

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF PUBLIC HEARING

Action to Amend the Ban on Swimming in the Potomac River

The District Department of the Environment (DDOE) invites the public to present its views and comments on a proposed amendment to create a annual, permanent, event-specific suspension of the prohibition on swimming in the Potomac River, at a public hearing on Wednesday, July 18, 2012, 6:00 pm, at the District Department of the Environment, 1200 First Street, NE, 6th floor Conference Room 612, Washington, D.C. 20002 (NoMa-Gallaudet U Metro Stop).

Persons may obtain a copy of this Notice of Public Hearing or the Proposed Rules by either: (1) visiting DDOE's website, www.ddoe.dc.gov, and clicking on "Regulation & Law", cursoring over the pull-down "Public Notices & Hearings", then clicking on the announcement for this rulemaking, and following directions to download the document in PDF "cut-and-paste" format; (2) e-mailing a request to ddoe.swimrules@dc.gov with "Request copy of proposed river swimming rules" in the subject line; (3) stopping by DDOE's offices and asking for a copy at the 5th floor reception desk at the following address (mention "DDOE River Swimming Rules"); or (4) writing DDOE Water Quality Division, 1200 First Street, N.E., 6th Floor, Washington, DC 20002, "Attention: River Swimming Rules, requesting a copy" on the outside of the letter.

Persons who wish to testify are requested to notify DDOE in writing to the attention of "River Swimming Rules" at the above address of DDOE's Water Quality Division, or by email to ddoe.swimrules@dc.gov, and to provide a written statement, including name, address, telephone number, and the organization represented, if any. Written statements should be clearly marked to refer to "River Swimming Rules". DDOE requests written statements to be filed by the day of the hearing, however, they may be filed with DDOE by the later of thirty (30) days after the date of publication of this notice in the *D.C. Register*, or July 31, 2012. Testimony and written statements will be treated as comments to the proposed rules. Others present at the hearing who wish to be heard may testify after those on the witness list have been called.

Persons who wish to provide comments should clearly mark them with "River Swimming Rules", and either: (1) mail or hand-deliver them to DDOE's Water Quality Division, 1200 First Street, N.E., 5th Floor, Washington, DC 20002, Attention: River Swimming Rules; (2) e-mail them to ddoe.swimrules@dc.gov, with the subject indicated as "River swimming rules comments"; or (3) deliver them in person, orally or in writing, at the public hearing. DDOE will consider each timely-received, identified comment before publishing a final rule.

DDOE is committed to considering the public's comments in a rulemaking process that is open and observes the privacy rights of commenters. Ordinarily, DDOE will look for the commenter's name and address on the comment. If a comment is e-mailed, the email address will be automatically captured, included in the public record, and made available on the internet. If DDOE cannot read a comment due to technical difficulties or the email address contains an error, DDOE may not be able to contact the commenter for clarification, or consider the comment. Including the commenter's name and contact information in the comment will help avoid this difficulty.

Except as stated below, DDOE will not consider anonymous comments. Unless a comment contains copyrighted material, confidential personal or business information, or other information whose disclosure is restricted by statute ("non-public"), all comments will be treated as public documents, and will be made available for public viewing on DDOE's internet website. If a commenter considers information to be non-public, the commenter must advise DDOE in writing when the comment is submitted. When DDOE identifies a comment containing copyrighted material, DDOE will provide a reference to that material on the website. When DDOE identifies information that has been correctly described as non-public, DDOE will either (1) return the entire comment and decline to consider it; (2) redact or otherwise conceal the non-public information and consider the rest of the comment; or (3) communicate with the commenter to determine what part, if any, of the comment DDOE might consider as part of the public record.