

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FINAL RULEMAKING

The Director of the Department of Energy and Environment (“DOEE”), pursuant to the authority set forth in Sections 5 and 6 of the District of Columbia Air Pollution Control Act of 1984 (the “Act”), effective March 15, 1985 (D.C. Law 5-165; D.C. Official Code §§ 8-101.05 and 8-101.06); Section 107(4) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.07(4)); and Mayor’s Order 2006-61, dated June 14, 2006, hereby gives notice of the adoption of the following amendments to Chapter 72 (Environmental Policy Act Regulations), of Title 20 (Environment) of the District of Columbia Municipal Regulations (“DCMR”).

The Department promotes the safety, health, and welfare of the public; protects the State’s natural environment; and seeks to ensure an equitable application of environmental laws and regulations in the District of Columbia. Projects proposed within an Economic Development Zone as defined under D.C. Official Code § 6-1501, have been exempt from the requirements to complete an Environmental Impact Screening Form (“EISF”). For the reasons outlined in the Proposed Rulemaking (69 DCR 015388, December 23, 2022), DOEE is eliminating this exemption.

Discussion of Public Comment

A Notice of Proposed Rulemaking was published in the *District of Columbia Register* on December 23, 2022, at 69 DCR 015388, which provided a thirty (30) day public comment period. In response, DOEE received one comment letter signed by seven parties. The comments supported DOEE’s proposed rule to repeal the current exemption of projects within Economic Development Zones from EISF. No negative or substantive comments were received. No changes were made to the proposed rules.

The Director adopted these rules as final on July 7, 2023, and they shall become effective on August 7, 2023.

Chapter 72, ENVIRONMENTAL POLICY ACT REGULATIONS, of Title 20 DCMR, ENVIRONMENT, is amended as follows:

Section 7202, ACTIONS FOR WHICH NO ENVIRONMENTAL IMPACT SCREENING FORM IS REQUIRED, is amended as follows:

Subsection 7202.2(l) is repealed.