



**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Department of Energy and Environment**

**Anacostia River Clean Up and Protection Fund**  
**Fiscal Year 2015 Summary Report**

Tommy Wells, Director  
July 7, 2016

## **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**

Annual bag fee revenue has been roughly consistent year-to-year since the Act became effective in 2010, though fee revenue has increased slightly as the District’s population has grown and the number of regulated retail establishments in the District has increased (see Table 1).<sup>1</sup> For example, bag fee revenue increased by 4.59% from FY12 to FY14, while the District’s population grew by 4.62% over the same period.<sup>2</sup> Notably, several large department and grocery stores that are subject to the Bag Law have opened in the District since the fee first took effect.

---

<sup>1</sup> 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.

<sup>2</sup> Population measured at the beginning of each fiscal year

**Table 1: Bag Fee Revenue**

Fiscal Year	2010*	2011	2012	2013	2014	2015
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

\*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.<sup>3</sup> 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. The total fine value subsequently declined in FY15 as DOEE prioritized inspections of businesses located outside of major commercial corridors, many of which are independent businesses.

**Table 2: Fines Assessed for Violations of the Act**

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

\*Partial fiscal year from January to October

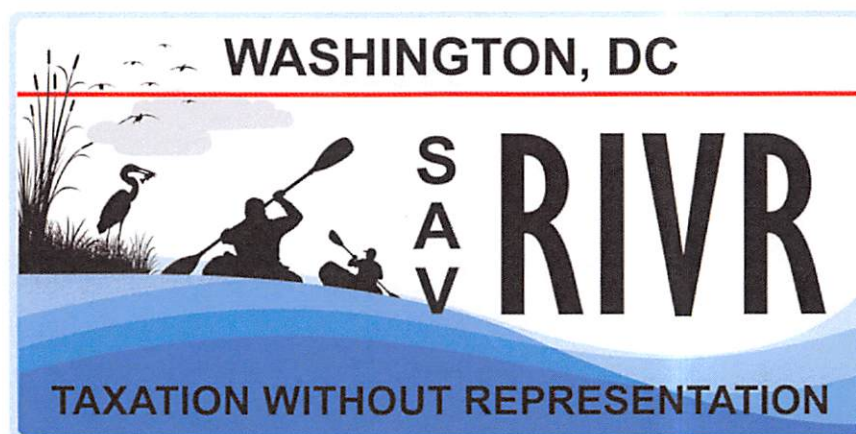
### Other Revenue Sources

Since 2011, the issuance of Anacostia River license plates has generated over \$75,000 in revenue (see Table 3).

**Table 3: Commemorative License Plate Revenue**

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

\*Partial fiscal year from January to October

**Figure 1: Anacostia River license plate**

<sup>3</sup> 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.

From 2010-2015, District residents donated nearly \$350,000 to the Fund through voluntary contributions on their income tax returns (see Table 4).

**Table 4: Voluntary Tax Contribution Revenue**

<b>Fiscal Year</b>	<b>2010*</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Revenue (\$)</b>	18,107.49	69,849.37	64,117.91	58,120.21	60,853.69	72,435.77

\*Partial fiscal year from January to October

### **Fiscal Year 2015 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 FY15, 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: FY15 Total Spending**

<b>Fund-Supported Activity</b>	<b>FY15 Spending (\$)</b>
Green Infrastructure	350,972.41
Watershed Education	408,527.28
Trash Capture	130,071.74
Stream Restoration	316,349.81
Outreach and Reusable Bag Distribution	155,043.57
Enforcement and Fee Collection	101,283.73
Administration	78,905.19
<b>Total Spending</b>	<b>1,541,153.72</b>

Select activities implemented with Fund revenues in FY15 are described below.

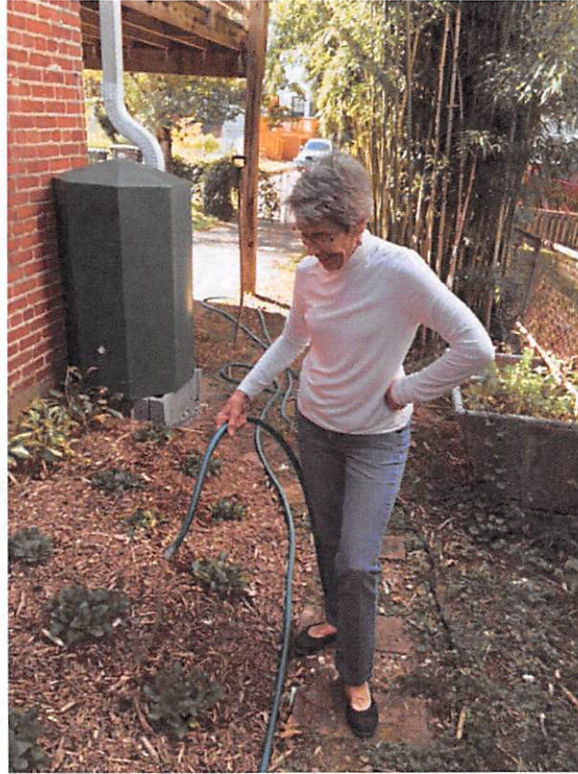


Figure 2: A RiverSmart Homes participant waters her garden with a rain barrel funded by the RiverSmart Homes program.

### 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 to receive a rebate of up to \$1,200 after they install a rain garden, a native vegetation planting, or permeable pavement (see Figure 2). In addition to this rebate, the RiverSmart Homes program offers rain barrels and shade trees for copayments of \$45 and \$50, respectively. Installing a rain barrel or shade tree generally costs around \$300 each; the RiverSmart Homes program covers the difference in cost for participating homeowners. In FY15, District homeowners installed 137 rain gardens, 145 native vegetation plantings, 58 permeable pavements, 678 rain barrels, and 825 shade trees through the RiverSmart Homes program.





Figure 3: District public school students participating in an Overnight Watershed Education Experience hosted by DOEE and its nonprofit partners

### Watershed Education

*Overnight Watershed Education Experiences:* Through its nonprofit partners, DOEE hosts a three-day, two-night overnight field study for fifth graders attending District public and charter schools (see Figure 3). The trip engages students in environmental education programming and team-building activities. The program also involves classroom visits from environmental educators both before and after the field study. The program began at schools in Wards 7 and 8 and expanded to Wards 1-6 in 2014. In the 2014-2015 academic year, 537 fifth-grade students from wards 7 and 8 and 671 students from wards 1-6 participated in this program, representing approximately 45% of all fifth graders in the District. Fund revenues have covered more than three-quarters of the costs associated with the program since its inception; expenses include activity costs, food, lodging, and transportation fees.



**Figure 4:** Participants in the Watershed Stewards Academy plant a rain garden at Sousa Middle School.

*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 (see Figure 4). The course includes a 15-session class and a capstone project that participants complete within one year of finishing the classwork. In FY15, 14 District residents successfully completed the classwork and capstone to become certified Master Watershed Stewards. Fund revenues pay for approximately half of the expenses associated with the program.

#### Trash Capture

*Trash Traps:* Fund revenues have supported – wholly or in part – the installation and/or maintenance of six trash traps in the Anacostia River and its tributaries, which have collectively removed more than 30,000 pounds of trash from the District’s water bodies since they were installed (see Figure 5).





Figure 5: Fund revenues support the maintenance of this trash trap, which removes trash from the Watts Branch tributary of the Anacostia River.

### Stream Restoration

*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 is currently under construction and is expected to be 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 will add one acre of wetlands and a Bandalong trash trap to the stream corridor. This will reduce stream bank erosion and trash pollution and help restore habitat conditions near the stream.





**Figure 6: A stream in Linnean Park after being restored by DOEE. Fund revenues are supporting similar stream restorations in Nash Run and 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 that will help minimize stormwater runoff into the restored stream. Contractors submitted bids to complete the project in March 2016. DOEE expects construction to begin in fall 2016.

*Linnean Park:* In FY15, DOEE completed a stream restoration in Linnean park (see Figure 6). The project restored 1,050 feet of stream corridor and adjacent riparian buffers by installing two regenerative stormwater conveyance systems (RSCs). RSCs use a series of shallow pools, grade controls, and native vegetation to slow stormwater flow and improve water quality. DOEE monitored the restoration areas and two other control areas to quantify pollution reduction by the RSCs. Early results indicate large reductions in pollutants and peak stormwater flow through the restored areas.

### 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 the Trash-Free Potomac Watershed Initiative, a regional litter prevention campaign supported by fund revenues

*Reusable Bag Distribution:* DOEE purchased over 1,000 reusable bags with Fund revenues in FY15. 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.



Figure 8: Foam Free DC logo

*Foam Free DC:* In FY15, DOEE conducted an extensive outreach campaign to educate the public about the environmental impact of non-recyclable plastics. This campaign coincided with the launch of the District's ban on polystyrene foam food service products, which took effect on January 1, 2016. Polystyrene foam is one of the most prevalent trash pollutants in the Anacostia River and its tributaries. The campaign included three mailings and extensive door-to-door canvassing to inform businesses about the ban. It also included social media and earned media to inform the general public about the environmental impact of polystyrene foam pollution.

## Enforcement and Fee Collection

In FY15, DOEE conducted 552 inspections of District businesses to ensure compliance with the Act. As a result of these inspections, DOEE issued 145 Notices of Violation, or warning letters, and 39 Notices of Infraction, which carry civil penalties. DOEE assessed a total of \$5,400 in civil penalties for infractions of the Act that occurred in FY15.

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. Likewise, compliance with the District's material and labeling requirements for disposable bags has increased roughly 30% since the Act took effect.<sup>4</sup>

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 Stormwater Management Division. For more information about implementation of the Act, visit [doee.dc.gov/bags](http://doee.dc.gov/bags). Additional questions should be directed to Brian Van Wye, Branch Chief for Program Implementation in the Stormwater Management Division, at (202) 741-2121 or [brian.vanwye@dc.gov](mailto:brian.vanwye@dc.gov).

---

<sup>4</sup> When a business does not comply with the Act, it receives a warning letter and then a fine. While the number and total dollar value of fines has increased slightly over time, the number of warning letters has decreased substantially. Therefore, overall compliance is improving despite the increase in the number of fines assessed. One reason for the increase in fines assessed is because, each year, more businesses receive warning letters and are thus eligible to receive fines for subsequent violations. Another reason is that, since 2013, fines have increased for business owners that have multiple violations across many business locations.