

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 D.C. Official Code § 25-351(a) (2001) and Section 303 of Title 23 of the District of Columbia Municipal Regulations ("DCMR"), 51 DCR 4309 (April 30, 2004), hereby gives notice of the adoption of the following final rules that replace existing section 306 of Title 23 DCMR and impose a three (3) year limit on the number of retailer's licenses Class A, B, CR, CT, CN, CX, DR, DT, DN, and DX issued in a portion of East Dupont Circle, which shall be known as the East Dupont Circle Moratorium Zone. The final rules were adopted by the Board on March 15, 2006. The text of these final rules is substantively identical to the text of the notice of emergency and proposed rulemaking published in the D.C. Register on July 1, 2005 at 52 DCR 6217.

On November 24, 2004 the Board received a joint request from the Dupont Circle Citizens Association ("DCCA") and the Dupont Circle Merchants and Professional Association ("DC MAP") to extend the existing East Dupont Circle Moratorium Zone for a six-month period ("Petitioners' moratorium request"). The Board subsequently held a public hearing on the joint petition on January 19, 2005, pursuant to the requirements of D.C. Official Code § 25-354 (2001). At the January 19, 2005 hearing, the Board heard testimony, including from Advisory Neighborhood Commission ("ANC") 2B Chairperson Darren Bowie, that a number of residents and businesses wished to provide additional comments to the Board on the Petitioners' moratorium request. As a result, the Board voted seven (7) to zero (0) on January 19, 2005, to keep the record open for additional comments from the public on the Petitioners' moratorium request until April 19, 2005, with the Board rendering a decision on the Petitioners' moratorium request by May 19, 2005. Additionally, the Board voted on January 19, 2005, to extend the existing East Dupont Circle Moratorium Zone on an emergency basis based upon testimony provided to the Board by the Petitioners at the public hearing, as well as letters submitted in favor of extending the moratorium by various District of Columbia residents. Specifically, the Board found that the present conditions in the East Dupont Circle Moratorium Zone, as listed above, justified an extension of the moratorium pending the closing of the comment period regarding the Petitioners' moratorium request on April 19, 2005 and subsequent Board decision by May 19, 2005.

A second public hearing was held by the Board, pursuant to D.C. Official Code § 25-354 (2001), on May 11, 2005, to receive additional comments from the public on the Petitioners' moratorium request. Specifically, the second hearing was conducted in response to a written request from the Petitioners, dated March 21, 2005, for an additional hearing to present evidence on issues raised by their proposed extension of the East Dupont Circle Moratorium Zone. The Petitioners' March 21, 2005 letter also contained two (2) separate proposals that included recommendations that differed from their original joint petition to the Board to renew the East Dupont Circle Moratorium Zone in its current form for six (6) months. For example, DCCA's and DC MAP's revised proposals contained requests to modify provisions of the existing moratorium as well as

to change the time period for the new moratorium to five (5) and three (3) years, respectively. As a result, the Board voted on Wednesday, March 23, 2005 to extend the comment period on the Petitioners' moratorium request until May 11, 2005, to provide members of the public with sufficient time to comment on the Petitioners' original moratorium request as well as the two separate proposals contained in the Petitioners' March 21, 2005 letter.

The Board received a significant amount of detailed testimony and comments, both in favor and in opposition to (1) the Petitioners' original moratorium request and (2) DCCA's and DC MAP's separate proposals contained in the Petitioners' March 21, 2005 letter. For example, the Board received comments from Ward Two Councilmember Jack Evans, ANC 2B, the Office of Planning, the Metropolitan Police Department ("MPD"), the Bay State Tenants' Association, Inc., the Restaurant Association of Metropolitan Washington ("Restaurant Association"), as well as numerous Dupont Circle residents and other District of Columbia organizations. The Board found the testimony and comments provided in response to the Petitioners' original November 24, 2004 moratorium request, as well as the two separate proposals contained in the Petitioners' March 21, 2005 letter, to warrant imposing a limit on the number of retailer's licenses Class A, B, CR, CT, CN, CX, DR, DT, DN, and DX issued in the East Dupont Circle Zone, based upon the appropriateness standards set forth in D.C. Official Code §§ 25-313(b)(2) and 25-313(b)(3) (2001).

In reaching its decision, the Board gave great weight to the written recommendations of ANC 2B as required by section 13(d)(3) of the Advisory Neighborhood Councils Act of 1975, effective October 10, 1975, D.C. Law 1-21, D.C. Official Code § 1-309.10(d)(3) (2001), as amended, and D.C. Official Code § 25-609 (2001). ANC 2B voted to extend the existing East Dupont Circle Moratorium by a 6-3 vote taken at a duly called public meeting on March 9, 2005. In reviewing the recommendation of ANC 2B as well as the proposals submitted by the Petitioners, the Board finds based upon the appropriateness standards set forth in D.C. Official Code §§ 25-313(b)(2) and 25-313(b)(3) (2001), that the testimony and evidence put forward by DCCA, ANC 2B, and various individual residents located in or in proximity to the East Dupont Circle Moratorium Zone reveals that significant problems with peace, order, and quiet, particularly with respect to late night noise, litter, public urination, and vehicular and pedestrian safety, as well as parking problems continue to exist, particularly after 8 p.m., in the East Dupont Circle Moratorium Zone. For example, the testimony of Frank Hornstein with regard to the DCCA Dupont East Parking Survey revealed that there are significant residential parking and vehicular and pedestrian safety problems, including illegal parking, caused in part by patrons of ABC establishments on the 17th Street, N.W., corridor. Additionally, the DCCA Dupont East Parking Survey revealed that parking problems are at their worst in the East Dupont Moratorium Zone between 8 p.m. and Midnight. These residential parking and vehicular and pedestrian safety problems were also supported by testimony and written comments from various nearby residents, such as Judith Neibrief, Ralph Johanson, and Lex Rieffel. The Board did not find, however, that the ABC establishments in the East Dupont Circle Moratorium Zone are adversely affecting real property values in the surrounding area.

Additionally, the testimony provided by MPD, including Lieutenant Bryan Christian, Third District, whose comments were endorsed by Charles H. Ramsey, Chief of Police, MPD, revealed a number of significant public safety issues, including illegally parked vehicles by patrons of

ABC establishments along with vehicular traffic congestion problems in the East Dupont Circle Moratorium Zone. Additionally, Lieutenant Christian indicated that Patrol Service Area 306, which contains the area of the East Dupont Circle Moratorium, experiences a significant number of quality of life crimes and related problems, including drinking in public, public urination, and panhandling, as well as problems with litter caused by patrons of the ABC establishments who leave empty alcohol bottles on the ground. Finally, Lieutenant Christian indicated that there is a high level of noise pollution as a result of the ABC establishments in this area.

Currently, there are nineteen (19) ABC licenses located in the East Dupont Circle Moratorium Zone. The Board found the testimony of ANC 2B and DCCA -- in recommending that revoked or cancelled licenses be permitted to be replaced by licensees of the same class and sub-class -- to support maintaining the current limit of nineteen (19) ABC licenses permitted to be issued in the East Dupont Circle Moratorium Zone. However, the Board found the testimony and comments it received to reveal that there is both a need and neighborhood support to modify the existing number of Class CR or Class DR licenses in the East Dupont Circle Moratorium Zone. Specifically, testimony provided by DC MAP established that there are existing food establishments in the East Dupont Circle Moratorium Zone that (1) have neighborhood support; (2) operate as restaurants, and (3) would not likely have a significant adverse effect on peace, order, and quiet, or residential parking and vehicular and pedestrian safety, should they obtain a Class CR or Class DR license. For example, the Board received both testimony and signed petitions, including from numerous residents in ANC 2B, in support of an ABC license for the existing neighborhood restaurant Pasha Bistro located at 1523 17th Street, N.W., which testimony revealed has been a positive addition to the neighborhood. Additionally, the Board heard testimony and received comments from residents who believed that more Class CR and Class DR retailer's licenses should be permitted. For example, Dupont resident Robert Barker noted that the 17th Street, N.W., business district has remained flat and stated that he would like to see new and improved restaurants come to the 17th Street, N.W., area. Furthermore, the Board received testimony and comments from Lynne Breaux, Executive Director, Restaurant Association Metropolitan Washington, and Paul Cohn, Capital Restaurant Concepts, Ltd., about the need to provide new fine dining restaurants an opportunity to locate in the East Dupont Circle Moratorium Zone. After considering this testimony, the Board has decided to modify the existing moratorium to permit the issuance of three (3) additional Class CR or Class DR retailer's licenses and to place a limit on the number of retailer's licenses in the East Dupont Circle Moratorium Zone as follows: Class A -- Two (2); Class B -- Two (2); Class CR or Class DR -- Sixteen (16); Class CT or Class DT -- Two (2); Class CN or DN -- Zero (0); and Class CX or Class DX -- Zero (0). While the testimony presented at the May 11, 2005 hearing established that a significant number of patrons walk to the ABC establishments located in the East Dupont Circle Moratorium Zone, the Board believes that it is necessary to allow only three (3) additional Class CR or Class DR licenses in light of the fact that permitting more than three (3) new Class CR or Class DR licenses would cumulatively start to have a direct adverse impact on the limited amount of parking currently available, as well as increase the amount of noise, such as the noise generated by an increase in the amount of outdoor seating, in the East Dupont Circle Moratorium Zone.

ANC 2B voted on March 9, 2005 in favor of a four (4) year extension of the East Dupont Circle Moratorium, whereas the modified requests of DCCA and DC MAP urged for a five (5) year and

three (3) year extension, respectively. After evaluating all the testimony and comments, the Board concluded that a three (3) year extension period, as sought by DC MAP, is the most appropriate. Specifically, comments from ANC 2B, Councilmember Evans, and various residents revealed that ANC 2B has appointed a committee to examine the creation of a zoning overlay in the 17th Street, N.W., corridor as an acceptable long-term substitute for an ABC moratorium. The Board concluded that a three (3) year extension should be sufficient to determine whether progress can be made in creating a zoning overlay. Furthermore, the testimony of DC MAP, licensed establishments, and individual residents revealed that while problems with criminal activity, litter, noise, parking, and vehicular and pedestrian safety still exist in the East Dupont Circle Moratorium Zone to justify imposing a limit on the number of licenses issued, these problems appear to be decreasing and worth re-examining at the end of a three (3) year moratorium period. Specifically, the testimony of DC MAP and several East Dupont Circle businesses and residents revealed that the number of patrons visiting the East Dupont Circle Moratorium Zone has started to decline, in part due to the moratorium as well as the surrounding commercial growth of nearby areas with new ABC establishments including both the U Street, N.W., and 14th Street, N.W., corridors.

ANC 2B recommended four (4) modifications to the existing moratorium, all of which are supported by DCCA. First, ANC 2B requested that the holder of an existing Class DR license be permitted to request a change of license class to Class CR. The Board found merit in creating this exception based upon the testimony and comments it received on this issue, including from ANC 2B Commissioner Ramon Estrada, DCCA, DC MAP, the Restaurant Association, and Johnny Monis, who is the chef/owner of Komi located at 1509 17th Street, N.W.

Second, ANC 2B recommended that “[i]f a license used at a location within the East Dupont Circle Moratorium Zone is transferred outside the East Dupont Circle Moratorium Zone or is revoked or otherwise cancelled, a license of the same class and sub-class as that license may be transferred to a location within the East Dupont Circle Moratorium Zone.” This recommendation is intended to prevent the overall number of licensed establishments from being reduced merely because an existing licensee goes out of business. Commissioner Ramon Estrada’s testimony indicated that the ANC’s recommendation was limited to transfers of existing licenses to ensure that the licensee had a track record that could be examined by ANC 2B. The Board, based upon testimony submitted by the Restaurant Association and individual residents, however, finds that allowing a license application to be filed in these circumstances by either a new or existing license holder is a more equitable approach – provided that the granting of the license application will not exceed the number of licenses permitted in the East Dupont Circle Moratorium Zone for that particular class or sub-class.

Third, ANC 2B recommended that the holder of a Retailer’s license Class C or Class D within the East Dupont Circle Moratorium Zone should be able to apply for outdoor seating in public space. The Board agrees with this recommendation, which was supported by DCCA, as the Board found it helpful in clarifying that the existing prohibition on lateral expansion is not intended to apply to outdoor seating in public space.

Fourth, ANC 2B recommended that ABC licensees within the East Dupont Circle Moratorium Zone not be permitted to request a transfer or change of license class to Class CT or Class CN.

This recommendation was also supported by DCCA and several nearby residents. In light of the Board's decision to allow for three (3) additional Class CR or Class DR licenses, the Board found merit in not allowing restaurants to convert to tavern or nightclub licenses. Specifically, not permitting establishments licensed as restaurants to change their class of license to taverns or nightclubs will help to limit further problems of late night noise in the neighborhood, of which numerous nearby residents complained. Prohibiting conversion of restaurant licenses to tavern or nightclub licenses will also help to focus new restaurants on their food sale requirements in order to qualify as restaurants in the neighborhood. The Board did not adopt the suggested prohibition on transfers contained in this modification, as it was inconsistent with other language supported by ANC 2B and DCCA, which permitted applications to be filed for a transfer of ownership and in some cases a transfer to a new location.

The Board also heard testimony from several licensees, including John Colameco, Owner, Peppers Restaurant; Paul Katinas, Owner, Annie's Paramount Steak House; and Dimitri and George Mallios, Owners, Trio Restaurant, requesting that the Board not renew or, alternatively, that the Board relax the existing limitations on lateral expansion as contained in the DCCA petition. For example, the testimony of Dimitri and George Mallios revealed that they were in favor of lifting or modifying the lateral expansion prohibition to allow them to expand Trio Restaurant into an existing frame shop. Additionally, the testimony of John Colameco indicated that he desired to expand Peppers Restaurant to include, among other things, outdoor roof deck seating. However, based upon the testimony and written comments from ANC 2B, DCCA, and various residents, the Board determined that failing to renew the existing lateral expansion prohibition as contained in DCCA's petition would adversely affect (1) peace, order and quiet, and (2) residential parking and vehicular and pedestrian safety in the East Dupont Circle Moratorium Zone. Specifically, the testimony of resident David Mallof revealed that removing the lateral expansion provision would dramatically increase the existing number of ABC licensed seats in the East Dupont Circle Moratorium Zone, having an adverse impact on peace, order, and quiet, including late night noise, and residential parking. In light of the testimony of Mr. Mallof and several licensees, the Board concluded that removing the lateral expansion prohibition would result in a much greater adverse impact to the neighborhood under D.C. Official Code §§ 25-313(b)(2) and 25-313(b)(3) (2001) than allowing three (3) additional Class CR or Class DR licenses in the East Dupont Circle Moratorium Zone. The Board notes that D.C. Official Code § 25-351(a)(2) provides the Board with the authority to renew the lateral expansion prohibition as it allows the Board to declare a moratorium on the issuance of licenses that constitute a substantial change.

The statements set forth above reflect the written reasons for the Board's decision as required by subsection 303.1 of Title 23 DCMR (2004).

Pursuant to D.C. Official Code § 25-211(b)(2) (2001), the proposed rules were transmitted to the Council of the District of Columbia ("Council") for a forty-five (45) day period of review on July 5, 2005. These proposed rules were approved by Council Resolution 16-292, the East Dupont Circle Liquor License Moratorium Approval Resolution of 2005, adopted by the Council at its September 20, 2005 legislative meeting. These final rules will become effective five (5) days after being published in the D.C. Register.

Title 23 DCMR, Chapter 3 (Limitations on Licenses), is amended by replacing the existing section 306 to read as follows:

306. EAST DUPONT CIRCLE MORATORIUM ZONE

306.1 A limit shall exist on the number of retailer's licenses issued in the area that extends approximately six hundred (600) feet in all directions from the intersection of 17th and Q Streets, N.W., Washington, D.C., as follows: Class A – Two (2); Class B – Two (2); Class CR or Class DR – Sixteen (16); Class CT or Class DT – Two (2); Class CN or DN – Zero (0); and Class CX or Class DX – Zero (0). This area shall be known as the East Dupont Circle Moratorium Zone.

306.2 The East Dupont Circle Moratorium Zone is more specifically described as beginning at New Hampshire Avenue and S Street; East on S Street to 17th Street; South on 17th Street to Riggs Place; East on Riggs Place to 16th Street; South on 16th Street to P Street; West on P Street to 18th Street; North on 18th Street to New Hampshire Avenue; and Northeast on New Hampshire Avenue to S Street, N.W.

306.3 All hotels, whether present or future, shall be exempt from the East Dupont Circle Moratorium Zone.

306.4 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a Retailer's license Class A, B, CR, CT, DR, or DT located within the East Dupont Circle Moratorium Zone, subject to the requirements of the Act and this title.

306.5 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the East Dupont Circle Moratorium Zone to a new location within the East Dupont Circle Moratorium Zone.

306.6 A license holder outside the East Dupont Circle Moratorium Zone shall not be permitted to transfer its license to a location within the East Dupont Circle Moratorium Zone unless the transfer will not exceed the number of licenses permitted in the East Dupont Circle Moratorium Zone for that particular class or sub-class, as set forth in Section 306.1.

306.7 Subject to the limitation set forth in Section 306.8, nothing in this section shall prohibit the filing of a license application or a valid protest of any transfer or change of license class.

306.8 No licensee in the East Dupont Circle Moratorium Zone shall be permitted to request a change of license class to CT, DT, CN, or DN.

306.9 As of December 19, 2000, and at any time during the pending or renewed effective dates of the East Dupont Moratorium Zone established by this section, current holders of a Retailer's license Class A, B, C, or D within the East 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, the prior owner or occupant of which has not held within the last five (5) years a Retailer's license Class A, B, C, or D, or which has had a certificate of occupancy or building permit held in the name of any person other than the current holder of a Retailer's

license Class A, B, C, or D within the East Dupont Moratorium Zone at any time within a period of five (5) years. Nothing in this section shall prohibit the Board from approving any application pending prior to December 19, 2000, subject to the requirements of Title 25 of the District of Columbia Official Code, nor shall this section prohibit holders of a Retailer's license Class C or D from applying for outdoor seating in public space.

306.10 This section shall expire three (3) years after the date of publication of the notice of final rulemaking.

**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 D.C. Official Code § 25-351(a) (2001) and Section 303 of Title 23 of the District of Columbia Municipal Regulations ("DCMR"), 51 DCR 4309 (April 30, 2004), hereby gives notice of the adoption of the following final rules that replace existing section 307 of Title 23 DCMR and impose a five (5) year limit on the number of retailer's licenses Class A, B, CR, CT, CN, CX, DR, DT, DN, and DX issued in a portion of West Dupont Circle, which shall be known as the West Dupont Circle Moratorium Zone. The final rules were adopted by the Board on March 15, 2006. The text of these final rules is substantively identical to the text of the notice of emergency and proposed rulemaking published in the D.C. Register on September 23, 2005 at 52 DCR 8645.

On June 10, 2005 the Board received a joint request from Advisory Neighborhood Commission ("ANC") 2B and the Dupont Circle Citizens Association ("DCCA") to extend, with certain modifications, the existing West Dupont Circle Moratorium Zone for a five (5) year period ("Petitioners' moratorium request"). The Board subsequently conducted a public hearing on July 27, 2005, pursuant to the requirements of D.C. Official Code § 25-354 (2001), to consider the Petitioners' moratorium request. At the July 27, 2005 public hearing, the Board decided to keep the record open for the submission of written comments on the Petitioners' moratorium request until July 29, 2005.

The Board received timely detailed testimony and comments on the Petitioners' moratorium request from ANC 2B, DCCA, the Dupont Circle Merchants and Professionals Association ("DC MAP"), and nearby Dupont Circle residents and business owners. The Board found the testimony and comments provided in response to the Petitioners' moratorium request to warrant imposing a limit on the number of retailer's licenses Class A, B, CR, CT, CN, CX, DR, DT, DN, and DX issued in the West Dupont Circle Moratorium Zone, based upon the appropriateness standards set forth in D.C. Official Code §§ 25-313(b)(2) and 25-313(b)(3) (2001). It is worth noting that all of the testimony received by the Board supported the renewal of the West Dupont Circle Moratorium Zone in some form.

In reaching its decision, the Board gave great weight to the written recommendations of ANC 2B as required by section 13(d)(3) of the Advisory Neighborhood Councils Act of 1975, effective October 10, 1975, D.C. Law 1-21, D.C. Official Code § 1-309.10(d)(3) (2001), as amended, and D.C. Official Code § 25-609 (2001). ANC 2B voted to renew the existing West Dupont Circle Moratorium Zone, with certain modifications, by a 8-0 vote taken at a duly called public meeting on June 8, 2005. In reviewing the recommendation of ANC 2B as contained in its joint petition with DCCA, the Board finds based upon the appropriateness standards set forth in D.C. Official Code §§ 25-313(b)(2) and 25-313(b)(3) (2001), that the testimony and evidence put forward by DCCA, ANC 2B, and various individual residents located in or in proximity to the West Dupont Circle Moratorium Zone reveals that significant problems with peace, order, and quiet, particularly with respect to late night noise, litter, public urination, and vehicular and pedestrian

safety, as well as parking problems, continue to exist in the West Dupont Circle Moratorium Zone. For example, the testimony of Carol Theodore revealed that there are problems with public urination, late night noise, and rowdy behavior caused by patrons of ABC establishments in the West Dupont Circle Moratorium Zone. Additionally, the testimony of Bill Glew, President, DCCA, with regard to the DCCA Dupont West Parking Survey revealed that there are significant residential parking and vehicular and pedestrian safety problems, including illegal parking with fire hydrants and stop signs routinely obstructed, caused in part by patrons of ABC establishments located in the West Dupont Circle Moratorium Zone. Furthermore, the DCCA Dupont West Parking Survey revealed that parking problems are much worse in the evening, around 9 p.m., than in the morning, around 9 a.m., in the West Dupont Circle Moratorium Zone. These residential parking and vehicular and pedestrian safety problems were also supported by testimony and written comments from various nearby residents, such as Carol Theodore and Morton J. Schussheim. The Board did not find, however, that the ABC establishments in the West Dupont Circle Moratorium Zone are adversely affecting real property values in the surrounding area.

Currently, there are twenty-nine (29) valid ABC licenses, excluding hotels, located in the West Dupont Circle Moratorium Zone. The Board agreed with the recommendation of ANC 2B and DCCA that a "cap" system be established that fixes the maximum number of licenses within each class and allows defunct licenses to be replaced. Additionally, the joint petition and testimony of ANC 2B and DCCA recommended that one additional restaurant license be permitted. The Board found the testimony it received, including from ANC 2B Commissioner Karyn-Siobhan Robinson, to support this recommendation. As a result, the Board has decided to modify the existing moratorium to permit the issuance of one (1) additional Class CR or Class DR retailer's license and to place a limit on the number of retailer's licenses in the West Dupont Circle Moratorium Zone as follows: Class A – Two (2); Class B – Three (3); Class CR or Class DR – Seventeen (17); Class CT or Class DT – Six (6); Class CN or DN – Zero (0); and Class CX or Class DX – Two (2).

ANC 2B voted on June 8, 2005 in favor of a five (5) year extension of the West Dupont Circle Moratorium Zone. After evaluating all the testimony and comments, the Board concluded that the five (5) year extension period, as sought in the Petitioners' moratorium request, is appropriate. Specifically, the testimony of ANC 2B Commissioners Karyn-Siobhan Robinson and Mike Silverstein indicated that a five (5) year extension would provide residents and businesses with an appropriate amount of time to assess the impact of the upcoming P Street Streetscape project. Individual residents such as Carol Theodore and several business owners such as Perry Morehouse also supported a five (5) year extension.

ANC 2B recommended four (4) modifications to the existing moratorium, all of which are supported by DCCA, as part of the Petitioners' moratorium request. The first modification deals with allowing existing Class DR licensees to request a change of license class from Class DR to Class CR. Specifically, the joint petition of ANC 2B and DCCA, dated June 10, 2005, requests that the three (3) existing Class DR licenses be permitted to request a change of license class from Class DR to Class CR. At the July 27, 2005 public hearing, ANC 2B revised its position indicating that it would like only two (2) Class DR establishments – Pizzeria Paradiso and Pesce – to be eligible to apply for a Class CR license. This change in position was supported by

DCCA. However, the Board agreed with the testimony of Edward Grandis, Esq., on behalf of DC MAP, that all three (3) Class DR licensees should be treated the same and have the opportunity to apply for a Class CR license.

Second, ANC 2B recommended the use of a "cap" system that fixes the maximum number of licenses within each class and allows defunct licenses to be replaced. The Board finds merit in this recommendation contained in the Petitioners' moratorium request which is intended to prevent the overall number of licensed establishments from being reduced merely because an existing licensee goes out of business.

Third, ANC 2B recommended that restaurant licensees within the West Dupont Circle Moratorium Zone not be permitted to request a change of license class to Class CT or Class CN. This recommendation was also supported by DCCA. In light of the Board's decision to allow for one (1) additional Class CR or Class DR license, the Board found merit in not allowing restaurants to convert to tavern or nightclub licenses. Specifically, not permitting establishments licensed as restaurants to change their class of license to taverns or nightclubs will help to limit further problems of late night noise in the neighborhood, of which many nearby residents complained. Prohibiting conversion of restaurant licenses to tavern or nightclub licenses will also help to focus new restaurants on their food sale requirements in order to qualify as restaurants in the neighborhood.

Fourth, ANC 2B recommended that the holder of a retailer's license Class C or Class D within the West Dupont Circle Moratorium Zone should be able to apply for outdoor seating in public space. This position is supported in the joint petition by DCCA. The Board agrees with this recommendation as the Board found it helpful in clarifying that the existing limitations on lateral expansion are not intended to apply to outdoor seating in public space.

The Board also heard and received testimony from Mr. Grandis, and several licensees, including Mark Medley, Owner, Mark and Orlando's, and Regine Palladin, Owner, Pesce Restaurant, requesting that the Board clarify and relax the existing limitations on lateral expansion, which would be continued under the Petitioners' moratorium request. For example, Mr. Grandis suggested that the lateral expansion provision be relaxed to permit Class CR or Class DR licensees to expand into an adjoining or adjacent space, property, or lot that holds a restaurant license from the Department of Consumer and Regulatory Affairs ("DCRA"). Additionally, Mr. Grandis expressed the view that the meaning of the language contained in the existing lateral expansion provision is unclear and should be clarified by the Board.

The existing limitation on lateral expansion allows a current holder of a retailer's license Class A, B, C, or D to apply for expansion of service or sale of alcoholic beverages into an adjoining or adjacent space, property, or lot, if the owner or occupant of such other property has held a retailer's license Class A, B, C, or D within the previous five (5) years. The existing lateral expansion provision also contains a second exception which the Board interprets as allowing the holder of a retailer's license Class A, B, C, or D to apply for an expansion of service or sale of alcoholic beverages into an adjoining or adjacent space, property, or lot for which the licensee has held a certificate of occupancy or building permit at any time within a period of five (5) years. The Board found merit in making the lateral expansion provision slightly more flexible by

creating a new exception that would allow Class CR or Class DR licensees to expand into an adjoining or adjacent space, property, or lot that has held a valid restaurant license from DCRA during the last three (3) years.

The uncertainty that several ABC establishments in the West Dupont Circle Moratorium Zone may face as a result of the upcoming P Street Streetscape project provides further support for allowing this added flexibility. The Board notes that the testimony from DCCA indicated that this modification to the lateral expansion provision, because it would be limited to expansion by an existing ABC-licensed restaurant into an adjacent restaurant space, would have less adverse impact on the community than permitting lateral expansion into non-restaurant spaces. The Board is requiring a valid DCRA restaurant license to have existed at the property, lot, or space where expansion is sought for at least the last three (3) years to ensure that DCRA restaurant licenses are not subsequently sought for existing non-restaurant spaces for the sole purpose of filing a lateral expansion application with the Board.

In making this decision, the Board also took into account the views of ANC 2B, DCCA, and various Dupont Circle residents, who raised concerns that allowing ABC licensees to expand into existing ABC licensed spaces or non-ABC licensed spaces that hold a restaurant license from DCRA could have negative consequences, such as a reduction in the variety of restaurants that currently exist on P Street. In light of these concerns, the Board is placing a combined limit of three (3) on the number of substantial change applications that can be approved by the Board during the five (5) year period of the West Dupont Circle Moratorium Zone for the expansion of service or sale of alcoholic beverages into an adjoining or adjacent space, property, or lot where the prior owner or occupant has held either: (1) a Retailer's license Class A, B, C, or D within the last five (5) years, or (2) a valid restaurant license from DCRA during the last three (3) years.

Additionally, based upon concerns from ANC 2B, DCCA, and various Dupont Circle residents about the impact of lateral expansion on non-ABC licensed and non-restaurant businesses, the Board is not adopting the second exception contained in the existing lateral expansion provision, which the Board interprets to allow the holder of a Retailer's license Class A, B, C, or D to apply for an expansion into an adjacent space, property, or lot that the licensee has held a certificate of occupancy or building permit at any time within a period of five (5) years. This exception potentially allows applicants to file applications to expand into adjacent or adjoining space even if the owner or occupant of such space does not have either an ABC or a DCRA restaurant license. The Board concluded that renewing this exception would pose a risk to the continued diversity of businesses in the West Dupont Circle community, a problem about which many residents expressed serious concern. The Board notes that D.C. Official Code § 25-351(a)(2) provides the Board with the authority to renew and modify this lateral expansion prohibition as it allows the Board to declare a moratorium on the issuance of licenses that constitute a substantial change.

The statements set forth above reflect the written reasons for the Board's decision as required by subsection 303.1 of Title 23 DCMR (2004).

Pursuant to D.C. Official Code § 25-211(b)(2) (2001), the proposed rules were transmitted to the Council of the District of Columbia ("Council"), for a forty-five day period of review on

September 16, 2005. These proposed rules were approved by Council Resolution 16-350, the West Dupont Circle Liquor License Moratorium Rulemaking Approval Resolution of 2005, adopted by the Council at its November 1, 2005 legislative meeting. These final rules will become effective five (5) days after being published in the D.C. Register.

Title 23 DCMR, Chapter 3 (Limitations on Licenses), is amended by replacing the existing section 307 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 (600) feet in all directions from the intersection of 21st and P Streets, N.W., Washington, D.C., as follows: Class A – Two (2); Class B – Three (3); Class CR or Class DR – Seventeen (17); Class CT or Class DT – Six (6); Class CN or DN – Zero (0); and Class CX or Class DX – Two (2). 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 beginning at 22nd Street and Florida Avenue; North on Florida Avenue to R Street; East on R Street to 21st Street; South on 21st Street to Hillyer Place to 20th Street; South on 20th Street to Q Street; East on Q Street to Connecticut Avenue; Southeast on Connecticut Avenue to Dupont Circle; Southwest around Dupont Circle to New Hampshire Avenue; Southwest on New Hampshire Avenue to N Street; West on N Street to 22nd Street; North on 22nd Street to Florida Avenue.

307.3 All hotels, whether present or future, 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 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 unless the transfer will not exceed the number of licenses permitted in the West Dupont Circle Moratorium Zone for that particular class or sub-class, as set forth in Section 307.1.

307.7 Subject to the limitation set forth in Section 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 Class CR or Class DR licensee in the West Dupont Circle Moratorium Zone shall be permitted to request a change of license class to CT, DT, 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: (1) the prior owner or occupant has held within the last five (5) years a retailer's license Class A, B, C, or D; or (2) 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. 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 this subsection, shall not exceed three (3) during the five (5) year period of the West Dupont Circle Moratorium Zone. Nothing in this section shall prohibit holders of a retailer's license Class C or D from applying for outdoor seating in public space.

307.10 This section shall expire five (5) years after the date of publication of the notice of final rulemaking.

DEPARTMENT OF HEALTH
NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the D.C. Health Occupations Revision Act of 1985, effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 73 of Title 17 DCMR (Business, Occupations & Professions) (May 1990). A Notice of Proposed Rulemaking was published in the D.C. Register on January 20, 2006 at 52 DCR 440. No comments were received concerning these rules and no substantive changes have been made since publication as a Notice of Proposed Rulemaking. These final rules will be effective upon publication of this notice in the D.C. Register.

Section 7303 of Title 17 (DCMR (Business, Occupations & Professions) (May 1990) is amended to read as follows:

Section 7303.1 is amended to read as follows:

7303.1 An applicant shall furnish proof satisfactory to the Director that the applicant has successfully completed an educational program by obtaining a high school diploma, its equivalent or greater.

Section 7303.2 is amended to read as follows:

7303.2 In addition to the requirement in § 7303.1, the Director shall register an applicant who furnishes proof satisfactory to the Director that the applicant has obtained the equivalent of two (2) years full-time experience, that is, at least three thousand (3,000) hours, providing direct, supervised addiction counseling services to persons with the primary problem of chemical dependency, and has completed a minimum of two hundred (200) hours of training or education in the following knowledge and skill areas:

- (a) Twelve (12) hours in Pharmacology;
- (b) Twelve (12) hours in Signs and Symptoms;
- (c) Six (6) hours in Rules and Regulations;
- (d) Twelve (12) hours in Models of Counseling Service and Treatment;
- (e) Eighty (80) hours in Counseling Theory and Dynamics which shall include a Family Dynamics component;

- (f) Twelve (12) hours in Assessment and Treatment Planning;
- (g) Twenty (24) hours in Human Development;
- (h) Twelve (12) hours in Ethics;
- (i) Six (6) hours in HIV/AIDS;
- (j) Six (6) hours in DSM-IV(R) Mental Health/Dual Diagnosis which shall include a Relapse Prevention component;
- (k) Six (6) hours of Case Management; and
- (l) Twelve (12) hours of electives.

A new section 7303.3 is added to read as follows:

7303.3 The applicant shall submit the following directly to the Director:

- (a) Official transcripts mailed from the school that indicate the date of graduation or completion of a Graduate Equivalency Diploma (GED); and
- (b) Original documentation of training. Xerox copies are not acceptable.

A new section 7303.4 is added to read as follows:

7303.4 In addition to the requirements in § 7303.1, an applicant shall furnish proof satisfactory to the Director that he or she has completed two hundred (200) hours of clinical supervision under one (1) or more licensed mental health providers with substance abuse training who have documented the required hours and evaluated the quality of the supervised work.

A new section 7303.5 is added to read as follows:

7303.5 The Director shall register an applicant who furnishes proof satisfactory to the Director that the applicant holds a current and valid certificate as an addiction counselor from a regulatory board in another jurisdiction of the United States, the Washington Metropolitan Area Addictions Counselors Credentialing Board, or its successor, the DC Certification Board/Alcohol and other Drugs of Abuse, or its successor, or the National Association of Alcoholism and Drug Abuse Counselors, or its successor.

DISTRICT OF COLUMBIA
DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Section 1825 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); § 10 of the Uniform Classification and Commercial Driver's License Act of 1990, effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-409); § 105 of the District of Columbia Traffic Adjudication Act of 1978 (D.C. Law. 2-104; D.C. Official Code § 50-2301.05); § 9 of the International Registration Plan Agreement Act of 1997, effective September 5, 1997 (D.C. Law 12-14; D.C. Official Code § 50-1507.01); and Mayor's Order 03-58, effective April 21, 2003, hereby gives notice of the adoption of the following rulemaking that amended Chapters 13 and 26 of Title 18 of the District of Columbia Municipal Regulations (DCMR) (Vehicles and Traffic). These amendments update the commercial driver's license regulations as required by the Federal Motor Carrier Safety Administration to establish conformity with federal law and established a fine for violations of the International Registration Plan requirements.

Pursuant to § 105 of the District of Columbia Traffic Adjudication Act of 1978 (D.C. Law. 2-104; D.C. Official Code § 50-2301.05) and § 10 of the Uniform Classification and Commercial Driver's License Act of 1990, effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-409) these final rules were transmitted to the Council of the District of Columbia, for a forty-five (45) day period of Council review. On March 7, 2006, the Council, by passage of the Commercial Driver's License and International Registration Plan Enforcement Approval Resolution of 2006 (PR 16-613), approved these final rules.

This final rulemaking combines parts of two separate rulemakings. Section A was published in a Notice of Proposed Rulemaking in the D.C. Register at 52 DCR 5084 on May 27, 2005. Section B was published in a Notice of Emergency and Proposed Rulemaking in the D.C. Register at 52 DCR 7831 on August 12, 2005. No comments were received and no changes have been made to the text of the rules as proposed. These rules shall be effective upon publication in the D. C. Register.

Title 18, DCMR, is amended as follows:

A. Chapter 13, CLASSIFICATION AND ISSUANCE OF COMMERCIAL DRIVER'S LICENSES, is amended as follows:

1) Section 1301, APPLICATION FOR A COMMERCIAL DRIVER'S LICENSE, subsection 1301.01, paragraph (d) is amended to read as follows:

(d) Applicant's certification that he or she is not subject to any disqualification, or any license suspension, revocation, or cancellation under State law, and that

he/she does not have a driver's license from more than one State or jurisdiction.

2) Section 1302, COMMERCIAL DRIVER'S INSTRUCTION LICENSE, subsection 1302.2 is amended by striking the figure "eighteen (18)" and inserting the figure "twenty-one (21)" in its place.

3) Subsection 1305, COMMERCIAL DRIVERS LICENSE REQUIRED, subsection 1305.2 is amended to read as follows:

1305.2 No resident under the age of twenty-one (21) may be issued a commercial driver's instruction license or commercial driver's license.

4) Section 1306, DISQUALIFICATION, is amended as follows:

a) Subsection 1306.1, paragraphs (a), (c), (d) and (f) are amended by striking the phrase "a commercial" wherever it appears and inserting the word "any" in its place.

b) Subsection 1306.2 is amended by adding a new paragraph (h) to read as follows:

(h) Driving a commercial motor vehicle while not in possession of a commercial driver's license.

c) Subsection 1306.10 is amended by adding at the end of the sentence the phrase "; unless the disqualification is imposed by the federal government pursuant to 49 CFR 383.52".

d) New subsections 1306.12 and 1306.13 are added to read as follows:

1306.12 Any person failing to submit the medical documentation in the time period provided by § 1327 shall be disqualified until that information is submitted.

1306.13 The Department shall act expeditiously in imposing disqualifications under this section and posting them to the driver's record.

5) Section 1311, DURATION OF COMMERCIAL DRIVER'S LICENSE, is amended by adding a new subsection 1311.3 to read as follows:

1311.3 Any endorsement issued pursuant to this Chapter shall not expire before the date that the license expires.

- 6) Section 1312, DRIVER'S LICENSE TYPE AND CLASS, subsection 1312.2(a) is amended by striking the phrase "or is a semi-trailer or trailer with two (2) or more axels".
- 7) Section 1314, PROCEDURES FOR LICENSING ACTIONS, is amended as follows:
- a) Subsection 1314.4 is amended by striking the phrase "possesses a commercial driver's license" and inserting the phrase "possesses a driver's license" in its place.
 - b) Subsection 1314.6 is amended by striking the phrase "of any licensing action taken against such person's driving privileges" and inserting the phrase "or conviction for a violation that may result in the disqualification, revocation, suspension, or cancellation of the person's commercial driver's license" in its place.
 - c) Subsection 1314.7 is amended to read as follows:

1314.7 Whenever a person who does not hold a commercial driver's license, but who is licensed to drive by another State, is convicted of a violation in a commercial motor vehicle of any law relating to motor vehicle traffic control (other than a parking violation), the Department shall notify the licensing entity in the State where the driver is licensed of this conviction as follows:
 - (a) Beginning on September 30, 2005, the notification will be made within thirty (30) days of the conviction.
 - (b) Beginning on September 30, 2008, the notification will be made within ten (10) days of the conviction.
 - d) A new subsection 1314.8 is added to read as follows:

1314.8 The Department shall make driver record information available as required by 49 CFR § 225(c).
- 8) Section 1315 COMMERCIAL DRIVER'S LICENSE KNOWLEDGE TEST, subsection 1315.1 is amended by adding a new paragraph (i) to read as follows:
- (i) An air brake test, which shall be administered to persons who apply to operate a vehicle with air brakes.
- 9) Section 1328, USA PATRIOT ACT, is amended by inserting a new subsection 1328.3 to read as follows:

1328.3 Upon receipt of a finding by the Transportation Security Administration that an applicant or permittee represents a security threat, the Director shall refuse to issue, or shall immediately revoke any hazardous materials endorsement effective 5 days after mailing a notice of revocation to the permittee's address in the Department's records.

10) Section 1329, EXEMPTIONS TO THE COMMERCIAL DRIVER'S LICENSE REQUIREMENTS, subsection 1329.1 is amended to read as follows:

1329.1 Persons on active military duty; members of the military reserves; members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms); and active duty U.S. Coast Guard personnel are exempt from the requirements of D.C. law 8-161 and this Chapter.

11) Section 1399, DEFINITIONS, is amended as follows:

- a) The definition of "Driving a Commercial Motor Vehicle While Under the Influence of Alcohol" is repealed.
- b) By adding the following new definition:

"Conviction – means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated."

B. Chapter 26, CIVIL FINES FOR MOTOR VEHICLE MOVING AND NON-MOVING INFRACTIONS, Section 2600, CIVIL FINES FOR MOTOR VEHICLE MOVING INFRACTIONS, Subsection 2600.1, is amended by adding a new heading and offenses to read as follows:

International Registration Plan [D.C. Official Code § 50-1507.03]

Failure to register	\$500
Failure to obtain trip permit	\$500
Exceeding registered gross weight	\$500

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Code § 34-2201.01 et seq.) at its regular meeting held on February 1, 2006 took action to authorize the publication as proposed and as final the following amendments to the Water and Sanitation Regulations (21 DCMR), Chapter 15, Section 1501.4. The Notice of Proposed Rulemaking was published at 53 DCR 926. The Board authorized the publication of the proposed rulemaking, and the publication of the proposed rulemaking as final regulations, provided that there were no substantive comments on the proposed amendments to the regulations, during the thirty (30) day notice period. No comments were received on the proposed rulemaking. The rules amend Chapter 15 to revise the discharge limits for Cadmium, Lead, Molybdenum and Zinc in Table I, clarify the type of Oil and Grease and make typographical corrections, consistent with EPA requirements.

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

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

- 1501.4 The following shall apply to discharges to the wastewater system:
- (a) No person shall introduce into the wastewater system any discharges with pH of less than 5 or greater than 10 and temperatures in excess of 140 degrees Fahrenheit or 60 degrees Centigrade;
 - (b) No person shall discharge to the wastewater system arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, silver, zinc, cyanide, or oil and grease in concentrations greater than those listed in Table I of this subsection;
 - (c) Dischargers may be required to monitor other pollutants, including chromium, selenium, total toxic organics (TTO), and any other pollutants as required;
 - (d) For purposes of this subsection, "concentrations" shall be determined using composite samples collected over the daily

operation in proportion to flow except for those parameters requiring grab samples including cyanide, total phenols, oil and grease, and volatile organic compounds. When flow-proportional composite sampling is not feasible, time-proportional composite sampling may be used. "Total toxic organics (TTO)" shall be defined as set forth in paragraph (e) of this subsection:

TABLE I

<u>SUBSTANCE</u>	<u>CONCENTRATION,</u> <u>mg/l</u>
Arsenic (T)	0.23
Cadmium (T)	0.15
Copper (T)	2.3
Lead (T)	1.0
Mercury (T)	<"Practical Quantitation Limit"
Molybdenum (T)	2.4
Nickel (T)	2.2
Silver (T)	3.3
Zinc(T)	3.4
Cyanide (T)	0.56
Oil and Grease (non-polar)	100

- (e) The term "TTO" shall mean total toxic organics, which is the summation of all quantifiable values greater than .01 milligrams per liter for the following toxic organics:

Volatile Organic Compounds:

Acrolein
 Acrylonitrile
 Benzene
 Bromoform (tribromomethane)
 Carbon tetrachloride (tetrachloromethane)
 Chlorobenzene
 Chlorodibromomethane
 Chloroethane
 2-Chloroethyl vinyl ether (mixed)
 Chloroform (trichloromethane)
 1, 1-Dichloroethane
 1, 2-Dichloroethane
 1, 1-Dichloroethylene
 1, 2-Dichloropropane

1, 3-Dichloropropylene (1, 3-dichloropropene)
Ethylbenzene
Methyl bromide (bromomethane)
Methyl chloride (chloromethane)
Methylene chloride (dichloromethane)
1, 1, 2, 2-Tetrachloroethane
Tetrachloroethylene
Toluene
1, 2-Trans-dichloroethylene
1, 1, 1-Trichloroethane
1, 1, 2-Trichloroethane
Trichloroethylene
Vinyl chloride (chloroethylene)

Semi-volatile Organic Compounds:

Acenaphthene
Acenaphthylene
Anthracene
1, 2-Benzanthracene (benzo (a) anthracene)
Benzidine
Benzo (a) pyrene (3,4-benzopyrene)
3, 4-Benzoflouranthene
(benzo (b) flouranthene)
11, 12-Benzoflouranthene
(benzo (k) flouranthene)
1, 12-Benzoperylene (benzo (ghi) perylene)
Bis (2-chloroisopropyl) ether
Bis (2-chloroethoxy) methane
Bis (2-chloroethyl) ether
Bis (2-ethylhexyl) phthalate
4-Bromophenyl phenyl ether
Butyl benzyl phthalate
2-Chloronaphthalene
2-Chlorophenol
4-Chlorophenyl phenyl ether
Chrysene
1, 2, 5, 6-Dibenzanthracene
(dibenzo (a, h) anthracene)
1, 2-Dichlorobenzene
1, 3-Dichlorobenzene
1, 4-Dichlorobenzene
3, 3-Dichlorobenzidine
Dichlorobromomethane
2, 4-Dichlorophenol
Diethyl phthalate

Dimethyl phthalate
2, 4-Dimethylphenol
Di-n-butyl phthalate
Di-n-octyl phthalate
2, 4-Dinitrotoluene
2, 6-Dinitrotoluene
2, 4-Dinitrophenol
4, 6-Dinitro-o-cresol
1, 2-Diphenylhydrazine
Fluoranthene
Fluorene
Hexachlorobenzene
Hexachlorobutadiene
Hexachlorocyclopentadiene
Hexachloroethane
Indeno (1, 2, 3-cd) pyrene (2, 3-o-phenylene pyrene)
Isophorone
Naphthalene
Nitrobenzene
2-Nitrophenol
4-Nitrophenol
N-nitrosodimethylamine
N-nitrosodiphenylamine
N-nitrosodi-n-propylamine
Parachlorometa cresol
Pentachlorophenol
Phenanthrene
Phenol
Pyrene
1, 2, 4-Trichlorobenzene
2, 4, 6-Trichlorophenol

Pesticides/PCBs

Aldrin
Dieldrin
Chlordane
4,4'-DDT
4,4'-DDE (p,p-DDX)
4,4'-DDD (p,p-TDE)
Alpha-endosulfan
Beta-endosulfan
Endosulfan sulfate
Endrin
Endrin aldehyde
Heptachlor

Heptachlor epoxide
Alpha-BHC
Beta-BHC
Delta-BHC
Gamma-BHC
PCB-1016
PCB-1221
PCB-1232
PCB-1242
PCB-1248
PCB-1254
PCB-1260
Toxaphene
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)