

A RESOLUTION

25-670

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 1, 2024

To declare the existence of an emergency with respect to the need to amend the District of Columbia Public Works Act of 1954 to clarify that an owner or occupant of property in the District shall pay an impervious area charge that the District of Columbia Water and Sewer Authority d/b/a DC Water (“DC Water”) assesses; and to amend the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to clarify that DC Water may assess an impervious area charge on any property in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “CRIAC Clarification Emergency Declaration Resolution of 2024”.

Sec. 2. (a) In 2009, the Council passed the Water and Sewer Authority Equitable Ratemaking Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-30; 56 DCR 1350), which authorized the District of Columbia Water and Sewer Authority (“DC Water”) to use a billing methodology that takes into account the amount of impervious surface on a property. Since then, DC Water has been assessing the Clean Rivers impervious area charge (“CRIAC”) against property owners in the District.

(b) The CRIAC funds upgrade the District’s combined sewer system, as mandated by a consent order between the District and the federal government, to prevent overflows during heavy rains that impair the region’s water quality and health. This federally-mandated project is known as the Clean Rivers Project.

(c) Two lawsuits before the D.C. Court of Appeals challenge DC Water’s authority to levy the CRIAC against property owners who are not connected to the District’s sewer system. However, the Council did not intend to exempt property owners not connected to the sewer system from the CRIAC. Such property owners – like parking lot owners – still contribute substantially to stormwater runoff and the overflow of the District’s combined sewer system. Charging such property owners the CRIAC for their contribution to stormwater runoff equitably spreads the burden of upgrading and maintaining the District’s sewer systems. Briefing in one of these appeals is scheduled to close in early November.

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(d) Emergency legislation is therefore necessary to clarify that DC Water has had the authority since 2009 to assess the CRIAC against property owners who are not connected to the District's sewer system.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the CRIAC Clarification Emergency Amendment Act of 2024 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.