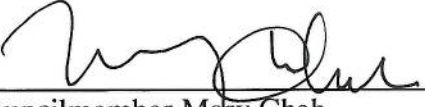


1 
2 Councilmember Mary Cheh


Councilmember Kenyan R. McDuffie

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5 Councilmember Tommy Wells


Councilmember David Grosso

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10
11 A BILL

12 _____
13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

14 _____
15 Councilmember Kenyan R. McDuffie introduced the following bill, which was referred to the
16 Committee on _____.

17 To amend the District of Columbia Air Pollution Control Act of 1984 and the District of
18 Columbia Municipal Regulations to establish a procedure for receiving, monitoring, and
19 responding to air quality complaints; to increase the maximum penalties for emissions;
20 and to set forth criteria for determining whether a particular emission interferes with the
21 reasonable enjoyment of life and property.

22 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
23 act may be cited as the "Air Quality Amendment Act of 2013".

24 Sec. 2. The District of Columbia Air Pollution Control Act of 1984, effective March 15,
25 1985 (D.C. Law 5-165; D.C. Official Code § 8-101.01 *et seq.*), is amended by adding a new
26 section 7 to read as follows:

27 "Sec. 7. Air quality complaints.

28 "(a) In order to encourage the submission of air quality complaints by District residents,
29 the Mayor shall make electronically available a complaint form, the receipt of which shall be
30 acknowledged to the complainant by the Mayor.

1 “(b) The Mayor shall track all air quality complaints made by District residents and shall
2 make available for public inspection quarterly reports listing all complaints along with their
3 status and resolution, if applicable. The Mayor shall submit an annual report containing this
4 information to the members of the committee of the Council with oversight of the agency
5 charged with implementation of this act.

6 “(c) Upon receiving an air quality complaint by a member of the public, the Mayor shall:

7 “(1) Notify the complainant of the process used by the Mayor to investigate
8 complaints;

9 “(2) Notify the alleged source of the complaint;

10 “(3) Provide regular updates to the complainant on the status of the complaint,
11 including inspections conducted and their results and any permits issued or revoked; and

12 “(4) Notify the Advisory Neighborhood Commissioner for the Single Member
13 District in which the source of the complaint is located.

14 “(d) The Mayor shall develop a written plan for investigating, analyzing and responding
15 to air quality complaints, with particular attention paid to complaints concerning odorous or
16 other nuisance air pollutants in industrial areas and engine idling.”

17 Sec. 3. Title 20 of the District of Columbia Municipal Regulations is amended as follows:

18 (a) Section 903 (20 DCMR § 903) is amended by adding a new subsection 903.3 to read
19 as follows:

20 “903.3 In determining whether a particular emission interferes with the reasonable
21 enjoyment of life and property, the Mayor may consider:

22 “(a) The frequency, duration, and intensity of the emission;

23 “(b) The number of people impacted;

1 “(c) Whether the surrounding area is residential;

2 “(d) The extent and character of the harm to any complainants;

3 “(e) The number of complaints received; and

4 “(f) The source’s ability to prevent harm.”.

5 (b) Section 914 (20 DCMR § 914) is amended by striking the phrase “five thousand
6 dollars (\$ 5,000)” and inserting the phrase “ten thousand dollars (\$10,000)” in its place.

7 Sec. 4. Fiscal impact statement.

8 The Council adopts the fiscal impact statement in the committee report as the fiscal
9 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
10 approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-206.02(c)(3)).

11 Sec. 5. Effective date.

12 This act shall take effect following approval by the Mayor (or in the event of veto by the
13 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
14 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
15 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
16 Columbia Register.