

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupation Revision Act of 1985 ("Act"), effective March 25, 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 his intent to take final rulemaking action to adopt the following amendment to chapter 42 of Title 17 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. The purpose of the amendment is to clarify the licensure requirements for applicants educated in foreign countries.

17 DCMR Chapter 42, DENTISTRY, section 4203.2(c), is amended to read as follows:

- 4203.2 (c) Submit proof that the applicant has successfully completed a specified program of clinical and didactic training in a dental school recognized by the Council on Dental Accreditation of the ADA, which certifies that the applicant meets the same criteria as a DDS or DMD degree issued in the United States or Canada.

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 sent to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday.

DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATIONNOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in sections 5 and 6(a) of The District of Columbia Air Pollution Control Act of 1984 (Act), 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 his intent to take final rulemaking action to adopt the following 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) in not less than fifteen (15) days from the date of publication of this notice in the D.C. Register pursuant to D.C. Official Code § 2-505(a).

There is good cause for a shortened notice of publication in the D.C. Register because the federal Clean Air Act requires implementation of the proposed rules by March 1, 2004 due to the District's redesignation of severe non-attainment for ozone. In addition, there is good cause for a shortened notice of publication in the D.C. Register because the public has already had an opportunity to submit written comments and testify at a public hearing on this matter. The proposed rules have been available for public review since June 7, 2003 at the offices of the Environmental Health Administration (EHA), 51 N Street, NE, Room 6051, Washington, D.C. 20002, and at the following D.C. Public Library branches: 901 G Street, NW; Connecticut Avenue & McKinley Street, NW; 37th Street & Alabama Avenue, SE; Wisconsin Avenue & R Street, NW; 18th Street & Rhode Island Avenue, NE. In addition, the proposed rules have been available on the DC Government website at <http://airquality.dc.gov>. A public hearing was held on July 9, 2003 at 6:00 p.m. in One Judiciary Square, 441 4th Street, NW, Washington, D.C., to provide interested parties an opportunity to comment on the proposed rules. Notice of this hearing was published in a general circulation newspaper, and approximately forty (40) people attended the hearing. The written and oral comments have been taken into consideration and incorporated into the Proposed Rulemaking where appropriate.

The proposed rules would 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. In addition, there are two amendments that correct typographical errors in the original legislation.

As the proposed rules are necessary to comply with federal requirements needed to implement the District's comprehensive air pollution control program, pursuant to the Act, they are being transmitted to the Council of the District of Columbia, and will not become effective until the end of the fifteen day (15) comment period, the expiration of the forty-five (45) day period of Council review or upon approval by Council resolution, whichever occurs first, and publication of a notice of final rulemaking in the D.C. Register.

Title 20 DCMR (ENVIRONMENT) (February 1997), SUBTITLE A: AIR QUALITY is amended by deleting the current regulations 199.1 "Major stationary source", 204.4, 600.1(a), 600.1(b), 715.2, 715.3, 715.4(b), 805.1(a), 805.1(a)(3), 805.1(a)(4), 805.1(b), 805.1(c)(1), 805.5(b), 805.5(c)(1)(A), 805.5(c)(1)(B), 805.5(c)(2)(A), 805.5(c)(2)(B), 805.6, 805.7, and replacing them with the following regulations:

A. Chapter 1 (GENERAL RULES) is amended as follows:

199 DEFINITIONS AND ABBREVIATIONS

199.1 Major stationary source-

- (a) Any stationary source of air pollutants that emits, or has the potential to emit, twenty-five (25) tons per year or more of oxides of nitrogen or volatile organic compounds or one hundred (100) tons per year or more of any other pollutant subject to the regulations under the Federal Clean Air Act;

B. Chapter 2 (GENERAL PERMIT REQUIREMENTS) is amended as follows:

204.4 The applicant for a permit for the source will cause to have reduced, prior to the operation of the source, sufficient emissions from other existing stationary sources so that the emissions from the new or modified major stationary source in conjunction with the reduction of the emissions (below the level of emissions that would be permitted under this chapter) from the existing stationary sources, will result in decreased emissions of the pollutant in question, and will not adversely affect the air quality in any area not attaining the national ambient air quality standards. The ratio of total reductions of emissions of oxides of nitrogen from other existing sources to total increases of emission of oxides of nitrogen from the new or modified major stationary source shall be at least one and three tenths (1.3) to one (1.0). The ratio of total reductions of emissions of volatile organic compounds from other existing sources to increases of emissions of volatile organic compounds from the new or modified major stationary source shall be at least one and three tenths (1.3) to one (1.0).

C. Chapter 6 (PARTICULATES) is amended as follows:

600.1

- (a) Nothing in § 600.1 shall be construed to allow the emission of particulate matter from any fuel-burning equipment in excess of the rate of thirteen hundredths pound (0.13 lb) per million BTU of heat input; and
- (b) Nothing herein shall be construed to require the emission of particulate matter from any fuel-burning equipment to be lower than the rate of two hundredths pound (0.02 lb) per million BTU of heat input.

D. Chapter 7 (VOLATILE ORGANIC COMPOUNDS) is amended as follows:

715.2 Reasonably available control technology shall be applied if the potential, plant-wide emissions are greater than or equal to twenty-five (25) tons per year.

715.3 Reasonably available control technology shall be applied if the potential plant-wide emissions have ever been greater than or equal to twenty-five (25) tons per year or equal or exceed twenty-five (25) tons per year in the future.

715.4 For sources for which there is no control technique guideline the requirements of this section shall apply in addition to the following:

- (b) Reasonably available control technology shall be evaluated for all process in the plant if potential emissions as determined by this section are greater than or equal to twenty-five (25) tons per year; and

E. Chapter 8 (ASBESTOS, SULFUR, NITROGEN OXIDES AND LEAD) is amended as follows:

805.1 The requirements of § 805 shall apply to any person specified pursuant to the following provisions of this section:

- (a) Any person owning, leasing, operating or controlling any major stationary source, having the potential to emit twenty-five (25) tons per year or more of oxides of nitrogen, including the following major stationary sources:

- (3) Asphalt concrete plants having the potential to emit twenty-five (25) tons per year or more of NO_x; and
 - (4) Any major stationary source or part of a major stationary source, other than those specified in this subsection, having the potential to emit twenty-five (25) tons per year or more of NO_x;
- (b) Any person owning, leasing, operating or controlling a major stationary source ever subject to § 805 shall continue to comply with all requirements of § 805, even if emissions from the subject major stationary source no longer exceed the twenty-five (25) ton per year applicability requirement of § 805; and
- (c) The requirements of § 805 shall not apply to the following:
- (1) Any person subject to § 805 who is able to demonstrate to the Mayor that, since January 1, 1990, the major stationary source has not emitted, before the application of air pollution control equipment, twenty-five (25) tons per year or more of NO_x in any year: provided that the person obtains a permit from the Mayor limiting the potential to emit to less than twenty-five (25) tons per year and provided the permit is transmitted to and approved by EPA as a revision to the District's State Implementation Plan; and
- 805.5 Any person owning, leasing, operating or controlling any fossil-fuel-fired steam-generating unit subject to § 805 shall comply with the requirements of this subsection:
- (b) After May 31, 1995, no person owning, leasing, operating or controlling any fossil-fuel-fired steam-generating unit with an energy input capacity of fifty million (50,000,000) BTU per hour or greater and less than one hundred million (100,000,000) BTU per hour shall emit NO_x at a rate greater than the applicable maximum allowable NO_x emission rate cited in this paragraph. For tangential or face-fired fossil-fuel-fired steam-generating units powered exclusively by oil: thirty hundredths pound (0.30 lb) per million BTU, based on a calendar day average;

(c) After May 31, 1995, no person owning, leasing, operating or controlling a fossil-fuel-fired steam-generating unit with an energy input capacity of one hundred million (100,000,000) BTU per hour or greater shall emit NO_x at an emission rate greater than the following maximum allowable NO_x emission rate:

(1) For dry bottom coal fired fossil-fuel-fired steam-generating units:

(A) Forty-three hundredths pound (0.43 lb) per million BTU, based on a calendar day average, for tangential or face-fired fossil-fuel-fired steam-generating units; and

(B) Forty-three hundredths pound (0.43 lb) per million BTU, based on a calendar day average, for stoker-fired fossil-fuel-fired steam-generating units;

(2) For tangential or face-fired fossil-fuel-fired steam-generating units:

(A) Twenty-five hundredths pound (0.25 lb) per million BTU, based on a calendar day average, for fossil-fuel-fired steam-generating units powered by fuel oil or a combination of fuel oil and natural gas; and

(B) Twenty hundredths pound (0.20 lb) per million BTU, based on a calendar day average, for fossil-fuel-fired steam-generating units powered exclusively by natural gas;

805.6 Any person owning, leasing, operating or controlling any asphalt concrete plant subject to § 805 shall comply with the following requirements:

(a) After May 31, 1995, no person owning, leasing, operating or controlling an asphalt concrete plant which has the potential to emit fifty (50) tons per year of NO_x or greater shall emit NO_x at a rate greater than one hundred fifty (150) ppmvd at seven

percent (7%) O₂ and carbon monoxide to a level of five hundred (500) ppmvd at seven percent (7%) O₂;

- (b) After January 1, 2005, no person owning, leasing, operating or controlling an asphalt concrete plant which has the potential to emit twenty-five (25) tons per year of NO_x or greater shall emit NO_x at a rate greater than one hundred fifty (150) ppmvd at seven percent (7%) O₂ and carbon monoxide to a level of five hundred (500) ppmvd at seven percent (7%) O₂;
- (c) Any person who owns, leases, operates or controls an asphalt plant subject to § 805.6 shall submit an emissions control plan, and have the plan approved by the Mayor under § 805.3. The plan shall be submitted by July 1, 1994;
- (d) Any person required to comply with § 805.6 shall maintain continuous compliance at all times. Compliance shall be demonstrated by recordkeeping and testing or by recordkeeping and installing a continuous emissions monitoring system as follows:
 - (1) The emissions monitoring system shall:
 - (A) Continuously monitor the NO_x emission rate from the major stationary source;
 - (B) Continuously record the NO_x emission rate from the major stationary source;
 - (C) Be installed and operated in a manner approved by the Mayor and acceptable to EPA; and
 - (D) Demonstrate that the NO_x emission rate does not exceed the applicable maximum allowable NO_x emission rate specified in § 805; and
 - (2) Testing shall meet the following requirements:
 - (A) Be conducted using methods approved by the Mayor and acceptable to EPA;

- (B) Be conducted before May 1st of each year after 1995; and
- (C) Demonstrate that the NO_x emission rate does not exceed the applicable maximum allowable NO_x emission rate specified in this subsection.

805.7 Any person owning, leasing, operating or controlling any major stationary source or part of a major stationary source subject to § 805, other than those particular types of emitting units addressed by § 805.4 through § 805.6, shall comply with the following requirements:

- (a) By May 31, 1995, no person who owns, leases, operates or controls a major stationary source with the potential to emit NO_x greater than or equal to fifty (50) tons per year shall cause, suffer, allow or permit emissions therefrom in excess of an emission rate achievable through the implementation of RACT as demonstrated in an emission control plan under § 805.3(e);
- (b) After January 1, 2005, no person who owns, leases, operates or controls a major stationary source with the potential to emit NO_x greater than or equal to twenty-five (25) tons per year shall cause, suffer, allow or permit emissions therefrom in excess of an emission rate achievable through the implementation of RACT as demonstrated in an emission control plan under § 805.3(e);
- (c) Any person subject to § 805.7(a) shall have the RACT emission limit approved by the Mayor in an emissions control plan approved under § 805.3; and shall submit the plan one hundred eighty (180) days prior to the applicable implementation deadline. The plan shall also be transmitted to and approved by EPA as a revision to the District's State Implementation Plan;
- (d) By installing and testing continuous emissions monitoring system;
 - (1) The emission monitoring system shall:
 - (A) Continuously monitor the NO_x emission rate from the major stationary source;

- (B) Continuously record the NO_x emission rate from the major stationary source;
 - (C) Be installed and operated in a manner approved by the Mayor and acceptable to EPA; and
 - (D) Demonstrate that the NO_x emission rate does not exceed the RACT emission limitations contained in the emissions control plan that EPA has approved as a SIP revision; and
- (2) Testing shall meet the following requirements:
- (A) Be conducted using methods approved by the Mayor and acceptable to EPA;
 - (B) Be conducted before May 1st of each year after 1995; and
 - (C) Demonstrate that the NO_x emission rate does not exceed the RACT emission limitations contained in the emissions control plan that EPA has approved as a SIP revision;
- (e) Any person required to implement RACT shall prepare and maintain daily records sufficient to demonstrate compliance consistent with the applicable averaging time. Records kept to demonstrate compliance shall be kept on-site for three (3) years and shall be made available to representatives of the Mayor and EPA in accordance with the requirements of an approved emissions control plan or upon request; and
- (f) Any person required to implement RACT shall, upon request of the Mayor, perform or have performed tests to demonstrate compliance with § 805.7. Testing shall be conducted in accordance with methods approved by the Mayor and EPA.

All persons desiring to comment on the proposed rulemaking shall submit written comments no later than fifteen (15) days after the date of publication of this notice in the D.C. Register, to Mr. Stanley Tracey, DC Department of Health, Air Quality Division, 51 N Street, N.E., 5th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 9:00 A.M. and 5:00 P.M. at the address listed above.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the District of Columbia Department of Transportation, pursuant to the authority of section 3(b) of Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921); the Urban Forest Preservation Act of 2002, effective June 12, 2003 (D.C. Law 14-309; D.C. Official Code 8-6501.01 *et seq.* (the act)); Mayor's Order 2003-11, January 16, 2003, and Mayor's Order 2003-173, December 1, 2003), hereby gives notice of the intent to amend the Public Space and Safety Regulations (24 DCMR) by adding a new Chapter 37, Special Trees. This chapter implements the act, which established an urban forest preservation program requiring a Special Tree Removal Permit prior to the removal of a tree with a circumference of 55 inches or more. Although the next available chapter in Title 24 would have been chapter 35, the Department wishes to reserve chapters 35 and 36 in the event that additional excavation related rules are needed. Final rulemaking action to adopt these amendments shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, but not until the Council adopts a resolution approving these rules as required by section 103 (b) of the act (D.C. Official Code 8-6501.03 (b)).

TITLE 24, DCMR, Public Space and Safety, is amended by adding a new Chapter 37 to read as follows:

Chapter 37 SPECIAL TREES**3700 SPECIAL TREE REMOVAL PERMIT**

3700.1 No person or non-governmental entity shall remove a Special Tree, other than a Hazardous Tree, without a Special Tree Removal Permit issued by the Urban Forestry Administration, as provided in the Urban Forest Preservation Act of 2002, effective June 12, 2003 (D.C. Law 14-309; D.C. Official Code 8-6501.01 *et seq.*) ("the act").

3700.2 Any person removing a Hazardous Tree without a Special Tree Removal Permit shall submit to the Urban Forestry Administration, at least 15 business after removal, a certification by an International Society of Arboriculture certified arborist that the tree was a Hazardous Tree.

3701 PERMIT APPLICATION PROCEDURES

3701.1 A permit application shall be signed by the applicant and submitted on the form provided by the Urban Forestry Administration. The application must be submitted at least fifteen (15) business days prior to the day tree removal is desired.

3701.2 As part of the application, the applicant must agree to permit an Arborist from the Urban Forestry Administration to inspect the site of the proposed removal. The

inspection shall occur during the Administration's normal business hours and prior to permit issuance.

3701.3 If an International Society of Arboriculture certified arborist or an Urban Forestry Administration arborist determines that the tree to be removed is a Hazardous Tree or is a species that has been identified under § 3701.6 as appropriate for removal, a Special Tree Removal Permit shall be issued.

3701.4 If an International Society of Arboriculture certified arborist or an Urban Forestry Administration arborist determines that the tree to be removed is not a Hazardous Tree and is not a species identified under § 3701.6 as appropriate for removal, or if the applicant stipulates as to both on the permit application, no Special Tree Removal Permit may be issued until the Applicant:

- (a) Pays into the Tree Fund a tree replacement fee equivalent to thirty-five dollars (\$35) per inch of circumference of each special tree that is to be removed;
- (b) Avers on its Special Tree removal application to plant, on the same lot and in accordance with § 3702, a quantity of saplings whose aggregated circumference, when fully grown, will equal or exceed the circumference of the Special Tree(s) to be removed; or
- (c) A combination of a) and b) so as to account for the circumference of the tree removed.

3701.5 The Special Tree Removal Permit shall be valid for sixty (60) calendar days after its issuance.

3701.6 Tree species appropriate for removal are:

- (a) *Ailanthus altissima* (common name-Ailanthus);
- (b) *Morus* species (common name-Mulberry); and
- (c) *Acer platanoides* (common name-Norway maple).

3702 PERMIT CONDITIONS FOR TREE REPLACEMENT

3702.1 A Special Tree Removal Permit issued to a Permittee electing to plant replacement trees pursuant to § 3701.4 (b) shall contain the following conditions:

- (a) Replacement trees shall, when planted, have a minimum caliper size of two (2) inches;
- (b) The replacement trees shall be properly planted;

- (c) The replacement trees shall be planted only during the planting season (October 15 to May 1), except that planting must be completed no later than six (6) months after tree removal, unless construction activity makes tree replacement infeasible, in which case planting shall be completed no later than six (6) months after construction is finished;
- (d) For a twelve month period after planting, the permittee shall water, mulch, and, when appropriate, remove from the tree any tree protection stakes and guy wires;
- (e) Not later than thirty (30) days after the replacement trees are planted, the permittee shall mail or hand deliver to the Urban Forestry Administration a certification, signed by the applicant, attesting to the successful planting of the replacement trees; and
- (f) The permittee shall grant an inspector of the Urban Forestry Administration reasonable access to the property that is the subject of the Special Tree Removal Permit.

3703 ENFORCEMENT AND ADJUDICATION

3703.1 Notices of Infractions for violations of the act, this chapter, or any condition of a Special Tree Removal Permit shall be issued, answered and adjudicated pursuant to the Department of Consumer and Regulatory Affairs Civil Infraction Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.06 *et seq.*) and the provisions of Chapter 31 of Title 16 of the District of Columbia Municipal Regulations.

3704 SCHEDULE OF FINES

3704.1 Any person who violates any provision of the act, this chapter, or any condition of a Special Tree Removal Permit shall be subject to a civil infraction fine of \$100 per inch of circumference of the tree or trees in question.

3702 PUBLIC UTILITIES

3702.1 Public utility companies regulated by the Public Service Commission may remove Special Trees in connection with utility construction, line maintenance, and emergency work within the District's right-of-way without a Special Tree Removal Permit. Such companies shall comply with the notice requirement set forth in section 105 (b) of the act, D.C. Official Code § 6-651-05 (b).

3799 DEFINITIONS

3799.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed below:

Caliper – the linear distance around the trunk of a tree when measured at a height of six inches above the ground/soil.

Circumference – the linear distance around the trunk of a tree when measured at a height of 4 ½ feet above the ground.

District's right-of-way – all the publicly owned property between the property line on a street, park, or other public property as such property lines are shown on the records of the District, and includes any roadway, tree space, sidewalk, or parking between such property lines.

Hazardous Tree – a tree that should be removed because it is:

- (a) Structurally defective, diseased, dying, or dead;
- (b) Posing a high risk of failure or fracture with the potential to cause injury to people or damage to property; or
- (c) Causing damage to property or structures that cannot be mitigated in any manner other than removal of the tree.

Person or non-governmental entity - any individual, corporation, firm, agency, association, organization, or utility company.

Special Tree – a tree within the District of Columbia that has a minimum circumference of 55 inches at 4 ½ feet above the ground.

Tree Fund – the fund established under section 107 of the Urban Forest Preservation Act of 2002, effective June 12, 2003 (D.C. Law 14-309; D.C. Official Code 8-6501.07).

All persons interested in commenting on the subject matter in this proposed rulemaking action may file comments in writing, not later than thirty (30) days after the publication of this notice in the D.C. Register, with Mariclaire McCartan, Urban Forestry Administration, Department of Transportation, 4901 Shepherd Parkway, SW, Washington, D.C. 20032. Copies of this proposal are available, at cost, by writing to the above address.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in Section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Code §§ 34-2202.03(3), (11) and 34-2202.16, Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code § 2-505(a), and in accordance with 21 DCMR Chapter 40, hereby gives notice of its intention to amend Chapter 41 of the Water and Sanitation Regulations to expand the Customer Assistance Program to tenants. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

I. Timing of Final Action on Proposed Rulemaking

No final action will be taken on the Rulemaking Proposal described in this notice until after each of the following events has occurred:

1. A public hearing is held to receive comments on the proposed rulemaking. A hearing is scheduled for Thursday April 1, 2004, at the Council of Governments, 777 North Capitol Street, N.E., Washington D.C. 20002, First Floor Conference Room;
2. The public comment period on this rulemaking expires; and
3. The Board of Directors takes final action after public comments are considered.

II. Rulemaking Proposal**EXPANSION OF THE LIFELINE PROGRAM TO TENANTS****DESCRIPTION OF PROGRAM**

The proposed Lifeline Program for tenants would exempt the first Four Hundred Cubic Feet (4 CCF) per month, of water consumption by eligible tenants from water service charges. No exemption would be provided for Sewer Service Charges. The current program only provides an exemption for homeowners. The proposed Lifeline Program for tenants would commence June 1, 2004 or as soon thereafter as practicable. Recommendations of eligibility would be made to the Authority by the District of

Columbia Energy Office and would be based upon the general household income criteria described below:

The following rulemaking action is proposed:

Title 21 DCMR, Chapter 41 RETAIL WATER AND SEWER RATES, is amended as follows:

1. By adding a new Section 4102 "CUSTOMER ASSISTANCE PROGRAM" to read as follows:

4102 CUSTOMER ASSISTANCE PROGRAM

4102.1 LIFELINE PROGRAM FOR HOUSEHOLDS AND TENANTS

- (a) Eligible households and tenants will receive an exemption from water service charges of the first Four Hundred Cubic Feet (4 CCF) per month, of water consumption.
- (b) No exemption will be provided for sewer service charges.
- (c) Participation in the Lifeline Program is limited to single-family owner-occupied primary residential accounts and individually metered tenant accounts.
- (d) Eligibility is determined by the District of Columbia Energy Office (DCEO), and will be based upon the following DCEO Low Income Home Energy Assistance Program (LIHEAP) Federal income guidelines, as periodically updated:

Household Size	Household Annual Income
1	\$13,470
2	\$18,180
3	\$22,890
4	\$27,600
5	\$32,310
6	\$37,020
7	\$41,730
8	\$46,480

For households with more than eight members, an additional \$4,710 will be added to the Household annual income for each additional member.

The Board will receive comments on the proposed expansion of the Lifeline Program to tenants as described. Comments on the proposed expansion of the Lifeline Program to tenants should be submitted, in writing, no later than thirty (30) days after the date of

publication of this notice in the D.C. Register to, Linda R. Manley, Secretary to the Board, 5000 Overlook Avenue, S.W., Washington, DC 20032.

In addition, the Board will also receive comments on the proposed expansion of the Lifeline Program to tenants at a public hearing scheduled for Thursday April 1, 2004, at the Council of Governments, 777 North Capitol Street, N.E., Washington D.C. 20002, First Floor Conference Room.

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number and name of organization (if any) by calling (202) 787-2330 or by emailing your request to "Lmanley@dcwasa.com" no later than 5:00 p.m., Friday, March 26, 2004.

Oral presentations by individuals will be limited to five (5) minutes. Oral presentations made by representatives of an organization will not be longer than ten (10) minutes.