well, including information required in § 1803.7.

- (k) If the well is in the public right of way or public space, a copy of the Public Space Permit;
- (l) The horizontal location of the well using either the Maryland State Plane Coordinate System or latitude and longitude;
- (m) The vertical elevation of the top of the well casing based upon North American Datum 1988 (NAVD88);
- (n) A site map, plat, or plan depicting:
 - (1) The lot and square;
 - (2) The geographical location of the well within the property boundaries;
 - (3) The geographical location of the well in relation to the nearest street intersection;
 - (4) The setback distances from property lines;
 - (5) The setback distances from recognized environmental conditions identified on the property where the well is sited;
 - (6) The identification of public spaces;
 - (7) The identification of structures and driveways;
 - (8) The identification of waters of the District of Columbia on or adjacent to the property;
 - (9) Compass directions; and
 - (10) A scale bar;
- (o) A key or legend;
- (p) The last measured depth to water and the recording date;
- (q) The well yield for supply wells;
- (r) The well development log, if available;

- (s) Any information that suggests or indicates that there is or may be negative impacts to the waters of the District due to the construction, operation, or maintenance of the well;
- (t) The structural integrity of the well;
- (u) The condition of the well surface completion;
- (v) The presence and condition of the well cap, lock, and cover, and whether or not they meet the requirements of § 1820;
- (w) An attestation signed by the well owner that the information provided is accurate and complete to the best of the owner's knowledge; and
- (x) Any other relevant information.

1806.4 The Department may require submission of additional information as part of the well registration application as it relates to the intended use of the well, including the use of a recovery well, monitoring well, observation well, piezometer, industrial supply well, irrigation supply well, or domestic supply well.

1806.5 The Department shall cancel the registration of a well that has not been constructed or is not in the process of being constructed within the period covered by the well construction building permit.

1806.6 Except for a well constructed under a Department regulatory action and a closed-loop ground source heat pump well, the owner of an existing and permitted well shall renew the well registration every two (2) years.

1806.7 The owner of a closed-loop ground source heat pump well shall renew the well registration every five (5) years.

1806.8 The well registration renewal required by §§ 1806.6 and 1806.7 shall include the unique well registration number provided by the Department for each well and any changes to the information specified in § 1806.3.

1806.9 A well owner who fails to submit a well registration or well registration renewal request by the required deadline shall abandon the well in accordance with §§ 1830 and 1831 within sixty (60) days.

1807 CHANGE OF WELL USE OR OWNER

1807.1 Upon the transfer of ownership of a well, the new well owner shall register the well with the Department by March 31st of the calendar year following the transfer of the well ownership.

- 1807.2 The use of a well as specified and approved by the Department in a well construction building permit application, well construction work plan, or well registration shall not be changed, except in accordance with § 1807.3.
- 1807.3 A well owner who proposes to change the use of a well shall submit an application with the following information:
- (a) The well owner's name, mailing address, telephone number, and electronic mailing address;
 - (b) The property owner's name, mailing address, telephone number, and electronic mailing address, if different from the information provided pursuant to § 1807.3(a);
 - (c) The physical location of the property on which the well is sited, in the form of a physical address, a square, suffix, and lot, or closest physical location identifier;
 - (d) The well construction building permit number for the well;
 - (e) A description of the specific proposed change(s) in use;
 - (f) A statement of how the change(s) will be achieved;
 - (g) If a licensed well driller is required as part of the change(s) in use, the licensed well driller's name, address, telephone number, electronic mailing address, a copy of the pertinent Department of Consumer and Regulatory Affairs (DCRA) license(s), and a copy of the well driller's current driller's license; and
 - (h) A description of any potential impacts to the waters of the District as a result of the proposed change(s) in use.

1808 WELL DRILLERS IN THE DISTRICT

- 1808.1 Except in accordance with §§ 1808.3 and 1808.4, no person shall construct, maintain, or abandon a well within the District unless that person is a licensed well driller and possesses a current Department of Consumer and Regulatory Affairs business license.
- 1808.2 A well owner shall ensure the construction, maintenance, and abandonment of a well is performed under the direct supervision of a licensed well driller.

1808.3 A licensed well driller shall not be required for the construction of a well using hand operated or hand driven tools, including hand-augers, soil probes, and hand shovels.

1808.4 A licensed well driller shall not be required for the maintenance of a well, provided that the maintenance does not require the application of chemical treatment, the maintenance of an installed pump, or a material change in the original permitted design, specification, or construction of the well.

1809 WELL CONSTRUCTION REQUIREMENTS: GENERAL

1809.1 A well shall be constructed in accordance with a well construction work plan approved by the Department and a well construction building permit issued by the Department of Consumer and Regulatory Affairs (DCRA).

1809.2 A well owner shall provide a minimum of two (2) full business days' notice to the Department prior to commencing the construction of a well.

1809.3 A well owner shall obtain public utility clearance pursuant to the Underground Facilities Protection Act of 1980, effective March 4, 1981 (D.C. Law 3-129; D.C. Official Code §§ 34-2701 *et seq.*), as amended.

1809.4 A well owner shall obtain clearance of underground facilities with non-utility operators, including the Washington Metropolitan Area Transit Authority (WMATA).

1809.5 A soil boring shall not be subject to the construction standards of § 1809.6, and §§ 1815 through 1826, provided that all the following conditions are met:

(a) The intended use of the well as a soil boring is identified in the Department-approved well construction permit application and well construction work plan; and

(b) The soil boring is abandoned in accordance with §§ 1830 and 1831 within twenty-four (24) hours of starting construction of the borings.

1809.6 A well shall be constructed from the bottom of the boring to the top of the well using materials free of contaminants and compatible with the intended well use and the surrounding surface and subsurface conditions and shall include the following components:

(a) A well casing;

(b) A well point or plug;

- (c) A well screen;
- (d) A filter pack;
- (e) A low-permeability seal; and
- (f) Grout within the annulus between the borehole wall and well casing.

1809.7 A well shall not hydraulically connect otherwise confined aquifers, causing aquifer cross-contamination, or hydraulically connect those portions of a single aquifer where contaminants exist in separate and definable layers within the aquifer.

1810 WELL CONSTRUCTION REQUIREMENTS: SITING

1810.1 A well shall be constructed so that it is accessible for cleaning, treatment, repair, testing, inspection, abandonment, and any other work that may be necessary.

1810.2 A well shall not be constructed within or under any building other than a separate structure constructed specifically for the housing of pumping equipment, unless otherwise approved in writing by the Department and specifically noted in the approved well construction work plan.

1810.3 A well housed in a separate structure in accordance with § 1810.2 shall be properly marked to indicate the category of the well and the well registration number.

1810.4 Except as provided by § 1810.5, buildings or other structures shall not be constructed on top of a registered and permitted well, unless the well has been abandoned in accordance with §§ 1830 and 1831, or unless otherwise approved by the Department.

1810.5 Buildings or other structures may be constructed on top of ground source heat pump wells, provided that adequate access is available to the loops to allow attachment to the building headers and for well operation, repair, maintenance, and abandonment.

1810.6 A well shall not be constructed or maintained in a manner that interferes with or damages any pre-existing subsurface structures, including utility lines, long-term combined sewer control shafts, diversion structures, diversion sewers, diversion tunnels, and Washington Metropolitan Area Transit Authority (WMATA) transit tunnels.

1810.7 A well sited within the one hundred (100)-year floodplain or a low-lying area prone to flooding shall be constructed in accordance with § 1820.2.

- 1810.8 A well shall be located a minimum of twenty-five feet (25 ft.) from the mean high watermark of waters of the District or waters of the United States of America and a minimum of twenty-five feet (25 ft.) from a wetland, unless authorized in writing by the Department.
- 1810.9 A domestic supply well shall be sited a minimum of one hundred feet (100 ft.) from a recognized environmental condition.
- 1810.10 A closed-loop ground source heat pump well shall be sited in accordance with the following standards:
- (a) A closed-loop ground source heat pump well shall not be constructed within five hundred feet (500 ft.) of a recognized environmental condition without prior written approval of the Department;
 - (b) A closed-loop ground source heat pump well shall be located at least twenty-five feet (25 ft.) away from a water supply well;
 - (c) A closed-loop ground source heat pump well with a capacity of two (2) tons or less shall be sited a minimum of eight feet (8 ft.) from the property boundary;
 - (d) A closed-loop ground source heat pump well with a capacity greater than two (2) tons, but less than or equal to four (4), tons shall be sited a minimum of ten feet (10 ft.) from the property boundary; and
 - (e) A closed-loop ground source heat pump well with a capacity greater than four (4) tons or a commercial closed-loop ground source heat pump system shall be sited a minimum of ten feet (10 ft.) from the property boundary, and the permissible distance from the boundary shall be definitively determined based on the following criteria:
 - (1) The geology, topography, hydrology, hydrogeology, and hydraulics of the area of interest;
 - (2) The design of the closed-loop ground source heat pump system;
 - (3) The closed-loop ground source heat pump system's heating and cooling capacity;
 - (4) The closed-loop ground source heat pump system's proximity to other ground source heat pump wells; and

- (5) The closed-loop ground source heat pump system's proximity to property boundaries.

1810.11 If a proposed closed-loop ground source heat pump well does not meet the siting criteria outlined in § 1810.10, the well owner may submit a request to the Department for a special compliance standard in accordance with the requirements of §§ 1803.10 and 1803.11.

1811 WELL CONSTRUCTION REQUIREMENTS: RELOCATION DURING CONSTRUCTION

1811.1 Except as set forth in § 1811.2, a well may be relocated during construction for the avoidance of utility lines, building footings, or other sub-surface obstructions provided that:

- (a) The well is not relocated more than ten feet (10 ft.) from the approved and permitted location identified in the well construction building permit application;
- (b) The new well location meets the requirements of this chapter;
- (c) The new well location is situated on the same lot and square number listed on the well construction building permit application;
- (d) The unsuccessful well, cased or uncased, is abandoned in accordance with the requirements of §§ 1830 and 1831 of this chapter; and
- (e) The Department has not prohibited well relocation in the approved well construction work plan.

1811.2 A closed-loop ground source heat pump well shall not be relocated from the position shown on the well construction building permit and the Department-approved well construction work plan, without written approval by the Department.

1812 WELL CONSTRUCTION REQUIREMENTS: SANITARY PROTECTION

1812.1 A well owner is responsible for sanitary protection of the well during construction, maintenance, and abandonment.

1812.2 During well construction, the well and any water-bearing formation shall be protected against contaminants from any source, including surface water drainage.

- 1812.3 If construction of a well is suspended for any period of time prior to the completion of the well, the well annulus or open borehole shall be covered and protected from surface water drainage and the vertical migration of contaminants and other materials through the well casing and well annulus, and the well casing capped in accordance with the requirements of § 1820.1.
- 1812.4 A soil boring or well meeting the requirements of § 1818.2 shall be covered and protected from surface water drainage and the vertical migration of contaminants and other materials when not in use.
- 1812.5 In the event that contaminants not addressed in the well construction building permit are encountered during the construction, maintenance, or abandonment of a well, the well owner shall:
- (a) Stop all well construction work and related activities;
 - (b) Immediately notify the Department and other applicable emergency personnel;
 - (c) Propose immediate corrective action;
 - (d) Implement Department-approved corrective actions to prevent an imminent hazard to the public health and safety, or the environment; and
 - (e) If additional action is necessary to investigate or remediate the contaminants, or is required by this chapter or requested by the Department, develop and submit a well construction work plan to the Department for review and approval.
- 1812.6 In the event that contaminants not addressed in the well construction building permit are encountered during the construction, maintenance, or abandonment of a well under a Department regulatory action, the well owner shall notify the Department and other applicable emergency personnel and take necessary measures to contain and minimize the spread of contaminants.
- 1812.7 All materials, including drilling fluids or muds, used in the construction of a well shall be free of contaminants and shall not cause the groundwater to become polluted in violation of District or federal laws and regulations.
- 1813 WELL CONSTRUCTION REQUIREMENTS: DERIVED MATERIAL FROM WELL CONSTRUCTION, MAINTENANCE, AND ABANDONMENT**

- 1813.1 A well owner shall ensure all derived waste from the construction, maintenance, or abandonment of a well is managed and handled in accordance with this chapter and all District and federal laws and regulations.
- 1813.2 A well owner shall containerize all derived waste from the construction, maintenance, or abandonment of a well sited on a property where a recognized environmental condition has been identified and take the following measures:
- (a) Representative sample(s) of the derived waste shall be collected and analyzed for known or suspected contaminants by a National Environmental Laboratory Accreditation Conference-certified laboratory using appropriate EPA-approved procedures;
 - (b) All derived waste shall be stored and transported in United States Department of Transportation-approved containers; and
 - (c) All derived waste shall be permanently removed from the site for disposal in accordance with all District and federal laws and regulations.
- 1813.3 No person shall place, use, store, or dispose of derived waste from the construction, maintenance, or abandonment of a well in a manner that the derived waste may come into contact with or leach into the waters of the District, thereby violating the District Water Quality Standards in Chapter 11 (Water Quality Standards) of Title 21 of the District of Columbia Municipal Regulations (DCMR), or resulting in acute or chronic exposure to aquatic biota or otherwise posing a hazard to public health and safety or the environment.
- 1813.4 Soil or sediment derived from the construction, maintenance, or abandonment of a well may be placed on the site or stockpiled, provided it meets the following requirements:
- (a) The soil or sediment is characterized as non-hazardous waste in accordance with § 1813.2(a) and does not pose a hazard to public health and safety and the environment;
 - (b) The soil or sediment contains a concentration of total petroleum hydrocarbons (TPH) of less than one hundred parts per million (100 ppm); and
 - (c) The soil and sediment stockpile or placement complies with the District's erosion and sediment control requirements in Chapter 5 (Water Quality and Pollution) of Title 21 DCMR.
- 1813.5 No person shall discharge the following into a separate stormwater sewer or waters of the District without obtaining applicable District and federal permits:

- (a) Dewatering effluent;
- (b) Groundwater treatment system effluent;
- (c) Process water; or
- (d) Derived waste.

1813.6 A person may include in a well construction work plan request for approval of the placement of fluid waste derived from the construction, maintenance, or abandonment of a well, on the ground surface or in an unlined pit provided:

- (a) Representative analytical data indicates compliance with the District Water Quality Standards in Chapter 11 of Title 21 DCMR and all other applicable federal standards or regulations;
- (b) The fluid waste is free of solids;
- (c) The fluid waste does not have an observable sheen or free product;
- (d) The fluid waste is characterized in accordance with § 1813.2(a) and has a total petroleum hydrocarbons (TPH) concentration of less than one part per million (1 ppm); and
- (e) The fluid waste meets the following infiltration requirements:
 - (1) Erosion and sediment control requirements in Chapter 5 of Title 21 DCMR;
 - (2) Does not create surface ponding;
 - (3) Does not discharge onto an adjacent property, a nearby surface water body, or stormwater sewer; and
 - (4) Does not create or constitute a public nuisance or a hazard to the public health and safety, and the environment.

1814 WELL CONSTRUCTION REQUIREMENTS: DRILLING FLUIDS

1814.1 Only potable water shall be used to create a water-based drilling fluid.

1814.2 The use of a drilling fluid containing additives shall only be permitted if:

- (a) Use of the additive is approved by the Department in the well construction building permit application;
- (b) The additive is used in accordance with manufacture's recommendations; and
- (c) The additive does not pose a hazard to public health and safety or the environment.

1815 WELL CONSTRUCTION REQUIREMENTS: WELL CASING

- 1815.1 No person shall use well casing materials, well fittings, or well equipment that creates a condition which poses a hazard to public health and safety or the environment or results in violations of District or federal laws or regulations.
- 1815.2 Materials to be used for well casing must be appropriate for on-site application and approved by the American Society for Testing and Materials (ASTM), the American Water Works Association, or the NSF International.
- 1815.3 A well casing shall be strong enough to withstand the structural load and stresses imposed by conditions inside and outside the well during and after construction.
- 1815.4 A well casing shall be in good condition, free of pits, breaks, or cracks that may compromise the structural integrity or water-tightness of the well casing.
- 1815.5 Except for pre-packed wells installed using direct push technology, the diameter of the borehole shall be sized to accommodate the well casing and the well annulus requirements specified in § 1818.4.
- 1815.6 A plastic well casing shall be manufactured of polyvinylchloride (PVC) material and shall be at a minimum Schedule 40 or have a minimum standard dimension ratio of twenty-one (21).
- 1815.7 A well constructed with plastic PVC material shall not exceed a depth greater than one hundred and fifty feet (150 ft.).
- 1815.8 If steel casing is used:
- (a) The casing shall be new, seamless or electric-resistance welded, galvanized, or black steel. Galvanizing shall be done in accordance with the requirements of ASTM A53/A53M-07, as amended;
 - (b) The casing, threads, and couplings shall meet or exceed the specifications of ASTM A53/A53M-07 or A589/589M-06, as amended; and

- (c) The casing thickness shall meet or exceed the following specifications, unless an alternative thickness is approved in the well construction work plan:
 - (1) Steel well casing up to and including a nominal size of six inches (6 in.) in diameter shall be at minimum Schedule 40; or
 - (2) Steel well casing larger than six inches (6 in.) in diameter shall be at the minimum 0.280 inches.

1815.9 If thermoplastic casing is used:

- (a) The casing shall be new; and
- (b) The casing and joints shall meet or exceed all the specifications of ASTM F480-06b, except that the outside diameters shall not be restricted to those listed in ASTM F480-06b.

1815.10 A steel casing shall be used for a well constructed in crystalline rocks, unless an alternative casing is approved in the well construction work plan.

1815.11 Joints for a well casing shall meet the following requirements:

- (a) All joints shall be water tight;
- (b) All joints shall be joined in accordance with the manufacturer’s recommendations;
- (c) Joints for steel well casing shall be electrically welded or threaded; and
- (d) Joints for plastic well casing shall be threaded and not glued.

1815.12 A temporary well casing and liner shall be of such minimum thickness as required to withstand the structural load imposed by conditions inside and outside the well.

1816 WELL CONSTRUCTION REQUIREMENTS: WELL SCREENS

1816.1 No person shall construct a well in which the well screen extends across more than one aquifer, unless:

- (a) A special compliance standard request was submitted in accordance with §§ 1803.10 and 1803.11;
- (b) Adequate justification is provided to support the request;

- (c) The cross-contamination of aquifers is prevented; and
- (d) The request is approved by the Department in the well construction work plan.

- 1816.2 A well that derives water from an unconsolidated aquifer shall be equipped with a well screen that limits the entrance of sediment material into the well following well development.
- 1816.3 Only a machine-manufactured well screen shall be used in the construction of a well, unless otherwise approved by the Department.
- 1816.4 A well screen shall have sufficient structural strength to support the intended use of the well.
- 1816.5 A well screen shall be installed with fittings necessary to seal the well screen to the well casing.
- 1816.6 A lead packer and lead swedge shall not be used to seal a well screen to the well casing.
- 1816.7 A fitting shall be provided to close the bottom of the well screen and to cap, plug, or otherwise close the bottom of the well.
- 1816.8 A well screen of a well sited on a property where a recognized environmental condition has been identified shall be constructed to prevent structural degradation.

1817 WELL CONSTRUCTION REQUIREMENTS: FILTER PACK IN WELL

- 1817.1 Except for a pre-packed well, a filter pack shall be placed in the well annulus surrounding the well screen.
- 1817.2 A filter pack shall extend a minimum of two feet (2 ft.), but no further than three feet (3 ft.) above the well screen.
- 1817.3 A filter pack shall be comprised of sand or gravel that has been washed with water and is free of clay, silt, and organic material.
- 1817.4 A filter pack shall not contain iron or manganese in concentrations greater than that in the ground when the well is installed or adversely affect the quality of water withdrawn from the well or the groundwater that comes into contact with the filter pack.

- 1817.5 A filter pack material stored at the drilling site shall be stored on a clean surface or in a clean container to prevent any on-site contaminants from mixing with the filter pack materials.
- 1817.6 A filter pack shall be inserted by one of the following methods:
- (a) By placing the filter pack down the annulus;
 - (b) By placing a water-filter pack mix down the annulus; or
 - (c) By using a tremie pipe to insert a water-filter pack mix at the bottom of the annulus and slowly raising the tremie pipe.
- 1817.7 A pre-packed well screen shall:
- (a) Be used in accordance with the manufacturer's specifications and recommendations;
 - (b) Not contain materials that may alter groundwater chemistry or pose a hazard to the environment or public health and safety; and
 - (c) Be pre-approved in writing by the Department prior to installation.
- 1817.8 The well filter pack material shall not hydraulically connect otherwise confined aquifers, without prior written approval from the Department.

1818 WELL CONSTRUCTION REQUIREMENTS: WELL GROUTING

- 1818.1 Except as provided in §§ 1818.2 and 1818.3, a person constructing a well with an annulus shall pressure grout the well in accordance with the grouting standards of this chapter.
- 1818.2 The grouting of a monitoring well, observation well, piezometer, injection well, or recovery well shall not be required if all the following conditions are met:
- (a) The un-grouted annulus exists above the anticipated water table;
 - (b) A low-permeable seal a minimum of two feet (2 ft.) thick is installed atop the filter pack;
 - (c) The upper terminus of the well is protected in accordance with § 1812.3;
 - (d) The well is not constructed or maintained in a manner that allows the vertical migration of contaminants in the aquifer;

- (e) The well penetrates a single aquifer; and
 - (f) The well is abandoned within thirty (30) days of well completion in accordance with §§ 1830 and 1831.
- 1818.3 The grouting of a dewatering well shall not be required if all the following conditions are met:
- (a) The well is constructed to a maximum depth of twenty feet (20 ft.) below ground surface;
 - (b) The well penetrates a single aquifer;
 - (c) The well is constructed and maintained in a manner that does not allow the vertical migration of contaminants in the aquifer; and
 - (d) The well is abandoned within one-hundred and eighty (180) days of well completion in accordance with §§ 1830 and 1831.
- 1818.4 The annulus of a well to be grouted shall be a minimum of one and one-half inches (1.5 in.) wide, or the diameter of the annulus shall be a minimum of three inches (3 in.) greater than the outside diameter of a well casing.
- 1818.5 A low-permeability seal a minimum of two feet (2 ft.), but no greater than three feet (3 ft.) thick, shall be placed atop the filter pack to prevent surface water from entering the screened interval.
- 1818.6 A sodium-based bentonite slurry grout shall be placed on top of the low-permeability seal and extend towards the ground surface with sufficient space to install the upper well terminus.
- 1818.7 A request may be made to the Department in accordance with §§ 1803.10 and 1803.11 to deviate from the grouting standards of this chapter, provided the deviation does not result in a less protective standards than those set forth in this chapter.
- 1818.8 A well shall be grouted as soon as feasible, but not later than twenty-four (24) hours after the well casing has been set in place, unless otherwise specified in the well construction building permit or well construction work plan authorized in accordance with the requirements of §§ 1803.10 and 1803.11.
- 1818.9 If pressure grouting the annulus is not feasible during the construction of a monitoring well, observation well, or a piezometer, the well shall be grouted by pouring medium-size, sodium-based bentonite chips or pellets down the well annulus in a manner that prevents the bridging of the bentonite chips or pellets.

- 1818.10 A well in which a permanent outer casing is installed shall be grouted in a manner that will allow the grout to set prior to the top of the inner casing being terminated below ground surface.
- 1818.11 The material of a low-permeability seal shall sustain a hydraulic conductivity equal to or less than 1×10^{-7} centimeters per second (1×10^{-7} cm/s) and be comprised of:
- (a) Sodium-based bentonite slurry:
 - (1) At a ratio of two (2) pounds of sodium-based bentonite powder to one (1) gallon of potable water; or
 - (2) At a mix ratio according to the manufacturer's specifications, provided that the grout results in a low-permeability seal with a hydraulic conductivity equal to or less than 1×10^{-7} cm/s;
 - (b) Sodium-based bentonite-cement at a ratio of one hundred fifty pounds (150 lbs) of bentonite powder to ninety-four pounds (94 lbs) of portland cement hydrated with eighty-two gallons (82 gal) of potable water;
 - (c) Hydrated, medium-size bentonite chips at a ratio of one (1) gallon of potable water to twelve and one-half pounds (12.5 lbs.) of medium-size, sodium-based bentonite chips or pellets; or
 - (d) Hydrated, specially-coated, medium-size bentonite pellets which allow a time-delayed reaction at a ratio of one (1) gallon of potable water to twelve and one-half pounds (12.5 lbs.) of medium-size, sodium-based bentonite chips or pellets.
- 1818.12 Standards for grouting shall be as follows:
- (a) Well grouting shall be performed to provide a water-tight seal against downward fluid migration along the well annulus into the filter pack, well screen, and surrounding aquifer;
 - (b) A sodium-based bentonite slurry mixture shall be installed by pumping the slurry mixture through a tremie pipe at least one inch (1 in.) in diameter using a positive placement technique;
 - (c) If a borehole diameter is not wide enough for a slurry mixture to be emplaced using a tremie pipe, the following sodium-based bentonite chips shall be used:

- (1) Uncoated, sodium-based bentonite chips shall be used above the potentiometric surface, with a sufficient amount of potable water added to fully hydrate the chips; or
 - (2) Specially coated, time-release sodium-based bentonite pellets shall be used when several layers of pellets must be emplaced below the potentiometric surface of the well, with a sufficient amount of potable water shall be added to fully hydrate the pellets if there is insufficient groundwater entering the well;
- (d) Sodium-based bentonite chips and pellets shall be sized according to the well diameter to be filled, and the chips or pellets shall be less than one fifth (1/5) the radial thickness of the annulus into which they are to be placed, except that medium or coarse sized chips may be used in well diameters from four inches (4 in.) to ten inches (10 in.);
- (e) Sodium-based bentonite chips and pellets shall be placed within the borehole in a manner that prevents the bridging of the bentonite chips or pellets;
- (f) Medium-size, sodium-based bentonite chips or pellets shall be used at a ratio of one (1) gallon of potable water to twelve and one-half pounds (12.5 lbs.) of medium-size, sodium-based bentonite chips or pellets as follows:
- (1) The chips or pellets shall be pre-screened to remove fragments; and
 - (2) The chips or pellets shall be hydrated in accordance with the manufacturer's specifications to ensure that the chips or pellets achieve a low-permeability seal with a hydraulic conductivity equal to or less than 1×10^{-7} cm/s;
- (g) If an outer casing is required for a well penetrating a confined or multi-layer aquifer with the potential for aquifer cross-contamination, the space between the open borehole wall and the outer casing shall be pressure grouted, and the following shall be required:
- (1) The annulus between the open borehole wall and the outer casing shall be pressure grouted;
 - (2) The outer casing shall be installed and pressure grouted a minimum of ten feet into the uppermost confining layer; and

(3) In the event the confining layer is less than ten feet (10 ft.) in thickness, the outer casing shall be pressure grouted entirely through the uppermost confining layer;

- (h) All grout materials placed in the borehole shall be free of contaminants;
- (i) All sand and gravel placed in the borehole shall be silica based and inert, unless a material other than silica is used in a commercially available product that is inert and meets all other grouting requirements;
- (j) Drill cuttings or muds shall not be left in boreholes, or placed in the borehole as fill material and shall not be used as a grouting material; and
- (k) All grout inserted into a well annulus for sealing purposes shall not be disturbed until the grout has fully set.

1818.13 Grouting materials for unconsolidated formations shall meet the following requirements:

- (a) Grout shall be fully hydrated and comprised of sodium-based bentonite, or a sodium-based bentonite-cement mixture comprised of a minimum of five percent (5%) and a maximum of ten percent (10%) sodium-based bentonite, and a minimum of ninety percent (90%) and a maximum of ninety-five percent (95%) cement;
- (b) Cement shall be hydrated consistent with § 1818.14(a) of this chapter; and
- (c) A sodium-based bentonite clay shall not be used if it may come into contact with groundwater with a known pH below five (5.0) or groundwater having a total dissolved solids content greater than one thousand milligrams per liter (1,000 mg/L).

1818.14 Grouting materials for consolidated formations shall consist of the following:

- (a) Portland cement or quick-setting cement in a ratio of no greater than six (6) gallons of water per ninety-four pound (94 lb.) sack of cement or as otherwise authorized by the Department in the well construction work plan;
- (b) Sodium-based bentonite powder may be added to the cement grout in an amount of five pounds (5 lbs.) for each ninety-four pound (94 lb.) sack of cement; and

- (c) When adding sodium-based bentonite clay to neat Portland cement grout, additional water shall be allowed at a rate of one (1) gallon of water to two pounds (2 lb.) of sodium-based bentonite powder.

1818.15 The grouting of a closed-loop ground source heat pump well shall meet the following requirements:

- (a) Approved sealing and filling materials shall include fully hydrated high solids sodium-based bentonite grout comprised of a minimum twenty percent (20%), but no greater than thirty percent (30%) of solids by weight, or approved high efficiency, thermally-enhanced grouts comprised of a maximum twenty percent (20%) by weight silica sand to powdered sodium-based bentonite;
- (b) All grout shall meet the manufacturer's specifications and the hydraulic conductivity of the low-permeability seal shall be equal to or less than 1×10^{-7} cm/s;
- (c) The hydraulic conductivity value shall be derived by using American Society for Testing and Materials (ASTM) D-5084 and verified by an independent testing facility certified by American Association of State Highway & Transportation Officials, Materials Reference Laboratory to perform ASTM D5084 at the time of verification;
- (d) The entire length of the borehole shall be grouted from bottom to top with sodium-based bentonite or thermally enhanced grout specifically designed to facilitate heat transfer and provide a low-permeability seal;
- (e) Grouting shall be completed immediately after installing the geothermal loop or in case of extenuating field conditions, no later than twenty-four (24) hours after installing the geothermal loop;
- (f) Open boreholes shall be protected as necessary to prevent the entry of surface water or pollutants;
- (g) Boreholes with temporary casing shall be grouted during or before removal of casing depending on borehole stability;
- (h) Boreholes with permanent outer casing shall be grouted and the grout shall be allowed to set before the top of the casing is terminated below ground level;
- (i) Boreholes with no casing shall be looped and grouted immediately after drilling;

- (j) When voids are encountered, including fractures in bedrock and degraded bedrock, the borehole shall be cased from below the void to the surface; and
- (k) Boreholes drilled with a mud rotary drilling system in unconsolidated formations shall be looped and grouted immediately after drilling.

1818.16 If the annulus cannot be grouted in accordance with this chapter, the well shall be abandoned in accordance with §§ 1830 and 1831.

1818.17 The Department may impose additional requirements pertaining to the grouting of a well in the well construction building permit to ensure the protection of public health and safety and the environment.

1819 WELL CONSTRUCTION REQUIREMENTS: WELL DEVELOPMENT

1819.1 A well constructed for the purpose of determining the physical or chemical characteristics of groundwater shall be developed in accordance with the requirements of this section.

1819.2 Well development shall consist of cyclic or intermittent pumping, surging, or both, either mechanically or by using potable water or air under pressure.

1819.3 Well development shall continue until formation cuttings, mud, drilling fluids and additives are removed from the well.

1819.4 Well development shall occur as soon as feasible following installation and after grout is firmly set, but no sooner than twenty-four (24) hours.

1819.5 A well shall be developed to remove the fine sands, silts, clays, and rock particles from the aquifer surrounding the well screen or intake interval, to meet the following requirements:

- (a) The water recovered from the well shall contain less than five milligrams (5 mg) of sand or larger particles per liter of water. Particles with a diameter between 0.0625 and 2.0 millimeters shall be considered sands;
- (b) The water recovered from the well shall have a turbidity of less than twenty (20) NTU (Nephelometric Turbidity Units), except when the turbidity is due to the oxidation of dissolved iron or manganese naturally occurring in the water; and
- (c) The pH, specific conductivity, temperature, and turbidity of the water recovered from the well are determined to be within a ten percent (10%) range and considered at equilibrium.

1820 WELL CONSTRUCTION REQUIREMENTS: WELL CAPS AND UPPER TERMINUS OF WELL

1820.1 Except as provided in §§ 1820.3 and 1820.4, the upper terminus of a well shall meet the following requirements, unless otherwise approved in writing by the Department in accordance with §§ 1803.10 and 1803.11;

- (a) A well shall be covered with a secure and locking well cap, meeting the following requirements:
 - (1) A well cap shall be constructed to prevent the introduction of contaminants, or any other foreign material including surface runoff;
 - (2) A vented capping device shall be screened so as to prevent the entry of insect and animals; and
 - (3) The well cap shall be locked or incapable of removal without the use of tools;
- (b) The surface completion shall be set in a cement well pad with minimum dimensions of two feet (2 ft.) by two feet (2 ft.) and domed to prevent water from entering the well;
- (c) A protective metal casing with a locking cap shall be installed around a well completed at or above ground surface, extending at least six inches (6 in.) above the top of the well and cemented into place at least one foot (1 ft.) below ground surface; and
- (d) A metal housing shall be installed on top of the well completed below ground surface and a limited-access water tight protective cover shall be installed to prevent the inflow of surface water, or the metal housing shall be provided with drains to keep water out of the well and below the well cap.

1820.2 For a well sited within the 100-year floodplain or low lying areas prone to flooding, the top of the well head shall not terminate less than twenty-four inches (24 in.) above the finished ground surface and shall be fully protected from surface water intrusion, unless otherwise approved in accordance with §§ 1803.10 and 1803.11.

1820.3 A dewatering well or ground freeze well constructed for temporary construction applications shall be exempt from § 1820.1, provided all the following conditions are met:

- (a) The well is sited within a secured perimeter not accessible to the public;
- (b) The well meets the requirements of §§ 1812.1 through 1812.4; and
- (c) The well is abandoned within one-hundred and eighty (180) days of well completion in accordance with §§ 1830 and 1831.

1820.4 A monitoring well, observation well, piezometer, injection well or recovery well shall be exempt from §§ 1820.1(b) through 1820.1(d) provided all the following conditions are met:

- (a) The well meets the requirements of §§ 1812.1 through 1812.4; and
- (b) The well is abandoned within thirty (30) days of well completion in accordance with §§ 1830 and 1831.

1820.5 The upper terminus of an industrial supply well, irrigation supply well, and a domestic supply well shall be required to meet the following standards:

- (a) The well shall be constructed with an access port with a minimum inside diameter of one-half inch (0.5 in.), allowing for a water level measurement by a steel or electric tape;
- (b) The access port shall be constructed with a removable cap and seal to protect from entry of water, dust, insects, animals, or other foreign material, but allows access for water level measurements;
- (c) If a pump motor is not installed directly over the well, an access port shall be constructed atop the well; and
- (d) If a pump motor is installed directly over the well, an access port shall be installed through the pump base or outside the well casing at some accessible point below the base of the pump.

1820.6 A closed-loop ground source heat pump well shall not require a secure and locking well cap provided the closed-loop ground source heat pump well is constructed in accordance with § 1823.

1820.7 The cover of a well completed below ground surface shall be designed to withstand the maximum expected loadings.

1820.8 The construction and use of a well pit, pump pit, or other facility installed or constructed below ground surface are prohibited, unless prior written approval has been granted by the Department in accordance with §§ 1803.10 and 1803.11.

1821 WELL CONSTRUCTION REQUIREMENTS: WELL LABELING

- 1821.1 A well registration number issued by the Department in accordance with § 1806 shall be attached or labeled at a visible location to the terminal surface of a well.
- 1821.2 For closed-loop ground source heat pump wells, the well registration number shall be attached to a visible location along the supply and return line entering the building or vault.
- 1821.3 A well registration label shall not be required for a soil boring, monitoring well, observation well, piezometer, injection well, or recovery well provided the well is abandoned within thirty (30) days of well completion in accordance with §§ 1830 and 1831.
- 1821.4 A dewatering well or ground freeze well constructed for temporary construction applications shall not require a well registration label, provided all the following conditions are met:
- (a) The well is sited within a secured perimeter not accessible to the public;
 - (b) The well construction building permit and well completion details are maintained at the property where the well is sited; and
 - (c) The well is abandoned within one-hundred and eighty (180) days of well completion in accordance with §§ 1830 and 1831.
- 1821.5 Well registration labels shall be unique to each well registered in accordance with § 1806 and shall not be reused or duplicated for use by other registered or unregistered wells.

1822 WELL CONSTRUCTION REQUIREMENTS: MONITORING WELL, OBSERVATION WELL, AND PIEZOMETER

- 1822.1 The construction of a monitoring well, observation well, or piezometer shall be conducted by a method that allows for the determination of characteristics of the geologic materials under the site, unless otherwise approved by the Department in the well construction work plan.
- 1822.2 A monitoring well, observation well, or piezometer's uncompleted borehole shall not penetrate to a depth greater than the depth to be monitored, and any portion of the borehole that extends to a depth greater than the depth to be monitored shall be grouted completely to prevent vertical migration of contaminants.

1823 WELL CONSTRUCTION REQUIREMENTS: CLOSED-LOOP GROUND SOURCE HEAT PUMP WELL

- 1823.1 A closed-loop ground source heat pump system shall contain pipes, loops, or loop configurations that meet the requirements of this chapter.
- 1823.2 Unless otherwise specified in this chapter, closed-loop ground source heat pump well exchanger pipe and fitting materials shall meet the standards and specifications in the document *Closed-Loop/Geothermal Heat Pump Systems Design and Installation Standards*, Revised Edition 2008, published by the International Ground Source Heat Pump Association, Oklahoma State University, which is adopted and incorporated by reference.
- 1823.3 All closed-loop ground source heat pump well exchanger pipe and fitting materials shall be stenciled with the applicable American Society for Testing and Materials (ASTM) standard.
- 1823.4 If a closed-loop ground source heat pump well exchanger pipe and fitting materials do not meet the requirements of § 1823.2, the proper documentation of manufacturer specifications shall be supplied to the Department in the well construction work plan for approval.
- 1823.5 A closed-loop ground source heat pump system installer and licensed well driller shall be experienced, trained, certified, or accredited by a recognized professional organization specializing in the installation of ground source heat pump systems.
- 1823.6 A closed-loop ground source heat pump well and system shall not be designed or operated in a manner to allow system heating or cooling of soil, rock, or water beyond the property line where the well is sited.
- 1823.7 Permanent casing shall be used for a closed-loop ground source heat pump well sited on a property where a recognized environmental condition has been identified.
- 1823.8 Permanent casing for closed-loop ground source heat pump wells shall be constructed of new steel where organic contaminants are present.
- 1823.9 A closed-loop ground source heat pump well shall be constructed with a high density polyethylene (HDPE) factory manufactured pipe forming a loop, and shall be grouted in accordance with § 1818.15.
- 1823.10 Pipe joints and fittings installed and buried shall be socket or butt thermally fused or electro-fused according to the pipe manufacturer's specifications.
- 1823.11 Glued or clamped pipe joints shall not be used below ground.

- 1823.12 Dimensions for closed-loop ground source heat pump systems shall meet the following requirements:
- (a) A pipe with a diameter of less than one and one quarter inch (1.25 in.) (3.175 cm) (nominal) shall be manufactured in accordance with ASTM D-3035 with a minimum (based on pressure rating) dimension ratio of 11;
 - (b) A pipe with a diameter from one and one quarter inch (1.25 in.) (3.175 cm) (nominal) up to three inches (3 in.) (7.62 cm) in diameter shall be manufactured in accordance with ASTM D-3035 with a minimum (based on pressure rating) dimension ratio of 11; and
 - (c) A pipe with a diameter of three inches (3 in.) (7.62 cm) (nominal) and larger shall be manufactured in accordance with ASTM D-3035, with a minimum (based on pressure rating) dimension ratio of 17 or D-2447 (Schedule 40).
- 1823.13 The closed-loop ground source heat pump boring diameter shall be a minimum of four inches (4 in.) to sufficiently allow the placement of grout using a tremie pipe and the heat exchanger loop piping.
- 1823.14 Flushing, purging, pressure, and flow testing of closed-loop ground source well and system components shall meet the following requirements:
- (a) The loops shall be pressure tested before installation;
 - (b) All horizontal components of the ground heat exchanger shall be flushed, pressure tested, and flow tested prior to backfilling;
 - (c) The heat exchangers shall be tested hydrostatically at one hundred and fifty percent (150%) of the pipe design rating or three hundred percent (300%) of the system operating pressure, if this value is the smaller of the two; and
 - (d) No visible leaks shall occur within a thirty (30) minute period.
- 1823.15 All buried pipes and plumbing shall be marked with underground warning tape at a depth of twenty-four inches (24 in.).
- 1823.16 All closed-loop ground source heat pump system piping shall be capped and protected until the manifold piping is ready to be connected.

- 1823.17 All closed-loop ground source heat pump system piping shall be connected to the building in accordance with the manufacturer's recommendations and all local building and plumbing codes.
- 1823.18 The solution contained in a closed-loop ground source heat pump well piping system shall not contain any substances that pose a hazard to the public health and safety or the environment and shall be:
- (a) Potable water; or
 - (b) A food-grade quality antifreeze solution that is non-toxic, non-corrosive, long-lasting, and that does not exceed twenty percent (20%) antifreeze in solution.
- 1823.19 Pressure testing of the closed-loop ground source heat pump system network shall be conducted prior to putting the system into operation.
- 1823.20 No person shall install any other type of ground source heat pump system not specified in this chapter unless approved by the Department in the well construction work plan.
- 1823.21 A person requesting the use of materials or procedures that differ from those provided in this section shall provide documentation demonstrating that the substitute materials or procedures are in compliance with relevant District construction codes and International Ground Source Heat Pump Association standards, and that such use would provide an equivalent material strength and durability.
- 1823.22 The construction of an open-loop ground source heat pump system shall be prohibited.

1824 WELL CONSTRUCTION REQUIREMENTS: GROUND FREEZE WELL

- 1824.1 The American Society for Testing and Materials (ASTM) standard A-120/A-53 steel shall be used for subsurface freeze pipes, unless otherwise approved in a well construction work plan by the Department in accordance with §§ 1803.10 and 1803.11.
- 1824.2 The subsurface connections of steel freeze pipes installed in a ground freeze well shall be welded.
- 1824.3 A ground freeze well system shall be installed by a licensed well driller experienced in installing ground freeze well systems or trained, certified, or accredited by a recognized professional organization specializing in the installation of ground freeze well systems.

- 1824.4 Flushing, purging, pressure, and flow testing of a ground freeze well and system components shall meet the following requirements:
- (a) The loops shall be pressure tested before installation; and
 - (b) All horizontal components of the ground freeze distribution manifold shall be flushed, pressure tested, and flow tested prior to backfilling.
- 1824.5 No coolant fluid or refrigerant circulated within the ground freeze downhole piping or ground freeze distribution manifold shall contain any substances that pose a hazard to public health and safety or the environment.
- 1824.6 Pressure testing of the ground freeze well system shall be conducted and operating pressures shall be maintained in accordance with the manufacturer's specifications prior to putting the system into operation.

1825 WELL CONSTRUCTION REQUIREMENTS: RECOVERY WELL

- 1825.1 The materials and the methods used to construct, maintain, and abandon a recovery well shall be compatible with the chemical and physical properties of the pollutants known to exist or potentially exist where a well will be sited.
- 1825.2 A recovery well borehole shall not penetrate to a depth greater than the depth from which contaminants are to be recovered.
- 1825.3 If a well or borehole extends to a depth greater than the depth from which contaminants are to be recovered, the well or borehole shall be grouted in accordance with § 1818 to prevent vertical migration of contaminants.
- 1825.4 No person shall discharge the effluent of a recovery well to the waters of the District prior to obtaining all applicable District and federal permits.

1826 WELL CONSTRUCTION REQUIREMENTS: REPORTING

- 1826.1 Within sixty (60) calendar days of construction of a new well, a well owner shall provide a well completion report to the Department in accordance with the reporting requirements of § 1826.3.
- 1826.2 A well completion report shall not be required for a well currently under a Department regulatory action, or for a well that is exempt from the well construction building permit requirement pursuant to § 1802.
- 1826.3 A well completion report submitted to the Department shall include the following details:

- (a) The well owner's name, mailing address, telephone number, and electronic mailing address;
- (b) The property owner's name, mailing address, telephone number, and electronic mailing address, if different from the information provided pursuant to § 1826.3(a);
- (c) The physical location of the property on which the well is sited, in the form of a physical address, a square, suffix, and lot, or closest physical location identifier;
- (d) The well construction as-built schematic detailing the well construction;
- (e) The intended use of the well;
- (f) The building permit number;
- (g) The well registration number;
- (h) The well construction completion date;
- (i) The horizontal location of the well using either the Maryland State Plane Coordinate System or latitude and longitude;
- (j) The vertical elevation of the well casing based upon the North American Datum 1988 (NAVD88), if required;
- (k) The placement and description of any equipment or materials that were or could be placed in the well such as, pumps or liners, or any water-impacting activities;
- (l) The geological boring logs;
- (m) The well development logs;
- (n) A statement signed by the well owner that the well was constructed in accordance with well construction building permit issued by DCRA, the well construction work plan, the well registration, and in accordance with the well construction procedures of this chapter; and
- (o) Any other relevant information not included in the well construction building permit application or the well registration application.

1827 WELL USE AND MAINTENANCE: GENERAL

- 1827.1 A well owner shall maintain a well in a manner that does not pose a hazard to public health and safety or the environment.
- 1827.2 The well owner shall ensure that the use and maintenance of a well is conducted in accordance with the well construction building permit, the well construction work plan, the well registration conditions, and all District and federal laws and regulations.
- 1827.3 If a well owner is unable or unwilling to use or maintain a well in accordance with § 1827.2, the well owner shall:
- (a) Submit a request to the Department for special standards in accordance with the requirements of §§ 1803.10 and 1803.11; or
 - (b) Abandon the well in accordance with §§ 1830 and 1831.
- 1827.4 If the maintenance of a well requires a modification or material change to the original permitted design, specifications, use, or construction of the well, a well owner shall submit a well construction work plan for review and approval by the Department.
- 1827.5 Within sixty (60) days of work completed in accordance with § 1827.4, the well owner shall submit to the Department a report detailing the work that was performed with supporting documentation.
- 1827.6 No person shall use or maintain a well that may significantly deplete or degrade groundwater resources or significantly interfere with groundwater recharge.
- 1827.7 No person shall discharge fluids withdrawn from a well to a separate stormwater sewer or waters of the District that may cause a violation of the District Water Quality Standards in Chapter 11 of Title 21 of the District of Columbia Municipal Regulations (DCMR), result in acute or chronic exposure to aquatic biota, or pose a hazard to the public health and safety or the environment, without obtaining applicable District and federal permits.
- 1827.8 A well owner shall ensure that sampling equipment used in a well is free of contaminants and that decontamination procedures are performed in accordance with EPA-approved procedures.
- 1827.9 A well owner shall ensure that dedicated sampling equipment used in a well is maintained in accordance with the manufacturer's specifications and does not pose a hazard to public health and safety or the environment.

- 1827.10 A well owner shall use materials for the maintenance of a well that meets the requirements for new construction, in accordance with §§ 1815 through 1826.
- 1827.11 A well owner shall notify the Department within twenty-four (24) hours of discovery of damage to a well or a well not operating in accordance with its approved use.
- 1827.12 No person shall maintain a well through the application of chemical treatment except in accordance with a well maintenance work plan reviewed and approved by the Department.
- 1827.13 A well owner shall repair or replace broken, punctured, or otherwise defective or unserviceable well casing, well screen, fixtures, seals, or any part of the well head, or the well owner shall properly abandon and seal the well as specified in §§ 1830 and 1831.

1828 WELL USE AND MAINTENANCE: MONITORING OR OBSERVATION WELL

- 1828.1 When conducting the well development of a monitoring or observation well, a well owner shall allow groundwater flow conditions to equilibrate prior to purging the well.
- 1828.2 If the well construction or well development methods introduced fluids, following the development of the well, a well owner shall allow the well to rest at least seven (7) days prior to purging and sampling.
- 1828.3 Prior to sampling a monitoring or observation well, a person shall purge the well to facilitate collection of an accurate, reproducible, and representative groundwater sample, in accordance with appropriate EPA-approved sampling procedures.
- 1828.4 An owner of a monitoring or observation well shall maintain the well to ensure that any testing procedures are appropriate for the intended use as stated on the well construction building permit and in the well construction work plan.
- 1828.5 An owner of a monitoring or observation well shall comply with the data collection requirements of the District's Water Quality Monitoring Regulations in Chapter 19 (Water Quality Monitoring Regulations) of Title 21 DCMR if the results are to be submitted to the Department for regulatory and applicable decision-making purposes.

1829 WELL USE AND MAINTENANCE: INJECTION WELL

- 1829.1 A well owner shall obtain written approval from the Department in accordance with the requirements of this chapter for the injection of a substance into a well or an injection system within the District.
- 1829.2 A well owner shall obtain an EPA Underground Injection Control Permit or an exemption from such permit for the injection of a substance into a well or an injection system within the District.
- 1829.3 A well owner or a person responsible for injecting a fluid into a well by active or passive means shall prevent, to the maximum extent possible, the migration of a hazardous substance, a hazardous waste, or a pollutant beyond the boundary of the property where the well is sited, to a human or ecological receptor, or to the waters of the District.
- 1829.4 A well owner or a person responsible for injecting a fluid into a well shall minimize any negative impact to the natural degradation of a contaminant not targeted for treatment by the injection system.
- 1829.5 A person responsible for injecting water into a well for testing purposes, including determining soil hydraulic conductivity, shall ensure that the water is clean, potable, and meets the District Water Quality Standards in Chapter 11 of Title 21 of the District of Columbia Municipal Regulations.

1830 WELL ABANDONMENT REQUIREMENTS: GENERAL

- 1830.1 Except in accordance with §§ 1802.3 and 1802.7, at least thirty (30) days prior to abandoning a well, a well owner shall submit to the Department a well abandonment work plan for review and approval by the Department.
- 1830.2 A well abandonment work plan submitted to the Department shall include the following details, in addition to the information provided in § 1826.3:
- (a) The reason(s) for abandonment;
 - (b) The depth and diameter of the well;
 - (c) The well abandonment details, including the procedures and materials used;
 - (d) The details describing how any waste materials from the abandoned well or derived from well abandonment will be collected and disposed of in accordance with District and federal laws and regulations;

- (e) The details regarding the well's condition and whether or not any obstructions exist that may potentially interfere with the abandonment processes;
- (f) The well driller's name, address, telephone number, electronic mailing address, a copy of the pertinent Department of Consumer and Regulatory Affairs licenses, and a copy of the well driller's license;
- (g) A statement signed by the well owner that the well will be abandoned in accordance with the well abandonment requirements of this chapter; and
- (h) Any other relevant details.

1830.3 A well shall be abandoned in accordance with the approved well abandonment work plan within sixty (60) days of Department approval of the plan.

1830.4 During the abandonment of a well, a Department-approved well abandonment work plan may be modified only if:

- (a) The well owner immediately notifies the Department;
- (b) The modification of the well construction building permit, and well construction work plan, or well abandonment work plan does not violate District or federal laws or regulations; and
- (c) A well abandonment report is submitted to the Department detailing the modifications or revisions to the well abandonment work plan.

1830.5 If additional time is required to abandon a well a request may be submitted to the Department in accordance with §§ 1803.10 and 1803.11.

1830.6 A dewatering well shall be permanently abandoned in accordance with the requirements of this chapter as soon as the dewatering period ends, but no later than seven (7) calendar days following the termination of pumping.

1831 WELL ABANDONMENT PROCEDURES

1831.1 A person abandoning a well shall, if feasible, remove all obstructions that may interfere with the effective sealing operations by cleaning out the borehole or re-drilling.

1831.2 A person abandoning a well shall remove all well upper terminus completion structures and well casing.

- 1831.3 If the removal of the well casing or obstructions is not feasible, the following shall be performed to ensure that the well casing and annulus or voids are filled with sealing or fill materials:
- (a) Rip or perforate the well casing below ground surface;
 - (b) Over-drill the well casing for removal; or
 - (c) Submit an alternate abandonment procedure to the Department for approval in accordance with §§ 1803.10 and 1803.11.
- 1831.4 The abandoned well shall be completely filled and sealed in such a manner that vertical fluid migration within the well, including the annulus surrounding the well casing, is effectively and permanently prevented.
- 1831.5 The following materials shall be used for filling and sealing a well for abandonment:
- (a) A sodium-based bentonite slurry; or
 - (b) Hydrated, medium size, sodium-based bentonite chips or pellets, if:
 - (1) The diameter of the well casing is less than one and one-quarter inches (1.25 in.) and the well is not over-drilled for abandonment; or
 - (2) The well is no more than ten (10) feet below ground surface; and
 - (i) The terminus of the well does not intersect the water table; and
 - (ii) The well is sited greater than twenty-five feet (25 ft.) from the mean high watermark of a waters of the District or waters of the United States of America and twenty-five feet (25 ft.) from a wetland.
- 1831.6 In the event the diameter of a well does not allow for a slurry mixture to be emplaced using a tremie pipe, sodium-based chips or pellets shall be used in accordance with § 1818.
- 1831.7 Clay, silt, sand, gravel, crushed stone, and mixtures of these materials are considered fill material, and shall only be used under the following conditions:
- (a) In soil borings in areas where no known or suspected, historic or current, groundwater or soil contamination exists;

- (b) In a manner that shall mimic the original, stratigraphic layering of geologic units;
- (c) In a manner that shall not create a conduit between aquifers;
- (d) In a manner that shall not cause negative impacts to groundwater quantity or quality; and
- (e) With prior written approval of the Department in accordance with §§ 1803.10 and 1803.11 or 1830.1.

- 1831.8 A well shall be abandoned by filling it with the appropriate sealing materials introduced at the bottom of the well by using a tremie pipe and placed progressively upward to at least two feet (2 ft.) below ground surface.
- 1831.9 The abandoned well shall be furnished with suitable materials to create a final cover similar to that of the surrounding area, such as a cold patch, or a non-coal tar based hot patch, or native soils or a combination of these materials.
- 1831.10 All abandonment sealing material shall be placed in one continuous operation using methods that prevent free fall, bridging, dilution, or separation of aggregates from cementing materials, unless otherwise approved by the Department.
- 1831.11 A well in a consolidated formation shall be filled by placing gravel in the water producing zones, and cement or cement-grout in accordance with § 1818.14 in the non-water producing zones to the ground surface. A suitable packer shall be placed between the gravel and the sealing material.
- 1831.12 A well penetrating a confined and multiple aquifer formation shall be abandoned by placing sealing materials throughout the confining horizon and water producing zone(s).
- 1831.13 In a well penetrating a consolidated formation where known contaminants exist, only cement or cement-grout in accordance with § 1818.14 shall be used to seal and abandon a well.
- 1831.14 In a multiple aquifer well, the well shall be filled and sealed in such a way that exchange of water from one aquifer to another is prevented and all fluids are permanently confined to the specific strata in which they were first encountered.
- 1831.15 A person abandoning a closed-loop ground source heat pump well or ground freeze well shall comply with the following procedure:

- (a) Pressure test the closed-loop system including the well and header piping, to identify any leaks and isolate and seal them with high solids, low-permeability grout equal to or less than 1×10^{-7} cm/s;
- (b) Capture any circulation fluids and flush the loop piping with potable water to remove all contaminants in non-leaky piping systems;
- (c) Conduct a laboratory analysis of the final flush (abandonment solution) and submit the results to the Department;
- (d) After pressure testing and flushing the system, fill the loops with potable water;
- (e) Cut off the piping in the well at least five feet (5 ft.) below the ground surface and seal it with a permanent fusion cap;
- (f) If gaps are found in the annulus grout seal during the decommissioning process, pump grout into the deficient borehole annulus in a continuous operation until undiluted grout returns to the surface;
- (g) If there is visual evidence of subsidence greater than one foot (1 ft.) at a well, excavate the ground to the top of the well, and grout the open well using a tremie pipe or by surface methods consistent with the requirements of § 1818;
- (h) If a previously decommissioned closed-loop ground source heat pump system is breached and no known contaminant is present, reseal the system using a permanent fusion cap; and
- (i) If contaminants are known or suspected to have entered a damaged pipe, purge the pipe again, fill it with potable water, and reseal.

1832**INSPECTION**

1832.1

Upon the presentation of appropriate credentials to the well owner and the property owner where a well is sited, the Department may:

- (a) Access the property where a well is sited;
- (b) Inspect and copy any records kept in accordance with this chapter, including any reports, information, or analytical data; and
- (c) Inspect and collect a sample of any soil or water to assist in regulating the quality of waters of the District and ensuring compliance with this chapter,

or with conditions stated in the well construction building permit or well registration.

1832.2 If the construction, maintenance, or abandonment of a well is conducted contrary to the approved well construction building permit or work plan or in a manner that poses or causes a hazard to the public health and safety or the environment, the well owner shall immediately stop all work and immediately notify the Department.

1832.3 A well owner shall ensure that the Department-approved well construction building permit and work plan are present at the site during well construction activities and available to the Department's site inspector upon request.

1833 ENFORCEMENT AND PENALTIES

1833.1 The Department may issue an order requiring compliance with this chapter or elimination of any violation.

1833.2 The Department may order a well owner to abandon a well in accordance with §§ 1830 and 1831 if the Department determines that any of the following conditions apply:

- (a) The well poses a hazard to public health and safety or the environment; or
- (b) The well is not constructed in accordance with the standards of this chapter.

1833.3 No person shall continue any work related to the construction, maintenance, or abandonment of a well for which a stop work order has been served, except such work as the person has been directed by the Department to perform to correct a violation.

1833.4 Each instance or day of a violation of each provision of this chapter shall be a separate violation.

1833.5 The Department may seek criminal prosecution if a person violates a provision of this chapter, pursuant to the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.16).

1833.6 The Department may bring a civil action in the Superior Court of the District of Columbia, or any other court of competent jurisdiction, for civil penalties, damages, and injunctive or other appropriate relief, pursuant to the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.17 and 8-103.18).

- 1833.7 As an alternative to a civil action, the Department may impose an administrative civil fine, penalty, and order for costs and expenses pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801 *et seq.*).
- 1833.8 When civil infraction fines are the only penalties pursued in a particular case, the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 *et seq.*) and the regulations adopted thereunder shall govern the proceedings in lieu of this chapter, and where there is a violation, a notice of infraction may be issued without first issuing a notice of violation or threatened violation.
- 1833.9 Except when otherwise provided by statute, a person violating a provision of this chapter shall be fined according to the schedule set forth in Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations.
- 1833.10 Neither a criminal prosecution nor the imposition of a civil fine or penalty shall preclude an administrative or judicial civil action for injunctive relief or damages, including an action to prevent unlawful construction or to restrain, correct, or abate a violation on or about any premises, or to recover costs, fees, or money damages, except that a person shall not, for the same violation of this chapter, be assessed a civil fine and penalty through both the judicial and the administrative processes.

1834 ADMINISTRATIVE APPEALS AND JUDICIAL REVIEW

- 1834.1 With respect to a matter governed by this chapter, a person adversely affected or aggrieved by an action of the Department shall exhaust administrative remedies by timely filing an administrative appeal with, and requesting a hearing before, the Office of Administrative Hearings (OAH), established pursuant to the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.01 *et seq.*), or OAH's successor.
- 1834.2 For the purposes of this chapter, an action of the Department taken with respect to a person includes:
- (a) An approval;
 - (b) A denial;
 - (c) A modification;
 - (d) An order;

- (e) A notice of infraction;
- (f) A determination; or
- (g) Any other action of the Department which constitutes the consummation of the Department's decision-making process and is determinative of a person's rights or obligations.

1834.3 A person aggrieved by an action of the Department shall file a written appeal with OAH within the following time period:

- (a) Within fifteen (15) calendar days of service of the notice of the action; or
- (b) Within another period of time, if expressly provided in a section of this chapter governing a particular Department action.

1834.4 Notwithstanding another provision of this section, the Department may toll a period for filing an administrative appeal with OAH if it does so explicitly in writing before the period expires.

1834.5 OAH shall:

- (a) Resolve an appeal or Notice of Infraction by:
 - (1) Affirming, modifying, or setting aside the Department's action complained of, in whole or in part;
 - (2) Remanding for Department action or further proceedings, consistent with OAH's order; or
 - (3) Providing such other relief as the governing statutes, regulations, and rules support;
- (b) Act with the same jurisdiction, power, and authority as the Department may have for the matter currently before OAH; and
- (c) By its final decision render a final agency action which will be subject to judicial review.

1834.6 The filing of an administrative appeal shall not in itself stay enforcement of an action, except that a person may request a stay according to the rules of OAH.

1834.7 The burden of proof in an appeal of an action of the Department shall be allocated to the person who appeals the action, except the Department shall bear the ultimate burden of proof when it denies a right.

- 1834.8 The burden of production in an appeal of an action of the Department shall be allocated to the person who appeals the action, except that it shall be allocated:
- (a) To the Department when a party challenges the Department's suspension, revocation, or termination of a:
 - (1) Permit; or
 - (2) Other right;
 - (b) To the party who asserts an affirmative defense; and
 - (c) To the party who asserts an exception to the requirements or prohibitions of a statute or rule.
- 1834.9 The final OAH decision on an administrative appeal shall thereafter constitute the final, reviewable action of the Department, and shall be subject to the applicable statutes and rules of judicial review for OAH final orders.
- 1834.10 Nothing in this chapter shall be interpreted to:
- (a) Provide that a filing of a petition for judicial review stays enforcement of an action; or
 - (b) Prohibit a person from requesting a stay according to the rules of the court.

1899 DEFINITIONS

- 1899.1 When used in this chapter, the following terms shall have the meanings ascribed (definitions that are codified in the relevant Acts are indicated as [Statutory], and are reprinted below for regulatory efficiency):

Abandonment - the act of properly sealing a well.

Annulus - the space between two cylindrical objects one of which surrounds the other, such as the space between a drill hole and a well casing pipe or between two well casings.

Aquifer - a geologic unit or formation that is water bearing and yields water.

Aquifer cross-contamination - a condition in which contaminants have migrated from one aquifer to another via any hydraulic connection or hydraulic mechanism.

ASTM – the American Society for Testing Materials.

Casing - the pipe or tubing, constructed of specific materials with specified dimensions and weights, which is installed in a borehole during or after completion of a well, to prevent formation material from entering the well, and to prevent entry of undesirable substances into the well.

Closed-loop ground source heat pump system - a ground source heat pump system that utilizes closed-loop ground source heat pump wells.

Closed-loop ground source heat pump well - a well in which fluid is circulated in a continuous closed-loop fluid system, installed beneath the surface of the earth or in a medium where the system can obtain sufficient cooling or heat exchange.

Confined aquifer - an aquifer bounded above and below by confining units.

Confining unit - a body of impermeable or distinctly less permeable material above or below an aquifer.

Consolidated formation - any geologic formation in which the earth materials have become firm and coherent through natural rock forming processes.

Contaminant - a biological, chemical, physical, or radiological material that poses a hazard to public health and safety or the environment, or interferes with a designated or beneficial use of the District of Columbia's waters.

DCRA – the District of Columbia Department of Consumer and Regulatory Affairs.

Department – the Department of Energy and Environment.

Department regulatory action - a Department action(s), including remedial or removal actions, performed under the Voluntary Remedial Action Program, pursuant to Section 6213 of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR); the District of Columbia Underground Storage Tank Management Act of 1990, as amended (D.C. Official Code §§ 8-113.01 *et seq.*), and its implementing regulations in Chapters 55-70 of Title 20 DCMR; the Voluntary Cleanup Program, pursuant to D.C. Official Code §§ 8-633.01 *et seq.*; or the District of Columbia Brownfield Revitalization Amendment Act of 2000, as amended (D.C. Official Code §§ 8-631 *et seq.*).

Derived waste - any unwanted, or discarded material, solid, liquid, or gas, that is derived from well construction, operations, maintenance, and

abandonment activities including drill cuttings, drilling fluids, mud slurries, or well decontamination, development or purge waters.

Dewatering well - a well used to lower groundwater levels for construction such as for footings, sewer lines, building foundations, elevator shafts, or parking garages.

Discharge - spilling, leaking, releasing, pumping, pouring, emitting, emptying, or dumping of any pollutant or hazardous substance, including a discharge from a storm sewer, into or so that it may enter District of Columbia waters. [Statutory]

District - the District of Columbia. [Statutory]

Domestic supply well - a water supply well used for potable water supply purposes, including drinking, bathing, showering, cooking, dishwashing, and maintaining oral hygiene.

Drill cuttings - any material, typically solids, removed from a borehole during drilling activities.

Drilling fluid - water or air-based fluid used in a well drilling operation.

EPA – the United States Environmental Protection Agency.

Filter pack - clean, well-rounded, smooth, uniform sand or gravel, which is placed in the annulus of the well between the borehole wall and the well screen to prevent formation material from entering the well.

Floodplain - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; or any area subject to the usual and rapid accumulation of surface waters from any source; as depicted in the Flood Insurance Rate Map and Flood Insurance Study for the District prepared by the Federal Emergency Management Agency.

Formation - a distinct assemblage of earth materials, consolidated or unconsolidated, grouped together into a unit that is convenient for description or mapping.

Gravel - any loose rock that is larger than two millimeters (2 mm).

Ground freeze well – a well constructed for the installation of subsurface freeze pipes designed to freeze the surrounding soil and groundwater to increase their combined strength and create an impervious strata; ground freezing is

typically used for construction of shafts, deep excavations, tunnels, groundwater control, structural underpinning, and containment of hazardous waste.

Ground source heat pump system - a mechanical system for heating and cooling that utilizes the naturally occurring, ambient ground temperature and the transfer of thermal energy to or from the earth.

Groundwater - underground water, except for water in pipes, tanks, and other containers created or set up by people.

Grout - any stable, impervious, bonding material reasonably free of shrinkage which is capable of providing a water-tight seal in the annular spaces of a well.

Hazardous Substance - any toxic pollutant referenced in or designated in or pursuant to § 307(a) of the Federal Water Pollution Control Act; any substance designated pursuant to § 311(b)(2)(A) of the Federal Water Pollution Control Act; or any hazardous waste having the characteristics of those identified under or listed pursuant to the District of Columbia Hazardous Waste Management Act of 1977, as amended.

Hazardous waste - any waste or combination of wastes of a solid, liquid, contained gaseous, or semisolid form which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Such wastes include, but are not limited to, those which are toxic, carcinogenic, flammable, irritants, strong sensitizers, or which generate pressure through decomposition, heat or other means, as well as containers and receptacles previously used in the transportation, storage, use or application of the substances described as a hazardous waste.

Industrial supply well - a non-potable water supply well used to supply water to an industrial or commercial facility for use in the production of goods and services.

Infiltration test - any method used to measure the rate that stormwater may move vertically through the soil profile.

Infiltration/Exfiltration well - below ground surface device primarily used to detain stormwater runoff before allowing it to infiltrate the device's sidewalls and bottom prior to treatment and release to the surrounding soil.

Injection well - a well through which liquid or gas is injected, under pressure or gravity flow, into the subsurface for the purpose of maintaining formation pressure, recharging the aquifer, or the treatment of contaminants.

Installation - any structure, equipment, facility, or appurtenances thereto, operation, or activity which may be a source of pollution.

Irrigation supply well - a non-potable water supply well used for irrigating land, crops, or other plants other than household lawns and gardens.

Licensed well driller - a person licensed by a state or federal district to be responsible for on-site work relating to the drilling, construction, development, testing, maintenance or abandonment of a well; well rehabilitation and repair; and the installation, modification, or repair of a well pump or related equipment.

Lot - a lot recorded on the records of the Surveyor of the District of Columbia.

Maintenance - any action undertaken to prevent the deterioration of a well from its original permitted and registered specifications or any action undertaken to restore a well to its original permitted and registered specifications, enabling a well to operate according to its intended use.

Modification - the alteration or rework of a well involving a material change in the original permitted design or construction, including but not limited to deepening, increasing the diameter, casing, perforating, and screen removal.

Monitoring well - a well installed for the sole purpose of assessing subsurface conditions and collecting groundwater samples.

Multi-layer aquifer – an aquifer containing unconsolidated units of varying permeability or zones bound by confining units.

Non-point source - any source from which pollutants are or may be discharged other than a point source.

Observation well - a well used for the sole purpose of determining groundwater levels.

Open-loop ground source heat pump system - a ground source heat pump system that withdraws groundwater from a well for use in the heat exchange unit of the system and then discharges the groundwater to the

aquifer via a return well or standing column well or to a surface water body.

Person - any individual, including any owner or operator as defined in this chapter; partnership; corporation, including a government corporation; trust association; firm; joint stock company; organization; commission; the District or federal government; or any other entity. [Statutory]

Piezometer - a non-pumping, non-potable well used for measuring ground water levels or potentiometric surface.

Point source - any discrete source of quantifiable pollutants, including but not limited to a municipal treatment facility discharge, residential, commercial or industrial waste discharge or a combined sewer overflow; or any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. [Statutory]

Pollutant - any substance which may alter or interfere with the restoration or maintenance of the chemical, physical, radiological, and biological integrity of the waters of the District; or any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemicals, chemical wastes, hazardous wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, oil, gasoline and related petroleum products, and industrial, municipal, and agricultural wastes. [Statutory]

Potable - water that is free from impurities in amounts sufficient to cause disease or harmful physiological effects and that conforms with the National Primary Drinking Water Standards as listed in 40 C.F.R. Part 141.

Potentiometric surface - a surface representing the hydraulic head of ground water, represented by the water-table altitude in an unconfined aquifer or by the altitude to which water will rise in a properly constructed well in a confined aquifer.

Pressure grouting - a process by which grout is confined within the borehole or casing and by which sufficient pressure is applied to drive the grout into and within the annular space or zone to be grouted.

Property owner - a person listed as the legal titleholder of record of real property.

Purge - the act of removing groundwater from a well to collect groundwater samples that are representative of aquifer conditions, commonly accomplished by using a pump, prior to collecting accurate, reproducible, and representative groundwater samples for field and/or laboratory analysis.

Recognized environmental condition - the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property due to any release to the environment, under conditions indicative of a release to the environment or, under conditions that pose a material threat of future release to the environment. The term includes hazardous substances or petroleum products even under conditions in compliance with laws and regulations.

Recovery well - a well used to withdraw groundwater for disposal or treatment of contaminants contained within the groundwater.

Remediation - an activity performed with the intent to recover, dispose of, clean up, or treat pollutants or contaminants.

Sanitary protection - any means of protecting groundwater from contaminants from entering a well.

Separate stormwater sewer - a system of pipes or other conduits, including road drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains, used to convey untreated stormwater directly to waters of the District and not part of a combined or sanitary sewer systems.

Site - a tract, lot, or parcel of land, or a combination of tracts, lots, or parcels of land for which development is undertaken as part of a unit, sub-division, or project.

Sodium-based bentonite - a plastic, colloidal clay derived from volcanic ash consisting of at least eighty-five percent (85%) montmorillonite, with an ability to absorb fresh water and swell in volume.

Soil Boring - a well constructed without the installation of a well casing, well screen, or the placement of other construction materials down hole, for the purpose of determining the physical or chemical characteristics of soil or groundwater.

Standard Dimension Ratio (SDR) - the quotient obtained when the outside diameter of thermoplastic well casing is divided by the wall thickness.

Stormwater Management Guidebook - the current manual published by the Department containing design criteria, specifications, and equations to be used for planning, design, and construction, operations, and maintenance of stormwater and best management practices.

Surface water - all of the rivers, lakes, ponds, wetlands, inland waters, streams, and all other water and water courses within the jurisdiction of the District of Columbia.

Temporary well casing - a durable pipe placed or driven into a borehole to maintain an open annular space around the permanent casing during construction of a well.

Unconfined aquifer - an aquifer in which no relatively impermeable layer exists between the water table and the ground surface and an aquifer in which the water surface is at atmospheric pressure.

Unconsolidated formation or aquifer - any loosely cemented or poorly indurated earth material including such materials as uncompacted gravel, sand, silt and clay. Alluvium, soil, and overburden are terms frequently used to describe such formations.

Waters of the District - flowing and still bodies of water, whether artificial or natural, whether underground or on land, so long as in the District of Columbia, but excludes water on private property prevented from reaching underground or land watercourses, and also excludes water in closed collection or distribution systems. [Statutory]

Water Quality or Quality of Water – refers to the chemical, physical, biological, and radiological characteristics of water.

Water supply well - a potable or non-potable well used to supply water for industrial, irrigation, or domestic purposes.

Well - any test hole, shaft, or soil excavation created by any means including, but not limited to, drilling, coring, boring, washing, driving, digging, or jetting, for purposes including, but not limited to, locating, testing, diverting, artificially recharging, or withdrawing fluids, or for the purpose of underground injection. [Statutory]

Well casing - a pipe placed in a borehole to provide unobstructed access to the subsurface or to provide protection of groundwater during and after well installation, or both. Inner well casing (also known as riser pipe) which extends from the well screen to or above the ground surface provides

access to groundwater from the surface and outer well casing is used to prevent migration of contaminants from one aquifer to another.

Well construction building permit - a building permit issued by DCRA with a well construction work plan approved by the Department.

Well development - the act of removing fine particulate matter or fluids used during the construction of a well to clear the well and establish a good hydraulic connection with the surrounding aquifer by any means, including surging, jetting, overpumping, and bailing.

Well owner - a person who has the legal right to construct a well for personal use or for the use of another person. [Statutory]

Well screen - a structural device which supports the well excavation, allows entrance of sub-surface fluids into a well or exit from a recharge well, and which acts as a filter to keep sediment from entering a well.

Wetland - a marsh, swamp or other area periodically inundated by tides or having saturated soil conditions for prolonged periods of time and capable of supporting aquatic vegetation. [Statutory]

DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF FINAL RULEMAKING

The Acting Director of the Department of For-Hire Vehicles (“Department” or “DFHV”), pursuant to the authority set forth in Sections 8(c)(2), (3), (5), (7), and (19), 14, and 20 of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97), as amended by the Transportation Reorganization Amendment Act of 2016, effective June 22, 2016 (D.C. Law 21-0124; D.C. Official Code §§ 50-301.07(c) (2) (3), (5), (7), and (19), 50-301.13, and 50-301.19 (2014 Repl. & 2015 Supp.)), and D.C. Official Code §§ 47-2829(b), (d), (e), (e-1), and (i) (2015 Repl.)), hereby gives notice of the adoption of amendments to Chapter 6 (Taxicab Parts and Equipment) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking would amend Chapter 6 by adding a provision to the equipment requirements for modern taximeter systems (MTSs) in § 603, to require that each MTS allow the passenger to rate the ride experience through the rear console. The rule facilitates real-time passenger feedback about the use of the District’s taxicabs, as part of the Commission’s ongoing efforts to enhance customer service and improve the competitive position of taxicabs in the vehicle-for-hire ecosystem.

Proposed rulemaking was adopted by the D.C. Taxicab Commission¹ on January 20, 2016 and was published in the *D.C. Register* on May 20, 2016 at 63 DCR 007702. The Commission received no comments during the comment period which expired on June 20, 2016. Any changes made from the proposed rules were solely to correct grammar and typographic errors, to clarify the Department’s intent, or to lessen the burdens on affected stakeholders. No substantial changes have been made from the proposed rulemaking.

The rules were adopted as final on June 29, 2016, and they will become effective upon publication in the *D.C. Register*.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 603, MODERN TAXIMETER SYSTEMS, is amended as follows:

Subsection 603.8, MTS EQUIPMENT REQUIREMENTS, is amended to add a new paragraph (o), to read as follows:

- (o) Each MTS shall allow the passenger to rate the ride experience through the rear console in a manner set forth in an administrative issuance.

¹ The District of Columbia Taxicab Commission was renamed and re-structured as the Department of For-Hire Vehicles by the Transportation Reorganization Act of 2016, effective June 22, 2016 (D.C. Law 21-0124; 63 DCR 7076 (May 13, 2016)).

DEPARTMENT OF HEALTH**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in Sections 4902(a)(8) and 4908 of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code §§ 7-731(a)(8) and 7-737 (2012 Repl. & 2016 Supp.)), and Mayor's Order 2006-34, dated March 12, 2006, hereby gives notice of the adoption of the following amendments to Chapters 102 (Licensing of Medical Device Distributors and Manufacturers), 105 (Establishment, Registration, and Device Listing for Manufacturers and Initial Importers of Devices), and 106 (Premarket Approval of Medical Devices) of Title 22 (Health), Subtitle B (Public Health and Medicine) of the District of Columbia Municipal Regulations (DCMR).

Section 4902(a)(8) of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(a)(8) (2012 Repl. & 2016 Supp.)) authorizes the Department of Health to regulate medical devices in the District of Columbia. The Notice of Final Rulemaking published on July 12, 2013 in the *D.C. Register* at 60 DCR 10251 only required manufacturers and distributors to be licensed and regulated by the Department of Health. However, there are four business entities that are involved in the supply of medical devices in the District of Columbia – manufacturers, distributors, initial importers, and vendors.

On July 24, 2015 at 62 DCR 010043, and July 22, 2016 at 63 DCR 009708, the Department of Health published Notices of Proposed Rulemaking in the *D.C. Register* that added initial importers and vendors of medical devices as business entities that are required to be licensed. No comments were submitted in response to this Proposed Rulemaking during the thirty (30)-day comment period and no changes have been made. These rules were adopted as final on June 20, 2016 and will become effective upon publication in the *D.C. Register*.

Title 22-B DCMR, PUBLIC HEALTH AND MEDICINE, is amended as follows:

Chapter 102, LICENSING OF MEDICAL DEVICE DISTRIBUTORS AND MANUFACTURERS, is amended as follows:

The Chapter 102 heading is amended to read as follows:

**CHAPTER 102 LICENSING OF MEDICAL DEVICES – DISTRIBUTORS,
MANUFACTURERS, INITIAL IMPORTERS, AND VENDORS**

Section 10200, GENERAL PROVISIONS, is amended as follows:

Subsection 10200.1 is amended to read as follows:

10200.1 These sections provide for the minimum licensing standards necessary to ensure the safety and efficacy of medical devices placed in the stream of commerce by distributors, manufacturers, initial importers, and vendors.

Section 10203, LICENSURE REQUIREMENTS, is amended as follows:

The section heading for 10203 is amended to read as follows:

**10203 LICENSURE REQUIREMENTS FOR DISTRIBUTORS,
MANUFACTURERS, INITIAL IMPORTERS, AND VENDORS**

Subsections 10203.1 to 10203.6 are amended to read as follows:

- 10203.1 Except as provided by § 10202, a person may not engage in distributing, manufacturing, importing, or vending medical devices in the District of Columbia unless the person has a valid license from the Department of Health.
- 10203.2 The license shall be displayed in an open public area at each place of business.
- 10203.3 Each person engaged in distributing, manufacturing, importing, or vending of medical devices in the District of Columbia on the effective date of these sections shall apply for a medical device distributor, manufacturer, initial importer, or vendor license no later than sixty (60) days following the effective date of these regulations.
- 10203.4 Each person acquiring or establishing a place of business for the purpose of medical device distribution, manufacturing, importation, or vending after the effective date of these subsections shall apply to the Department for a license prior to beginning operation.
- 10203.5 If the medical device distributor, manufacturer, initial importer, or vendor operates more than one place of business, the medical device distributor, manufacturer, initial importer, or vendor shall obtain a license for each place of business.
- 10203.6 The Department may license a distributor, manufacturer, initial importer, or vendor of medical devices who meets the requirements of these sections and pays all fees.

Subsection 10203.14 is amended to read as follows:

- 10203.14 If the United States Food and Drug Administration (FDA) determines, with respect to a product that is a combination of a drug and a medical device, that the primary mode of action of the product is as a device, a distributor, manufacturer, initial importer, or vendor of the product is subject to licensure as described in this section.

Section 10204, LICENSING PROCEDURES, is amended as follows:

The section heading for 10204 is amended to read as follows:

10204 LICENSING PROCEDURES FOR DISTRIBUTORS, MANUFACTURERS, INITIAL IMPORTERS AND VENDORS

Subsections 10204.1 and 10204.2 are amended to read as follows:

10204.1 License application forms may be obtained from the Department at 899 North Capitol Street, N.E., Washington, D.C., or online at www.hpla.doh.dc.gov.

10204.2 The application for licensure as a medical device distributor, manufacturer, initial importer, or vendor shall be signed and verified, and submitted on a license application form furnished by the Department.

Subsection 10204.4 is amended to read as follows:

10204.4 A completed application shall entitle a medical device distributor, manufacturer, initial importer, or vendor to a license, except as provided in § 10207.

A new Subsection 10204.5 is added to read as follows:

10204.5 The renewal application for licensure as a medical device distributor, manufacturer, initial importer, or vendor shall be made on a license application form furnished by the Department.

Subsection 10204.6 is repealed.

Section 10207, REFUSAL, CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSE, is amended as follows:

Subsections 10207.3 and 10207.4 are amended to read as follows:

10207.3 The Department may, after providing opportunity for a hearing, refuse to license a distributor, manufacturer, initial importer, or vendor of medical devices, or may suspend or revoke a license, for any violation of the federal-law requirements incorporated into these regulations pursuant to § 10201.

10207.4 A license issued under this chapter shall be returned to the Department if the medical device distributor, manufacturer, initial importer, or vendor's place of business:

- (a) Ceases business or otherwise ceases operation on a permanent basis;
- (b) Relocates; or

- (c) Is deemed, as a corporation, to have undergone an ownership change as determined by a transfer of five percent (5%) or more of the share of stock from one person to another.

Section 10208, MINIMUM STANDARDS FOR LICENSURE, is amended as follows:

Subsection 10208.1 is amended to read as follows:

- 10208.1 All medical device distributors, manufacturers, initial importers, or vendors engaged in the design, manufacture, packaging, labeling, storage, installation, servicing, and vending of medical devices shall comply with the minimum standards of this section.

Subsections 10208.3 and 10208.4 are repealed.

Subsection 10208.6 is amended to read as follows:

- 10208.6 No manufacturing, assembling, packaging, packing, holding, testing, or labeling operations of medical devices by distributors, manufacturers, initial importers, or vendors shall be conducted in any personal residence.

Subsection 10208.8 is amended to read as follows:

- 10208.8 All medical devices stored by distributors, manufacturers, initial importers, or vendors shall be held at appropriate temperatures and under appropriate conditions in accordance with requirements, if any, in the label of such medical devices.

Subsection 10208.9 is amended to read as follows:

- 10208.9 Medical devices distributed by device distributors, manufacturers, initial importers, or vendors shall meet the labeling requirements of Chapter 103 of this subtitle.

Subsection 10208.12 is amended to read as follows:

- 10208.12 Medical device distributors, manufacturers, initial importers, or vendors shall meet the applicable medical device reporting requirements of Chapter 104 of this subtitle.

Subsection 10208.14 is repealed and reserved.

Subsection 10208.15 is amended to read as follows:

- 10208.15 Each medical device distributor, manufacturer, initial importer, or vendor who distributes prescription medical devices shall maintain a record for every

prescription medical device, showing the identity and quantity received or manufactured and the disposition of each device.

Subsection 10208.16 is amended to read as follows:

10208.16 Each medical device distributor, manufacturer, initial importer, or vendor who delivers a prescription medical device to the ultimate user shall maintain a record of any prescription or other order lawfully issued by a practitioner in connection with the device.

A new Section 10299 is added to read as follows:

10299 DEFINITIONS

10299.1 As used in this chapter, the following terms shall have the meanings ascribed:

Initial importer – any person who furthers the marketing of a medical device from a foreign manufacturer to the person who makes the final delivery or sale of the medical device to the ultimate consumer or user, but does not repackage or otherwise change the container, wrapper, or labeling of the medical device or medical device package. The term “initial importer” does not include a common carrier, a delivery agent, or an agent or sales representative of a licensed manufacturer or distributor.

Vendor – any person, with the exception of any agent or sale representative of a licensed manufacturer or distributor, engaged in selling medical devices for the immediate delivery upon purchase.

Chapter 105, ESTABLISHMENT, REGISTRATION, AND DEVICE LISTING FOR MANUFACTURERS AND INITIAL IMPORTERS OF DEVICES, Section 10500, WHO MUST REGISTER AND SUBMIT A DEVICE LIST, is amended as follows:

A new Subsection 10500.6 is added to read as follows:

10500.6 For purposes of these chapters, the term “device(s)”, wherever it appears, shall mean “medical device(s).”

Section 10599, DEFINITIONS, Subsection 10599.1, is amended as follows:

The following definition is amended:

Initial importer – any person who furthers the marketing of a medical device from a foreign manufacturer to the person who makes the final delivery or sale of the medical device to the ultimate consumer or user, but does not repackage or otherwise change the container, wrapper, or labeling of the medical device or medical device package. The term “initial importer”

does not include a common carrier, a delivery agent, or an agent or sales representative of a licensed manufacturer or distributor.

The following definitions are added:

Medical device – an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory:

- (a) Which is:
 - (1) Recognized in the official National Formulary, or the United States Pharmacopeia, or any supplement to them;
 - (2) Intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in man or other animals; or
 - (3) Intended to affect the structure or any function of the body of man or other animals; and
- (b) Which does not achieve its primary intended purposes through chemical action within or on the body of man or other animals and which is not dependent upon being metabolized for the achievement of its primary intended purposes.

Vendor – any person, with the exception of an agent or sales representative of a licensed manufacturer or distributor, engaged in selling medical devices for the immediate delivery upon purchase.

Chapter 106, PREMARKET APPROVAL OF MEDICAL DEVICES, Section 10699, DEFINITIONS, is amended as follows:

Subsection 10699.1 is amended to include the following definition:

Initial importer – any person who furthers the marketing of a medical device from a foreign manufacturer to the person who makes the final delivery or sale of the medical device to the ultimate consumer or user, but does not repackage or otherwise change the container, wrapper, or labeling of the medical device or medical device package. The term “initial importer” does not include a common carrier, a delivery agent, or an agent or sales representative of a licensed manufacturer or distributor.

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2014 Repl.)); Section 6 of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03 (2014 Repl.)); and Mayor's Order 2016-077, dated May 2, 2016; hereby gives notice of the adoption of the following rulemaking to amend Chapter 4 (Motor Vehicle Title and Registration) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking allows for the creation of an expedited titling and registration service for a fee for motor vehicle dealers and third-party agents of motor vehicle dealers.

The Proposed Rulemaking was published in the *D.C. Register* on September 9, 2016 at 63 DCR 11432. No comments were received. No changes were made to the text of the proposed rules. The final rules were adopted on October 11, 2016 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 4, MOTOR VEHICLE TITLE AND REGISTRATION, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

A new Section 438, EXPEDITED TITLE AND REGISTRATION SERVICE, is added to read as follows:

438 EXPEDITED TITLE AND REGISTRATION SERVICE

- 438.1 The Department of Motor Vehicles ("Department") may create a program for the expedited titling and registration of motor vehicles by motor vehicle dealers and third party agents of motor vehicle dealers ("dealers").
- 438.2 A dealer may submit up to ten (10) applications per day under the program.
- 438.3 The Department will process each application within two (2) business days.
- 438.4 The Department may charge a processing fee of twenty dollars (\$20) for each application. The processing fee shall be in addition to such other fees as may apply to the titling and registration of the vehicle. Payment of the processing fee shall be made by credit card.
- 438.4 If an application is not timely processed by the Department, the Department will provide to the dealer a refund in the amount of the processing fee paid by the dealer for the application.

- 438.5 If there is a chargeback of a processing fee, the Department shall refuse future access to the program to the dealer whose processing fee was charged back, unless the dealer demonstrates good cause for the chargeback.

- 438.6 The Department may supplement the regulations set forth in this section with written policies.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PROPOSED RULEMAKING**Compostable or Recyclable Disposable Food Service Ware**

The Director of the Department of Energy and Environment (DOEE or Department), in accordance with the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl.)); the Sustainable DC Omnibus Amendment Act of 2014 (“Act”), effective December 17, 2014 (D.C. Law 20-142; D.C. Official Code §§ 8-1531 *et seq.* (2016 Supp.)); and Mayor’s Order 2015-069, dated February 4, 2015, hereby gives notice of the intent to adopt the following amendments to Chapter 23 (Expanded Polystyrene Prohibition) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

This proposed rulemaking implements the Act’s requirement that food service entities only use disposable food service ware that is compostable or recyclable.

Directions for submitting comments may be found at the end of this notice.

Chapter 23, EXPANDED POLYSTYRENE PROHIBITION, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:**Section 2301, EXPANDED POLYSTYRENE PROHIBITION, is amended to read as follows:****2301 EXPANDED POLYSTYRENE PROHIBITION**

2301.1 By January 1, 2016, no food service entity shall sell or provide food or beverages in expanded polystyrene food service products, regardless of where the food or beverage will be consumed.

2301.2 This section shall not apply to food or beverages that were filled and sealed in expanded polystyrene containers before a food service entity received them or to materials used to package raw, uncooked, or butchered meat, fish, poultry, or seafood for off-premises consumption.

A new Section 2302, COMPOSTABLE OR RECYCLABLE PRODUCT REQUIREMENT, is added to read as follows:**2302 COMPOSTABLE OR RECYCLABLE PRODUCT REQUIREMENT**

2302.1 By January 1, 2017, no food service entity shall sell or provide food or beverages, for consumption on or off premises, in disposable food service ware unless the disposable food service ware is compostable or recyclable.

2302.2 This section shall not apply to prepackaged food or beverages that were filled and sealed outside of the District before a food service entity received them.

Section 2399, DEFINITIONS, Subsection 2399.1, is amended as follows:

By repealing the definition of “Business or institutional cafeteria”;

By repealing the definition of “Food service business” and replacing it as follows:

Food service entity - full service restaurants, limited-service restaurants, fast foods restaurants, cafes, delicatessens, coffee shops, supermarkets, grocery stores, vending trucks or carts, food trucks, cafeterias, including those operated by or on behalf of District departments and agencies, and other entities selling or providing food within the District for consumption on or off the premises. [Statutory]

By adding the following definitions:

Compostable - made solely of materials that break down into, or otherwise become part of, usable compost in a safe and timely manner in an appropriate program and identified on the list of compostable materials authorized in Section 103(b) of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.03(b)).

Recyclable - made solely of materials that can be recycled using the District’s recycling collection program and identified on the list of recyclable materials authorized in Section 103(b) of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.03(b)).

All persons desiring to comment on the proposed regulations should file comments in writing no later than thirty (30) days after the publication of this notice in the *D.C. Register*. Comments should identify the commenter and be clearly marked “DOEE Foam Proposed Rule Comments.” Comments may be (1) mailed or hand-delivered to DOEE, 1200 First Street NE, 5th Floor, Washington, D.C. 20001, Attention: DOEE Foam Regulations, or (2) sent by e-mail to DOEE.FoamRegulations@dc.gov, with the subject indicated as “DOEE Foam Proposed Rule Comments.”

The proposed rules are available for viewing at: <http://doee.dc.gov/foam>. Additionally, a copy of these proposed rules will be on file for viewing at the Martin Luther King, Jr. Library, 901 G St., N.W., Washington, D.C. 20001, during normal business hours. A hard copy of the proposed rules can be requested by calling (202) 671-0080.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**RM9-2016-01-E, IN THE MATTER OF 15 DCMR CHAPTER 9 – NET ENERGY METERING - COMMUNITY RENEWABLE ENERGY CREDIT RATE CLARIFICATION AMENDMENT ACT OF 2016**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to Sections 2-505(a) and 34-1501 of the District of Columbia Official Code,¹ of its intent to adopt the following amendments to Chapter 9 (Net Energy Metering) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (“DCMR”), not less than thirty (30) days after publication of this notice in the *D.C. Register*. The proposed rules amend Chapter 9 to comport with the “Community Renewable Energy Credit Rate Clarification Amendment Act of 2016”² The proposed rules amend the following sections and subsections of Chapter 9 of Title 15 of the DCMR: Sections 900 and 999.

Chapter 9, NET ENERGY METERING, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 900, GENERAL PROVISIONS, Subsection 900.1, is amended to read as follows:

900.1 The purpose of this chapter is to set forth the policies and procedures for implementation of the net energy metering and community net metering provisions of the “Retail Electric Competition and Consumer Protection Act of 1999,”³ as amended, the “Clean and Affordable Energy Act of 2008”⁴ (“CAEA”), the “Community Renewable Energy Amendment Act of 2013” (“CREA”),⁵ and the Community Renewable Energy Credit Rate Clarification Amendment Act of 2016 (“CRECRCAA”).

Section 999, DEFINITIONS, § 999.1, is amended by amending the following terms and definitions:

¹ D.C. Official Code § 2-505(a) (2012 Repl.) and D.C. Official Code § 34-1518 (2016 Supp.).

² Title VI, Subtitle I, the “Community Renewable Energy Credit Rate Clarification Amendment Act of 2016” (“CRECRCAA”), effective October 8, 2016 (D.C. Law 21-0160; 63 DCR 10775 (August 26, 2016)).

³ The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; 47 DCR 1091 (February 25, 2000)).

⁴ The Clean and Affordable Energy Act of 2008 (“CAEA”), effective October 22, 2008 (D.C. Law 17-250; 55 DCR 9225(August 29, 2008)).

⁵ The Community Renewable Energy Amendment Act of 2013 (“CREA”), effective December 13, 2013 (D.C. Law 20-0047; 60 DCR 15138 (November 1, 2013)).

“**CREF Credit Rate**” means a credit rate applied to subscribers of community renewable energy facilities, which shall be equal to: (a) For residential subscribers, the full retail rate, which includes generation, transmission, and distribution charges for the standard offer service General Service Low Voltage Non-Demand Customer class or its successor, as determined by the Commission, based upon section 118 of the CREA; and (b) For commercial subscribers, the standard offer service rate – including generation and transmission charges for the General Service Low Voltage Non-Demand Customer class or its successor, as determined by the Commission, based upon Section 118 of the CREA.

2. Comments and reply comments on the subject matter of this proposed rulemaking action must be made in writing and submitted to Brinda Westbrook-Sedgwick, Commission Secretary, at 1325 G Street, N.W., Suite 800, Washington, D.C. 20005. All comments and reply comments must be received within thirty (30) and forty-five (45) days, respectively, of the date of publication of this Notice in the *D.C. Register*. Once the comment period has expired, the Commission will take final rulemaking action on the proposed amendments..

OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Chief Administrative Law Judge of the Office of Administrative Hearings (OAH), pursuant to the authority set forth in Sections 8(a)(7) and 8(b)(7) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.05(a)(7) and (b)(7) (2012 Repl. & 2016 Supp.)), hereby gives notice of the adoption of the following emergency rulemaking to amend Chapter 29 (Office of Administrative Hearings: Rules for DCPS, Rental Housing, Public Benefits, and Unemployment Insurance Cases) of Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations (DCMR).

The emergency and proposed rulemaking establishes new procedures that govern Public Sector Workers' Compensation cases referred to OAH by the District of Columbia Office of Risk Management (ORM). Issuance of emergency rules is necessary because the comment period for the proposed rules will not expire until after the date that OAH will assume responsibility for cases referred by ORM. Therefore, adoption of these rules on an emergency basis is necessary for the immediate preservation of the public health, safety, and welfare, to allow OAH to proceed promptly in this new area of jurisdiction.

These emergency rules were adopted on October 19, 2016, and became effective on that date. The emergency rules will remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring February 16, 2017, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Chief Administrative Law Judge of OAH also gives notice of the intent to take final rulemaking action to adopt these rules not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. Directions for submitting comments may be found at the end of this notice.

Chapter 29, OFFICE OF ADMINISTRATIVE HEARINGS: RULES FOR DCPS, RENTAL HOUSING, PUBLIC BENEFITS, AND UNEMPLOYMENT INSURANCE CASES, of Title 1 DCMR, MAYOR AND EXECUTIVE AGENCIES, is amended to add the following sections:

- 2950 PUBLIC SECTOR WORKERS COMPENSATION CASES – SCOPE**
- 2951 PUBLIC SECTOR WORKERS' COMPENSATION — BEGINNING A CASE**
- 2952 PUBLIC SECTOR WORKERS COMPENSATION — SCHEDULING**
- 2953 PUBLIC SECTOR WORKERS COMPENSATION — PRE-HEARING CONFERENCE**
- 2954 PUBLIC SECTOR WORKERS COMPENSATION — DISCOVERY**
- 2955 PUBLIC SECTOR WORKERS COMPENSATION — HEARINGS**
- 2956 PUBLIC SECTOR WORKERS COMPENSATION — ATTORNEYS' FEES**

2950 PUBLIC SECTOR WORKERS COMPENSATION CASES - SCOPE

- 2950.1 Sections 2950 through 2969 contain the Rules for OAH hearings of appeals of certain Public Sector Workers Compensation decisions of the District of Columbia Office of Risk Management (ORM).
- 2950.2 If Sections 2950 through 2969 do not address a procedural issue, the Rules in Chapter 28 (Office of Administrative Hearings: Rules of Practice and Procedure) of this title apply.
- 2950.3 Beginning October 31, 2016, OAH shall hear the following appeals from ORM.
- (a) Initial awards for or against compensation benefits pursuant to D.C. Official Code § 1-623.24(b);
 - (b) Final decisions concerning the necessity, character or sufficiency of medical care or services following an appeal of a utilization review pursuant to D.C. Official Code § 1-623.23(a-2)(4);
 - (c) Modifications of awarded benefits pursuant to D.C. Official Code § 1-623.24(d); and
 - (d) Requests for determinations of whether a claimant has a permanent disability pursuant to D.C. Official Code § 1-623.06a.

2951 PUBLIC SECTOR WORKERS' COMPENSATION — BEGINNING A CASE

- 2951.1 Appeals shall be initiated by filing a written hearing request at OAH. The request shall be made on a form supplied by the Public Sector Workers' Compensation Program (the Program) and approved by OAH. A hearing request must contain:
- (a) The name and address of the claimant and of the claimant's representative, if any;
 - (b) The type of claim;
 - (c) Claimant's employing agency when the injury occurred;
 - (d) A statement identifying the date and nature of the decision being appealed;
 - (e) The reason(s) why the claimant considers the decision to be incorrect;
 - (f) A detailed statement of facts in support of each reason;
 - (g) The specific nature and extent of the relief sought;

(h) A statement that the person signing the hearing request has read it and attests that the contents are true and accurate to the best of his or her knowledge; and

(i) The signature of the claimant or the claimant's representative, if any.

2951.2 A hearing request must be accompanied by a copy of the decision being appealed.

2951.3 The claimant or claimant’s representative shall sign the request for hearing and file it with OAH within thirty (30) days of service of the decision. OAH Rule 2809 prescribes procedures for filing.

2951.4 No hearing request shall exceed fifteen (15) pages, exclusive of the cover page. The Clerk may reject hearing requests that do not conform to these rules.

2952 PUBLIC SECTOR WORKERS COMPENSATION — SCHEDULING

2952.1 After a hearing request is filed, OAH shall send a copy to the Program and shall issue a scheduling order. Unless otherwise directed by an Administrative Law Judge (ALJ), the scheduling order shall establish deadlines for the following discovery and hearing activities:

- Serving and Filing of Discovery Requests
- Exchange of Fact Witness Lists
- Claimant’s Expert Witness Designation
- Agency Expert Witness Designation
- Claimant’s Expert Witness Reports
- Agency Expert Witness Reports
- Close of Discovery
- Joint Pre-Hearing Statement
- Deadline for Motions *in Limine*
- Deadline for Responses to Motions *in Limine*
- Pre-Hearing Conference
- Hearing

Absent unusual circumstances, the hearing will take place within one hundred eighty (180) days of receipt of the hearing request.

2952.2 Discovery Deadlines

- (a) Discovery Requests. No interrogatories, requests for admission, requests for production or inspection, or other discovery requests may be served after the deadline for discovery requests without approval of an ALJ.
- (b) Depositions. Depositions for any purpose must be noticed at least ten (10) days before the scheduled deposition date and the deposition date must be before the close of discovery.

- (c) Exchange Lists of Fact Witnesses. On or before the applicable scheduling order deadline(s), each party must serve and file a list of all the party's fact witnesses, including the witness's name, address, and telephone number. No witness who is not designated in the lists may be called to testify at the hearing except for impeachment or rebuttal or upon a showing that the party did not learn of the witness until after the deadline.
- (d) Expert Witness Report. If either party intends to offer expert opinion, the party must serve and file the report required by § 2954.2 by the scheduling order deadline.
- (e) Close of Discovery. No deposition or other discovery may be had after the applicable scheduling order deadline except by permission of an ALJ upon a showing of good cause.

2952.3 Any motion to modify the scheduling order must provide a detailed discovery plan listing the methods of discovery to be used, the persons or materials to be examined, the reason why the discovery could not be completed within the existing schedule, and the date or dates by which the discovery will be completed. Before filing a motion to extend discovery, a party must seek consent of the opposing party as required by OAH Rule 2813.5.

2953 PUBLIC SECTOR WORKERS COMPENSATION — PRE-HEARING CONFERENCE

2953.1 In accordance with the scheduling order, the parties must file a joint pre-hearing statement that includes the following:

- (a) A joint statement of the case, including all stipulated facts.
- (b) A statement of the remaining issues in dispute.
- (c) A statement of any objections to admissibility of proposed exhibits, including the specific grounds for the objections.
- (d) A list of each party's proposed witnesses together with a summary of their expected testimony, excluding witnesses offered solely for impeachment or rebuttal.
- (e) A list of the exhibits each party proposes to offer, together with a copy of the exhibit. Claimants' exhibits shall be numbered 100 through 199. Agency exhibits shall be numbered 200 through 299.
- (f) Designation of portions of deposition transcripts and discovery responses to be used at the hearing (except for transcripts of depositions of expert witnesses).

- 2953.2 Each party must serve and file any motion *in limine* or other motion concerning the conduct of the hearing prior to the applicable scheduling order deadline.
- 2953.3 At the prehearing conference the ALJ shall discuss and make rulings on the following matters:
- (a) Whether the parties will agree to additional stipulations of fact or to the admissibility of exhibits.
 - (b) The need to exchange any additional medical or vocational reports or other documents.
 - (c) The approximate time that each party will require for the hearing and whether it may be appropriate to set time limits or to limit the number of witnesses.
 - (d) Resolution of any pending motions.
 - (e) Whether interpreters will be needed.
 - (f) Any other matters that may be appropriate.

2954 PUBLIC SECTOR WORKERS COMPENSATION — DISCOVERY

- 2954.1 Each party shall disclose the identity and proposed testimony of any expert witness in accordance with the scheduling order issued pursuant to § 2952.1.
- 2954.2 Unless otherwise stipulated, any expert witness report must contain the following:
- (a) A statement of all opinions the witness will express and the basis for those opinions.
 - (b) The data or other information considered by the witness in forming them.
 - (c) Any exhibits that will be used to summarize or support them.
 - (d) The witnesses' qualifications, including a list of all publications authored in the previous ten (10) years.
 - (e) A list of all other cases in which, during the previous four (4) years, the witness testified as an expert at trial or by deposition.
 - (f) A statement of the compensation to be paid for the study and testimony in the case.
 - (g) The following certification signed by the witness: "I hereby certify that this report is a complete and accurate statement of all my opinions, and the basis and reasons for them, to which I will testify under oath."

- 2954.3 A party may depose any person who has been identified as an expert and whose opinions may be presented at the hearing.
- 2954.4 Interrogatories. Unless otherwise stipulated or ordered, a party may serve on any other party no more than twelve (12) written interrogatories, including subparts. The interrogatories must be answered as follows:
- (a) By the party to whom they are directed or, if by the District, by any officer or agent, who must furnish the information available to the party.
 - (b) The responding party must serve answers or objections within twenty-one (21) days after being served.
 - (c) Objections to interrogatories must be stated specifically. Each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath. Answers and objections must identify and quote each interrogatory in full immediately preceding the answer or objection.
 - (d) The person who makes the answers must sign them, and the attorney who objects must sign any objections.
 - (e) If the answer to an interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing a party's business records, including electronically stored information, and if the burden of deriving or ascertaining the answer is substantially the same for either party, the responding party may answer by:
 - (1) Specifying the records that must be reviewed in sufficient detail to enable the interrogating party to locate them as readily as the responding party; and
 - (2) Giving the interrogating party a reasonable opportunity to examine and audit the records and to make copies, compilations, abstracts, or summaries.
- 2954.5 Requests for Production of Documents. Requests shall be made and responded to in accordance with D.C. Superior Court Civil Rule 34.
- 2954.6 Requests for Admission. Unless otherwise stipulated or ordered, a party may serve no more than fifteen (15) requests for admission on the other party. Requests shall be made and responded to in accordance with D.C. Superior Court Civil Rule 36.
- 2954.7 Depositions. Depositions will be conducted in accord with D.C. Superior Court Civil Rules 30 and 31.

- 2954.8 Motions To Compel. No party shall file a motion to compel discovery without permission of the presiding ALJ. Permission shall be granted only after the parties or counsel have conferred in an effort to resolve the dispute or a party or counsel has made at least three attempts to contact the opposing party or counsel without success to set up a meeting to confer.
- (a) If the parties are unable to resolve the dispute after discussing it for a reasonable period of time, they shall request a telephone conference with the presiding ALJ.
 - (b) If the dispute cannot be resolved by conference call with the ALJ, the ALJ may direct the moving party to file a motion to compel discovery.
 - (c) Before filing a motion to compel discovery without having conferred with the opposing party or counsel, the moving party or counsel must submit a written description of three separate attempts to contact the opposing party or counsel by telephone or email, including dates and times, and describe any response that was received. If an ALJ finds that a party has made a good faith effort to resolve the issue, the ALJ may direct the moving party to file a motion to compel discovery. The ALJ may also impose appropriate sanctions on the opposing party.
 - (d) Any motion to compel discovery shall state specifically the discovery that was requested and any objections raised by the opposing party and specify the information or documents that the opposing party declined to provide.
 - (e) An opposing party may respond to a motion to compel within the time specified in OAH Rule 2813.6 or such other time as the presiding ALJ shall specify.
- 2954.9 Sanctions. If the District's motion to compel is granted, in addition to other sanctions that the presiding ALJ may impose, the ALJ shall deduct any reasonable expenses, costs, and fees incurred by the District, including attorney's fees, from any award of attorney's fees to the Claimant.

2955 PUBLIC SECTOR WORKERS COMPENSATION — HEARINGS

- 2955.1 The rules for hearings and evidence set forth in OAH Rule 2821 shall apply to Public Sector Workers Compensation hearings except as modified in this chapter.
- 2955.2 All hearings will be recorded. Any party may obtain a copy of the recording at the party's expense. Except where OAH is required by law to prepare a transcript, parties who want written transcripts must prepare them at their own expense in accord with OAH Rule 2827.3.

2955.3 Burden of Proof. The burden of proof is that established in the Public Sector Workers' Compensation Benefits Rules found in Title 7 DCMR (Employment Benefits).

2956 PUBLIC SECTOR WORKERS COMPENSATION — ATTORNEYS' FEES

2956.1 An attorney who has represented a claimant who seeks to recover attorney's fees shall file a motion within thirty (30) days of the issuance of a decision. The motion shall contain the following information:

- (a) An itemized description of each service rendered, including the date and the amount of time spent. Time must be recorded in intervals of at least ¼ hour. Intervals of 1/10 hour are preferred.
- (b) The amount of the fee which the attorney seeks; and
- (c) A statement explaining the basis for the requested fee.

2956.2 In determining the amount of any award, the ALJ shall consider at least the following factors:

- (a) The nature, novelty, and complexity of the case;
- (b) The time and labor required;
- (c) The amount of benefits awarded;
- (d) Customary local charges for similar services; and
- (e) The professional qualifications of the attorney or other representative.

2956.3 Claims for attorney's fees are governed by D.C. Official Code § 1-623.27 and the Public Sector Workers' Compensation Benefits Rule on Attorney's Fees in Title 7 DCMR (Employment Benefits).

All persons desiring to comment on the subject matter of this proposed rulemaking should submit comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* via e-mail to marya.torrez@dc.gov, or to the Office of Administrative Hearings, 441 Fourth Street N.W., Suite 450N, Washington, D.C. 20001, Attn: Marya Torrez, Assistant General Counsel. Copies of this proposed rulemaking may be obtained from www.oah.dc.gov or from the address listed above.

DEPARTMENT OF CORRECTIONS

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Corrections (Director), pursuant to the authority in Section 3c(c) of the District of Columbia Good Time Credits Act of 1986 (“Act”), effective May 17, 2011 (D.C. Law 18-372; D.C. Official Code § 24-221.01c(c) (2012 Repl.)), and Mayor’s Order 2006-53, dated May 9, 2006, hereby gives notice of the amendment, on an emergency basis, of Chapter 6 (Good Time Credits) of Title 28 (Corrections, Courts, and Criminal Justice) of the District of Columbia Municipal Regulations (DCMR).

The rules will increase the limit on good time credit from eight (8) to ten (10) credits per month to ensure that the rules conform with changes made to the Act by Bill 21-360, the Neighborhood Engagement Achieves Results Amendment Act of 2016.

The emergency action is necessary for the immediate preservation and promotion of the health, safety and welfare of inmates who are entitled to additional good time credits under the Act, and the safety, security, and order of the Department facilities, which is improved by increased participation by inmates in rehabilitative programs while incarcerated.

The Director gives notice of the intent to take final rulemaking action to adopt this rule not less than thirty (30) days from the date of publication in the *D.C. Register*. The rules will be submitted to the D.C. Council for a forty-five (45) day period of review, in accordance with the Act.

Chapter 6, GOOD TIME CREDITS, of Title 28 DCMR, CORRECTIONS, COURTS, AND CRIMINAL JUSTICE, is amended as follows:**Section 601, LIMITATIONS ON CREDITS, amends Subsection 601.2 to read as follows:**

601.2 An inmate shall not earn more than ten (10) good time credits per calendar month under this chapter

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the General Counsel, Department of Corrections, 2000 14th Street, NW, 7th Floor, Washington, D.C. 20009 or DOCPublicComments@dc.gov. Copies of these rules may be obtained at the address stated above.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-163
October 18, 2016

SUBJECT: Reappointments and Appointments – District of Columbia Commission
for National and Community Service

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22 (2) and (11) (2014 Repl. and 2016 Supp.), pursuant to Mayor's Order 2013-171, dated September 19, 2013, and in accordance with the provisions of the National and Community Service Trust Act of 1993, approved September 21, 1993, 107 Stat. 785, Pub. L. 103-82, it is hereby **ORDERED** that:

1. The following persons are reappointed as voting members of the District of Columbia Commission for National and Community Service (the “**Commission**”) for a term to end July 31, 2018:
 - a. **BRANDON ANDREWS** as a representative of local labor organizations in the District of Columbia.
 - b. **PETER SACCO** as an individual between the ages of 16 and 25 who participates in or supervises a service program for school-age youth or a campus-based or national service program.
2. **AMY COHEN** is reappointed as a voting member of the Commission, as a representative from an institution of higher education in the District of Columbia for a term to end July 31, 2017.
3. The following persons are appointed as voting members of the Commission for a term to end July 31, 2018:
 - a. **BARBARA B. CLINE** as a public member, replacing Edward Jones.
 - b. **NATHANIEL THOMAS** as a public member replacing Danielle Reyes.
 - c. **HAMPTON WATSON** as a public member replacing Reginald Davis.

- 4. The following persons are appointed as voting members of the Commission, for a term to end July 31, 2019:
 - a. **JOHNNIE RICE** as a public member, filling a vacant seat.
 - b. **LOUIS HENDERSON** as a public member, filling a vacant seat.
 - c. **MATTHEW MCCOULLOUGH** is appointed as a member, filling a vacant seat.
- 5. **SARAN WHITE** is reappointed as a non-voting member of the Commission, as the representative designated by the federal Corporation for National Service, and shall serve at the pleasure of the Mayor.
- 6. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to June 1, 2016.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2016-164
October 18, 2016

SUBJECT: Reappointments and Appointments — District of Columbia Commission on Fathers, Men, and Boys

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl. and 2016 Supp.), and pursuant to section 1073 of the Commission on Fathers, Men, and Boys Establishment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 10003), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01 (2014 Repl. and 2015 Supp.)), it is hereby **ORDERED** that:

1. **TRISTAN WILKERSON** pursuant to the District of Columbia Commission on Fathers, Men, and Boys Tristan Wilkerson Confirmation Resolution of 2016 effective July 2, 2016, PR 21-0747, is reappointed as a member of the District of Columbia Commission on Fathers, Men, and Boys, for a term to end September 19, 2020.
2. **FRANKLYN M. MALONE** pursuant to the District of Columbia Commission on Fathers, Men, and Boys Franklin M. Malone Confirmation Resolution of 2016 effective July 2, 2016, PR 21-0746, is reappointed as a member of the District of Columbia Commission on Fathers, Men, and Boys, for a term to end September 19, 2020.
3. **BRETT O. GREENE** pursuant to the District of Columbia Commission on Fathers, Men, and Boys Brett O. Greene Confirmation Resolution of 2016 effective July 2, 2016, PR 21-0745 is reappointed as a member of the District of Columbia Commission on Fathers, Men, and Boys, for a term to end September 19, 2020.
4. **THE HONORABLE ARTHUR LOUIS BURNETT, SR.** pursuant to the District of Columbia Commission on Fathers, Men, and Boys the Honorable Arthur Louis Burnett, Sr. Confirmation Resolution of 2016 effective July 2, 2016, PR 21-0744, is reappointed as a member of the District of Columbia Commission on Fathers, Men, and Boys, for a term to end September 19, 2020.
5. **DON SMITH** pursuant to the District of Columbia Commission on Fathers, Men, and Boys Don Smith Confirmation Resolution of 2016 effective April 12, 2016, PR 21-0562 is appointed as a member of the District of Columbia Commission on Fathers, Men, and Boys, occupying a vacant seat, for a term to end September 19, 2020.

- 6. **JELANI MURRAIN** pursuant to the District of Columbia Commission on Fathers, Men, and Boys Jelani Murrain Confirmation Resolution of 2016 effective February 20, 2016, PR 21-0519 is appointed as a member of the District of Columbia Commission on Fathers, Men, and Boys, occupying a vacant seat, for a term to end September 19, 2018.
- 7. **SILAS H. GRANT JR.** pursuant to the District of Columbia Commission on Fathers, Men, and Boys Silas H. Grant, Jr. Confirmation Resolution of 2016 effective February 20, 2016, PR 21-0518 is appointed as a member of the District of Columbia Commission on Fathers, Men, and Boys, occupying a vacant seat, for a term to end September 19, 2018.
- 8. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.



 MURIEL BOWSER
 MAYOR

ATTEST: 

 LAUREN C. VAUGHAN
 SECRETARY OF THE DISTRICT OF COLUMBIA

**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS**

PUBLIC NOTICE OF MEETING

In accordance with D.C. Code § 2-576(1), the District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (Commission) hereby gives notice that it will meet. The members may vote to close a portion of the meeting pursuant to D.C. Code § 2-575(b)(10), which permits closed meetings in order to “discuss the appointment, employment, assignment, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.”

The hearing will be held on Wednesday, October 26, 2016 at 2pm at the following location:

DC Rental Housing Commission
441 Fourth Street NW, Suite 1140B North
Washington, DC 20001

For further information, please contact Shauntinique Steele at nikki.steele@dc.gov or 202-741-5303.

AGENDA

- I. Call to Order (Board Chair)**
- II. Roll Call**
- III. Possible Vote to Close Remainder of Meeting Pursuant D.C. Code § 2-575(c)(1).**
- IV. Hearing on ALJ Personnel Matter**
- V. Adjournment (Board Chair)**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, NOVEMBER 2, 2016
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
James Short

- Protest Hearing (Status)** **9:30 AM**
Case # 16-PRO-00076; TBM Holdings, LLC, t/a Driftwood Kitchen, 400 H Street NE, License #86210, Retailer CR, ANC 6C
Application to Renew the License
- Show Cause Hearing (Status)** **9:30 AM**
Case # 16-CC-00052; Maggiano's Holding Corporation, t/a Maggiano's, 5333 Wisconsin Ave NW, License #72256, Retailer CR, ANC 3E
No ABC Manager on Duty
- Show Cause Hearing (Status)** **9:30 AM**
Case # 16-CMP-00503; HRH Services, LLC, t/a The Alibi, 237 2nd Street NW License #97969, Retailer CR, ANC 6C
Failed to Comply with Board Order
- Show Cause Hearing (Status)** **9:30 AM**
Case # 16-AUD-00037; Justin's Café, LLC, t/a Justin's Café, 1025 1st Street SE License #83690, Retailer CR, ANC 6D
Failed to File Quarterly Statements
- Show Cause Hearing (Status)** **9:30 AM**
Case # 16-CC-00079; Inner Circle, 1223, LLC, t/a Dirty Martini Inn Bar, 1223 Connecticut Ave NW, License #83919, Retailer CN, ANC 2B
Sale to Minor Violation
- Show Cause Hearing** **10:00 AM**
Case # 16-CMP-00408; Black Whiskey, LLC, t/a Black Whiskey, 1410 14th Street NW, License #91434, Retailer CT, ANC 2F
No ABC Manager on Duty

Board’s Calendar
November 2, 2016

Show Cause Hearing **11:00 AM**
Case # 16-CMP-00322; Restaurant Enterprises, Inc., t/a Smith Point, 1338 Wisconsin Ave NW, License #60131, Retailer CT, ANC 2E
Substantial Change in Operation Without Board Approval, Provided Entertainment Without an Entertainment Endorsement (Two Counts)

Show Cause Hearing **11:00 AM**
Case # 16-CMP-00447; Ristorante Piccolo, Inc., t/a Ristorante Piccolo, 1068 31st Street NW, License #14125, Retailer CR, ANC 2E
Failed to File Quarterly Statements

BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM

Protest Hearing **1:30 PM**
Case # 16-PRO-00074; 1600 U, Inc., t/a Local 16, 1600 U Street NW, License #60467, Retailer CR, ANC 2B
Petition to Amend or Terminate the Settlement Agreement

Protest Hearing **1:30 PM**
Case # 16-PRO-00063; Eatonville, Inc., t/a Mulebone, 2121 14th Street NW License #78882, Retailer CR, ANC 1B
Application to Renew the License

Show Cause Hearing **3:30 PM**
Case # 16-CMP-00274; Juanita's Inc., t/a Okapi, 4811 Georgia Ave NW, License #96523, Retailer CT, ANC 4D
No ABC Manager on Duty

Protest Hearing* **4:30 PM**
Case # 16-PRO-00077; Balkan Concepts, LLC, t/a Ambar, 523 8th Street SE License #90240, Retailer CR, ANC 6B
Application to Renew the License

Protest Hearing **4:30 PM**
Case # 16-PRO-00064; Eatonville, Inc., t/a Mulebone, 2121 14th Street NW License #78882, Retailer CR, ANC 1B
Petition to Amend or Terminate the Settlement Agreement

***The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CANCELLATION AGENDA (CLASS C AND D RETAILERS)

WEDNESDAY, NOVEMBER 2, 2016
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The Board will be cancelling the following licenses for the reasons outlined below:

ABRA-094391 – **RIS at Union Market** – Retailer – D – Tavern – 1309 5th STREET NE
[Safekeeping] [Licensee has requested Cancellation.]

ABRA-072087 – **Midtown** – Retailer – C – Nightclub - 1219 CONNECTICUT AVE NW
[Licensee did not renew.]

ABRA-074894 – **LIV Nightclub** – Retail – C – Nightclub - 2001 11TH ST NW, #B
[Licensee did not Renew.]

ABRA-000869 – **Charlies** – Retail – C – Tavern – 7307 GEORGIA AVE NW
[Licensee did not Renew.]

ABRA-013327 – **Center Cafe** – Retail – C – Tavern - 50 MASSACHUSETTS AVE NE, #E
[Licensee did not Renew.]

ABRA-060738 – **Bistro Doc** – Retail – C – Tavern - 518 10TH ST NW
[Licensee did not Renew.]

ABRA-070520 – **Billy Goat Tavern & Grill** – Retail – C – Tavern - 500 NEW JERSEY AVE
NW
[Licensee did not Renew.]

ABRA-072023 – **Nana Thai** – Retail – C – Tavern - 406 8TH ST SE
[Licensee did not Renew.]

ABRA-073443 – **Veranda** – Retail – C – Tavern - 1100 P ST NW

[Licensee did not Renew.]

ABRA-074241 – **Yegna** – Retail – C – Tavern - 1920 9TH ST NW
[Licensee did not Renew.]

ABRA-074895 – **The Tap & Parlour/Bohemian Caverns** – Retail – C – Tavern – 2001 11TH ST NW, #A
[Licensee did not Renew.]

ABRA-085258 – **Noble Lounge** - Retail – C – Tavern – 1915 9TH ST NW
[Licensee did not Renew.]

ABRA-086424 – **Sankofa Cafe** - Retail – C – Tavern – 2714 Georgia AVE NW
[Licensee did not Renew.]

ABRA-088290 – **Climax Restaurant & Hookah Bar** - Retail – C – Tavern – 900 FLORIDA AVE NW
[Licensee did not Renew.]

ABRA-089491 – **The Uptown Tap House** - Retail – C – Tavern – 3412 CONNECTICUT AVE NW
[Licensee did not Renew.]

ABRA-090597 – **Catch 15** - Retail – C – Tavern – 1518 K ST NW
[Licensee did not Renew.]

ABRA-091361 – **Mama Put** - Retail – C – Tavern – 3214 GEORGIA AVE NW
[Licensee did not Renew.]

ABRA-096484 – **The Stanton** - Retail – C – Tavern – 319 PENNSYLVANIA AVE SE
[Licensee did not Renew.]

ABRA-096761 – **Sixth and H Street Bar and Grill** - Retail – C – Tavern – 523 H ST NE
[Licensee did not Renew.]

ABRA-098880 – **Serendipity** - Retail – C – Tavern – 3301 12TH ST NE
[Licensee did not Renew.]

ABRA-077455 – **District 2 Bar & Grille** – Retailer – C – Tavern - 3238 WISCONSIN AVE
NW
[Licensee did not renew.]

ABRA-074353 – **Science Club** – Retailer – C – Tavern - 1136 19TH ST NW
[Licensee did not renew.]

ABRA-090529 – **TBD (Formerly Club Rendezvous)** – C – Nightclub – NO LOCATION
[Safekeeping] [Licensee did not renew.]

ABRA-008511 – **JP's** – Retailer – C – Nightclub – 2412 WISCONSIN AVENUE NW
[Safekeeping] [Licensee did not renew.]

ABRA-090611 – **Formerly Skylark Lounge** – C – Nightclub - 1943 NEW YORK AVE NE
[Safekeeping] [Licensee did not renew.]

ABRA-087508 – **Nati Hookah Bar** – C – Tavern - 2829 GEORGIA AVENUE NW
[Safekeeping] [Licensee did not renew.]

ABRA-017940 – **Chief Ike's Mambo Room** - C – Tavern - 1725 COLUMBIA ROAD NW
[Safekeeping] [Licensee did not renew.]

ABRA-023516 – **Utopia Bar & Grill** – C – Tavern – 1416 - 1418 U ST NW B
[Safekeeping] [Licensee did not renew.]

ABRA-096779 – **Touche** - Retail – C – Tavern – 1123 H ST NE
[Safekeeping] [Licensee did not Renew.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CEASE AND DESIST AGENDA (CLASS B RETAILERS)

WEDNESDAY, NOVEMBER 2, 2016
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The ABC Board will be issuing Orders to Cease and Desist to the following Licensees for the reasons outlined below.

ABRA-089069 – **Gedera Market** – Retailer – B – 4600 14TH ST NW
[Licensee did not make third year payment.]

ABRA-076415 – **T's Market** – Retailer – B - 1795 LANIER PL NW
[Licensee did not make third year payment.]

ABRA-078461 – **M & M Market** – Retailer – B – 3544 EAST CAPITOL ST NE
[Licensee did not make third year payment.]

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, NOVEMBER 2, 2016
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On Wednesday, November 2, 2016 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#16-CC-00127, Northeast Supermarket, 1201 Mount Olivet Road N.E., Retailer B, License # ABRA-101289

2. Case#16-CC-00126, Simple Bar & Grill, 5828 Georgia Avenue N.W., Retailer CT, License # ABRA-092423

3. Case#16-CC-00149, Yosaku Restaurant, 4712 Wisconsin Avenue N.W., Retailer CR, License # ABRA-001448

4. Case#16-CC-00150, Hi Market, 2655 15th Street N.W., Retailer B, License # ABRA-088752.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, NOVEMBER 2, 2016 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request for Change of Hours. *Approved Hours of Operation:* Sunday 11am to 3pm, Monday-Thursday 5pm to 3am, Friday 5pm to 4am, Saturday 11am to 4am. *Approved Hours of Alcoholic Beverage Sales and Consumption:* Sunday 11am to 2am, Monday-Thursday 5pm to 2am, Friday 5pm to 3am, Saturday 5pm to 3am. *Proposed Hours of Operation:* Sunday-Thursday 6am to 3am, Friday-Saturday 6am to 4am. ANC 1B. SMD 1B02. Establishment has a pending fine due by 11/2/2016. No conflict with Settlement Agreement. *U Street Music Hall*, 1115 U Street NW, Retailer CX, License No. 083219.
-

2. Review Application for Manager's License. *Fabian S. Malone*-ABRA 091980.
-

***In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

DC COMMISSION ON THE ARTS AND HUMANITIES**NOTICE OF FUNDING AVAILABILITY****FY 2017 Performance Grant Program**

The DC Commission on the Arts and Humanities (DCCAH) announces the availability of a second cycle for its Projects, Events and Festivals grants program for fiscal year 2017. Grants supporting organizations will be available during this period.

The DC Commission on the Arts and Humanities seeks to support organizations providing literary-enrichment programming through author visits throughout DCPS and charter schools and engaging with community through touring orchestral performance presentations.

Organizations must be incorporated in the District, headquartered with a land address in DC and have 501(c)(3) status for at least one year prior to the application period in addition to other eligibility criteria listed in the program's guidelines. Applicants must also be a registered organization in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Internal Revenue Service (IRS), and the Department of Employment Services (DOES) and possess clean hands certification at the time of application.

All eligible applications are reviewed through a competitive process. Evaluation criteria are based on 1) Arts and Humanities Content, 2) Assessed DC Impact and Engagement, and 3) Project Feasibility. All activities funded by the grant must occur between January 1 and be completed by September 30, 2017.

The Request for Applications (RFA) will be available electronically beginning November 7, 2016 on the DCCAH website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for applications is December 2, 2016.

DCCAH will present a program orientation and technical assistance workshop on Wednesday, November 16, 2016 at 10:00am and Thursday, November 16, 2016 at 6:00pm at DCCAH's offices.

For more information, please contact:

Steven Scott Mazzola
Grants Director
DC Commission on the Arts and Humanities
200 I (EYE) St. SE
Washington, DC 20003
(202) 671-1361 or david.markey@dc.gov

DC COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF FUNDING AVAILABILITY

FY 2017 Special Arts Initiative: Field Trip Experiences Grant Program

The DC Commission on the Arts and Humanities (DCCAH) announces the availability of the Field Trip Experiences grant program for fiscal year 2017. Grants supporting arts organizations offering arts education professional development, field trip and in-school workshop programs will be available during this period. Grants will also be available to not-for-profits providing infrastructural assistance to arts education organizations in order to support the program.

DCCAH seeks District-based arts organizations with a proven track record of offering exemplary arts education programming in one or more of the following four (4) areas:

- 1) Professional Development for Classroom Educators in public school settings;
- 2) Field Trips in Dance (1st Grade)/Music (4th Grade)/Theatre (6th-8th Grade);
- 3) In-School Workshops for children and youth in public school settings; and,
- 4) Infrastructural assistance in the coordination of services between arts organizations delivering #1-3 above and public schools.

Participating arts organizations will have the opportunity to build new relationships with public schools across all eight wards of the city while developing a community of practice within their discipline specialty.

Organizations must be incorporated in the District, headquartered with a land address in DC and have 501(c)(3) status for at least one year prior to the application period in addition to other eligibility criteria listed in the program's guidelines. Applicants must also be a registered organization in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Internal Revenue Service (IRS), and the Department of Employment Services (DOES) and possess clean hands certification at the time of application.

All eligible applications are reviewed through a competitive process. Evaluation criteria are based on 1) Arts Education experience, 2) Assessed DC Impact and Engagement, and 3) Demonstrated experience in the delivery of Field Trip Experiences and associated programs.

The Request for Applications (RFA) will be available electronically beginning November 7, 2016 on the DCCAH website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for applications is December 6, 2016.

DCCAH will present program orientation workshops throughout the month of November.

For more information, please contact:

David Markey
Arts Education Coordinator
DC Commission on the Arts and Humanities
200 I (EYE) St. SE, Washington, DC 20003
(202) 671-1354 or david.markey@dc.gov

DC BILINGUAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Field Trip Transportation Services**

The DC Bilingual Public Charter School in compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995 (“Act”), hereby solicits expressions of interest from Vendors or Consultants for the following service(s):

- Field Trip Transportation Services

Proposal Submission

A Portable Document Format (pdf) version of your proposal must be received by the school no later than **5:00 p.m. EST on November 4, 2016** unless otherwise stated in associated RFP’s. Proposals should be emailed to bids@dcbilingual.org.

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

Please include the bid category for which you are submitting as the subject line in your e-mail (e.g. Heat and Air Conditioning Services). Respondents should specify in their proposal whether the services they are proposing are only for a single year or will include a renewal option.

E.L. HAYNES PUBLIC CHARTER SCHOOL**NOTICE OF EXTENSION OF REQUEST FOR PROPOSALS****Roof Replacement**

E.L. Haynes Public Charter School, in compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995 (“Act”), hereby extends solicits and expressions of interest from Vendors or Consultants for the following service(s) that was originally posted on September 23, 2016:

- Roof Replacement

E.L. Haynes will offer one opportunity to walk the roof, Wednesday, October 12, 2016 (weather permitting). Interested parties MUST RSVP to kyochum@elhaynes.org by October 11, 2016 at 5 pm if they plan to attend.

Proposals are due via email to Kristin Yochum no later than 5:00 PM on Friday, October 21, 2016. The RFP with bidding requirements can be obtained by contacting:

Kristin Yochum
E.L. Haynes Public Charter School
Phone: 202.667-4446 ext 3504
Email: kyochum@elhaynes.org

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH CARE FINANCE**

NOTICE OF PUBLIC MEETING

Department of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23rd, 2007, hereby announces a public meeting of the Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held **Thursday, December 1st, 2016, at 2:30 PM** in the **Main Street Conference Room 1028 (10th Floor) at 441 Fourth Street NW, Washington, DC 20001**. Please note that a government issued ID is needed to access the building. Use the North lobby elevators to access the 10th floor.

The Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

Angiotensin Modulator Combinations	Beta-Blockers
Angiotensin Modulators	Calcium Channel Blockers
Antianginal Agents (Ranexa)	Hepatitis B Agents
Antibiotics, Topical	HIV and AIDS Treatments (<i>tentative</i>)
Anticoagulants	Immunomodulators, Atopic Dermatitis
Antihypertensives, Sympatholytics	Immunomodulators, Topical
Antipsoriatics, Oral	Lipotropics, Others
Antipsoriatics, Topical	Lipotropics, Statins
Antiviral Agents, Oral (HSV & Influenza)	Platelet Aggregation Inhibitors
Antiviral Agents, Topical	Rosacea Agents, Topical

Any person or organizations who wish to make a presentation to the Committee should furnish the name of the person or organization represented, address, telephone number, and the name of organization represented to Charlene Fairfax at (202) 442-9076 or charlene.fairfax@dc.gov **no later than 4:45 PM on Wednesday, November 23rd, 2016**. Any person who makes an oral presentation to the Committee will be limited to three (3) minutes.

A person wishing to provide written information should supply twenty (20) copies of the information to the Committee **no later than Wednesday, November 23rd, 2016**. **Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back)**. The ready-to-disseminate, written information must be received **no later than Wednesday, November 23rd, 2016** at:

Department of Health Care Finance
Attention: Charlene Fairfax, RPh, CDE
441 4th Street NW, Suite 900 South
Washington, DC 20001

DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF SOLICITATION FOR OFFERS

Development of Six District-owned Properties in Historic Anacostia

(Washington, DC) - On November 29, 2016, the DC Department of Housing and Community Development (DHCD) will release a Solicitation for Offers (SFO) for the development of six District-owned properties in Historic Anacostia.

Through the SFO, DHCD is seeking public offers to build (re)development projects that promote the provision of family-style affordable housing, a commitment to long-term affordability, the revitalization of local neighborhoods and elimination of blight in the District on the following sites:

WARD	SSL	Address	Vacancy	Issue Date
8	5800 0811	1220 Maple View Place, SE	BLDG	Nov 29
8	5766 0800	15 th Street, SE	LOT	Nov 29
8	5765 0884	1648 U Street, SE	BLDG	Nov 29
8	5779 0814	1518 W Street, SE	BLDG	Nov 29
8	5779 0824	1528 W Street, SE	LOT	Nov 29
8	5799 0849	1326 Valley Place, SE	BLDG	Nov 29

The Solicitation for Offer application materials will be available by November 29, 2016 on the DHCD website, www.dhcd.dc.gov.

A Pre-Bid meeting will be held at 10:00 a.m., Tuesday, December 13, 2016 at DHCD's Housing Resource Center located at 1800 Martin Luther King, Jr. Avenue, SE, Washington, DC 20020. The deadline for submitting proposals is 4:00 p.m., Tuesday, February 14, 2017.

For additional updates, information and questions please go to our website <http://dhcd.dc.gov/service/property-acquisition-and-disposition> or contact padd.sfo@dc.gov.

DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PUBLIC MEETINGS

Board of Commissioners

1133 North Capitol Street, Northeast
Washington, D.C. 20002-7549
202-535-1000

The location of the Regular Meeting and Brown Bag Meeting of the Board of Commissioners of the District of Columbia Housing Authority scheduled for Wednesday, November 9, 2016, has been changed. Following are the dates, times, and locations of the Regular and Brown Bag Meetings for the remainder of calendar year 2016.

November 9, 2016 Barry Farm Recreation Center – 1230 Sumner Rd., SE
Brown Bag Meeting 11:00 a.m.
Regular Meeting 1:00 p.m.

December 14, 2016 1133 North Capitol St., NE
Brown Bag Meeting 11:00 a.m.
Regular Meeting 1:00 p.m.

For questions, contact Chelsea Johnson at (202) 535-2835.

Updated October 2016

**NATIONAL COLLEGIATE PREPARATORY
PUBLIC CHARTER SCHOOL**

INVITATION FOR BID

Food Service Management Services

National Collegiate Prep is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2016-2017 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Invitation for Bid (IFB) such as; student data, days of service, meal quality, etc. may be obtained beginning on **10/28/2016** from Ana Navarro at **202-832-7737** or **anavarro@nationalprepdc.org**

Proposals will be accepted at 4600 Livingston RD SE Washington, DC 20032 on **11/21/2016** not later than **2 p.m.**

All bids not addressing all areas as outlined in the IFB will not be considered.

**OFFICE OF THE DEPUTY MAYOR
FOR PLANNING AND ECONOMIC DEVELOPMENT**

TECHNICAL AMENDMENT

FY2016 Great Streets Retail Small Business Reimbursement Grants

The Office of the Deputy Mayor for Planning and Economic Development (DMPED) invites the submission of applications from qualified small business owners who wish to improve their place of business. The purpose of the Great Streets Retail Small Business Reimbursement Grants is to support existing small businesses, attract new businesses, increase the District's tax base, create new job opportunities for District residents, and transform emerging commercial corridors into thriving and inviting neighborhood centers. The grants are competitive, partially-reimbursable, and up to \$50,000 each. Funding for this program is authorized from the Great Streets Neighborhood Retail Priority Area Amendment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 2-1217.71 et seq.) and the H Street NE Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D.C. Law 18-354; D.C. Official Code § 1-325.171 et seq.).

The purpose of this technical amendment is to provide updates to the Request for Applications (RFA) that was issued for this grant program on Friday, August 26, 2016.

RFA deadline

Extended to Sunday, November 6, 2016

REQUIRED FIELDS (application)

Located in the Great Streets application under "Business Information"

1. The following is not required for the application phase: ANID
2. If awarded, applicant will need to provide ANID as outlined in award notification letter.

FOR 2 OR MORE BUSINESSES (application)

If two (2) or more businesses applying, each business must submit an individual application. Be sure to list under "Business Information" the business partners applying.

CLARIFICATION OF SCORING CRITERIA

On page 8 of the RFA, under Section XI. Scoring Criteria, there are 100 points assigned to the "Existing business" criterion. For this criterion, applicants will be scored as follows:

- A. Existing business (100 points)
 1. 100 points if the applicant is an existing business for more than 20 years on the Great Streets corridor where they seek funding

2. 75 points if the applicant is an existing business regardless of location and is relocated or relocating their business to a Great Street corridor.
3. 50 points if the applicant is an existing business regardless of location and is opening an additional storefront on a Great Street corridor.
4. 25 points if the applicant is a new business

BONUS POINTS:

75 points to groups of two (2) or more businesses applying

DEFINITION OF “ELIGIBLE APPLICANTS”

On page 4 of the RFA, under IV. Eligible Applicants, means owners of for-profit small retail and service-oriented businesses, who have not previously received Great Street funding for specified business property. Applicant’s business must have a street facing presence.

DEFINITION OF “INELIGIBLE BUSINESSES”

On page 4 of the RFA, under IV. Eligible Applicants, the type of business ineligible are those holding an ABRA Licenses that does **not** require a food minimum (example: Tavern, Bar, or Nightclub). Exceptions are those businesses who maintain a community benefits agreement which includes a food minimum requirement.

DEFINITION OF “ANNUAL REVENUE”

On page 4 of the RFA, under Section IV. Eligible Applicants, the following threshold is listed as a minimum requirement to apply for the grant: “Provide proof that the business’ average annual revenue (based on the last three (3) completed fiscal years), or the projected average annual revenue for the first three (3) years ‘in business,’ does not exceed \$1 million.” DMPED will measure an applicant business’ annual revenue based on business tax returns submitted with the application. Annual revenue will be calculated as **gross profit from sales and/or operations**, which is equivalent to gross receipts or sales minus the cost of goods sold. For new businesses, or those in operation for less than three years, DMPED will use a combination of business tax returns and financial projections from the business plan submitted with the application to determine annual revenue.

Please direct all inquiries to:

LaToyia Hampton, Grants Manager
Office of the Deputy Mayor for Planning and Economic Development
1015 Half Street SE,
Washington, DC 20024
Telephone: [\(202\) 724-7648](tel:2027247648)
Email: LaToyia.Hampton@dc.gov

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**NOTICE OF REIMBURSABLE BUDGETS AND TOTAL GROSS
JURISDICTIONAL REVENUES****ASMT2017, ASSESSMENTS FOR FISCAL YEAR 2017**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice pursuant to Rule 1302.1 of Chapter 13 of Title 15 of the District of Columbia Municipal Regulations, “Rules Implementing the Public Utilities Reimbursement Fee Act of 1980” (“Chapter 13”), of the net reimbursable budgets for the Commission and for the Office of the People’s Counsel (“OPC”) for Fiscal Year 2017 (“FY 2017”). In addition, pursuant to Rule 1302.1(b), the Commission gives notice of the total gross revenue of all public utilities, competitive electricity suppliers, competitive natural gas suppliers, and competitive local exchange carriers (“CLEC”) for the preceding calendar year, calendar year 2015.

2. The net reimbursable budget for the Commission for FY 2017 is \$13,295,718.00. The net reimbursable budget for OPC for FY 2016 is \$7,497,285.05.

3. The total gross revenues of all public utilities, competitive electricity suppliers, competitive natural gas suppliers, and CLECs for the preceding calendar year, calendar year 2015, were \$1,944,364,061.66.

DISTRICT OF COLUMBIA OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS

NOTICE OF INTENT TO ACCEPT UNSOLICITED PROPOSALS

The District of Columbia Office of Public-Private Partnerships (“DC OP3”), pursuant to the Public-Private Partnerships Act of 2014, effective March 11, 2015 (D.C. Law 20-228, D.C. Official Code § 2-271.01 *et seq.*) (“P3 Act”) and in accordance with the procedures set forth in Chapter 48 (Public-Private Partnerships) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (“P3 Rules”), hereby gives notice of its intent to accept unsolicited proposals for possible public-private partnership projects.

Interested parties should review the process for submitting unsolicited proposals, which are detailed in the DC OP3 Guidelines and Procedures (“P3 Guidelines”). The P3 Guidelines, along with several forms that must be included as part of an unsolicited proposal, are available at <http://op3.dc.gov/proposals>.

Unsolicited proposals will only be accepted between the hours of 9:00 a.m. EST and 4:00 p.m. EST on business days that the District of Columbia government is open beginning on **Monday, November 28, 2016** and ending on **Thursday, January 26, 2017**. Unsolicited proposals must be delivered by hand, by U.S. Mail, or by a delivery service. Only proposals meeting all of the requirements stated in the P3 Rules and P3 Guidelines and submitted during the times listed above will be considered for review by DC OP3.

Interested parties are encouraged to meet with the DC OP3 before submitting an unsolicited proposal. For additional information, please contact DC OP3 at op3@dc.gov or (202) 724-2128.

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENT AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after December 1, 2016.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on October 28, 2016. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommendations for appointment as DC Notaries Public

Effective: December 1, 2016

Page 2

Aguiluz	Alejandro	Cap City Management 641 S Street, NW	20001
Allison	Shirley	United States Tax Court 400 Second Street, NW	20217
Anderson	Leatrice	Self 2018 Tremont Street, SE	20020
Bailey	Behice Bicer	Open Society Institute 1730 Pennsylvania Avenue, NW, Suite 700	20006
Bartolo	Rachel E.	The Mandy and David Team at Compass Real Estate 1313 14th Street, NW	20005
Benjamin	Elise F.	Parcc Inc. 1747 Pennsylvania Avenue, NW	20006
Billingsley	Louise H.	Inmarsat 1101 Connecticut Avenue, NW, Suite 1200	20036
Black	Ian	Tenacity Group 641 S Street, NW	20001
Bradham	Drew	SJG Properties 805 15th Street, NW, Suite 625	20005
Brown	Wenona F.	Kelley Drye & Warren, LLP Washington Harbour 3050 K Street, NW, Suite 400	20007
Butler	Deborah R.	United States Capitol Police 119 D Street, NE	20510
Calle	Dudley	Arup 1120 Connecticut Avenue, NW, Suite 1110	20036
Choi	Oh Sung	The UPS Store 2100 M Street, NW, Suite 170	20037
Ciminelli	Susan L.	Alderson Reporting Company 1155 Connecticut Avenue, NW	20036
Clark	Valerie J.	Locke Lord LLP 701 8th Street, NW, Suite 700	20001

D.C. Office of the Secretary
Recommendations for appointment as DC Notaries Public

Effective: December 1, 2016

Page 3

Colden	Canzada	Media Matter of America 455 Massachusetts Avenue, NW, Suite 600	20001
Cooper	Valerie	Compass Solutions, LLC 1401 K Street, NW, # 802	20005
Crews	Wayne Leon	Sibley Memorial Hospital/John Hopkins Medicine 5255 Loughboro Road, NW	20016
Dennis Jr.	Wallace L.	Cornerstone First Financial, LLC 2300 Wisconsin Avenue, NW	20007
Dews	Mary A.	JJPS 611 Raleigh Place, SE	20032
El Sayed	Dina	Family Health Institute 360 1825 Connecticut Avenue, NW	20009
Elizonda	Tammy L.	Locke Lord LLP 701 8th Street, NW, Suite 700	20001
Ellerbe	Sharyn M.	Trout Cacheris & Janis PLLC 1350 Connecticut Avenue, NW, Suite 300	20036
Ennis	Maya Christina	Democratic Attorneys General Association 1875 K Street, NW	20006
Feder	Renee A.	Feder Reporting Company 810 Capitol Square Place, SW	20024
Flores	Elsa	The Next Step PCS 3047 15th Street, NW	20009
Freedman	Michael Jordan	National Fish and Wildlife Foundation 1133 15th Street, NW	20005
Gabel	Keith V.	Law Offices of Stewart and Stewart 2100 M Street, NW, Suite 200	20037
Gaines	Valerie F.	United States Secret Service 1111 18th Street, NW	20223
Gering	Anna K.	National Fish and Wildlife Foundation 1133 15th Street, NW	20005

D.C. Office of the Secretary
Recommendations for appointment as DC Notaries Public

Effective: December 1, 2016

Page 4

Ghee	Vanessa G.	Richard F. Silber, PLLC 3221 M Street, NW	20007
Graham II	George Anthony	Keller Williams Capital Properties 519 C Street, NE	20002
Grant	Sammy L.	Self (Dual) 2011 Trenton Place, SE	20020
Haggins	Chiffon	Association of American Colleges and Universities 1818 R Street, NW	20009
Harris	Lily Kate	The Next Step PCS 3047 15th Street, NW	20009
Hauslein	Diane G.	Nuclear Threat Initiative 1747 Pennsylvania Avenue, NW, 7th Floor	20006
Herbert	Coleen	Neal R. Gross & Company 1323 Rhode Island Avenue, NW	20005
Hickerson	Alverta M.	Zuckerman Spaeder LLP 1800 M Street, NW, Suite 1000	20036
Hogue	Bernice	Vorys, Sater, Seymour and Pease LLP 1909 K Street, NW, 9th Floor	20006
Honig	Samuel Martin	Veritext Legal Solutions 1250 Eye Street, NW	20005
Johnson	Amanda L.	Howard University 520 W Street, NW	20695
Jordan	Desiree R.	Ross Professional Services LLC 6230 3rd Street, NW Suite 6	20011
Jordan	Maria F.	Saab North America, Inc 2101 L Street, NW, Suite 350	20037
Kidd	Tyffany	Self 4201 Cathedral Avenue, NW, Suite 519W	20016
Kirby	Stacy Worthington	Mayer Brown, LLP 1999 K Street, NW	20006

D.C. Office of the Secretary
 Recommendations for appointment as DC Notaries Public

Effective: December 1, 2016

Page 5

Kisha	Michael R.	National Religious Broadcasters 1 Massachusetts Avenue, NW, Suite 333	20001
Kubal	Geneva L.	National Association of Letter Carriers 100 Indiana Avenue, NW	20001
Leake	Staci	U.S. Immigration and Customs Enforcement/Department of Homeland Security 500 12th Street, SW, Mailstop 5000	20536
Lessner	Christine Renee	Katten Muchin Rosenman, LLP 2900 K Street, NW, Suite 200, North Tower	20007
Lopez	Jenny	Marshall Moya Design 2201 Wisconsin Avenue, NW, Suite 305	20007
Malabet	Monique L.	Keller Williams Capital Properties 519 C Street, NE	20002
Marshall	Abigail	National Geographic Society 1145 17th Street, NW	20036
Massenberg	Michelle L.	U.S. Department of Labor, DLHWC/OWCP 200 Constitution Avenue, NW, Room C-4319	20210
McFadden	Lynel S.	Self 4027 13th Street, NE	20017
McRae	Floria B.	Self 6012 7th Place, NW	20011
Mercado	Stephanie N.	Citizens for Ethics and Responsibility (CREW) 455 Massachusetts Avenue, NW	20001
Mimms	Jo Ann	Morgan, Lewis & Bockius, LLP 1111 Pennsylvania Avenue, NW	20004
Minor	Gail F.	Holland & Knight, LLP 800 17th Street, NW, Suite 1100	20006
Moore	Sarah	Blackwood of D.C., LLC 5151 Wisconsin Avenue, NW, Suite 500	20016
Morrison	Winston Cyril	TD Bank, NA 1275A First Street, NE	20002

D.C. Office of the Secretary
Recommendations for appointment as DC Notaries Public

Effective: December 1, 2016

Page 6

Newlon	Revandra Juliet	Medical Faculty Associates, Inc. 2150 Pennsylvania Avenue, NW	20037
Njiande	Antoine B.	Self 2321 4th Street, NE, Apartment 304	20002
Orekoya	Afolasade Bamidele	Self (Dual) 68 Seaton Place, NW	20001
Pappas	Lisa	U.S. Immigration and Customs Enforcement / Department of Homeland Security 500 12th Street, SW, Mailstop 5000	20536
Parrish	Jacqueline	Armed Forces Retirement Home 140 Rock Creek Church Road, NW	20011
Patel	Nitu Narendra	GreenLine Real Estate, LLC 3927 Georgia Avenue, NW, Suite #1	20011
Pazornick	Alyssa	The Mandy and David Team 1313 14th Street, NW	20005
Perry	Annie K.	Self 705 15th Street, NE	20002
Philpot	Theresa	Self (Dual) 108 58th Street, SE, Apartment 304	20019
Pittinger- Dunham	Walter Allen	Self 490 M Street, SW, W103	20024
Priestly	Janelle L.	Mary's Center for Maternal & Child Care Inc. 2333 Ontario Road, NW	20009
Queen	Darlene	Queens Auto Body 4606 Minnesota Avenue, NE	20019
Ray	Michael	HOYA Federal Credit Union Georgetown University, 3700 Reservoir Road, NW, Box 571106	20057
Rifkind	Aaron J.	American Israel Public Affairs Committee 251 H Street, NW	20001

D.C. Office of the Secretary

Effective: December 1, 2016

Recommendations for appointment as DC Notaries Public

Page 7

Rosenthal	Stacy M.	The Carlyle Group 1001 Pennsylvania Avenue, NW	20004
Roulhac	Patricia D.	The Legal Aid Society of the District of Columbia 1331 H Street, NW, Suite 350	20005
Santana	Sarah P.	Catholic Charities Archdiocese of Washington 1018 Monroe Street, NE	20017
Sarr	Angelique	Sandy Spring Bank 1299 Pennsylvania Avenue, NW	20004
Scotti	Maria Gabriela	SES 1129 20th Street, NW, Suite 1000	20036
Sesay	Rashid	United States Department of Agriculture 1400 Independence Avenue, SW, Mail Stop 1568	20250
Shabanowitz	Jamison Louis	Homer Law Chartered 1730 Rhode Island Avenue, NW, Suite 501	20036
Shears	Cindy R.	Krooth & Altman LLP 1850 M Street, NW, Suite 400	20036
Simms	Crysheila	Greater Washington Urban League 2901 14th Street, NW	20009
Singleton	Dean	Wells Fargo 1700 Pennsylvania Avenue, NW	20006
Stewart	Sorina Bucsa	Revolution LLC 1717 Rhode Island Avenue, NW, 9th Floor	20036
Strickland	Joe W.	Strickland Court Reporting 2020 12th Street, NW, #504	20009
Tabibi	Shabnam	Orr Associates, Inc. (OAI) 3050 K Street, NW	20007
Tyson	Ronald L.	Department of Health, Health Regulation and Licensing Administration (OCQAID) 899 North Capitol Street, NE, 2nd Floor, Suite 2224	20002

D.C. Office of the Secretary

Effective: December 1, 2016

Recommendations for appointment as DC Notaries Public

Page 8

Vahle	Pamela	Navigant Consulting 1200 19th Street, NW, Suite 700	20036
Van Putten	Kristen	American Democracy Legal Fund 455 Massachusetts Avenue, NW, Suite 650	20001
Wagaman	Christine A.	Greenberg Traurig LLP 2101 L Street, NW, Suite 1000	20037
Wallish	Joshua M.	Goodwill of Greater Washington 2200 South Dakota Avenue, NE	20018
Wells	Elizabeth	Four Seasons Hotel 2800 Pennsylvania Avenue, NW	20011
Williams	David Jerome	The Williams Group, LLC 1624 Portal Drive, NW	20012
Wilson	Marshalee	TIAA 601 13th Street, NW, Suite 700N	20005
Worthen	Clarissa	Avascent 1615 L Street, NW, Suite 1200	20036
Young	Brittney Timee	Safe Shores DCCAC 429 O Street, NW	20001

DISTRICT OF COLUMBIA SENTENCING COMMISSION

NOTICE OF CHANGE IN MEETING DATES

The District of Columbia Sentencing Commission hereby gives notice that the following Commission meeting dates have changed:

*November 29, 2016 has been changed to **December 6, 2016**

*December 20, 2016 has been changed to **January 5, 2017**

Inquiries concerning the meeting may be addressed to Mia Hebb, Staff Assistant, at (202) 727-8822 or Mia.Hebb@dc.gov.

DISTRICT OF COLUMBIA SENTENCING COMMISSION**NOTICE OF PUBLIC MEETING**

The Commission meeting will be held on Tuesday, October 18, 2016 at 5:00 p.m. The meeting will be held at 441 4th Street, N.W. Suite 430S Washington, DC 20001. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://sentencing.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or mia.hebb@dc.gov

Meeting Agenda

1. Review and Approval of the Meeting Minutes from September 20, 2016 Meeting - Action Item, Judge Weisberg.
2. FY 16 Data Request Report - Informational Item, Barbara Tombs-Souvey.
3. Overview of Guideline Evaluation Study Key Findings - Informational Item, Barbara Tombs-Souvey.
4. Update on Agency Related Issues – Informational Item, Linden Fry.
5. Schedule Next Meeting – December 6, 2016.
6. Adjourn.

TWO RIVERS PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Two Rivers Public Charter School is seeking companies to provide payroll services beginning January 1, 2017 for a staff of 115 FTE exempt salaried staff and 5 FTE salaried non-exempt staff, to include payroll processing and reporting, benefits enrollment and plan administration capabilities, and ACA recordkeeping and reporting. For a copy of the RFP, please email Mary Gornick at procurement@tworiverspcs.org.

Two Rivers also is seeking companies or individuals to provide visual art instruction for middle school students. Will require availability beginning in January 2017 through June 2017. Approximately 10 – 16 hours/week of instruction and planning. Individuals are welcome to apply as independent contractors. For a copy of the RFP, please email Mary Gornick at procurement@tworiverspcs.org.

WASHINGTON LATIN PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Issued: October 28, 2016

The Washington Latin Public Charter School solicits expressions of interest in the form of proposals with references from qualified vendors for computers and cart suppliers. Questions and proposals may be e-mailed directly to aporcelli@latinpcs.org and gizurieta@latinpcs.org.

Deadline for submissions is **12pm (noon) November 4, 2016**. No phone calls please. E-mail is the preferred method for responding but you can also mail (must arrive by deadline) proposals and supporting documents to the following address:

Washington Latin Public Charter School
Attn: Finance Office
5200 2nd Street NW
Washington, DC 20011

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, November 3, 2016 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | |
|---|-----------------------|
| 1. Call to Order | Board Chairman |
| 2. Roll Call | Board Secretary |
| 3. Approval of October 6, 2016 Meeting Minutes | Board Chairman |
| 4. Committee Reports | Committee Chairperson |
| 5. General Manager's Report | General Manager |
| 6. Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. Other Business | Board Chairman |
| 8. Adjournment | Board Chairman |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Appeal No. 19106 of Richard Alan Seutter, Jr., Susan T. Seutter, and Katelijn van den Berg, pursuant to 11 DCMR §§ 3100 and 3101¹, from a May 14, 2015 decision by the Department of Consumer and Regulatory Affairs to issued Building Permits Nos. B1505056 and B1510351 to convert an existing two-family flat into a three-story apartment house with three dwelling units in the R-4 District at premises 67 V Street, N.W. (Square 3118, Lot 76).

HEARING DATE: November 17, 2015

DECISION DATE: November 17, 2015

ORDER DENYING APPEAL

This appeal was submitted on August 5, 2015 by Richard Alan Seutter, Jr., Susan T. Seutter, and Katelijn van den Berg (collectively, the “Appellant”), a group of residents who own and reside in properties near 67 V Street N.W. (the “subject property”), to challenge decisions of the Zoning Administrator, at the Department of Consumer and Regulatory Affairs (“DCRA”), to approve building permits that allowed the enlargement and conversion of a former two-family flat into a three-story, three-unit apartment house in the R-4 zone.² Following a public hearing, the Board of Zoning Adjustment (“Board” or “BZA”) voted to deny the appeal and to affirm the determination of the Zoning Administrator.

PRELIMINARY MATTERS

Notice of Appeal and Notice of Hearing. On August 5, 2015 the Appellant sent copies of the appeal by email to DCRA and to WS Homes 67 V ST LLC, the owner of the subject property (“Property Owner”). By memoranda dated August 17, 2015, the Office of Zoning provided notice of the appeal to the Zoning Administrator, at DCRA; the Office of Planning; the Councilmember for Ward 5; Advisory Neighborhood Commission (“ANC”) 5E, the ANC in which the subject property is located; and Single Member District/ANC 5E08. Pursuant to 11 DCMR § 3112.14, on August 19, 2015 the Office of Zoning mailed letters providing notice of the hearing to the Appellant, the Zoning Administrator, the Property Owner, and ANC 5E. Notice was published in the *D.C. Register* on August 28, 2015 (62 DCR 11832).

¹ This and all other references in this Order to provisions contained in Title 11 DCMR, except those references made in the final all-capitalized paragraph, are to provisions that were in effect on the date this Application was decided by the Board of Zoning Adjustment (“the 1958 Regulations”), but which were repealed as of September 6, 2016 and replaced by new text (“the 2016 Regulations”). The repeal of the 1958 Regulations has no effect on the validity of the Board’s decision or the validity of this order.

² On October 28, 2015, Advisory Neighborhood Commission (“ANC”) 5E joined the appeal. (Exhibit 17.) References in this order to “Appellant” include both the named individuals and ANC 5E.

Party Status. Parties in this proceeding are the Appellant, including ANC 5E; DCRA; and the Property Owner, WS Homes 67 V ST LLC. There were no requests for party status.

Appellant's Case. The Appellant challenged decisions of the Zoning Administrator to issue certain building permits for the subject property in conjunction with its enlargement and conversion to a three-unit apartment house. According to the Appellant, the "conversion of the subject property would be dramatically out of scale and character with existing row homes in the neighborhood." The appeal alleged that "the drawings conflict with several sections of the District's Zoning Regulations," specifically with respect to (i) interpretation and application as well as definitions and general provisions; (ii) the density of the proposed project; (iii) incorrect designation of the lower level as a cellar rather than a basement; (iv) overcrowding of the lot; (v) a non-compliant closed court on the third level that could not be resolved by a proposed trellis because it would constitute a structure within 10 feet of a neighboring chimney, in violation of the Construction Codes (Title 12 DCMR); (vi) size of roof structures; and (vii) incorrect determination of the pervious surface requirements," citing §§ 101, 199, 330, 400, 403, 406, 411, and 412 of the Zoning Regulations. (Exhibit 3.) The Appellant also alleged that "the Zoning Administrator erred "in allowing encroachment onto neighboring property" and that DCRA approved a building permit "without an Official Building Plat issued by the D.C. Office of the Surveyor and upon which the new development footprint should have been drawn by the architect of record," which was also in violation of the Construction Codes and impaired "the purpose of the applicable Zoning Regulations in relation to the Basement versus Cellar determination of the lowest level." The Appellant argued that a revised building permit issued for the subject property contained "substantive and material changes" showing that the original permit "was issued prematurely and in error." (Exhibit 21.)

DCRA. The Department of Consumer and Regulatory Affairs asserted that the Zoning Administrator "properly reviewed and approved" the building permits at issue "as in compliance with the Zoning Regulations." DCRA acknowledged that the initial permit, issued June 19, 2015 "appeared to authorize a minor violation of the Zoning Regulations" but contended that the Zoning Administrator had required the Property Owner "to obtain a building permit revision to bring the Project into compliance with the Zoning Regulations, which the [Property Owner] did," so that the Appellant's "allegations of error are without merit." (Exhibit 37.)

Property Owner. The owner of the subject property asserted that the appeal should be denied because the Appellants "failed to meet their burden of proof to show that the Zoning Administrator erred in approving the subject building permit."

ANC Report. By a vote of 8-0 at a public meeting on September 15, 2015, with a quorum present, ANC 5E adopted a resolution in support of the appeal. The resolution stated that "conversion of the subject property would be dramatically out of scale and character with existing rowhomes in the neighborhood" and the "personal and property interests of the surrounding homes and property owners in ANC 5E would be adversely affected by the

conversion of the subject property as approved by DCRA.” The ANC also contended that conversion of the subject property “would negatively impact the air, light, privacy and property values of the surrounding homes” and complained that, in approving the building permits at issue, “it does not appear that DCRA fully considered the additional stress the conversion would add to the aging infrastructure in the neighborhood.” ANC 5E alleged that the building permits at issue violated the R-4 provisions of the Zoning Regulations, including “(i) interpretation and application as well as general provisions; (ii) the density of the proposed project; (iii) the pervious surface requirements; (iv) roof structures; and (v) overcrowding of the lot.” The ANC requested review of the project against the following provisions of 11 DCMR: §§ 101, 199, 330, 403, 404, 406, 411, and 412. (Exhibit 19.)

FINDINGS OF FACT

1. The property that is the subject of this appeal is located at 67 V Street, N.W. (Square 3118, Lot 76). The property is zoned R-4.
2. The lot was improved with a two-story row building formerly used as a two-family flat. The Property Owner has obtained building permits for the enlargement of the building as part of its conversion to a three-story, three-unit apartment house.
3. The conversion project involved the construction of both a new third story on the existing building and a three-story rear addition to the building. The addition would increase the lot occupancy at the subject property from approximately 35% to 56%.
4. Building Permit No. 1505056 (the “Initial Permit”) was issued on June 19, 2015 to authorize the Property Owner to construct a “new rear [addition] 3 stories, 1 new story on top of current structure to create one [totaling] 3 units,” with “interior alterations at all levels including new kitchens and bathrooms, new lighting and mechanical zones.” (Exhibit 6.)
5. Building Permit No. 1510351 (the “Revised Permit”) was issued on July 21, 2015, as a revision to Building Permit No. 1505056, to authorize the Property Owner to “move rear yard deck footings inside property line [and] to add trellis to third floor court next to neighbor chimney.” (Exhibit 7.)
6. The Zoning Regulations define a “court” as “an unoccupied space, not a court niche, open to the sky, on the same lot with a building, which is bounded on two (2) or more sides by the exterior walls of the building or by two (2) or more exterior walls, lot lines, or yards. A court may also be bounded by a single curved wall of a building.” A “closed court” is defined as “a court surrounded on all sides by the exterior walls of a building, or by exterior walls of a building and side or rear lot lines, or by alley lines where the alley is less than ten feet (10 ft.) in width.” (11 DCMR § 199.1.)

7. The drawings approved with the building permits (“the Approved Drawings”) show that the trellis will employ two-inch beams spaced 24 inches on center, creating 22-inch openings between the beams. (See Exhibit 37A.)
8. The Zoning Administrator has held, as an established practice, that a trellis that is attached to a building and that covers an otherwise unoccupied space on a lot must count toward lot occupancy if the trellis crossbeams are set apart no more than 24 inches on center. The practice is based on the rationale that such a trellis forms a sufficient cover to constitute part of the building.
9. In its application for a building permit, the Property Owner provided, as Sheet C00001 of the plan set, a scaled plat stamped by a professional surveyor licensed in the District of Columbia that was based on the records in the Surveyor’s Office. The plat was reviewed and approved by the Zoning Administrator (“ZA”) as sufficient to demonstrate compliance with the Zoning Regulations, as certified by the ZA’s stamp. (Exhibit 21A.)
10. The Approved Drawings depict a distance of less than four feet between the ceiling of the lowest level of the building and the adjacent finished grade as shown at the base of the stairs at the front of the building. The distance is either three feet, nine inches (Exhibit 21W, page 5) or three feet, eight inches (Exhibit 21A, page 40; Sheet A4.01.)
11. A “cellar” is defined in § 199.1 of the Zoning Regulations as “that portion of a story, the ceiling of which is less than four feet (4 ft.) above the adjacent finished grade,” while a “basement” is defined as “that portion of a story partly below grade, the ceiling of which is four feet (4 ft.) or more above the adjacent finished grade.”

CONCLUSIONS OF LAW AND OPINION

The Board is authorized by § 8 of the Zoning Act to “hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, determination, or refusal” made by any administrative officer in the administration or enforcement of the Zoning Regulations. (D.C. Official Code § 6-641.07(g)(1) (2008 Repl.). *See also* 11 DCMR § 3100.2.) Appeals to the Board of Zoning Adjustment “may be taken by any person aggrieved, or organization authorized to represent that person ... affected by any decision of an administrative officer ... granting or withholding a certificate of occupancy ... based in whole or part upon any zoning regulations or map” adopted pursuant to the Zoning Act. (D.C. Official Code § 6-641.07(f) (2008 Repl.). *See also* 11 DCMR § 3200.2.)

The Appellant challenged determinations by the Zoning Administrator in the issuance of two building permits that allowed the enlargement and conversion of a former two-family flat into a

three-story, three-unit apartment house at the subject property in the R-4 zone. The Appellant alleged that issuance of the two permits violated § 3202.1 of the Zoning Regulations because the proposed construction would not comply with all zoning requirements, and that substantive and material changes from the Initial Permit demonstrated that the Revised Permit was issued prematurely and in error.³ More generally, the Appellant contended that the enlargement of the subject property in accordance with the issued building permits would be dramatically out of scale and character with the existing rowhouses in the neighborhood, and would create negative impacts on light, air, privacy, and property values. The Appellant argued that, in approving the building permits, DCRA did not fully consider the technical objections raised by the Appellant before the permits were issued, or the additional stress the conversion would add to the aging infrastructure in the neighborhood.

Some of the errors alleged by the Appellant concern provisions of the Construction Codes, and thus are outside the Board's purview because they do not concern zoning matters.⁴ In addition, the Appellant alleged violations of some provisions of the Zoning Regulations that do not impose specific requirements but that set forth general provisions about the application and interpretation of the Zoning Regulations (§ 101) and state general provisions applicable in the R-4 zone (§ 330). These provisions are not directly relevant to the Zoning Administrator's determination of whether this project complied with the applicable minimum and maximum area requirements. Those requirements, such as height, lot dimension, lot occupancy, and yards, establish the matter-of-right parameters of construction within each zone. If the Zoning Administrator finds those requirements have been met, the building permit application must be cleared for zoning, notwithstanding assertions of the incompatibility of a particular project with its neighborhood. If such compliance with area requirements nevertheless results in an incompatible structure, the remedy is not for the Zoning Administrator to deny zoning clearance, but for the Zoning Regulations to be amended, as occurred in the instance when "pop up" conversions were adversely affecting R-4 properties. *See* Zoning Commission Order 14-11 (reducing the height of most R-4 construction from 40 to 35 feet and making conversions of residential buildings to apartment houses subject to special exception.) Finally, the Appellant also alleged error with respect to building height (§ 400), lot occupancy (§ 403), penthouses (§ 411), and pervious surfaces (§ 412), but did not provide evidence to substantiate its claims of error. The Board finds no basis to uphold an appeal of the Zoning Administrator's determinations in this proceeding with respect to any of these provisions.

The Appellant's other claims of error relate to an allegedly noncompliant closed court covered by a trellis, encroachment, the absence of a building plat from the Surveyor's Office, the determination of whether the lower level of the building at the subject property should be considered a basement or a cellar, and the allegedly excessive floor area ratio ("FAR") allowed

³ Subsection 3202.1 states that, with certain exceptions, "a building permit shall not be issued for the proposed erection, construction, conversion, or alteration of any structure unless the plans of and for the erection, construction, conversion, or alteration fully conform to the provisions of [the Zoning Regulations]."

⁴ The Appellant notes that "The trellis and other building code violations regarding the [Initial] Permit are the subject of the pending [Office of Administrative Hearings] appeal." (Exhibit 21.)

by the building permits. As discussed below, the Board finds no zoning error in this proceeding and affirms the Zoning Administrator's determinations made in the issuance of the two building permits for the apartment house project at the subject property.

The "court" and trellis. The Appellant asserted that the building permits violated the Zoning Regulations because the Approved Plans included a closed court on the planned third floor that would not comply with area and width requirements of § 406 of the Zoning Regulations. According to the Appellant, the closed court would be 10 feet, nine inches wide, less than the minimum requirement of 15 feet, and would have an area of approximately 198 square feet, less than the minimum 350 square feet required by zoning. DCRA acknowledged that the Initial Permit "appeared to authorize a minor violation of the Zoning Regulations" but asserted that the Revised Permit brought the project into compliance. According to DCRA, the approved project does not include a closed court on the third floor because the area in question is not "open to the sky" – and therefore does not meet the zoning definition of a "court" – since the area will be covered by a trellis substantial enough to satisfy the Zoning Administrator's established standard to constitute part of the building.

The Board concurs with DCRA that the Revised Permit corrected an error made in the issuance of the Initial Permit so as to avoid the creation of a closed court smaller than the minimum requirements set forth in the Zoning Regulations. The Appellant contended that even "minor" violations are not permitted and therefore that the permits were issued in error. However, DCRA may issue revised permits when necessary – for example, to correct an error subsequently discovered with respect to a building permit – and the Board finds no error with respect to § 406 as the project was finally approved. The Board concludes that the Zoning Administrator reasonably determined, pursuant to an established practice, that the area in question would not constitute a court for zoning purposes because it would not be open to the sky.

The Appellant challenged the Zoning Administrator's practice employed in this case, in which a determination of whether a trellis would provide sufficient coverage to constitute part of the building was based on a standard requiring placement of the crossbeams of the trellis within 24 inches on center. The Appellant argued that the trellis approved by the Revised Permit "cannot be added to resolve the non-compliant closed court" because the Board "has previously concluded that a trellis meets the definition of 'building' when it has a roof that provides at least 51% coverage, is supported by columns or walls and is used for the shelter, enclosure or support of persons," consistent with the zoning definition of "building."⁵ According to the Appellant, the

⁵ The Appellant cites Board orders in Application No. 18263-B (Lester) (order issued July 25, 2013) and Application No. 17331 (JPI Apartment Development LP) (summary order issued July 6, 2005), which both concerned applications under § 223 to allow an addition to a one-family dwelling, not meeting certain requirements of the Zoning Regulations, where the planned addition would be connected to the existing building by a trellis sufficient to meet the definition of "building." (Exhibits 21P and 21O.). The Applicant provided a copy of a report by the Office of Planning concerning the *Lester* application; the report stated that "Past precedent dictates that a trellised structure, although not enclosed, can be considered a meaningful connection if the lattice provides at least 51% coverage and if the covered walkway provides communication between the different parts of the building." (Exhibit 21S) The Applicant also provided a copy of a letter from the Zoning Administrator about the proposed redevelopment of a mixed-use building located in a C-2-A zone; the letter indicated that a trellis, whose pattern

“third story trellis addressing the non-compliant closed court ... does not have the sufficient coverage of 51% to constitute a ‘roof’ and therefore does not meet the definition of a ‘building’ under the Zoning Regulations.”

The Board finds no reason to overrule the Zoning Administrator’s established practice of determining whether a given trellis is substantial enough to be considered part of a building and to count toward lot occupancy based on the spacing of its crossbeams. As noted by DCRA, the materials cited by the Appellant in arguing that 51-percent coverage is required concern a different use of trellises under a different aspect of the Zoning Regulations. Those cases address the minimum standard required to establish a “meaningful connection” between two buildings on the same lot that would be sufficient to classify the two buildings and the connecting trellis as a single building to comply with the requirement of § 3202.3 that no more than one principal structure may be located on a single lot of record. The issue of whether a given trellis is sufficient to constitute a meaningful connection between two otherwise separate buildings (or roof structures) is not determinative of the issue in this appeal, which concerns whether a trellis provides sufficient coverage to extinguish what would otherwise be a closed court if the trellis ensured that the area would not be “open to the sky.”

The Board does not agree with the Appellant that the Zoning Administrator’s established practice was employed as an “arbitrary standard” in this case. Rather, as DCRA indicated, the 24-inches-on-center standard was developed by the Zoning Administrator “to fill in a gap in the Zoning Regulations” when making a determination of whether a given trellis would provide sufficient coverage so as to warrant consideration of the trellis as a part of a building and something that should be taken into account when calculating lot occupancy.⁶ The Zoning Administrator reasonably determined that a trellis that satisfied the 24-inches-on-center standard – that is, sufficient to trigger lot occupancy requirements – should also be considered as providing sufficient coverage so that an area would not be open to the sky. The 24-inches-on-center standard was not devised for the building permits at issue in this proceeding, and the Appellant has not alleged that the standard was incorrectly applied to the trellis at issue.

Encroachment. The Appellant alleged that the foundation plans associated with the building permits showed that the column and stair footings of the proposed development encroached on a neighboring property, creating a violation of § 3202 of the Zoning Regulations. According to the Appellant, “the adjacent homeowners had communicated this violation to DCRA’s Deputy Chief Building Official and the Director on April 24, 2015, almost two months before” the Initial Permit was issued, and “DCRA should not have issued” the Initial Permit “without resolving this error” based on deficient building plans. (Exhibit 21.) The Board concurs with DCRA that the

would be “at least 51% ‘closed’ on top,” would be “sufficient to establish the connection between the two stair towers to make them a single roof structure.” (Exhibit 21Q.)

⁶ Similarly, the 51-percent standard cited by the Appellant arose, not from any specific provision of the Zoning Regulations, but from a practice devised by the Zoning Administrator to determine whether a given trellis would provide a “meaningful connection” so that two otherwise separate buildings on the same lot would constitute one building for zoning purposes.

encroachment was corrected by the plans approved with the Revised Permit and therefore the claim of error is moot. (See Exhibit 37B.)

Plat issued by the Surveyor's Office. The Appellant claimed error by the Zoning Administrator since DCRA approved the building permits without an official building plat issued by the Office of the Surveyor, "upon which the new development footprint should have been drawn by the architect of record." However, the Appellant acknowledged that the plat requirement arose from the Construction Codes, and did not cite any similar requirement in the Zoning Regulations. Instead, the Appellant contends that § 106.12.1 of the Construction Codes requires certain information to be provided on an official building plat for the purpose of zoning compliance review.

DCRA responded that the Zoning Regulations do not require a building plat from the Surveyor's Office, but only those materials that are "deemed necessary." As DCRA explained, the Zoning Administrator has the discretion to require a building plat if the ZA deems it necessary for review of an application for zoning compliance, but a plat from the Surveyor's Office would not necessarily be required since the Surveyor's role is to depict the boundaries of a particular lot, while an applicant for a building permit, and not the Surveyor, has the responsibility to depict existing and proposed buildings.

The Board concurs with DCRA in finding no merit in the Appellant's claim of error with respect to the absence of a plat from the Surveyor's Office. Pursuant to § 3202.2, "each application for a building permit shall be accompanied by any of the following [specified information] that is deemed necessary" to determine compliance with the Zoning Regulations. The necessary information may include an official building plat prepared by the Surveyor. However, there is no indication in this proceeding that an official plat was deemed necessary to determine compliance with the Zoning Regulations in the issuance of the Initial and Revised Permits. Instead, the Property Owner included in its building permit application a scaled plat stamped by a licensed professional surveyor, which the Zoning Administrator found sufficient to demonstrate compliance with the Zoning Regulations. The Board finds no reason to overrule the Zoning Administrator in that regard.

Determination of the lower level. The Appellant contended that the lack of an official building plat "impair[ed] the purpose of the applicable Zoning Regulations" in the determination of whether the lowest level of the building at the subject property constituted a basement or a cellar. The Appellant cited "the conditions of the existing property," "the original drawings for determination of zoning requirements for the provided construction," and photographs in arguing that the ceiling height of the lower level "remained at least 4' above the existing finished grade." The Applicant also asserted that "the grade was changed in the construction drawings without any meaningful purpose other than to re-qualify the lower level of the property from a basement to a cellar." According to the Appellant, the lower level should be classified as a basement, which "must be considered as one of the three stories allowed under R4" so that "the additional fourth story in the Permit plans is not permissible and the permit should be revoked."

However, as DCRA noted, the final determination of whether the lowest level should be considered a basement or a cellar will not be made until a final inspection after the adjacent finished grade is established. That determination would not be affected by the absence of a plat from the Surveyor's Office as part of the issuance of a building permit, nor are the materials cited by the Appellant determinative since those materials might reflect information not verified by the Zoning Administrator or might fail to indicate the dimension between the finished grade and the underside of the ceiling of the lowest level. Although some documents in the record refer to the space as a "basement," the Appellant acknowledged that the scale drawings included in the Approved Plans "indeed suggest that [the distance at issue] is 3 feet and 9 inches" (Transcript of Hearing, November 17, 2016, p. 209.) Accordingly, the Board finds no basis to reverse the determination of the Zoning Administrator that the lower level would constitute a cellar.⁷

Floor Area Ratio. In arguing that the apartment house at the subject property would be inconsistent with the design and size of neighboring rowhouses and with the character of the neighborhood, the Appellant asserted that the floor area ratio of the project would be 1.5, which would not be permitted "even ... in an apartment district, such as an R-5-A District where Zoning Regulations set the maximum FAR at 0.9."

However, no maximum floor area ratio was prescribed for the R-4 zone. (11 DCMR § 402.4.) As the Appellant noted, the R-4 zone is not intended as "an apartment house district as contemplated under the General Residence (R-5) Districts"; rather, the "primary purpose" of the R-4 zone is "the stabilization of remaining one-family dwellings." (11 DCMR §§ 330.1, 330.3.) However, under the regulations in effect at the time of issuance of the Initial Permit, the R-4 zone permitted the conversion of existing structures to apartment house use subject to "control[] by a minimum lot area per family requirement." (11 DCMR §§ 330.3.) Uses permitted as a matter of right in the R-4 zone then included the "conversion of a building ... existing before May 12, 1958, to an apartment house as limited by §§ 401.3 and 403.2."⁸ (11 DCMR § 330.5.)

⁷ See also Appeal No. 18980 (Concerned Citizens of Argonne Place); order issued July 13, 2016. (Zoning Regulations do not prohibit the adjusting of the finished grade for purposes of FAR calculations. Although "adjacent finished grade" is not defined in the Zoning Regulations, the term has been consistently interpreted by its plain meaning as the grade adjacent to the building that is established at the conclusion of the construction process as shown on the plans approved with a building permit. Where that grade would be less than four feet below the ceiling of the lower level, the lower level would be a cellar under the definition in § 199.1, and, as a cellar, the lower level would not be included in the calculation of gross floor area or floor area ratio, in keeping with the definitions of those terms in § 199.1. The § 199.1 definitions do not refer to "existing" conditions but rather require an evaluation of proposed conditions for zoning compliance, since "'finished' means the grade proposed by the [permit] applicant to be established under a permit.")

⁸ These provisions, applicable in the case of the conversion of a building in an R-4 zone to apartment house use, required at least 900 square feet of lot area per unit (§ 401.3) and specified that lot occupancy could not exceed the greater of 60% or the lot occupancy as of the date of conversion (§ 403.2). Neither provision is at issue in this appeal.

Accordingly, the Board finds no basis to overturn the Zoning Administrator's determination with respect to floor area ratio.

Timing of permit issuance. The Appellant argued that the Revised Permit "contains substantive and material changes" that demonstrate that the Initial Permit "was issued prematurely and in error," since "both DCRA and the [Property Owner] knew about the issues necessitating these changes" before the Revised Permit was issued. The Appellant cites both "the addition of a trellis to cover the non-compliant closed court on the third story" and changes to the location of the stair and column footings as material changes authorized by the Revised Permit. Noting that the Zoning Regulations were amended soon after the Initial Permit was issued,⁹ the Appellant claimed that the Zoning Administrator acted arbitrarily to avoid the new regulations by issuing "a noncompliant permit that [had] known zoning violations." The Board finds no merit in this allegation. With respect to zoning, the areas of "noncompliance" claimed by the Appellant are in fact not in error with the exception of the court and encroachment issues that were corrected by the Revised Permit. The Board finds no basis to conclude that the Initial Permit was issued prematurely, in haste, or knowingly in error, or that the timing of its issuance was intended to avoid application of the amendment to the Zoning Regulations. Rather, the Zoning Administrator reviewed the building permit application in accordance with the zoning requirements in effect at the time and, finding no zoning deficiencies, had no reason to delay its issuance on zoning grounds. The fact that the Initial Permit was mistaken in two respects, which were subsequently corrected, does not render the Zoning Administrator's determinations erroneous or otherwise give reason for revocation of the permits.

The Board is required to give "great weight" to the issues and concerns raised by the affected ANC. Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001).) In this case, ANC 5E adopted a resolution in support of the appeal on the grounds that the planned conversion of the subject property would be out of scale and character with the existing neighborhood, would adversely affect nearby residents and the air, light, privacy, and property values of the surrounding homes as well as creating additional stress on the neighborhood's infrastructure. ANC 5E alleged that the building permits at issue violated zoning requirements, including general provisions relating to the interpretation and application of the Zoning Regulations as well as provisions relating to density, pervious surface, roof structures, and "overcrowding of the lot," citing §§ 101, 199, 330, 403, 404, 406, 411, and 412 of the Zoning Regulations. These are essentially the same grounds raised by the Appellant in this appeal, and for the reasons stated above; the Board finds the ANC's recommendation to be unpersuasive.

Based on the findings of fact and conclusion of law, the Board concludes that the Appellant has not satisfied the burden of proof in its claims of error in the determinations of the Zoning Administrator with respect to the issuance of Building Permits Nos. B1505056 and B1510351 to

⁹ By Order effective June 26, 2015, the Commission adopted new § 336, which requires special exception relief for conversions of a residential building, located in R-4 and in existence before May 12, 1958, to apartment house use. See Final Rulemaking and Order No. 14-11 (62 DCR 8883).

convert an existing two-family flat into a three-story apartment house with three dwelling units in the R-4 District at 67 V Street, N.W. (Square 3118, Lot 76). Accordingly, it is therefore **ORDERED** that the **APPEAL** is **DENIED** and the Zoning Administrator's determination is **SUSTAINED**.

VOTE: 3-0-2 (Marnique Y. Heath, Frederick L. Hill, and Michael G. Turnbull voting to DENY; Jeffrey L. Hinkle not participating; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of Board members approved the issuance of this order.

FINAL DATE OF ORDER: October 14, 2016

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19193 of C & S Development, LLC, pursuant to 11 DCMR § 3103.2¹, for variances from the lot width and lot area requirements under § 401.3, to allow the construction of three three-story, one-family dwellings² on three new nonconforming lots in the R-4 District at premises 1620-1622 E Street, S.E. (Square 1090, Lots 813, 814).

HEARING DATES: March 1, 2016 and March 15, 2016

DECISION DATE: March 15, 2016

DECISION AND ORDER

Pursuant to a Zoning Administrator memorandum dated October 26, 2015 (Exhibit 6), this application was submitted on November 13, 2015 by C & S Development, LLC (“Applicant”).³ The application requested variance relief to create three new nonconforming lots to permit the construction of three one-family row dwellings in the R-4 District located at 1620-1622 E Street, S.E. Following a public hearing, the Board voted 3-0-2 to approve the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated December 2, 2015, the Office of Zoning (“OZ”) sent notice of the filing of the application to the D.C. Office of Planning (“OP”), the D.C. Department of Transportation (“DDOT”), and Advisory Neighborhood Commission (“ANC”) 6B, the ANC within which the subject property is located. Pursuant to 11 DCMR § 3113.13, OZ mailed letters providing notice of the hearing to the Applicant, ANC 6B, and all owners of property within 200 feet of the subject property. Notice

¹ This and all other references in this Order to provisions contained in Title 11 DCMR, except those references made in the final paragraph and the final all-capitalized paragraphs, are to provisions that were in effect on the date this Application was decided by the Board of Zoning Adjustment (“the 1958 Regulations”), but which were repealed as of September 6, 2016 and replaced by new text (“the 2016 Regulations”). The repeal of the 1958 Regulations has no effect on the validity of the Board’s decision or the validity of this order. Pursuant to Subtitle A § 104 of the 2016 Regulations, the construction authorized by this Order is vested as to the area requirements contained in 1958 Regulations as of September 5, 2016.

² The Applicant originally sought to construct three two-family row dwellings, but amended its Application to construct one-family dwellings instead. The caption has been revised accordingly.

³ The Applicant submitted a self-certification form on September 9, 2016 (Exhibit 29) that necessarily added relief from § 401.2, which is a grandfathering provision that permits the erection of a structure on a substandard lot that was unimproved and under common ownership as of November 1, 1957, and which did not adjoin another unimproved lot in the same ownership. As will be noted, the subject site is conforming and improved with a structure. The request is not to construct upon an existing substandard lot but to create three substandard lots on a conforming site. As such, § 401.2 is inapplicable.

was also published in the *D.C. Register* on December 11, 2015 (62 DCR 015822). A hearing was scheduled for March 1, 2016; the hearing was later continued to March 15, 2016.

Party Status. Pursuant to 11 DCMR § 3199.1(b) the Applicant and ANC 6B were automatically parties. The Board did not receive any additional requests for party status.

Applicant's Case. The Applicant provided evidence and testimony from Joel Nelson, Realtor-Owner of KW Capital Properties, as well as J.D. Schmidt, and Jesse Connell, principals of C & S Development and owners of the subject property.

Persons in Support. Neighbors and community groups submitted several letters in support of the application to the record. (Exhibits 28, 43-49.)

OP Report. In a report dated February 23, 2016, the Office of Planning ("OP") determined that it could not recommend approval of the variance relief requested. The report noted that while its analysis was based on earlier plans proposing three flats and the Applicant had since submitted updated plans proposing three one-family row dwellings, OP's analysis was not "significantly impacted" by the change in plans as it was "primarily based on original written statement and plans." The report addressed the three-part area variance test and concluded that the application did not satisfy two of the requirements. The report first concluded that the subject site did not exhibit any unique or exceptional conditions. OP acknowledged that the *pro formas* provided by the Applicant showed that a residential development on two conforming lots would be economically infeasible, while development on three nonconforming lots would succeed. However, OP concluded this did not suffice because "zoning is not intended to make any potential project financially feasible." Although OP found that there would be no substantial detriment to the public good, it concluded that the requested relief would result in substantial harm to the zone plan because the Zoning Regulations "intend that new lots provide the prescribed lot standards, not replicate existing nonconforming development." (Exhibit 41.)

DDOT Report. The Department of Transportation submitted a report dated February 18, 2016, stating that the proposed project would have no adverse impacts on the travel conditions of the District's transportation network. DDOT expressed no objection to the approval of the requested variance. (Exhibit 33.)

ANC Report. By letter dated February 16, 2016, ANC 6B indicated that at a properly noticed public meeting held on February 9, 2016 and with a quorum present, ANC 6B voted unanimously to support the application. (Exhibit 32.)

FINDINGS OF FACT

The Subject Property

1. The property that is the subject of this application was located in the R-4 District, at 1620-1622 E Street, S.E. (Square 1090, Lots 813, 814) ("the Site") at the time this case was

decided.⁴ The Site is improved with a structure comprising two buildings connected by a common division wall. Each building is two stories in height and occupies separate assessment and taxation lots. Both buildings are vacant. The structure was built in the 19th Century, prior to the adoption of the first zoning act in 1920. The Site is conforming as to both lot width and lot area,

2. Each building has a side yard. The R-4 District permits row dwellings as a matter of right. (11 DCMR § 330.5(a).) A row dwelling is defined as “a one-family dwelling having no side yards.” (11 DCMR § 199.1.)
3. The neighborhood surrounding the subject property is predominately developed with one-family row dwellings. Row dwellings abut the subject property’s side lot lines.

The Applicant’s Project

4. The Applicant proposes to create three new, nonconforming record lots and construct on each lot a three-story one-family row dwelling with one parking space at the back of the house that will be accessible from the rear alley.
5. The proposed three-story dwellings would each have a footprint of 864 square feet and consist of four bedrooms, three full bathrooms, one half bathroom, a kitchen with separate dining space, a living room, a crawl space, and a loft.

Zoning Relief Required

6. Each of the new lots will be approximately 16 feet wide while the R-4 District requires a minimum width of 18 feet for row dwellings and flats. (*See* 11 DCMR § 401.3.) In addition, the proposed lot area of each new lot is 1,440 square feet while the minimum required in the R-4 District is 1,800 square feet for those same types of structures. *Id.*
7. Apart from the lot area and lot width, the proposed buildings would comply with all other provisions of Title 11.

Exceptional Condition

8. The Site has a lot area of approximately 4,320 square feet and a width of 48 feet.
9. The average lot area within the vicinity of the site is 1,220 square feet and the average width is 16 feet.
10. Of the 23 neighboring properties located south of Square 1090, three exceed the minimum lot width of 18 feet, four are 14.75 square feet wide, and 16 are approximately 16 feet in width.

⁴ As of September 6, 2016, all R-4 properties not included in overlays were rezoned to the new RF-1 zone.

11. Directly across the Site, on the North Side of Square 1091, two properties exceed the minimum lot width of 18 feet, six are 14.77 feet wide, nine are 15 feet wide, and five are 17 feet wide.

Practical Difficulty

12. The Applicant submitted as part of its application comparative *pro forma* financial documents illustrating the development outcomes of the matter-of-right projects it could pursue. (Exhibit 39.) The Applicant also submitted plans showing a theoretical matter-of-right development involving two record lots. (Exhibit 54.)

13. Based upon these submissions, the Board finds that there is no scenario under which development on two conforming lots would be both economically feasible and marketable.

14. In order to obtain a return on its investment, the Applicant would have to construct the maximum building envelope on each lot. The maximum building envelope for the Site would consist of two two-unit flats. Each building would 24 feet wide and 35 feet tall. Each unit would be 2,500 square feet. Because these would be for-sale developments, having two units in a single building would require the establishment of a condominium.

15. Buyers in this neighborhood tend to seek out moderately sized single-family houses rather than condominiums of this size.

16. In addition, the likely sale price of each unit would greatly exceed the sale prices of condominium units in the area.

17. The average price per square foot within .33 miles (4-5 city blocks) of this project site is \$438 for single family houses or \$478 for condominium units.

18. To approximate the average sale prices per interior square foot, a 2,500 square foot condominium would be priced between \$1,100,000 and \$1,200,000, which would be dramatically different than anything else in the immediate area – or across all of the Capitol Hill market.

19. The theoretical matter-of-right development would also be stylistically inconsistent with the neighborhood. At 24 feet wide each house would be twice as wide as most in the neighborhood.

No Impairment to Zone Plan

20. The subject property is located in the R-4 zone district, which is “designed to include those areas now developed primarily with row dwellings.” (11 DCMR § 330.1.)

21. Although providing less than the minimum width required, the houses will be comparable to the width of adjacent and nearby buildings and will be in all other respects compatible with the scale and character of the neighborhood.

22. The project will meet all other zoning area requirements such as height, lot occupancy, rear yard and parking.

No Harm to the Public.

23. The relief granted will not impair the light and air available to nearby homes, nor negatively impact privacy greater than matter of right development.

24. The Department of Transportation in a report dated February 18, 2016 concluded that the proposed project would have no adverse impacts on the District's transportation network.

CONCLUSIONS OF LAW

The Merits of the Application

The Applicant requests a variance from the lot width and lot area and the lot width requirements under § 401.3, to create three new nonconforming lots to allow the construction of three three-story, one-family dwellings on in the R-4 District at premises 1620-1622 E Street, S.E. (Square 1090, Lots 813, 814).

The Variance Standard

The Board is authorized to grant variances from the strict application of the Zoning Regulations where “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition” of the property, the strict application of the Zoning Regulations would “result in particular and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property....” (D.C. Official Code § 6-641.07(g)(3) (2012 Repl.), 11 DCMR § 3103.2.) The “exceptional situation or condition” of a property need not arise from the land and/or structures thereon, but can also arise from “subsequent events extraneous to the land.” *De Azcarate v. Bd. of Zoning Adjustment*, 388 A.2d 1233, 1237 (D.C. 1978). Relief can be granted only “without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.” (D.C. Official Code § 6-641.07(g)(3). 11 DCMR § 3103.2.)

A showing of “practical difficulties” must be made for an area variance, while the more difficult showing of “undue hardship” must be made for a use variance. *Palmer v. D.C. Board of Zoning Adjustment*, 287 A.2d 535, 541 (D.C. 1972). Since area variances are sought by the Applicant, the Applicant must comply with the three prong test: (1) that an exceptional situation results in a “practical difficulty” in complying with the Zoning Regulations; (2) the granting of the relief will not be substantial detrimental to the public good; and (3) the granting of the variances will not substantially harm the zone plan.

Based on the above findings of fact, the Board concludes that the Applicant has satisfied the burden of proof and that the application should be granted.

BZA APPLICATION NO. 19193

PAGE NO. 5

Exceptional Situation Resulting in a Practical Difficulty

The Board finds that the Site's unusually large size is an exceptional condition. The Site's lot area of approximately of 4,320 square feet is three and a half times the average lot area of 1,220 square feet of properties in the vicinity and its 48-foot width is more than three times the average lot width of 16 feet.

These exceptional conditions lead to a practical difficulty, because strict compliance with the requirement for lots of 18 feet or more would limit the subdivision of the site to two lots. As explained in the findings of fact, to obtain a return on its investment the Applicant would be required to construct two condominium units on each lot. Each condominium would be 2,500 square feet in size and priced between \$1,100,000 and \$1,200,000. The Board credits the testimony and submissions offered by the Applicant that such units would be too large and expensive to be marketable. Further, with a width of 24 feet, each building would be entirely out of scale with the character of the neighborhood. The District of Columbia Court of Appeals has recognized that a practical difficulty results from an inability to achieve "stylistic consistency with other neighboring structures." *Washington Canoe Club v. D.C. Zoning Comm'n*, 889 A.2d 995, 1002 (D.C. 2005).

No Substantial Detriment to the Zone Plan

The grant of this variance will not substantially impair the intent, purpose, and integrity of the Zone Plan. The proposed three one-family row dwellings are appropriate and in the character of the block and the area. Furthermore, the project will meet all other zoning area requirements such as height, lot occupancy, rear yard, and parking.

No Substantial Detriment to the Public Good.

Nor will the grant of the relief cause substantial detriment to the public good. Although the dwellings will be 16 feet wide, the buildings will match the average lot width of 16 feet in the vicinity. Furthermore, the project will result in a development compatible with the scale and character of the neighborhood. Nor will the development adversely affect the light, air, and privacy of adjacent properties greater than matter of right development. As noted, the Department of Transportation submitted a report dated February 18, 2016, stating that the proposed project would have no adverse impacts on the District's transportation network.

Great weight to the Office of Planning

The Board is required to give great weight to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.)) The Office of Planning found that the subject property is not affected by an exceptional or unique condition and that, therefore, no practical difficulty exists. However, OP did not contest that the Site is unusually large or that its matter of right development would be infeasible. Rather, OP asserts that "zoning is not intended to make

any potential project financially feasible.” The District of Columbia Court of Appeals has rejected a similar contention:

Petitioners assert that ‘this Court has held repeatedly that the BZA does not have authority to grant variances to make a particular project economically feasible.’ Stated thus categorically, the contention is erroneous.

Tyler v. D.C. Bd. of Zoning Adjustment, 606 A.2d 1362, 1366 (D.C. 1992).

Since the OP analysis of this element of the variance test was based upon a misapplication of the relevant legal principles, the Board finds OP’s advice in this regard to be unpersuasive.

OP also found that the relief would impair the integrity of the zone plan because the Zoning Regulations “intend that new lots provide the prescribed lot standards, not replicate existing nonconforming development.” (Exhibit 41.) The “nonconforming development” to which the OP refers are the row dwellings in the vicinity that, as noted in the findings of fact, range in nonconforming lot width from 14.75 to 17 feet. Strict compliance with the Zoning Regulations would, as described previously, result in two 24-foot wide buildings. Such bulky structures would be stylistically inconsistent with the neighborhood and therefore impair the public good. In this exceptional circumstance, a replication of the surrounding nonconforming conditions is needed and, contrary to OP’s view, precisely what Zoning Regulations intend.

Great weight to the ANC

The Board is also required to give great weight to any issues and concerns raised in the written report submitted by ANC 6B in this proceeding. (D.C. Official Code § 1-309.10(d).) As noted, ANC 6B voted unanimously to support the application and did not raise any issues or concerns. The Board therefore gives great weight to ANC 6B’s written recommendation by granting the application.

Based on the findings of fact, and having given great weight to the recommendations of the Office of Planning and to the written report of ANC 6B for the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof for variances and the lot width requirements under § 401.3, to permit the construction of three three-story, one-family dwellings on three new nonconforming lots in the R-4 District at premises 1620-1622 E Street, S.E. (Square 1090, Lots 813 and 814).

It is therefore **ORDERED** that the application is hereby **GRANTED, AND PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 37 – REVISED ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 3-0-2 (Marnique Y. Heath, Fredrick L. Hill, and Michael G. Turnbull to APPROVE; Jeffrey L. Hinkle not participating; one Board seat vacant).

BZA APPLICATION NO. 19193

PAGE NO. 7

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of Board members approved the issuance of this Order.

FINAL DATE OF ORDER: October 14, 2016

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

BZA APPLICATION NO. 19193

PAGE NO. 8

District of Columbia REGISTER – October 28, 2016 – Vol. 63 - No. 45 013344 – 013568