

COUNCIL OF THE DISTRICT OF COLUMBIA

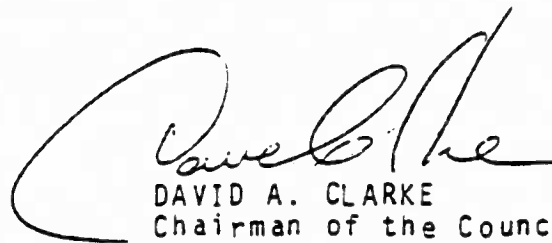
NOTICE

D.C. LAW 5-188

"Water Pollution Control Act of 1984".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-326 on first and second readings, December 4, 1984 and December 18, 1984, respectively. Following the signature of the Mayor on January 11, 1985, this legislation was assigned Act No. 5-253, published in the February 15, 1985 edition of the D.C. Register, (Vol. 32 page 919) and transmitted to Congress January 24, 1985 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-188, effective March 16, 1985.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

| | |
|----------|-----------------------------------|
| January | 24,25,28,29,30,31 |
| February | 1,4,5,6,7,19,20,21,22,25,26,27,28 |
| March | 1,4,5,6,7,8,11,12,13,14,15 |

~~EFFECTIVE~~ MAR 1 6 1985
DATE

D.C. ACT 5-253

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JAN 1 1 1985

To regulate the restoration of the cleanliness and purity of District of Columbia waters and the protection of the fish and aquatic life and their habitat.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Water Pollution Control Act of 1984".

Sec. 2. For the purposes of this act, the term:

New,
D.C. Cod
sec. 6-9
Note,
D.C. Cod
secs. 1-
1-2801,
22-1701,
22-3118
(1985 su

(1) "Act" means the Water Pollution Control Act of 1984.

(2) "Aquatic animals and plants" and "aquatic life" mean the animals and plants which have typically lived in or otherwise established as a habitat the waters of the District of Columbia.

(3) "Combined sewer" means a sewer which conveys both sanitary sewage and storm water and may also convey industrial wastewater.

(4) "Criteria" means any of the group of physical, chemical, biological, and radiological water quality parameters and the associated numerical concentrations or levels which compose the numerical standards of the water quality standards and which define a component of the quality of the water needed for a

designated beneficial use.

(5) "Discharge" means the spilling, leaking, releasing, pumping, pouring, emitting, emptying, or dumping of any pollutant or hazardous substance, including a discharge from a storm sewer, into or so that it may enter District of Columbia waters.

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

(7) "Dredge and fill activity" means the removal of dirt, sediment, sand, gravel, rock, or other solid matter from the underwater lands, and the placement of solid or semi-solid material into the waters of the District so that the material is or may be deposited on the underwater lands; the placement of pipelines, electrical cables, communication lines, tunnels, bulkheads, riprap, structural members of bridges, buildings, piers, and other facilities, and other man-made objects into the waters of the District or the underwater lands. The following activities are excluded: Federal or District navigational aids, permitted discharges of wastewater, removal of floating debris, stormwater discharges, recreational activities of individual private citizens other than mechanized mineral recovery, and the removal of materials accidentally placed in the waters of the District.

(8) "Federal Water Pollution Control Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 466 et seq.

(9) "Groundwater" means underground water, but excludes water in pipes, tanks, and other containers created

or set up by people.

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

(11) "Industrial wastewater" means water that has been used and contains pollutants but does not contain significant amounts of human body waste and disease-causing bacteria and viruses.

(12) "Mayor" means the Mayor of the District of Columbia or any representative or agency designated by the Mayor to carry out the provisions of this act.

(13) "Nonpoint source" means any source from which pollutants are or may be discharged other than a point source.

(14) "Offshore facility" means vessels, pipelines, and other equipment operated in the District of Columbia waters.

(15) "Onshore facility" means equipment, instruments, buildings, vehicles, or other structures not in the water.

(16) "Owner" or "operator" means for a vessel or onshore or offshore facilities, a person owning, operating or chartering by demise the vessel or the facilities.

(17) "Person" means any individual, including any owner or operator as defined in this section; partnership; corporation; including a government corporation; trust association; firm; joint stock company; organization; commission; the District or federal government; or any other entity.

(18) "Point source" means any discrete source of quantifiable pollutants, including, but not limited to a municipal treatment facility discharge, residential, commercial or industrial waste discharge or a combined sewer overflow; or any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

(19) "Pollutant" means any substance which may alter or interfere with the restoration or maintenance of the chemical, physical, radiological, and biological integrity of the waters of the District; or any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemicals, chemical wastes, hazardous wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, oil, gasoline and related petroleum products, and industrial, municipal, and agricultural wastes.

(20) "Sanitary sewage" or "municipal wastewater" means draining or flushing liquids used to flush or rinse

away human body waste from people, liquids used for washing and other household activities, and other liquids or rinsed away waste which may have been contaminated with disease-causing bacteria and viruses.

(21) "Sanitary sewer" means a sewer for waste materials, but not one for rain water.

(22) "Sludge" means the solid or semi-solid material removed from wastewater during treatment, including, but not limited to grit, screenings, grease, oil, settleable solids, and chemicals added to the treatment processes.

(23) "Treatment facility" means the plant, the equipment, and the operations used to eliminate pollutants in wastewater, and includes the facilities and the activities administering to or supplying the treatment of wastewater.

(24) "Underwater land" means the land beneath the waters of the District at mean high tide or the ordinary high waterline or the elevation of the highest water stage that occurs at a frequency of once per year.

(25) "Wastewater" means the waters which have been removed from their normal course or place and have been used in a manner that pollutants have been added or increased during the use, or have been altered so that discharge into the waters of the District may result in pollution.

(26) "Waters of the District" or "District waters" means flowing and still bodies of water, whether

artificial or natural, whether underground or on land, so long as in the District of Columbia, but excludes water on private property prevented from reaching underground or land watercourses, and also; excludes water in closed collection or distribution systems.

(27) "Wetland" means a marsh, swamp or other area periodically inundated by tides or having saturated soil conditions for prolonged periods of time and capable of supporting aquatic vegetation.

Sec. 3. Except as provided in section 7, no person shall discharge a pollutant to the waters of the District.

New,
D.C. Code
sec. 6-92
(1985 sup

Sec. 4. (a) While regulating against water pollution and except as provided in subsection(d), the Mayor shall protect aquatic animals and plants, and shall preserve and restore aquatic life in District waters for aesthetic enjoyment, for recreation, and for industry.

New,
D.C. Code
sec. 6-92
(1985 sup

(b)(1) The Mayor shall study the number and the well-being of aquatic plants and animals, and shall determine the need to license or otherwise limit fishing and other forms of hunting, sports or industry which take or destroy aquatic life or the aquatic habitat. The Mayor shall consider the economic impact upon the various segments of the public before establishing fees for licenses.

(2) The Mayor may establish fishing seasons and other seasons for hunting, sports or industry, which take or destroy aquatic life or the aquatic habitat.

(3) Revenues from a licensing regulatory scheme under this section shall be used only for protecting and

managing aquatic life.

(c) The Mayor may enter into agreements with state and federal agencies to manage and protect aquatic life.

(d) The Mayor may protect against aquatic life which creates a nuisance in the District.

Sec. 5. (a) At least once every three years, the Mayor shall review the water quality standards and if appropriate revise the classification of the beneficial uses of the waters and the criteria for water needed for the particular classes of beneficial uses.

New,
D.C. Cod
sec. 6-9
(1985 su

(b) The classifications and the criteria shall accompany guidelines for preserving the waters for the beneficial uses and for preventing harm to the water quality.

(c) Before promulgating the classifications, criteria, and guidelines, the Mayor shall consider the environmental, technological, institutional, and socio-economic impact of applying and enforcing them.

(d) The Mayor shall regularly monitor District waters, according to their classification under subsection (a), to determine whether the water fulfills the quality standards established under this act.

Sec. 6. (a) The Mayor shall ensure that all monitoring for compliance under this act acquires accurate data and forms the basis for valid and reliable determinations.

New,
D.C. Code
sec. 6-92
(1985 sup

(b) Monitoring for compliance as a condition for a permit under this act shall comply with a quality assurance plan approved by the Mayor.

Sec. 7.(a) Except that no one may discharge into a sewer corrosive, flammable, or explosive material, or material that may adversely affect the structure of a sewer line, the Mayor may:

(1) allow activity which, from a point source, discharges a hazardous substance, oil or other pollutant;

(2) limit pollution from nonpoint sources to a feasible degree; and

(3) except as provided in subsection (d), allow dredging and filling activities on underwater lands to the extent that the activities do not interfere with fish migration, and to the extent that the aquatic habitat remains preserved or the mitigation of the destruction of the habitat takes place.

(b) If the Mayor permits any discharge under subsection (a)(1), then the Mayor shall:

(1) permit the discharge and the regulated activity according to this act, the Federal Water Pollution Control Act, and regulations related to these acts of legislation;

(2) explicitly list the conditions under which the discharge will be permitted;

(3) explicitly determine the amount of wastewater and pollutants that will be permitted under the permit referred to in this section;

(4) clearly establish the location of the discharge;

(5) require any monitoring and reporting by the