



MURIEL BOWSER

MAYOR

March 20, 2023

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is the proposed resolution entitled the "Underground Storage Tanks Infractions Schedule of Fines Emergency Approval Resolution of 2023" and an accompanying emergency declaration resolution.

The proposed resolutions would approve a proposed final rulemaking that would establish a schedule of fines for violations of rules related to underground storage tanks in Title 16 (Consumers, Commercial Practices, and Infractions), Chapter 40 (DDOE Infractions) of the District of Columbia Municipal Regulations to ensure that the maintenance of underground storage tanks is undertaken in a manner that protects public health and safety and the environment.

I urge the Council to take prompt and favorable action on the enclosed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser", written over the word "Sincerely,".

Muriel Bowser


Chairman Phil Mendelson
at the request of the Mayor

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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to approve the proposed rulemaking and final rulemaking issued by the Department of Energy and Environment establishing a schedule of civil infractions concerning underground storage tanks.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Underground Storage Tanks Infractions Schedule of Fines Approval Emergency Declaration Resolution of 2023”.

Sec. 2. (a) There exists an immediate need to approve proposed and final rules issued by the Department of Energy and Environment (“Department”) establishing a schedule of civil infractions concerning underground storage tanks.

(b) On December 4, 2020, in Volume 67, Page 14224 of the *D.C. Register*, the Department published proposed rules that would establish a schedule of civil infractions for violations of the District of Columbia Underground Storage Tank Management Act, effective March 8, 1991 (D.C. Law 8-242; D.C. Official Code § 8-113.01 *et seq.*).

(c) After receiving no public comments on these proposed rules, the Department finalized them and published them on October 29, 2021, in Volume 68, Page 11423 of the *D.C. Register*.

35 (d) These rules were issued under section 104 of the Department of Consumer and
36 Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-
37 42; D.C. Official Code § 2-1801.04(a)), which provides in paragraph (a)(1) that a
38 schedule of fines issued by the Mayor, or an amendment to one, must undergo Council
39 review, and “shall not become effective until approved by the Council, or 30 days after
40 submission if the Council has not disapproved the schedule or amendments.”

41 (e) Neither the 2020 proposed rulemaking nor the 2021 final rulemaking was
42 submitted to the Council for approval. Accordingly, the Department rescinded the 2021
43 final rulemaking in 2022.

44 (h) Council approval is necessary to allow the Department to finalize this
45 schedule of fines.

46 Sec. 3. The Council of the District of Columbia determines that the
47 circumstances enumerated in section 2 constitute emergency circumstances making it
48 necessary that the Underground Storage Tanks Infractions Schedule of Fines Approval
49 Emergency Resolution of 2023 be adopted after a single reading.

50 Sec. 4. This resolution shall take effect immediately.