

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

Clean Rivers Impervious Surface Area Charge Relief Programs and Determinations of Eligibility for Residential Customer Assistance Programs

The Director of the Department of Energy and Environment (Department), pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl. & 2018 Supp.)); the District of Columbia Water and Sewer Authority Rate Increase Mitigation Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-168; D.C. Official § 34-2202.16b (2018 Supp.)); Section 203(15) 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; D.C. Official Code § 34-2202.03(15) (2012 Repl. & 2018 Supp.)); Mayor's Order 2006-61, dated June 14, 2006; and Mayor's Order 2018 - 104, dated December 31, 2018, hereby gives notice of the adoption of the following emergency rules to add a new Chapter 37 (Customer Assistance Programs Eligibility Determinations) to Title 20 (Environment), and amend Chapter 5 (Water Quality and Pollution) of Title 21 (Water and Sanitation), of the District of Columbia Municipal Regulations (DCMR).

The Clean River Impervious Surface Area Charge (CRIAC) fees charged to DC Water customers have increased significantly over the past few years to pay for the large-scale combined sewer system infrastructure expansion necessary to comply with federally mandated requirements and a judicial consent decree to reduce combined sewer overflows from the Anacostia and Potomac Rivers and their tributaries. The cost of this work has imposed a significant burden on low income residents, residents on fixed incomes, some moderate income residents, and on nonprofit organizations that serve District residents, especially churches and cemeteries.

The rulemaking establishes eligibility criteria related to two new assistance programs for DC Water residential customers, referred to as the Customer Assistance Program II (CAP2) and the Customer Assistance Program III (CAP3) for which the Department will be providing funding. The CAP2 Program provides eligible customers with Department-funded benefits towards their Clean River Impervious Surface Area Charge (CRIAC), while DC Water will fund benefits towards their water and sewer charges. The eligibility criteria will be the same for both the Department and the DC Water funded parts of the program. The CAP3 program provides eligible customers with Department-funded benefits towards their CRIAC. CAP2 households (with incomes between 60% State Median Income and 80% Area Median Income) receive a credit of 50% of their CRIAC and a portion of their water and sewer fees and CAP3 households (with incomes between 80% Area Median Income and 100% Area Median Income) receive a credit of 75% of their CRIAC. On average, CAP2 participants will receive an approximate monthly discount of 40% on their overall water bill and CAP3 participants will receive an approximate average discount of 15% percent on their overall bill.

DC Water also has a Customer Assistance Program (CAP) that provides DC Water-funded benefits to eligible residential customers to assist with both their water and sewer charges and

their CRIAC. Under proposed regulations promulgated by DC Water, the eligibility criteria for the CRIAC portion of CAP will mirror the eligibility criteria for the water and sewer charge portion.

Accordingly, pursuant to DC Water regulations and Mayor’s Order 2018-104, the Department will determine whether residents meet the eligibility criteria for receiving CRIAC benefits under CAP, CAP2, and CAP3, and will advise DC Water as to whether residents meet the eligibility criteria for receiving water and sewer benefits under CAP and CAP2. These regulations establish a process for DC Water residential customers to apply for benefits under the CAP, CAP2 and CAP3 programs, and for the Department to make a determination of eligibility.

Finally, the rulemaking establishes a Clean Rivers Impervious Surface Area Charge (CRIAC) nonprofit relief program for certain nonprofit organizations located within the District of Columbia. Under this program, nonprofit organizations that meet specified eligibility requirements, including financial hardship and implementation of stormwater mitigation activities, will be eligible to receive credits of up to 90% of their CRIAC charge.

This rulemaking is being promulgated as an emergency to allow eligible DC Water Residential Customers and nonprofit organizations to immediately have access to the described benefits. The CRIAC fees have increased significantly over the past few years to pay for the large-scale combined sewer system infrastructure expansion necessary to comply with federally mandated requirements and a judicial consent decree to address combined sewer overflows into the Anacostia and Potomac Rivers and their tributaries. The cost of this work has imposed a significant burden on low income residents, residents on fixed incomes, some moderate income residents, and on nonprofit organizations that serve District residents, especially churches and cemeteries. Notwithstanding the environmental benefits of the Clean Rivers Program, it is necessary to adopt this rule immediately to preserve and promote the public welfare, which is being adversely and significantly impacted by the CRIAC fees increases.

These emergency rules will remain in effect for up to one hundred twenty (120) days from the date of adoption or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Title 20 DCMR, ENVIRONMENT, is amended by adding a new Chapter 37 as follows:

**CHAPTER 37 CUSTOMER ASSISTANCE PROGRAMS ELIGIBILITY
 DETERMINATIONS**

- 3700 CUSTOMER ASSISTANCE PROGRAMS**
- 3701 APPLICATION PROCESS**
- 3702 ELIGIBILITY**
- 3703 BENEFITS**
- 3704 DENIAL, REDUCTION, OR REVOCATION OF BENEFITS**
- 3705 ADMINISTRATIVE APPEALS**
- 3799 DEFINITIONS**

3700 CUSTOMER ASSISTANCE PROGRAMS

3700.1 This chapter sets forth the process and appeal procedures for the Department’s determination of income eligibility for the CRIAC portion of DC Water’s Customer Assistance Program (CAP) and Customer Assistance Program II (CAP2), and for the Department’s Customer Assistance Program III (CAP3).

3700.2 This chapter also sets forth the Department’s eligibility criteria for the CRIAC benefits under the CAP2 and CAP3 programs.

3701 APPLICATION PROCESS

3701.1 In order for the Department to determine the financial eligibility of an applicant to receive CAP, CAP2, or CAP3 benefits, a person shall file an application with the Department.

3701.2 The Department shall prescribe the form of the application to be filed, and provide either a paper or electronic application, which shall be signed by the applicant. The application shall state that the making of a false statement in the application, or the signing of the application with knowledge that facts stated in the application are not true, carries criminal penalties in accordance with Section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405).

3701.3 An authorized representative may apply on behalf of an applicant if the applicant provides:

- (a) A written and signed statement stating why the applicant cannot complete an application without a representative; and
- (b) The name and address of the person authorized to act on the applicant’s behalf.

3701.4 If requested by an applicant with a disability, or the representative of a person with a disability authorized pursuant to § 3701.3, the Department may assist the applicant or representative with the aspects of the application process necessary to ensure that the applicant with a disability has an equal opportunity to submit an application.

3701.5 The Department may also assist an applicant in the application process who is unable to apply for the benefit in person for a reason other than disability, including making a visit to an applicant’s home, if:

- (a) The applicant is sixty-five (65) or older, infirm, or unable to travel; or

- (b) The applicant's residence is located in a building or complex of buildings that house many other likely applicants.

3702 ELIGIBILITY

3702.1 In order to be eligible for a benefit, the applicant household shall:

- (a) Be financially eligible, by meeting the following annual income eligibility requirements:
 - (1) For participation in the CRIAC portion of CAP, the income requirements established at 21 DCMR § 4102.1 (a)(2), which are that the applicant's annual household income is below sixty percent (60%) of the State Median Income (SMI) for the District of Columbia;
 - (2) For participation in the CRIAC portion of CAP2, the income requirements established at 21 DCMR § 4102.2 (a)(2) for water and sewer bill benefits, which are that the applicant's annual household income is at or above sixty percent (60%) of the SMI for the District of Columbia and at or below eighty percent (80%) of the Area Median Income (AMI) for the District of Columbia not capped by the United States median low income limit (USLIL); and
 - (3) For participation in CAP3, the applicant's annual household income is above eighty percent (80%) of the AMI for the District of Columbia not capped by the USLIL and at or below one-hundred percent (100%) of the AMI for the District of Columbia; and
- (b) Be responsible for payment of DC Water's water and sewer services bill or the CRIAC; and
- (c) Reside in the District of Columbia.

3702.2 The applicant must be at least eighteen (18) years old or emancipated.

3702.3 A determination of financial eligibility shall be based on the adjusted gross income of the household, unless the applicant can provide sufficient evidence that the adjusted gross income is not an accurate representation of current income.

3702.4 As a condition of eligibility, each applicant shall sign a release, or provide electronic acknowledgement, authorizing the Department to obtain or verify information necessary to process the application or for reporting purposes.

3702.5 Each applicant shall cooperate fully in establishing his or her eligibility, the nature of the need, and the extent of the need, each of which shall include providing documentation or other proof of:

- (a) Household composition;
- (b) Income; and
- (c) Any additional information that the Department may require.

3702.6 The Department may obtain the information used in determining eligibility from:

- (a) A document;
- (b) A telephone conversation or interview for which notes are taken;
- (c) Data from another government agency or utility provider;
- (d) Internet data; and
- (e) Other relevant sources.

3702.7 The eligibility and benefit determination will be completed within thirty (30) days after the Department receives a completed application, or, in the event of an unexpected or extenuating circumstance that affects the Department, such as a natural disaster, as promptly thereafter as possible, except that the following shall toll the timeline:

- (a) An applicant's failure to supply information to document facts stated in an application;
- (b) An inability to contact an applicant after three (3) attempts;
- (c) Evidence of misrepresentation in an application;
- (d) A failure to respond by a third party from whom the Department has requested information and over whom the Department has no control; or
- (e) A delay in receipt of necessary information over which the Department has no control.

3703 BENEFITS

3703.1 Benefits for CAP and CAP2 will be provided in accordance with the provisions of 21 DCMR § 4102.

- 3703.2 Households eligible for CAP3 shall receive seventy-five percent (75%) off of the monthly billed CRIAC, subject to the availability of funds.
- 3703.3 CAP3 benefits will be applied through a credit on the DC assessed water and sewer bill after the Department transfers funds to DC Water for this purpose.
- 3703.4 The benefits shall be applied for the entire fiscal year (October 1 – September 30) in which the application was submitted, based on the availability of funds.
- 3703.5 Nothing in this chapter shall be interpreted to mean that a CAP2 or CAP3 benefit provided to eligible households by the Department is an entitlement, continuing or otherwise.
- 3703.6 If the Department determines that remaining available funds may be insufficient to provide relief during a fiscal year, the Department may:
- (1) Suspend the process of taking applications;
 - (2) Suspend the process of awarding benefits; or
 - (3) Revise the level of benefits established by § 3703.2 to provide lower amounts.

3704 DENIAL, REDUCTION, OR REVOCATION OF BENEFITS

- 3704.1 If an applicant is determined ineligible for the CAP, CAP2, or CAP3 program, the Department will provide to the applicant notice of ineligibility, to include:
- (a) A statement of the determination of ineligibility and an explanation of that determination;
 - (b) A statement of the action that the applicant must take, if any, to be found eligible; and
 - (c) Notice of the applicant's right to appeal the determination, as provided in § 3705.
- 3704.2 If the Department determines that a prior eligibility decision for the CAP, CAP2, or CAP3 program was based on material error, falsity, misrepresentation, concealment, omission, or fraud, the Department will:
- (a) Reopen the application;
 - (b) Inform the applicant of the Department's final action or intended action;
 - (c) Provide the applicant with a reasonable opportunity to respond; and

(d) Revise or revoke the determination of eligibility.

3704.3 The applicant shall not have a right to appeal a reduction, suspension, or revocation of the benefit based on a lack of available funding.

3705 ADMINISTRATIVE APPEALS

3705.1 With respect to a matter governed by §§ 3701 to 3704 of this chapter, an applicant adversely affected or aggrieved by an action of the Department may file a written appeal to the Director of the Department, or the Director's designee, stating the basis of the appeal, and providing any information or material that would support a change to the Department's action. The appeal must be filed within thirty (30) calendar days after receipt of the notice of the action.

3799 DEFINITIONS

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

CAP – DC Water's Customer Assistance Program that provides eligible single-family and individually-metered residential customers exemptions from their billed water and sewer service charges, Payment-in-Lieu of Taxes and Right-of-Way fees, and credits towards their billed CRIAC charges for applicants that the Department determines to be eligible in accordance with 21 DCMR § 4102.1.

CAP2 – DC Water's and DOEE's expanded Customer Assistance Program that provides eligible single family and individually-metered residential customers exemptions from their billed water and sewer service charges and credits towards their billed CRIAC charges for applicants that the Department determines to be eligible in accordance with 21 DCMR § 4102.2.

CAP3 – The Department's expanded Customer Assistance Program that provides eligible single-family and individually metered DC Water residential customers credits towards their billed water and sewer services and CRIAC charges that the Department determines to be eligible in accordance with § 3702 of this chapter.

DC Water - the District of Columbia Water and Sewer Authority.

Department – the District of Columbia Department of Energy and Environment.

Chapter 5, WATER QUALITY AND POLLUTION, of Title 21 DCMR, WATER AND SANITATION, is amended by adding new Sections 564 – 570, and amending Section 599 Definitions, as follows:

564 CLEAN RIVERS IMPERVIOUS SURFACE AREA CHARGE RELIEF PROGRAM FOR NONPROFIT ORGANIZATIONS

564.1 The provisions in this section and Sections 565 through 570 provide the eligibility criteria, payment guidance, and appeal procedures for the Clean Rivers Impervious Surface Area Charge (CRIAC) Relief Program for Nonprofit Organizations (CRIAC Nonprofit Relief Program).

564.2 The purpose of the CRIAC Nonprofit Relief Program is to assist certain nonprofit organizations in the District with payment of the DC Water CRIAC.

564.3 Benefits granted to a nonprofit organization by the CRIAC Nonprofit Relief Program may not exceed the amount of the CRIAC on the nonprofit organization's water and sewer bill when combined with any DC Water Clean Rivers Impervious Surface Area Charge Incentive Discount.

564.4 Benefits granted through the CRIAC Nonprofit Relief Program shall be applied as a credit on the water and sewer bill, provided that:

- (a) Nothing in this chapter shall be interpreted to mean that a benefit provided to a nonprofit organization through the CRIAC Nonprofit Relief Program is an entitlement, continuing or otherwise;
- (b) Benefits provided by the Department under the CRIAC Nonprofit Relief Program are subject to the availability of funds; and
- (c) If the Department determines that remaining available funds may be insufficient to provide further benefits during a fiscal year, the Department may:
 - (1) Suspend the process of taking applications;
 - (2) Suspend the process of awarding benefits; or
 - (3) Lower the level of benefit established by section 568.3 as necessary based on the available funds.

565 ELIGIBILITY CRITERIA FOR NONPROFIT ORGANIZATIONS

565.1 To be eligible for the CRIAC Nonprofit Relief Program, an organization shall have:

- (a) An active account with DC Water and responsibility for paying DC Water's CRIAC;
- (b) Successfully obtained the status of a nonprofit organization with the District's Department of Consumer and Regulatory Affairs; and
- (c) Applied for and obtained from the District's Office of Tax and Revenue (OTR) a real property tax exemption pursuant to:
 - (1) D.C. Official Code § 47-1002(12) (certain cemeteries);
 - (2) D.C. Official Code §§ 47-1002(13), (14), (15), or (16) (certain property of religious institutions); or
 - (3) D.C. Official Code § 47-1002(8) (certain charitable institutions).

565.2 To qualify for the CRIAC Nonprofit Relief Program, an eligible nonprofit organization shall:

- (a) Show significant financial hardship in paying its CRIAC in accordance with § 565.3;
- (b) At the Department's request, allow the Department, or an organization approved by the Department, to visit the site of the nonprofit organization and recommend potential stormwater mitigation project(s) on the site; and
- (c) Submit for the Department's approval, a written proposal to mitigate stormwater runoff through one of the following:
 - (1) Install and maintain on the site of the nonprofit organization a stormwater runoff mitigation project that meets the requirements of § 565.4;
 - (2) If a stormwater runoff mitigation project on the site of the nonprofit organization is infeasible, implement or have implemented an alternative, off-site stormwater runoff mitigation measure or activity in the District that meets the requirements of § 565.5;
 - (3) Maintain on the site of the nonprofit organization an existing stormwater mitigation project that meets the requirements of § 565.4; or
 - (4) For a major regulated project, as defined in § 599, maintain compliance with the Stormwater Management Performance Requirements in §§ 520 and 522.

- (d) For any project under paragraphs (c)(1) and (c)(2) of this subsection, the nonprofit organization must complete, implement, or have implemented the stormwater mitigation project within one (1) year after receiving the Department's approval of the written proposal.

565.3 For eligible organizations, as determined by § 565.1 (c), significant financial hardship, as referred to in § 565.2(a), shall be established as follows:

- (a) For an organization that, in the most recent completed tax year, filed a U.S. Department of the Treasury, Internal Revenue Service (IRS) form 990, either as required by IRS rules or voluntarily, submit a copy of the IRS Form 990 and a signed declaration, executed under penalty of perjury, attesting that the annual CRIAC is at least one percent (1%) of the organization's annual revenue, less expenses, as reported on Part I, Line 19 of the IRS Form 990..
- (b) For an organization that, in the most recent completed tax year, was not required by the IRS to file, or has not voluntarily filed, an IRS form 990, submit a signed declaration and income statement, consistent with the requirements of an IRS Form 990, executed under penalty of perjury, prepared in accordance with standard accounting practices, documenting that the annual CRIAC is at least one percent (1 %) of the organization's annual revenue, less expenses. The Department will apply best practices, such as testing a subset of signed declarations, to help ensure that the submission and declaration process is valid.

565.4 For an on-site stormwater mitigation project to qualify under §§ 565.2(c)(1) or (c)(3), the organization must:

- (a) Plant, or have planted after May 1, 2009, one tree per equivalent residential unit (ERU) of the property of the nonprofit organization for which the CRIAC benefit is sought; or
- (b) Manage ten percent (10%) of the total impervious area through the installation of BMPs that are eligible for a Stormwater Fee Discount as described in § 558.

565.5 For an off-site stormwater mitigation project to qualify under § 565.2(c)(2), the organization must:

- (a) Obtain and retire ten (10) Stormwater Retention Credits (SRCs) per ERU, which may be SRCs obtained prior to the commencements of the CRIAC nonprofit relief program; or
- (b) Elect to use a portion of their approved benefit, equal to the current market value of ten (10) SRCs per ERU, to fund stormwater mitigation efforts

elsewhere in the District. The Department shall use this funding through a Department program to provide stormwater mitigation on behalf of the organization.

565.6 A non-profit organization may implement a combination of the above stormwater mitigation options, including on-site and off-site, to receive benefits.

565.7 As a requirement of continued eligibility in the CRIAC Nonprofit Relief Program:

(a) A nonprofit organization that met the requirements of § 565.2(c) in whole or in part through on-site stormwater mitigation must both meet the requirements of § 565.4 and:

(1) Properly maintain the tree(s) or qualifying BMP(s) so that they continue to function as designed and approved; and

(2) Allow the Department access to the property to inspect the tree or BMP; or,

(b) A nonprofit organization that met the requirements of § 565.2(c) in whole or in part through off-site stormwater mitigation must, as applicable:

(1) Retire ten (10) SRCs per ERU annually; or

(2) Elect to use a portion of their approved benefit, equal to the current market value of ten (10) SRCs per ERU, to fund stormwater mitigation efforts elsewhere in the District through a Department-approved program.

566 INITIAL APPLICATION

566.1 In order to obtain CRIAC benefits, a nonprofit organization must submit an application to the Department.

566.2 The application shall be submitted on such forms, in hard copy or electronically, as the Department may designate.

566.3 The Department shall notify the applicant whether the funding request has been approved, denied, or if additional information is needed to make a determination. Incomplete applications shall be returned to the applicant.

567 RENEWAL APPLICATION

567.1 Renewal applications must be received by the Department at least thirty (30) days, and no more than sixty (60) days, before the expiration of the benefit period described in § 568.1 and stated in the initial award.

567.2 Upon receipt of a renewal application, the Department may perform an inspection to verify that the BMP or stormwater mitigation project remains eligible for the discount.

567.3 For a renewal applicant who had proposed a stormwater mitigation project, the applicant shall submit proof that the organization made a reasonable and good faith effort, as determined by the Department, to fulfill its proposal.

568 APPROVAL; AMOUNT AND DURATION OF BENEFITS

568.1 If the Department approves a CRIAC Nonprofit Relief Program application, the benefits shall be available for the entire fiscal year (October 1 – September 30) in which the application was submitted, based on the availability of funds.

568.2 A nonprofit organization that is approved by the Department to obtain benefits, or continue to obtain benefits, under the CRIAC Nonprofit Relief Program shall obtain a benefit equal to ninety percent (90%) of its CRIAC bill, subject to the limits in §§ 564.3, 564.4 and the requirements of §§ 565.5 and 565.7.

568.3 The Department may calculate a retroactive benefit to account for the period from the start of the fiscal year in which the application or renewal application was received through the date of approval, which would be provided as a one-time credit on the nonprofit's water and sewer bill.

569 DENIAL, REDUCTION, OR REVOCATION OF BENEFITS

569.1 The Department may:

- (a) Deny an application for a benefit period based on an applicant's failure to meet the eligibility requirements of the CRIAC Nonprofit Relief Program, or deny an application in whole or in part based on lack of available funding;
- (b) Reduce or revoke a benefit for:
 - (1) A tree that the Department determines is unhealthy or dying;
 - (2) The failure of the BMP to retain the stormwater runoff volume for which the discount was approved, or
 - (3) The organization's failure to obtain SRCs; and
- (c) Require reimbursement of any portion of the benefits, based on the organization's:
 - (1) Submission of false or invalid documentation, including:

(A) Documents required to be filed under § 565.3 to establish financial hardship; and

(B) Other required application materials; or

(2) Failure to make a good faith effort to fulfill the stormwater mitigation project required in § 565.2(c) or § 565.4 that generated the CRIAC benefit.

569.2 The Department shall provide notice of a decision to the non-profit organization, stating the basis for the decision and the organization's right to appeal the Department's decision, as provided in § 570.

569.3 If denial, reduction, or revocation is based on failure to maintain or fulfill the terms of a project as proposed, notice shall also include a statement of:

(a) Each deficiency;

(b) Corrective action necessary;

(c) Deadline for completion of the corrective action, if any; and

(d) The requirement, if any, for an inspection or re-inspection by the Department.

569.4 The Department may extend the period for corrective action for good cause shown.

569.5 The nonprofit organization shall not have a right to appeal a reduction, suspension, or revocation of CRIAC benefit that is based on a lack of available funding.

570 ADMINISTRATIVE APPEALS

570.1 With respect to a matter governed by Sections 564 through 569 of this chapter, an organization adversely affected or aggrieved by an action of the Department may file a written appeal to the Director of the Department, or the Director's designee, stating the basis of the appeal, and providing any information or material that would support a change to the Department's action. The appeal must be filed within fifteen (15) calendar days after receipt of the notice of the action.

Section 599, DEFINITIONS, Subsection 599.1, is amended by adding the following terms:

CRIAC - DC Water’s Clean Rivers Impervious Surface Area Charge or Clean Rivers Impervious Area Charge.

Equivalent Residential Unit (ERU) –A measure of impervious area based on one thousand (1,000) square feet of impervious surface area, taking account of a statistical median of residential properties. The number of ERUs is determined based on the amount of impervious area and the customer’s classification as residential, multi-family, or non-residential.

All persons desiring to comment on the proposed regulations should file comments in writing not later than forty-five (45) days after the publication of this notice in the *D.C. Register*. All comments should be labeled “Clean Rivers Impervious Surface Area Charge Relief Programs” and filed with the Department of Energy and Environment, Regulatory Review Division, 1200 First Street, N.E., 5th Floor, Washington D.C. 20002, Attention: Impervious Area Charge Relief Programs Comments, or by e-mail to Matt.Johnson2@dc.gov. All comments will be treated as public documents and will be made available for public viewing on the Department’s website at www.doe.dc.gov. When the Department identifies a comment containing copyrighted material, the Department will provide a reference to that material on the website. If a comment is sent by e-mail, the e-mail address will automatically be captured and included as part of the comment that is placed in the public record and made available on the Department’s website.

The Department will receive comments on this proposed rulemaking at a public hearing, which is scheduled from 4:00 p.m. to 6:00 p.m. on Tuesday, February 12, 2019, at the Department of Energy and Environment, 1200 First Street, N.E., 5th Floor, Washington, D.C. 20002. A Notice of Public Hearing and the agenda for the hearing will be published in the *D.C. Register*.