An Introduction to Stormwater management in Washington, D.C.

The Federal Clean Water Act requires that the District of Columbia discharge polluted storm water into its waterways only under terms established by National Pollutant Discharge Elimination System (NPDES) permits issued by the US Environmental Protection Agency. The District received its first NPDES MS4 Permit in 2000 and its second permit in August 2004. Under the 2004 permit the District is required to reduce the discharge of pollutants to the maximum extent practicable and comply with water quality standards by implementing best management practices. Failure to comply with the NPDES permit is a violation of the Clean Water Act and can result in enforcement action and penalties.

To comply with its first MS4 permit, the District of Columbia Council passed the Storm Water Permit Compliance Amendment Act of 2000 (DC Law #13-311, Storm Water Permit Compliance Amendment Act of 2000, made final by the District of Columbia on June 12, 2001) creating a Storm Water Administration and a Storm Water Permit Compliance Enterprise Fund.

DC storm water management is fragmented between four entities: three departments within the District government and the DC Water and Sewer Authority (WASA), which has its own board of directors and does not report to the Mayor. WASA, however, is principally responsible for administering the government’s program and the Compliance Fund, as well as having several operational functions (i.e., maintaining the pipes and cleaning catch basins). The District Department of Transportation, Department of Public Works, and the Department of Health all have responsibilities in carrying out the District’s MS4 permit program.

The Acting Administrator for the storm water program (WASA has never hired a full time administrator) is responsible for “monitoring and coordinating” the activities of WASA and the three District Departments, holding monthly Storm Water Task Force meetings, and approving annual budget expenditures on storm water related work of each Department and requests for additional funding from the Compliance Fund.

The more recent 2004 MS4 permit places increasing demands on the District to reduce pollution in storm water. We believe that the current structure for a Storm Water Administration can be strengthened to ensure that the District can reduce storm water pollution to the “maximum extent practicable” and make more rapid progress toward its long term goal of meeting water quality standards — the level that the Clean Water Act demands.
SUMMARY OF RECOMMENDATIONS:

1. The District of Columbia should streamline and strengthen storm water management by taking the following steps:

   a. Moving the Storm Water Administration from WASA to a new Department of Environmental Protection, consolidating it in the new agency with key water quality divisions of the Department of Health’s Environmental Health Administration;

   b. Placing the Department of Environmental Protection under the Deputy Mayor of Operations and designating the Deputy Mayor as the Storm Water Administrator;

   c. Ensuring that the Storm Water Administration has sufficient staffing to support the Administrator and meet requirements of the NPDES MS4 permit.

2. The Office of the Chief Financial Officer should manage the Storm Water Permit Compliance Enterprise Fund.

3. The District of Columbia’s storm water fee structure should be revised, and the fee raised to a level necessary to generate the funds needed to clean up storm water and include incentives for reducing the generation of storm water from private properties.

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A new stadium for the Washington Nationals, a high rise water-view headquarters for the US Department of Transportation, office buildings and shopping centers, market rate and subsidized homes, riverfront trails, and a state-of-the-art nature center are all taking shape as part of the District of Columbia’s Anacostia Waterfront Initiative. The Anacostia River is at the heart of the District of Columbia’s economic development plans, and yet it remains among the nation’s most polluted rivers—awash in trash, toxic pollutants, and raw sewage. It strains the imagination to envision world-class economic development succeeding in such a setting.

Overall, the largest source of pollution to the Anacostia and other DC waterways is simply rainwater and snow-melt—"storm water"—that picks up and transports trash, bacteria, and toxic pollution from city streets and sidewalks, parking lots, gas stations, and rooftops. Such runoff often carries its load of pollution directly into streams and rivers. Untreated storm water washing pollution from District and suburban Maryland streets into local waterways will remain a persistent source of water pollution for years to come.

Concerned with the prospects for Anacostia River cleanup, the Chesapeake Bay Foundation, the Natural Resources Defense Council, and the DC Appleseed Center for Law and Justice independently evaluated stormwater pollution. Our analysis suggests that the District’s Storm Drainage System (MS4) Water Administration, nating storm water as well as it needs to significant new revenue for

We also note that the when it comes to better Anacostia and other strate aggressive lead wherein more than 80 tributary streams is fou

As this paper is being to consider legislation Environmental Protect Environment and Put Schwartz, have introc Department, and M committed to working law in the next few m conize that such a deep manage water quality oriented to the likely ci near future.
Justice have worked for several months to evaluate the District’s program for reducing pollution in its Municipal Separate Storm drain (MS4). We have concluded that the Storm Water Administration, which is the lead entity for coordinating water activities in the District, is not working as it needs to be, and that there is a need for significant revenue for stormwater efforts in the District.

Suggests that the core management problem—District’s Storm Water Administration, created in 1984—is misplaced in the DC Water and Sewer Authority—separate entity with insufficient independence and insufficient operations of the District agencies that pick up trash, and perform similar functions, which influence the quality of DC’s rivers and streams. Therefore, developed a suite of recommendations to strengthen the management and funding of the District’s stormwater management program.

That the District has a good deal at stake in better controlling its stormwater pollution. Will a stronger District program make the other waterways cleaner, it will demonstrate leadership to the two Maryland counties that is found.

As is being written, the DC Council is preparing legislation to create a new city Department of Natural Resources. Eight Council members, led by Public Works Committee Chair Carol Flick, introduced legislation to create such a department. Mayor Anthony Williams has publicly worked to ensure such legislation becomes law in the next few months. The recommendations recognize the department is the appropriate entity for better coordination and management of water quality for the District, and are therefore key elements of the likely creation of such a department in the District's government.

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The District of Columbia should streamline and strengthen storm water management by taking the following steps:

a) Moving the Storm Water Administration from WASA to a new Department of Environmental Protection, consolidating it in the new agency with key water quality divisions of the Department of Health’s Environmental Health Administration;

b) Placing the Department of Environmental Protection under the Deputy Mayor of Operations and designating the Deputy Mayor as the Storm Water Administrator;

c) Ensuring that the Storm Water Administration has sufficient staffing to support the Administrator and meet the requirements of the NPDES MS4 permit.

The District’s storm water program, established by the Storm Water Permit Compliance Amendment Act of 2000, is too fragmented. The Storm Water Administration should be shifted from DCWASA, which is outside of the District government and the Mayor’s authority, to a new Department of Environmental Protection. This shift should consolidate the Storm Water Administration and permit compliance with key storm water related regulatory and enforcement programs currently located in the Department of Health’s Environmental Health Administration -- the Water Quality Division and the Watershed Protection Division. The Water Quality Division enforces the District’s water pollution program (monitoring, illicit discharges, etc.) The Watershed Protection Division’s responsibilities include development of construction guidelines, permitting of construction projects (including road projects and catch basin replacements), monitoring storm water management facilities in private and government buildings. The Administration should be within an executive level Department in the District government with a Directo answerable to the Mayor for the success or failure of the city’s program to reduce pollution in storm water.

A Storm Water Administration within the Department of Environmental Protection will require enhanced regulatory and enforcement authority to influence policies and budgets of the relevant entities to effectively reduce pollution in the MS4 system. Under current law the Administrator has the authority to coordinate and monitor the activities of other District Departments and WASA. The Storm Water Compliance Amendments identified April 2000 as a baseline for budgeting existing stormwater related activities performed by District Departments. The Departments and WASA can draw on the Compliance Fund for storm water related activities and public education above and beyond the 2000 levels. The Acting Administrator has responsibility for ensuring that the statu:
and the Quality program should be responsible for stormwater management. The District’s Chief Financial Officer should manage the Storm Water Permit Compliance Enterprise Fund.

The Storm Water Permit Compliance Enterprise Fund, established by the District of Columbia Council in 2000, is available to the Departments of Transportation, Health and Public Works, and WASA, to pay for storm water related activities above and beyond 2000 levels. WASA manages the Fund. Under the Compliance Amendments, each agency submits an annual request to the Administrator describing the activities it plans to carry out that require Compliance Fund resources. The Administrator has approval authority over the requests. DF has used Compliance Funds for hazardous materials, additional trashcans at bus stops, education calendars. The Fund now operates on a contract basis. Under this system, the Fund is available to requesting Departments for supporting contracts.

With the Storm Water Administration shift to the new Department of Environmental Protection should also be relocated within the Department. The District’s Chief Financial Office should administer the Storm Water Compliance Enterprise fund from the Storm Water Administrator.
The District of Columbia’s storm water fee structure should be revised and the fee raised to a level necessary to generate the funds needed to clean up storm water and include incentives for reducing the generation of storm water from private properties.

For the District of Columbia to implement strategies and technologies that will address the quality and quantity of storm water flowing into its rivers, more resources are needed. The 2000 Storm Water Compliance Amendment Act included an initial storm water fee set at a level to raise $3.1 million per year. In 2002, the Storm Water Advisory Panel (established in the 2000 Storm Water Permit Compliance Amendments) recognized that the basis for the initial fee was inequitable and that fee structure would not raise sufficient funds for long-term permit compliance. The Panel recommended that the District study alternative rate structures, including a system based on impervious area (the standard used by most jurisdictions).

As of May 2005 the Storm Water Administration is still in the process of finalizing a recommendation to the DC Council to revise the fee structure and to set the fee at a level to raise $7 million annually – an amount the Acting Administrator working with the relevant departments has deemed adequate to fund storm water pollution treatments in the future.

We support basing the storm water fee on the impervious area. This structure will support a $3 million annual incentive to private landowners for reducing activities in addition to the new permit. This structure will support the District’s storm water fee structure without requiring new legislation.
Funds to fund additional activities to reduce
ution through 2010.

ing the storm water fee on impervious
ure will connect a property owner’s con-
water to the MS4 system to the fee. We
District set the storm water fee at a level
$3 million dollar per year program of
ate landowners to undertake pollution-
ss in addition to the $7 million recom-
Storm Water Administration. This pro-
te green roof development in the city,
nection, parking lot improvements and
Development techniques. Over the
has successfully implemented a grant
he District to support green roof develop-
entive to cover 20% of the cost of
F has generated tremendous interest in
private property owners. Green roofs
the CBF program help reduce the volume
owing into the District’s waterways. As
iders revising the storm water fee, it has
o make this city a leader in encouraging
owners to actively participate in reducing
n water.

ver can be an important resource for wild-
bann development.