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July 10, 2013

District Department of Environment
Attn: Brian Van Wye
Natural Resources Administration
1200 First St, N.E., 5th Floor
Washington, D.C. 20002
Via Email: Brian.VanWye@dc.gov

Re: Superseding Stormwater Rulemaking

Dear Mr. VanWye:

DC Appleseed appreciates this opportunity to provide comment to the District Department of Environment (DDOE) on the superseding stormwater rulemaking. DC Appleseed is a nonprofit research and advocacy organization dedicated to addressing important public policy questions facing the Washington region.

For over a decade, we have advocated for the District to adopt policies to revitalize the Anacostia River. The green infrastructure practices that will result from retention-based stormwater regulations will improve the Anacostia River's health. They will also provide economic and social benefits to communities near the Anacostia River and throughout the city in the form of increased job opportunities, greener spaces, and a higher quality of life. Through green infrastructure, the District has the opportunity not only to realize environmental benefits, but also economic and social benefits.

The Superseding Stormwater Rulemaking published in the D.C. Register on June 28, 2013 exempts from performance standards "a utility project that is being conducted solely to protect or restore surface water quality, including projects for improving wastewater treatment and reducing [combined sewer overflows] CSOs" (§ 517.2(b)). Such exemptions would appear to apply to DC Water projects. We value DC Water's leadership and commitment to revitalizing the Anacostia River and the District's other waterways, and we understand that there may be a strong rationale for this exemption. However, without further explanation or a better understanding of its scope, this exemption appears to us to be overly broad, and may limit benefits associated with stormwater retention requirements.

Stormwater retention at utility projects conducted solely to protect or restore surface water quality can further advance those projects' goal. For example, the Clean Rivers Anacostia River Tunnel Project is projected to reduce CSOs by 98 percent, and will substantially reduce pollution entering the Anacostia River. Stormwater retention practices in the CSO portion of the Anacostia watershed will maximize that investment by reducing the amount of stormwater entering the combined sewer system and by providing additional capacity to the combined sewer system as the population grows.

Implementing green infrastructure at utility projects located in the Anacostia watershed can also help communities near the Anacostia River realize the economic and social benefits of green infrastructure. The Clean Rivers, Green District Partnership agreement among DC Water, the District government, and the U.S. Environmental Protection Agency (EPA) outlines a pilot program for green infrastructure. In describing the need for the pilot, DC Water states that “[t]he benefits of [a green infrastructure-intensive] plan go far beyond stormwater management. The positive implications include job creation, improved air quality, greener public and private spaces, and added wildlife habitat” (See www.dcwater.com/education/lowimpact.cfm, accessed July 9, 2013). DC Water’s green infrastructure pilot would apply only to the Potomac River and Rock Creek watersheds, as work has already begun on the Anacostia Tunnel. Requiring utility projects to meet the performance standards in §§ 520 and 522 would help ensure that neighborhoods in the Anacostia watershed also reap the environmental, economic, and social benefits of green infrastructure.

In summary, without further information on the need for and scope of the exemptions proposed in § 517.2(b), we cannot determine whether the provision’s intended purposes outweigh the environmental, economic, and social benefits described above. We urge DDOE to balance these purposes and benefits as it finalizes its stormwater rule.

Many thanks for your consideration,



Walter Smith
Executive Director



Brooke DeRenzis
Project Director