DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in sections 5 and 6 of The District of Columbia Air Pollution Control Act of 1984, as amended, effective March 15, 1985 (D.C. Law 5-165; D.C. Official Code §§ 8-101.06(a)), and Mayor's Order 98-44 (dated April 10, 1998) hereby gives notice of this final action to adopt amendments to Chapters 1, 2, 6, 7, and 8, of Subtitle A: Air Quality, of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR) as published with the Notice of Proposed Rulemaking in the *D.C. Register* on February 6, 2004, 51 DCR 1437.

These final rules amend 20 DCMR by setting emission standards, also known as "thresholds," for volatile organic compounds (VOC) and oxides of nitrogen (NO_x). On January 24, 2003, the Environmental Protection Agency classified the District of Columbia to be a "severe non-attainment area" for ozone and has required the District to meet the national ambient air quality standards (NAAQS) for ozone by November 2005. These amendments are necessary to meet the requirements of a severe area State Implementation Plan (SIP) following the reclassification of Metropolitan Washington from serious to severe non-attainment of the ozone standard. The District is working with the Metropolitan Washington Air Quality Committee (MWAQC) under the auspices of the Council of Governments (COG) in regional collaboration with the states of Virginia and Maryland to meet the mandatory SIP requirements.

No comments were received on the proposed rules and no changes have been made to the text of the proposed rules as previously published. The Council of the District of Columbia approved the rules by resolution on April 6, 2004. These final rules will become effective upon publication of this notice in the *D.C. Register.*

DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in the District of Columbia Air Pollution Control Act of 1984, as amended, effective March 15, 1985 (D.C. Law 5-165, D.C. Official Code § 8-101.06), and Mayor's Order 98-44 (dated April 10, 1998) hereby gives notice of this final action to adopt amendments to Chapter 3, of Subtitle A: Air Quality, of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR) as published with the Notice of Proposed Rulemaking in the *D.C. Register* on March 19, 2004 (51 DCR 3057).

These rules amend 20 DCMR Chapter 3 (Operating Permits) by adding a new section 307 to require that increased emission fees be paid by each major stationary source of VOCs and NOx if the District of Columbia fails to meet the national ambient air quality standards ("NAAQS") for ozone by November 2005. In January 2003 the Environmental Protection Agency ("EPA") classified the District of Columbia as a "severe non-attainment area" for ozone. Sections 182 and 185 of the federal Clean Air Act, 42 U.S.C. 7511a and 7511d, require that severe non-attainment areas that fail to attain NAAQS for ozone by the applicable attainment date shall impose a fee on each major stationary source located in the non-attainment area. The fee is to be paid to the District as computed in accordance with Section 185(b) of the federal Clean Air Act, for each calendar year beginning after the attainment date, until the area is redesignated as an attainment area for the NAAQS ozone.

The proposed rules were originally published on January 30, 2004 (51 DCR 1278), however they were revised to incorporate comments submitted by EPA. The revised proposed rules were published on March 19, 2004 (51 DCR 3057). No comments were received on the revised proposed rules and no changes have been made to the text of the proposed rules as published on March 19, 2004.

The Council of the District of Columbia approved the rules by resolution on April 6, 2004. These final rules will become effective upon the publication of this notice in the *D.C. Register.*

DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in sections 5 and 6 of The District of Columbia Air Pollution Control Act of 1984, as amended (effective March 15, 1985, D.C. Law 5-165; D.C. Official Code §§8-101.05 and 8-101.06), and Mayor's Order 98-44 (dated April 10, 1998) hereby gives notice of this final action to adopt amendments to Chapter 7, of Subtitle A: Air Quality, of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR), as published with the Notice of Proposed Rulemaking in the *D.C Register* on February 27, 2004, 51 DCR 2118.

The final rules are necessary steps to further reduce volatile organic compound (VOC) emissions in the District. The proposed rules incorporate model rules to help reduce ozone in the eastern United States promulgated by the Ozone Transport Commission (OTC), an entity created by the federal Clean Air Act (42 U.S.C. 7506a). Since VOCs are precursors to ozone, all members of the OTC: Virginia, The District of Columbia, Maryland, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine, have drafted similar rules as part of a regional strategy to reduce ozone. The proposed rules establish thirty-six (36) new sections in 20 DCMR Chapter 7, and amend 20 DCMR 799, Definitions, by adding approximately two hundred eighty five (285) new definitions to Chapter 7. Specifically, section 718 pertains to Mobile Equipment Repair & Refinishing; sections 719 through 734 pertain to Consumer Products; sections 735 through 741 pertain to Portable Fuel Containers and Spouts; sections 742 through 748 pertain to Solvent Cleaning; and sections 749 through 754 pertain to Architectural & Industrial Maintenance Coatings.

Copies of the comments on the proposed rules and the Department of Health's responses to these comments are available for public review during normal business hours at the offices of the Department of Health, Air Quality Division, 51 N Street, NE, 5th Floor, Washington, D.C. 20002.

No changes have been made to the text of the proposed rules as previously published. These final rules will be effective upon publication of this notice in the *D.C. Register*.

DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES AND BANKING

NOTICE OF FINAL RULEMAKING

The Commissioner of the Department of Insurance, Securities and Banking, pursuant to the authority set forth in section 125 of the Insurance Trade and Economic Development Act of 2000, effective April 3, 2001 (D.C. Law 13-265: D.C. Official Code Section 31-2231.25 (2001)), hereby gives notice that final rulemaking action was taken to adopt the following rules to be included in Title 26, Chapter 50 of the District of Columbia Municipal Regulations ("DCMR"). These rules will provide the basis upon which insurers may use claims and loss information to properly non-renew homeowners' insurance, and use claims information.

An Emergency and Proposed Rulemaking was adopted on September 17, 2003, and were published in the D.C. Register on October 31, 2003 at 50 DCR 9269. The rules were promulgated on an emergency basis to prevent insurers from using weather-related claims from hurricane Isabel, which occurred on September 17-18, 2003, as grounds to non-renew or deny homeowners' insurance to District of Columbia residents. Several comments were received from interested parties, and substantives changes were made based on those comments. A second Notice of Emergency and Proposed Rulemaking, which superseded the first Notice of Emergency and Proposed Rulemaking was published in the in the D.C. Register on January 23, 2004 at 51 DCR 987.

No comments on the Second Notice of Emergency proposed rules were received. No substantive changes have been made. These rules shall become effective on the date of publication of this notice in the D.C. Register.

26 DCMR is amended by adding a new Chapter 50, Unfair Trade Practices, to read as follows:

5000 PERMISSIBLE REASONS FOR NON-RENEWAL AND USE OF CLAIMS HISTORY INFORMATION

5000.1 An insurer shall not refuse to renew a policy of homeowners insurance solely due to claim or loss frequency unless there have been two or more claims during the most recent three-year experience period.

(a) For purposes of counting the number of claims under subsection 5000.1, the insurer shall not consider the first claim for a loss caused by weather, unless the insurer can provide evidence that the insured unreasonably failed to maintain the property and such failure to maintain contributed to the loss.

(b) For purposes of subsection 5000.1, the insurer shall not consider the first claim that was reported to the agent or insurer for which no payment was made by the insurer.

(c) For purposes of subsection 5000.1, the insurer shall not consider a loss for where there was no investigation or other claim activity.

(d) For purposes of subsection 5000.1, an insurer shall not count any losses caused by a catastrophic event. A catastrophic event shall be a manmade or natural event that causes $25 million or more in insured property losses, and affects a significant number of property and casualty policyholders and insurers.

5000.2 Every insurer shall provide a notice to its homeowners insurance policyholders that the insurer considers claims history in determining whether to renew the policy. Such notice may be on the declarations page or on a separate notice that accompanies the policy so long as the notice is conspicuous and includes the following statement: "Your insurer may consider your claims and loss history when determining whether to renew your policy."

5000.3 An insurer may refuse to renew a policy of homeowner's insurance due to claim or loss frequency based upon standards more restrictive than those set forth in this rule if the insurer has, at the time of policy issuance or renewal, provided the insured with a written copy of the underwriting standards upon which the insurer based its nonrenewal, so long as the standards are conspicuous.

5001 USE OF CLAIMS HISTORY—NEW BUSINESS

5001.1 In determining whether to issue a homeowners' insurance policy on a property not previously owned by the applicant, an insurer shall not base an adverse underwriting decision solely on the loss history of a previous owner of the property to be insured.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., 2nd FLOOR, WEST TOWER
WASHINGTON, D.C. 20005

NOTICE OF FINAL RULEMAKING

TELEPHONE TARIFF 03-04, IN THE MATTER OF THE APPLICATION OF VERIZON-WASHINGTON, D.C., INC., FOR AUTHORITY TO AMEND THE LOCAL EXCHANGE SERVICES TARIFF, P.S.C. - D.C. -No. 203

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice of its final rulemaking action, taken in Order No. 13150 (April 2, 2004), to approve the tariff application of Verizon Washington, D.C. Inc. ("Verizon DC")[1] to amend the following tariff pages:

LOCAL EXCHANGE SERVICES TARIFF, P.S.C. - D.C.-No. 203
Section 31, 4th Revised Page 1
3rd Revised Page 2
1st Revised Pages 3 and 4

2. Through this tariff filing Verizon DC sought to change the names of its existing Local Package options and add the choice of Speed Dial 8 or Speed Dial 30 to the Verizon Regional Package (currently named Local Package Basic).[2] Verizon DC asserted that the tariff filing complies with the requirements of Plan 2002,[3] and that the changes would not have any measurable impact on cost or revenue.[4]

3. A Notice of Proposed Rulemaking inviting public comment was issued on January 2, 2004.[5] No comments were filed. Subsequently, the Commission, in Order No. 13150, approved Verizon DC's tariff modification, finding that the name changes would likely have no effect on the rates or provision of service under Plan 2002, and that the addition of Speed Dial 8 to the Local

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1 *Telephone Tariff 03-4, In the Matter of the Application of Verizon Washington, D.C., Inc., for Authority to Amend the Local Exchange Services Tariff, P.S.C.-D.C.-No. 203,* Letter from J. Henry Ambrose, Vice President for Regulatory Matters of Verizon DC (December 10, 2003) ("Application").

2 Application at 1.

3 *Formal Case No. 1005, In the Matter of Verizon Washington, D.C. Inc.'s Price Cap Plan 2002 for the Provision of Local Telecommunications Service in the District of Columbia,* Order No. 12368 (April 1, 2003). ("Plan 2002").

4 *See* Application at 1.

5 50 *D.C. Reg.* 100-101 (2004).

Package Basic (proposed Verizon Regional Package) option, which had previously included Speed Dial 30, would not increase the incremental cost of that option.[6] This tariff modification becomes effective upon the publication date of this Notice of Final Rulemaking in the *D.C. Register*.

6 Order No. 13150 at 2.