Good afternoon Chairperson Cheh and other members of the Committee on Environment, Public Works, and Transportation. My name is Brooke DeRenzis and I am a Project Director at DC Appleseed. In addition to DC Appleseed, I am testifying on behalf of the Anacostia Watershed Society, the DC Environmental Network, and Groundwork Anacostia River DC. Thank you for the opportunity to testify today about the District Department of Environment’s (DDOE) budget for Fiscal Year (FY) 2013. Our organizations have long advocated for innovative District policies to advance the Anacostia River’s clean-up and revitalization. We appreciate your leadership on this effort. My focus today is on an opportunity within the FY2013 capital budget to speed the clean-up of the contaminated sediment at the bottom of the Anacostia River, which contains toxins that poison fish and may threaten the health of people who eat them.

The Anacostia River has four major pollution problems: 1) stormwater pollution; 2) combined sewer overflows; 3) trash; and 4) legacy toxins trapped in the river’s sediment. As you know, the District will make major strides towards fixing three of these problems over the next several years. In accordance with EPA requirements, the District is in the process of implementing one of the nation’s most aggressive efforts to curb stormwater pollution. Likewise, DC Water anticipates that it will reduce combined sewer overflows into the Anacostia by 98 percent once it completes the Anacostia portion of its Clean Rivers Project in 2018. Finally, innovative policies like the District’s bag fee are helping keep trash out of the river.

But even after spending nearly $2 billion on these initiatives, the Anacostia will remain unhealthy unless additional steps are taken to clean up the toxic sediment on the river bottom. We believe that the Mayor, DDOE, and the DC Council can jump-start the clean-up of the Anacostia’s toxic sediments in FY2013 by taking two key actions:

1) Lead the assessment of the contaminated river bottom throughout the tidal river and identify clean-up options; and
2) Provide funding in the order of $2 million in the FY2013 capital budget to start this clean-up process.

I. Background: The State of the Anacostia’s Toxics Problem

Sediments in the Anacostia River are contaminated with polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), banned pesticides, and metals. Over half the bottom feeding fish in one recent survey had tumors, indicating that these toxic compounds are doing considerable environmental harm. Similarly, subsistence
fishermen ignore fish advisories and serve these fish to their families, potentially risking cancer and genetic problems, particularly for children, pregnant women, and nursing mothers.

There are several sites along the Anacostia’s shores thought to have contaminated the river bottom. The current approach aims to clean up sediment in parts of the river next to contaminated shore-side sites as part of that site’s clean-up. This approach has two problems: first, the contamination moves with the water, dirt and tides. Addressing contaminated sediment in one section of the river will not address contamination in other sections, and cleaned sediment could be re-contaminated as toxins in other parts of the river are stirred up by remedial work. Second, clean-up of the river’s sediment is often the last step in a shore-side clean-up, prolonging the timeline for the river to become usable again for people. For example, the Washington Navy Yard site has been on EPA’s list of the most hazardous sites in the United States since 1998 and its clean-up is the furthest along of all the Anacostia shore-side sites. While the site has undergone substantial clean-up on land, no significant clean-up of toxic sediment in the adjoining river has yet occurred. Community and environmental groups alike have expressed frustration with the slow pace of the Anacostia’s toxics clean-up. Unfortunately, the pace of the clean-up is not likely to accelerate using the current approach.

II. D.C. Should Lead the Effort to Remediate Contaminated Sediment throughout the Tidal River

The District can make the Anacostia usable for people faster by leading the effort to clean up toxic sediment throughout the tidal river. This approach—directed at the river bottom as a whole rather than pieces of it—can be expected to result in a faster, more effective clean-up. The federal “superfund” law (Comprehensive Environmental Response, Compensation and Liability Act) and the District’s own Brownfield Revitalization Amendment Act provide the authority for the District to take this leadership. The first step in the clean-up process required under the Superfund law is a detailed study, called a “remedial investigation and feasibility study.” This study is required to evaluate the degree of contamination in the Anacostia’s sediment, and to identify ways to clean it up, as well as costs associated with clean-up options. We recommend that the District government, through DDOE, take the lead in conducting this study of contaminated sediment throughout the tidal river. By assessing contamination for the full tidal estuary, the District can overcome the limitations presented by piecemeal, shore-side clean-ups and accelerate the river’s clean-up.

Due to the history of contamination, clean-up of the Anacostia’s toxics will be a shared responsibility of several federal agencies, the District government, and private parties. As a regulator and a party that is potentially responsible for some of the river’s toxic contamination, the District will inevitably incur some of the costs associated with this clean-up. However, if the District takes a leadership role as we suggest, it will be in a stronger position to do this work faster and more effectively and do so at tolerable costs to the city.
The first step of the clean-up process — an estuary-wide study — could cost in the order of $10 million if done efficiently while re-using current data as much as possible. If done piecemeal or ineffectively, it could cost much more. While key parties would share those costs, one entity needs to step forward to jump-start and lead the process. The District can take this leadership role by committing funds now for a remedial investigation and feasibility study of the tidal Anacostia. Funds explicitly reserved for this purpose in the District’s capital budget will put the city in a much stronger position to bring key federal and private parties to the table to help with the study and the clean-up that will follow.

III. The Council Should Provide Funding for Anacostia Toxic Remediation in the FY 2013 Capital Budget

Mayor Gray and DDOE are already poised to take the leadership role that we recommend. The FY2013-FY2018 Capital Improvement Plan proposed by Mayor Gray includes $51 million in FY2014 through FY2017 for hazardous material remediation, including evaluation of the sediments in the Anacostia’s entire tidal estuary and development of a clean-up remedy. This is a solid commitment, which will allow the District to take leadership on the Anacostia’s contaminated sediment problem 18 months from now. However, if funds in the order of $2 million were provided one year earlier—in FY2013—for this effort, the District could immediately begin negotiations to address the Anacostia’s toxics problem together with potentially responsible private parties and federal parties.

There are at least two options for funding this effort in FY2013:

1) As mentioned, the proposed capital improvement plan starts funding for Anacostia remediation at $5 million in FY2014 under DDOE. There may be an opportunity to shift $2 million slated for FY2014 to FY2013. This shift would result in $2 million of capital funds allocated to this project in FY2013 and $3 million in FY2014. We recommend that the Council assess whether this option is feasible given the District’s planned debt for FY2013.

2) The mayor’s proposed capital budget also includes $5 million in FY2013 for the Sustainable DC innovation fund. According to its budget description, one of the Innovation Fund’s purposes is to conduct feasibility studies. As already described, a remedial investigation and feasibility study is the first step required to address the Anacostia’s contaminated sediment on an estuary-wide basis. It may therefore be appropriate to fund a portion of that study from the Sustainable DC Innovation Fund since the Anacostia’s toxins must be cleaned up to achieve the Sustainable DC goal of a fishable and swimmable Anacostia River.

Starting the toxics clean-up process and related negotiations in FY2013 would allow the District to capitalize on other investments in the River. If the District starts the study required by Superfund now, the actual toxics remediation work can follow on the heels of DC Water’s endeavor to nearly eliminate combined sewer overflows.
and DDOE’s effort to substantially reduce stormwater pollution. It would also build on federal initiatives to revitalize the Anacostia. The Obama Administration has named the Anacostia one of seven pilot locations in the Urban Waters Federal Partnership and has created an Anacostia River Revitalization Fund to help implement restoration projects. By adding the Anacostia’s toxics clean-up to these other efforts already underway, the District could make serious progress towards a swimmable, fishable Anacostia. Funding the start of the toxics clean-up effort in this fiscal year rather than next would also signal a significant and serious commitment to transform the Anacostia into a source of pride and recreation for all D.C. residents.

Thank you again for your time today and your leadership on this issue. I’m happy to take any questions you may have.