



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment

Anacostia River Clean Up and Protection Fund
Fiscal Year 2016 Summary Report

Tommy Wells, Director
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Background

The Anacostia River Clean Up and Protection Act of 2009 (“Act”) established the Anacostia River Clean Up and Protection Fund (“Fund”), a special-purpose revenue fund administered by the Department of Energy and Environment (DOEE). The Fund is used to implement watershed education programs, conduct stream restoration projects, install and maintain trash capture devices in streams, and install green infrastructure. It is also used to purchase and distribute reusable bags, especially to low-income and senior populations. The Fund has four revenue sources: disposable bag fees, enforcement revenue, proceeds from Anacostia River commemorative license plates, and voluntary tax contributions from District residents.

Effective January 1, 2010, the Act requires all District businesses that sell food or alcohol to charge a \$.05 fee for each paper or plastic disposable bag distributed with any purchase, with certain exemptions. Most businesses are required to remit \$.04 of each \$.05 fee to the Office of Tax and Revenue on their sales tax return. Businesses that offer a rebate to customers who bring their own bag are only required to remit \$.03 of each \$.05 fee. Remitted fees are deposited into the Fund.

To verify compliance with the Act, DOEE inspects over 550 businesses per year. Businesses in violation of the Act receive a warning letter before being fined between \$100 and \$800, depending on the number of previous violations. Fines are deposited into the Fund.

Since 2010, the Department of Motor Vehicles has sold commemorative Anacostia River license plates to District residents (see Figure 1). To obtain these plates, residents must pay a \$25.00 specialty tag application fee and a specialty tag display fee of \$10.00, which must be paid annually upon renewal. A portion of the proceeds from the issuance of Anacostia River license plates are deposited into the Fund.

District residents can also make voluntary contributions to Anacostia River restoration efforts on their individual income tax returns. Both the D-40 and D-40EZ tax forms have special line items for voluntary contributions to the Fund.

Bag Fee and Enforcement Revenue

Since the Act became effective in 2010, annual bag fee revenue has increased year-to-year as the District’s population has grown and the number of regulated retail establishments in the District has increased (see Table 1).¹ Revenue increased by 2.14% during FY16, while the District’s population grew by 1.3% over the same period.² Notably, many additional large department stores, grocery stores, and other small regulated businesses that are subject to the Bag Law have opened in the District since the fee first took effect; and as compliance increases, so has revenue as a result.

¹ Businesses can remit bag fees on a monthly, quarterly, or annual basis. Bag fees are attributed to the fiscal period they were received by the District government, which may be different than the fiscal period they were collected by a business.

² United States Census Bureau, 2017

Table 1: Bag Fee Revenue

Fiscal Year	2010*	2011	2012	2013	2014	2015	2016
Revenue (\$)	1,510,088.35	1,845,313.25	1,993,183.22	2,001,575.50	2,084,613.59	2,236,275.44	2,284,104.15

*Partial fiscal year from January to October

The total dollar value of fines assessed for violations of the Act increased starting in 2011 as more businesses received warning letters and then fines (see Table 2). The total fine value fluctuates each year as the number of enforcement actions, dollar amount of individual fines, and inspection strategies change.³ For example, the total fine value increased in FY14 as DOEE prioritized inspections of businesses that distribute a large number of disposable bags (e.g., grocery stores). Since many of these stores are chains, and because fines increase for business owners that have multiple violations across many business locations, this inspection strategy led to an increase in the total fine value.

Table 2: Fines Assessed for Violations of the Act

Fiscal Year	2010*	2011	2012	2013	2014	2015	2016
Total Fines (\$)	0	2,000.00	4,000.00	4,600.00	7,700.00	5,400.00	6,500.00

*Partial fiscal year from January to October

Other Revenue Sources

Since 2011, the issuance of Anacostia River license plates has generated over \$104,000 in revenue (see Table 3).

Table 3: Commemorative License Plate Revenue

Fiscal Year	2010*	2011	2012	2013	2014	2015	2016
Revenue (\$)	0	6,493.80	10,670.15	10,753.05	21,935.50	26,414.45	28,086.95

*Partial fiscal year from January to October

³ Fine amounts are attributed to the fiscal year in which the related enforcement action was served, which may be different than the fiscal year in which the infraction occurred.



Figure 1: Anacostia River license plate

From 2010-2016, District residents donated over \$420,000 to the Fund through voluntary contributions on their income tax returns (see Table 4).

Table 4: Voluntary Tax Contribution Revenue

Fiscal Year	2010*	2011	2012	2013	2014	2015	2016
Revenue (\$)	18,107.49	69,849.37	64,117.91	58,120.21	60,853.69	72,435.77	76,906.63

*Partial fiscal year from January to October

Fiscal Year 2016 Fund-Supported Activities

Fund revenues are used solely to support activities that fulfill the priorities outlined in the Act, including environmental education and protection activities that improve the health of the District's water bodies. The Act's priorities and the activities that addressed them are outlined in the Appendix. In FY16, DOEE used Fund revenues to implement activities across several areas including green infrastructure installation, watershed education, trash capture, stream restoration, and community outreach (see Table 5). Many of these activities are ongoing programs that have been supported by Fund revenues over multiple years. Fund revenues also supported project management for these activities and DOEE's bag fee enforcement and collection efforts.

Table 5: FY16 Total Spending

Fund-Supported Activity	FY16 Spending (\$)
Green Infrastructure	211,947.37
Watershed Education	261,143.19
Trash Capture	225,567.34
Stream Restoration	575,235.77
Outreach and Reusable Bag Distribution	97,486.25
Enforcement and Fee Collection	109,258.19
Administration	131,525.51
Total Spending	1,612,163.62

Select activities implemented with Fund revenues in FY16 are described below.



Figure 2: A rain barrel installation funded by the RiverSmart Homes program.

Green Infrastructure

RiverSmart Homes: Fund revenues support DOEE’s RiverSmart Homes program, which offers financial and technical assistance to homeowners that reduce their residential stormwater runoff by installing green infrastructure practices. Stormwater runoff carries pollutants from impervious surfaces into the District’s water bodies. District homeowners are eligible for subsidies to install rain gardens, native vegetation, or permeable pavement (see Figure 2). In addition to this rebate, the RiverSmart Homes program offers rain barrels and shade trees for co-payments of \$50-70 and \$50, respectively. Installing a rain barrel or shade tree generally costs around \$300 each and the RiverSmart Homes program covers the difference in cost for participating homeowners. In FY16, RiverSmart Homes accomplishments include the following:

- 1,032 stormwater audits conducted;
- 145 native vegetation plantings;
- 11 properties installed permeable pavers;
- 110 properties implemented bayscaping;
- 234 rain barrels installed; and
- 552 shade trees planted through the RiverSmart Homes program.

Watershed Education

Overnight Meaningful Watershed Education Experiences: With three nonprofit partners, DOEE provides a three-day, two-night overnight field study for fifth graders attending District Public and Public Charter Schools (see Figure 3). The trip engages students in watershed and sustainability education programming, team-building activities, and pre- and post-field study classroom visits by professional environmental educators. During the 2015-16 school year, 1,776 fifth-graders participated in the field experience component of this program from 47 District of Columbia Public Schools and 21 Public Charter Schools, totaling 68 schools and representing 56% of schools with fifth graders. Fund revenues covered more than three-quarters of the costs associated with the program in FY16; expenses include activity costs, food, lodging, and transportation fees.



Figure 3: District Public School students participate in a meaningful watershed education experience, hosted by DOEE and partners.

Watershed Stewards Academy: The National Capital Region Watershed Stewards Academy is an adult education program that equips community leaders with the resources and knowledge they need to implement pollution reduction projects in their neighborhoods and raise awareness of water-related issues. The course includes an 8-session class and a Capstone project that participants complete within one year of finishing the classwork. In FY16, 14 District residents successfully completed the classwork and capstone to become certified Master Watershed Stewards and 10 Capstone projects were completed. Fund revenues pay for approximately half of the expenses associated with the program.

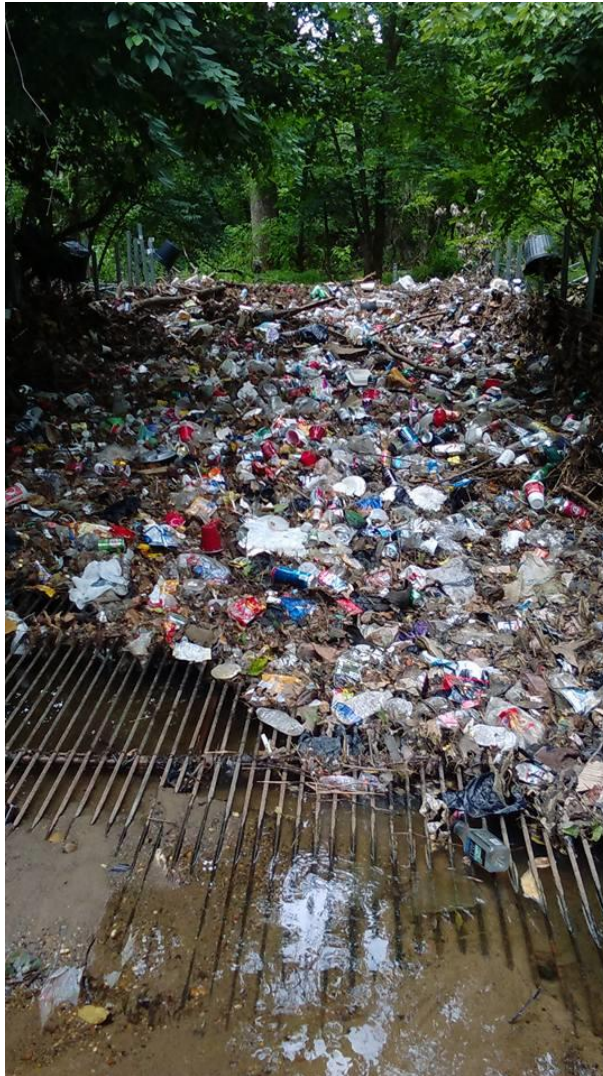


Figure 4: Fund revenues support the maintenance of this trash trap, which removes trash from the Nash Run tributary of the Anacostia River.

Trash Capture

Trash Traps: Fund revenues have supported – wholly or in part – the installation and/or maintenance of seven trash traps in the Anacostia River and its tributaries, which have collectively removed more than 52,000 pounds of trash from the District’s water bodies since they were installed (see Figure 4).

Stream Restoration



Figure 5: Nash Run restoration following precipitation event in Spring 2017

Nash Run: Fund revenues are supporting the restoration of Nash Run, a tributary of the Anacostia River located in the northeast quadrant of the District. The project was completed in May 2016. The Nash Run watershed is highly impervious, resulting in sudden and intense stream flows, even during moderate storms. Considerable amounts of trash and debris wash out of the storm sewer system during these rain events, choking portions of the stream and causing areas for ponding and mosquito breeding. The resulting hydrologic alterations have deteriorated the water quality of Nash Run and degraded natural habitat downstream. The project added one acre of wetlands and a Bandalong trash trap to the stream corridor. This has reduced stream bank erosion and trash pollution and helped restore habitat conditions near the stream (see Figure 5).



Figure 6: Contractors install stone weir cascade structures from an outfall at Alger Park

Alger Park: Fund revenues are supporting a stream restoration at Alger Park, which is home to one branch of the Texas Avenue tributary of the Anacostia River. The project aims to restore 1,540 feet of the stream corridor by improving the water quality, bank stability, and habitat features of the Alger Park branch of the tributary. It will also include upstream green infrastructure (see Figure 6) that will help minimize stormwater runoff into the restored stream. Contractors submitted bids to complete the project in March 2016. Construction began in spring of 2017.

Outreach and Reusable Bag Distribution

Litter Behavior Study: In partnership with the Alice Ferguson Foundation (AFF), DOEE is implementing a regional litter prevention campaign aimed at raising public awareness about trash pollution, changing citizen behavior around littering, and reducing the amount of trash found in District communities and water bodies (see Figure 7). In addition to funding the campaign itself, Fund revenues are supporting studies that analyze the effectiveness of social marketing around littering behavior. This builds on earlier research by AFF and DOEE that studied why people litter and what forms of marketing most effectively eliminate littering behavior.



Figure 7: Poster created for a regional litter prevention campaign supported by fund revenues

Reusable Bag Distribution: DOEE purchased approximately 50,000 reusable bags with Fund revenues in FY16. These bags are being distributed to communities and organizations throughout the District, with a special focus on low-income and senior populations. This effort aids residents in changing their behavior from using disposable bags to using reusable bags. Recent recipients of reusable bags include non-profit organizations such as DC Central Kitchen, Arcadia Farm Mobile Market, Pathways to Housing DC, and the Perry School Community Services Center.

Enforcement and Fee Collection

In FY16, DOEE conducted 573 inspections of District businesses to ensure compliance with the Act. As a result of these inspections, DOEE issued 130 Notices of Violation, or warning letters, and 44 Notices of Infraction, which carry civil penalties. DOEE assessed a total of \$6,500 in civil penalties for infractions of the Act that occurred in FY16.

As a result of DOEE's enforcement efforts, compliance with the Act has consistently improved over time. Compliance with the requirement to charge the bag fee has increased roughly 14% since 2011.

Fund revenues also support the District's efforts to process bag fees remitted by businesses on their sales and use tax returns and transfer them to the Fund.

Administration

A small portion of Fund revenues covers administrative expenses associated with the program, such as equipment, printing and reproduction, and overhead expenses shared by all of DOEE's programs that are necessary for the day-to-day function of agency activities.

More Information

The Fund is managed by DOEE's Natural Resources Administration. For more information about implementation of the Act, visit doee.dc.gov/bags. Additional questions should be directed to Sheila Besse, Associate Director of the Watershed Protection Division, at (202) 535-2244 or Sheila.Besse@dc.gov.