



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment

Anacostia River Clean Up and Protection Fund
Fiscal Year 2017 Summary Report

Tommy Wells, Director
May 10, 2018

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. This *Anacostia River Clean Up and Protection Fund Summary Report*, published annually since 2013, reviews revenue generated and activities supported by the Fund for Fiscal Year 2017 (FY17), spanning October 1, 2016 to September 30, 2017.

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 (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.



Figure 1: Anacostia River license plate

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 compliance rates with the law, the number of regulated retail establishments and the District’s population have increased (see Table 1).¹ Many grocery stores, large department 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 compliance rates have increased steadily over time. Compared to FY16, compliance increased over 5% during FY17, while the number of grocery stores increased by 5% and the District’s population grew by 1.9% over the same period.²

Table 1: Bag Fee Revenue

Fiscal Year	Revenue (\$)
2010*	1,510,088.35
2011	1,845,313.25
2012	1,993,183.22
2013	2,001,575.50
2014	2,084,613.59
2015	2,236,275.44
2016	2,284,104.15
2017	2,382,747.11

*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). Fines are greater for business owners that have multiple violations across many business locations. As a result, total fine value fluctuates each year as the number of enforcement actions, dollar amount of individual fines, types of businesses receiving fines, number of businesses receiving multiple violations, and inspection strategies change. The increase in total fines in FY17 largely resulted from the District issuing more fines to chain pharmacies and grocery stores with violations across multiple locations.

Table 2: Fines Assessed for Violations of the Act³

Fiscal Year	Total Fines (\$)
2010*	0
2011	1,900.00
2012	4,500.00
2013	4,100.00
2014	7,800.00
2015	5,300.00
2016	7,000.00
2017	9,100.00

*Partial fiscal year from January to October

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 DCRA Data and United States Census Bureau, 2018

³ Historic data updated to reflect fines assessed to establishments based on the fiscal year in which the enforcement action was served.

Other Revenue Sources

Since 2011, the issuance of Anacostia River license plates has generated more than \$130,000 in revenue (see Table 3).

Table 3: Commemorative License Plate Revenue

Fiscal Year	Revenue (\$)
2010*	0
2011	6,493.80
2012	10,670.15
2013	10,753.05
2014	21,935.50
2015	26,414.45
2016	28,086.95
2017	28,750.70

*Partial fiscal year from January to October

From 2010-2017, District residents donated over \$520,000 to the Fund through voluntary contributions on their income tax returns (see Table 4).

Table 4: Voluntary Tax Contribution Revenue

Fiscal Year	Revenue (\$)
2010*	18,107.49
2011	69,849.37
2012	64,117.91
2013	58,120.21
2014	60,853.69
2015	72,435.77
2016	76,906.63
2017	104,331.65

*Partial fiscal year from January to October

Fiscal Year 2017 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. Annual spending can vary based on funds available and projects in progress. For example, revenue generated in previous fiscal years (see Table 1) exceeded spending, which allowed DOEE to increase funding in FY17 for Fund-approved projects.

In FY17, 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: FY17 Total Spending

Fund-Supported Activity	FY17 Spending (\$)
Green Infrastructure	\$1,272,027.27
Watershed Education	\$347,942.73
Trash Capture	\$204,882.67
Stream Restoration	\$1,090,849.33
Outreach and Reusable Bag Distribution	\$274,830.66
Enforcement and Fee Collection	\$99,844.49
Administration	\$170,124.16
Total Spending	\$3,460,501.31

Select activities implemented with Fund revenues in FY17 are described below.

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 a free stormwater audit to determine their property’s suitability for rain gardens, tree planting, rain barrels, native landscaping, and/or permeable pavement (Figure 2). If recommended, homeowners are connected to local contractors who will install their selected projects for a copayment, which range from \$50-\$100. In FY17, RiverSmart Homes accomplishments include the following:

- 939 stormwater audits conducted;
- 122 rain gardens planted;
- 50 properties installed permeable pavers;
- 250 properties implemented bayscaping;
- 559 rain barrels installed; and
- 583 shade trees planted.



Figure 2: Tree and bayscaping installation funded by the RiverSmart Homes program.

RiverSmart Schools: These innovative schoolyard greening projects focus on incorporating stormwater management principles that create habitat for wildlife, emphasize the use of native plants, highlight water conservation, and retain and filter stormwater runoff (Figure 3). In FY17, the RiverSmart Schools program completed the design and construction of projects on 5 campuses, adding more than 30,000 square feet of impervious surface reduction. Additionally, RiverSmart Schools retrofits include the following educational co-benefits:

- Provided 40 teachers with an eight-day workshop on RiverSmart schools site usage and programming;
- Conducted 17 classroom visits and provided seven boat trips to support integration of watershed lessons for the RiverSmart Schools project at each participating school; and
- Engaged students, teachers, and volunteers in community work days to construct and maintain designed schoolyard conservation sites. Two hundred students from two schools participated in eight community work days.



Figure 3: A bioretention project treating stormwater at Seaton Elementary.

RiverSmart Communities Demonstration Program: DOEE’s RiverSmart Communities Demonstration Program covers 100% of the cost to install green infrastructure on eligible properties. Applicants are selected based on the environmental benefits of the project, their plan for community engagement, and project cost effectiveness and feasibility. Eligible BMPs include, but are not limited to, shade trees, rain gardens/bioretention cells, impervious surface removal and replacement with pervious/vegetated surfaces, cisterns that drain to other BMPs, stormwater planters, and swales. Three projects were selected and funded in FY17.

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 (Figure 4). 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 2016-17 school year, 2,148 fifth-graders participated in the field experience component of this program from 49 District of Columbia Public Schools and 24 Public Charter Schools, totaling 73 schools and representing 59% of schools with fifth graders. Fund revenues cover project expenses, including activity costs, food, lodging, and transportation fees.



Figure 4: District Public School students participate in a meaningful watershed education experience, hosted by DOEE and partners.

Anacostia River Explorers: Through two nonprofit organizations, DOEE provides free boat tours of the Anacostia River (Figure 5). This program educates those that live and work within the Anacostia River watershed about the Anacostia River’s history, wildlife, the environmental threats it faces, and the solutions helping it realize its full potential. These free, guided motorboat and canoe tours launch from a variety of locations up and down the Anacostia River, and are available as both public and private tours. In FY17, the two grantees provided 197 tours which allowed 3,217 participants to gain access to the Anacostia River.



Figure 5: Anacostia River Explorers boat tour

TRASH CAPTURE

Trash Traps: Fund revenues have supported the installation and maintenance of seven trash traps in the Anacostia River and its tributaries, which have collectively removed more than 59,506 pounds of trash from the District’s water bodies since they were installed (Figure 6). In 2017, these trash traps captured 7,332 pounds.



Figure 6: Nash Run floating Bandalong Trash Trap.

DumpBusters: DOEE continued its partnership with the Metropolitan Police Department (MPD) 6th District and DPW Solid Waste Education & Enforcement Program (SWEEP) to implement an illegal dumping enforcement program in Wards 7 and 8. Called “DumpBusters,” this program entails identifying illegal dumping hotspots, installing enforcement cameras and signs, and retrieving evidence to arrest and prosecute offenders. Close to 28 arrests have been made and over \$183,000 in fines have been issued since the start of the program in 2016. Twelve arrests were made by MPD in 2017.

STREAM RESTORATION

Alger Park: Fund revenues supported a stream restoration at Alger Park, which is home to one branch of the Texas Avenue tributary of the Anacostia River (Figure 7). The project restored 1,540 feet stream using regenerative stream design practices. The project improved the water quality, bank stability, and habitat features of the Alger Park branch of the tributary. In total, the project installed 56 riffle/cascade structures and planted 3,448 wetland plants, 1,160 native shrubs, 389 herbaceous native plants, 382 native trees, and 59 pounds of native seed. The project will prevent over 100,000 lbs. of sediment from entering and impairing District waterways each year due to bank erosion and will provide valuable wetland, in-stream, and riparian habitat for native terrestrial and aquatic life within Alger Park. In 2018, DDOT will begin installing upland green infrastructure that will help minimize the volume and velocity of stormwater that enters the restored stream.



Figure 7: Restored stream in Alger Park during rain event.

OUTREACH AND REUSABLE BAG DISTRIBUTION

Community Stormwater Solutions: DOEE provides start-up funding for community-oriented projects that improve water quality and raise awareness about the impact of stormwater runoff on District water bodies. DOEE seeks to raise awareness and incite behavior change around watershed and stormwater-related issues. A key goal of the program is to increase DOEE's partnerships with community-based organizations and local small businesses and to help these entities build capacity and experience as grantees. Funding for projects come from the Anacostia River Clean Up and Protection Fund and the Stormwater Enterprise Fund. The program provides up to \$20,000 per grant and is offered on a yearly basis, pending fund availability. The awarded grant projects were located throughout the District and reached a diverse audience (Figure 8). In FY17, DOEE received 27 proposals and awarded 11 grants.

- Anacostia Watershed Society: *Awareness through Art: Storm Drain Murals Project*
- Anacostia Waterfront Trust: *Anacostia Advocacy Photo Database*
- Capital City Public Charter School: *Trash Talk – Student-led Action Projects*
- Earth Conservation Corps: *Reducing Single-Use Plastic Bottle Waster through Awareness, Education, and Art*
- Natural Resources Design, Inc: *RiverTools: Training Maintenance Kit for Schools*



Figure 8: Fund revenues support the maintenance of this trash trap, which removes trash from the Nash Run tributary of the Anacostia River.

Reusable Bag Distribution: DOEE purchased approximately 49,000 reusable bags with Fund revenues in FY17. The bags include graphics and messaging to engage and inform residents about the how the Anacostia River Cleanup and Protection Fund has supported a diverse portfolio of projects. DOEE distributes bags to communities and organizations throughout the District including DC Central Kitchen, Thrive DC, We Are Family, Martha’s Table, and Bread for the City, with a special focus on low-income and senior populations. Approximately 4,000 of these bags include messaging translated into six priority languages. This effort aids residents in changing their behavior from using disposable bags to using reusable bags. .

Food Service Ware Outreach: Beginning in FY17, DOEE conducted an extensive outreach campaign to educate the public about the environmental impacts of non-recyclable or compostable products that enter our waterways and landfills. This campaign coincided with the start of the District’s ban on non-recyclable or compostable food service wares, which took effect on January 1, 2017. The campaign included mailings (Figure 9) to 6,506 regulated businesses (restaurants, delicatessens, food trucks, child care centers, churches, grocery stores and hotels) and door-to-door canvassing to 411 unique businesses. It also included social media and cross-agency and external partner outreach to inform the general public about the environmental impact of pollution.

ZERO
WASTE
DC

Effective January 1, 2017, District businesses and organizations providing disposable products for prepared food must use recyclable or compostable materials when serving consumers.

DEPARTMENT
OF ENERGY &
ENVIRONMENT

✓ **Compliant Compostable and Recyclable Items**
Rigid plastics, pulp or paper with or without a plastic or wax coating, BPI certified compostable

BPI®

⚠ **Items to throw in the trash**
Items smaller than 2 x 2 in., heavily food soiled items, plastic bags and films*

*Private waste and recycling programs may accept these items. Ask for details.

✗ **Items banned and enforced by the District**
Mixed materials, expanded polystyrene (foam)

----- doee.dc.gov/foodserviceware

Figure 9: An example of educational materials from DOEE’s food service ware outreach campaign.

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 (Figure 10). This builds on earlier research by AFF and DOEE that studied why people litter and what forms of marketing most effectively eliminate littering behavior. The litter prevention campaign has engaged over 4,000 District residents since its initial award in August 2016, and organized cleanups resulting in the removal of over 34,000 pounds of trash in FY17.



Figure 10: Poster created for a regional litter prevention campaign supported by fund revenues

ENFORCEMENT AND FEE COLLECTION

In FY17, DOEE conducted 551 inspections of District businesses to ensure compliance with the Act. As a result of these inspections, DOEE issued 83 Notices of Violation, or warning letters, and 51 Notices of Infraction, which carry civil penalties. DOEE assessed a total of \$9,100 in civil penalties for infractions of the Act that occurred in FY17. As a result of DOEE’s enforcement and outreach efforts, compliance with the Act has consistently improved over time. (See table 6)

Table 6: Compliance rate of Bag Law inspections.

Fiscal Year	2010	2011	2012	2013	2014	2015	2016	2017
Compliance Rate	0%	39.9%	47.4%	55.5%	62.2%	67.7%	70.3%	75.7%

*Inspections were not conducted prior to FY11. Compliance rate calculated for total violations with the law investigated by inspectors per fiscal year.

ADMINISTRATION

A small portion of Fund revenues covers administrative expenses associated with the program, such as equipment, printing and reproduction, and overhead expenses.

Fund revenues also support processing bag fees and other revenue sources remitted by businesses and residents and transferring them to the Fund.

ADDITIONAL 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 Katherine Antos, Branch Chief of the Watershed Protection Division's Partnering and Environmental Conservation Branch, at (202) 574-7606 or Katherine.Antos@dc.gov.