

COUNCIL OF THE DISTRICT OF COLUMBIA

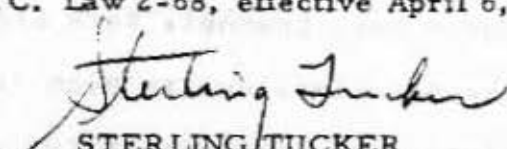
NOTICE

D. C. Law 2-68

"Water Quality Standard Approval Act of 1977"

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. 2-147, on first and second readings October 11, 1977 and October 25, 1977, respectively. Following the signature of the Mayor on January 27, 1978, this legislation was assigned Act No. 2-136, published in the February 17, 1978, edition of the D. C. Register and transmitted to both Houses of Congress 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 the following legislation as D. C. Law 2-68, effective April 6, 1978.

  
STERLING TUCKER  
Chairman of the Council

(Vol. 24, D. C. Register, 6809, February 17, 1978)

2-68

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 6, 1978

To require the District of Columbia Council approval of all revisions of the District's Water Quality Standards, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Water Quality Standard Approval Act of 1977".

Sec. 2. Part 8, Chapter 2 of Title 8 of the District of Columbia Health Regulations, codified in July 1965 is amended as follows:

(a) insert the following new sections and renumber the remaining section as appropriate:

"8-2:808 Potomac River and Tributaries designated as a Health Hazard: water Contact Sports Prohibited.

"(a) The Potomac River, the Anacostia River, the Washington Ship Channel, Rock Creek and Oxon Run as well as their tributaries, due to high levels of fecal and other pollutants, are each designated as a public health hazard.

"(b) No person shall engage in any recreational activity which includes contact with the waters designated a public hazard within this section. 'Recreational activity' as used

in this subsection shall mean swimming, wading, diving, or water skiing or any other activity which, as a portion of its conduct, includes purposeful contact with the water, but shall not mean fishing and boating, nor shall it mean diving for non-recreational purposes as governed by Title Eleven (11), Chapter IX of the Rules and Regulations of the District of Columbia, Diving Operations.

"(c) No person shall permit any dog, cat or other animal owned by that person or under his supervision or control to come into contact with any of the waters designated as a public health hazard in this section.

"(d) Any person who contacts the waters designated as a public health hazard in this section shall as soon as possible after that contact cleanse himself (over the area of contact).

"8-2:809 Posting of Notice to the Public.

"(a) The Mayor shall post notices, which may be in abbreviated form, of the prohibition contained in 8-2:802(b) on at least every one-half (1/2) mile of shore as near to the water as possible, on the shores of the following waters:

- (1) The Potomac River;
- (2) The Anacostia River;
- (3) The Washington Ship Channel;

(4) Rock Creek; and

(5) Oxon Run.

"(b) The Mayor shall conspicuously post notice to the public in at least one place on each of the waters designated in the above subsection (a) of the pollution levels in that particular water and an explanation of the public health hazards encountered due to those pollutants.

"8-2:810 Spray onto Land Prohibited.

"On District waters designated as a public health hazard no person shall operate any pumping device, or water vessel so as to generate a spray which falls upon the adjacent shore, except upon variance granted by the Mayor for good cause shown.

"8-2:811 Mayor Authorized to take Further Action.

"Upon determination that any indirect contact with the waters of the District, such as fishing and/or boating, pose a hazard to the public health, the Mayor:

"(a) may take such actions as deemed necessary to protect the public health until the hazard has ended. Such actions may include, but are not limited to, a prohibition of any and all recreational activities on the affected waters of the District;

"(b) may extend the effective life of such actions beyond the two (2) week period only if the Council of the District of Columbia by resolution so approves;

"(c) shall notify the Council of the District of Columbia immediately of all actions taken pursuant to this section; and

"(d) shall notify at least two (2) newspapers of general circulation in the District of Columbia and four radio stations in the District of Columbia of the actions taken pursuant to this section.

"Such actions shall remain in effect until rescinded by the Mayor or for a period not to exceed two weeks, whichever is shorter.

"8-2:812 Prevention of Pollution by Watercraft.

"(a) The discharge into the Potomac River or its tributaries of any wastes, whether liquid or solid, treated or untreated, from any vessel berthed at a marina, dock, or basin is hereby prohibited.

"(b) Each marina, dock, or basin where vessels or other watercraft are berthed shall be provided with water closets, urinals, and lavatories which are separate for each sex, readily available and in sufficient numbers to meet the needs of persons using the marina facilities. Each marina, dock or basin, where vessels or other watercraft suitable

for overnight accommodations are berthed shall, in addition to the above, be equipped with suitable bathing facilities. Such facilities must be approved by the Mayor to be acceptable for these purposes.

"8-2:813 Council Approval of Water Quality Standards.

"The Mayor shall submit all future revisions of the City's Water Quality Standards (promulgated by the Mayor-Commissioner on June 29, 1967 in Commissioner's Order 67-942 and as later amended) to the Council of the District of Columbia for approval. The Council of the District of Columbia must approve such revisions by resolution prior to the Mayor's submitting them to the United States Environmental Protection Agency.

"8-2:814 Variances.

"Any person engaged in an operation, or operations, which may result in providing a source of pollution affecting the Potomac River or one of its tributaries, shall be excused by the Director from the performance of any act required by the provisions of this regulation, either in whole or in part, upon a finding by the Director that the full performance of such act would result in exceptional or undue hardship by reason of excessive structural or mechanical difficulty, or impracticability of bringing the operation into full compliance with the requirements of this

regulation: PROVIDED, That a variance shall be allowed only where and to the extent necessary to ameliorate such exceptional or undue hardship, and only when compensating factors are present which give adequate protection to the public health and public welfare, and only where and to the extent such variance can be granted without impairing the intent and purpose of this regulation: PROVIDED FURTHER, That a record, open to inspection to the public, shall be maintained in the Department of each and every variance allowed under the terms of this section."

(b) Section 8-2:802 is amended by the addition of the following definition, renumbering the remaining definitions as appropriate:

"(g) Mayor - The Mayor of the District of Columbia or the designated representative thereof."

(c) Section 8-2:808 is renumbered Section 8-2:815.

Sec. 3. This act shall take effect pursuant to section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.



# RECORD OF OFFICIAL COUNCIL ACTION

Docket No: 2-147

First Reading Action: October 11, 1977

Barry, Wilson

☒ VOICE VOTE: Adopted Unanimously (5 abs.) Clarke, Spaulding, D Moore

Robert Williams  
Secretary to the Council

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DIXON					SHACKLETON									

X—Indicates Vote A. B.—Absent N. V.—Not Voting

Secretary to the Council

Amended First Reading Action: \_\_\_\_\_

☐ VOICE VOTE: \_\_\_\_\_

Secretary to the Council

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DIXON					SHACKLETON									

X—Indicates Vote A. B.—Absent N. V.—Not Voting

Secretary to the Council

Final Reading or Emergency Action: October 25, 1977

☒ VOICE VOTE: Adopted Unanimously (4 abs.) Barry, Clarke, Hardy, D Moore

Robert Williams  
Secretary to the Council

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DIXON					SHACKLETON									

X—Indicates Vote A. B.—Absent N. V.—Not Voting