

# ANACOSTIA RIVER **CLEAN UP AND PROTECTION FUND**

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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 (“Bag Fund”), a special-purpose revenue fund administered by the Department of Energy and Environment (DOEE) to protect and clean the Anacostia River and other impaired waterways.

The *Anacostia River Clean Up and Protection Fund Summary Report*, published annually since 2013, reviews revenue generated and activities supported by the Bag Fund for Fiscal Year 2020 (FY20), spanning October 1, 2019 to September 30, 2020. The coronavirus (COVID-19) pandemic significantly impacted Bag Fund revenue, spending, and program implementation in FY20, explained in further detail in the body of this report. Bag fee revenue dropped beginning March 2020 due to changes in consumer behavior and the closing of nonessential businesses. Routine inspections were halted in March 2020 and are not expected to resume until FY21, limiting total inspections completed for the year. Many grants and programs supported by the Bag Fund pivoted from in-person engagement and education to virtual formats.

The Bag Fund receives revenue from four sources: disposable bag fees, enforcement revenue, proceeds from Anacostia River commemorative license plates, and voluntary tax contributions from District residents.



## Disposable Bag Fees

The Act requires District businesses selling food or alcohol to charge a 5-cent fee for each paper or plastic disposable bag distributed with any purchase, with a few exemptions. Of each 5-cent fee, businesses are required to remit 4 cents to the Office of Tax and Revenue unless they offer a rebate to customers who bring their own bag. In this case, they are only required to remit 3 cents. Remitted fees are deposited into the Bag Fund. In FY20, **\$2,068,208.73** in Bag Fees were collected from regulated businesses.



## Enforcement

To verify compliance with the Act, DOEE typically inspects more than 550 businesses per year. Businesses receive a warning letter and compliance assistance upon their first observed violation. For subsequent violations, businesses are fined between \$100 and \$800, depending on the number of previous violations. Fines are deposited into the Fund. In FY20, 217 businesses were inspected and **\$11,200** in fines collected.



## Anacostia River License Plates

Since 2010, the Department of Motor Vehicles has sold commemorative Anacostia River license plates to District residents. Residents pay a \$25 application fee and a \$10 specialty tag display fee annually upon renewal. A portion of proceeds from the license plates is deposited into the Fund. In FY20, **\$17,890.75** was collected from license plate fees.



## Voluntary Tax Contributions

District residents can 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. In FY20, **\$129,567.64** was collected from voluntary contributions.

## Bag Law Revenue by Source, FY10 to FY20

■ BAG FEE
 ■ TAX CONTRIBUTIONS
 ■ LICENSE PLATES
 ■ ENFORCEMENT
 ■ INTEREST

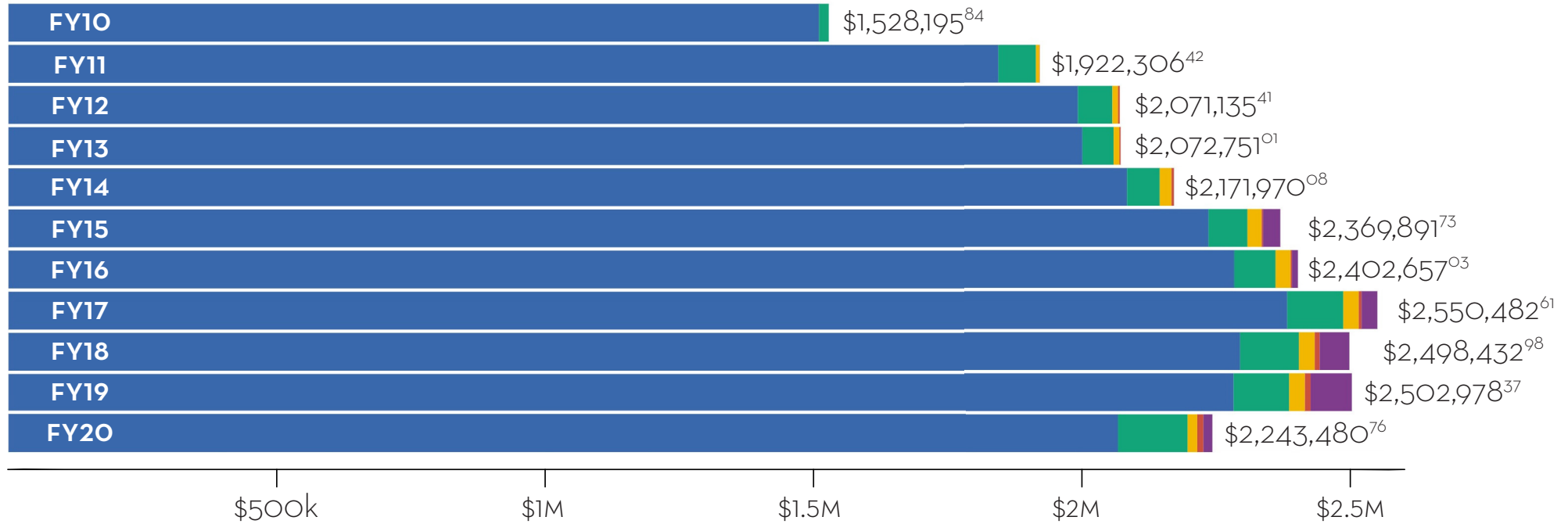


Figure 1

## Spotlight: Bag Fees

Bag fees are the largest revenue source for the Bag Fund, with annual deposits remaining level over the past five years as compliance rates increased and then steadied over time.

In FY20, changes in consumer behavior resulting from the COVID-19 pandemic and confusion over whether the fee had been temporarily suspended resulted in a drop in monthly revenue. DOEE completed several targeted email outreach campaigns in FY20 to remind businesses of the requirements.

### Monthly Bag Fee Revenue FY19 AND FY20

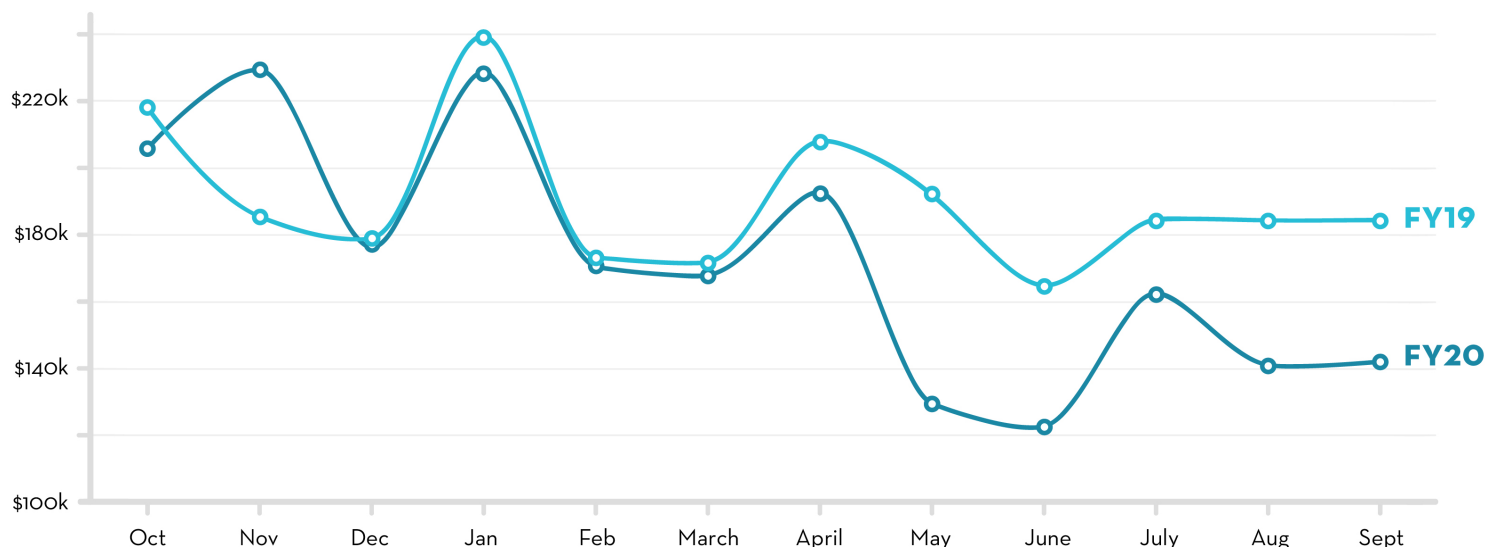


Figure 2

## Bag Fund-Supported Activities

Bag Fund revenues are used solely to support activities that fulfill the priorities outlined in the Act and described in more detail below. All spending from the Bag Fund is intended to contribute to cleaning and protecting the Anacostia River and other impaired waterways in the District. The Act's priorities and the activities that addressed them are outlined in the Appendix. Annual spending varies based on funds available and projects in progress.

### Stream Restoration

Projects that improve and restore the health of a District waterbody to enhance wildlife habitat

### Trash Capture

Programs and installations designed to remove trash from District communities and rivers

### Outreach & Reusable Bag Distribution

Purchase and donation of reusable bags to District residents and organizations as well as other community support efforts

### Watershed Education

Programs that educate students and residents about importance of protecting waterways from trash and other pollutants

### Enforcement & Fee Collection

Programs and personnel responsible for implementing and enforcing Bag Fee and Bag Fund requirements

### Green Infrastructure

Installations that utilize plants and other media designed to maximize stormwater absorption and filtration

### Administration

Costs related to maintenance and administration of the Bag Fee program and Bag Fund

The breakdown of FY20 spending by category is shown in Table 1. Many of the activities funded in FY20 are ongoing programs that have been supported by Bag Fund revenues over multiple years<sup>1</sup>. Spending on capital projects can vary by year based on the size and complexity of these large-scale restoration efforts. Select activities implemented with Bag Fund revenues in FY20 are described in the following sections.

Fund-Supported Activity	FY20 Spending
Green Infrastructure	\$466,417.23
Watershed Education	\$727,869.70
Trash Capture	\$40,606.50
Stream Restoration	\$465,827.22
Outreach and Reusable Bag Distribution	\$171,374.93
Enforcement and Fee Collection	\$50,555.29
Administration	\$238,548.82
<b>Total FY20 Spending</b>	<b>\$2,160,799.68</b>

**Table 1: FY20 spending by category**

Fiscal Year	Total Spending
2014	\$1,192,126.88
2015	\$1,541,153.72
2016	\$1,621,163.62
2017	\$3,460,501.31
2018	\$2,677,294.89
2019	\$3,492,474.16
2020	\$2,160,799.68

**Table 2: Total Spending per year since FY14**

1. Activities included in report may have multiple funding sources and are at least partially supported by the Bag Fund.

## RiverSmart

DOEE's [RiverSmart](#) programs help to reduce stormwater runoff that pollutes the local waterways that flow into the Chesapeake Bay. The programs provide financial incentives for District property owners to install green infrastructure such as rain barrels, green roofs, rain gardens, permeable pavers, shade trees, and more. These practices allow rainwater to stay on site and soak into the ground, where natural filtration processes help remove pollutants.

In FY20, the Bag Fund supported RiverSmart Homes and RiverSmart Rooftops, two of the four RiverSmart programs.

[RiverSmart Homes](#), in partnership with the Alliance for the Chesapeake Bay, offers financial and technical assistance for single-family residential properties to install one or more green infrastructure practices, depending on which are best for their property and lifestyle.

RiverSmart Rooftops is also known as the [Green Roofs Rebate Program](#) and promotes the voluntary installation of green roofs for the purpose of reducing stormwater runoff and pollutants. DOEE offers a rebate of \$10 – \$15 per square foot for voluntary installations of green roofs around the District.

RiverSmart Rooftops, in partnership with DesignGreen LLC, installed 909 square feet of vegetation in FY20 that will capture more than 13,000 gallons of stormwater per year. DOEE received 100 interest forms for the program in FY20. Of these, 29 applications met program requirements, and five successfully completed rebate applications. DOEE attributes this high attrition rate to the strict COVID-19 regulations in place at the time.

### FY20 RIVERSMART HOMES ACCOMPLISHMENTS, BY THE NUMBERS...



**930**

property audits



**417**

Rain Barrel Installations



**363**

BayScaping installations



**88**

rain garden installations



**704**

shade trees planted



**107**

permeable pavers and re-vegetation installations

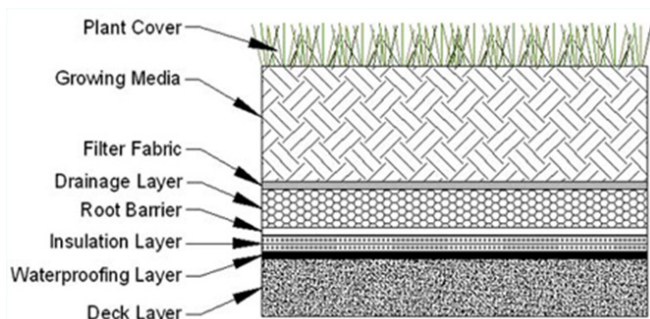


Figure 3: This image shows the different layers of a green roof that support plant growth and retain water for plant uptake while preventing ponding on the roof surface. (DOEE)

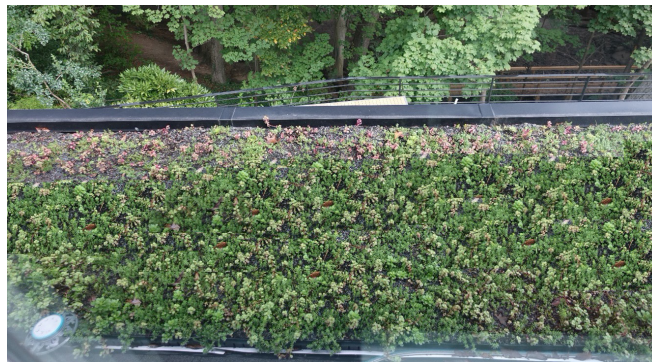


Figure 4: Green roof installation in Ward 3.



## Anacostia River Explorers

DOEE provides free boat tours of the river through the [Anacostia River Explorers Program](#) in partnership with Anacostia Riverkeeper and Anacostia Watershed Society (AWS). This program is available to anyone, with a focus on District residents.

In FY20, Anacostia River Explorer partners hosted 90 tours of the Anacostia River, mainly in Fall 2019. These tours brought together almost 1,400 individuals to learn about the river. In March 2020, boat tours were suspended due to the COVID-19 pandemic. In response, grantees pivoted to develop virtual tours to share with interested participants digitally. An initial release of these virtual tours engaged more than 350 participants, mostly students. Development of virtual tours continued through FY20 with release of the final videos in FY21. In April 2021, in-person tours resumed. For more information, visit [doee.dc.gov/service/boattours](https://doee.dc.gov/service/boattours).



Figure 5: Participants in a boat tour during FY20, prior to the temporary suspension of in-person tours. Now that in-person tours have resumed, participants are required to wear face masks and practice social distancing.

## Overnight Meaningful Watershed Educational Experiences

The [Overnight MWEE](#) (MWEE) is a three-day, two-night field experience implemented by the Alice Ferguson Foundation, Living Classrooms, and NatureBridge. The program is designed for District fifth graders to learn about their local watersheds while immersed in a non-urban environment. During the pandemic, the partners modified the program to implement with schools virtually. They offered students the chance to work on a stewardship action project, environmental science project, or virtual camp.

MWEE IN FY20...

1,310

students served



30

schools served

465

activity kits delivered



## River Corps

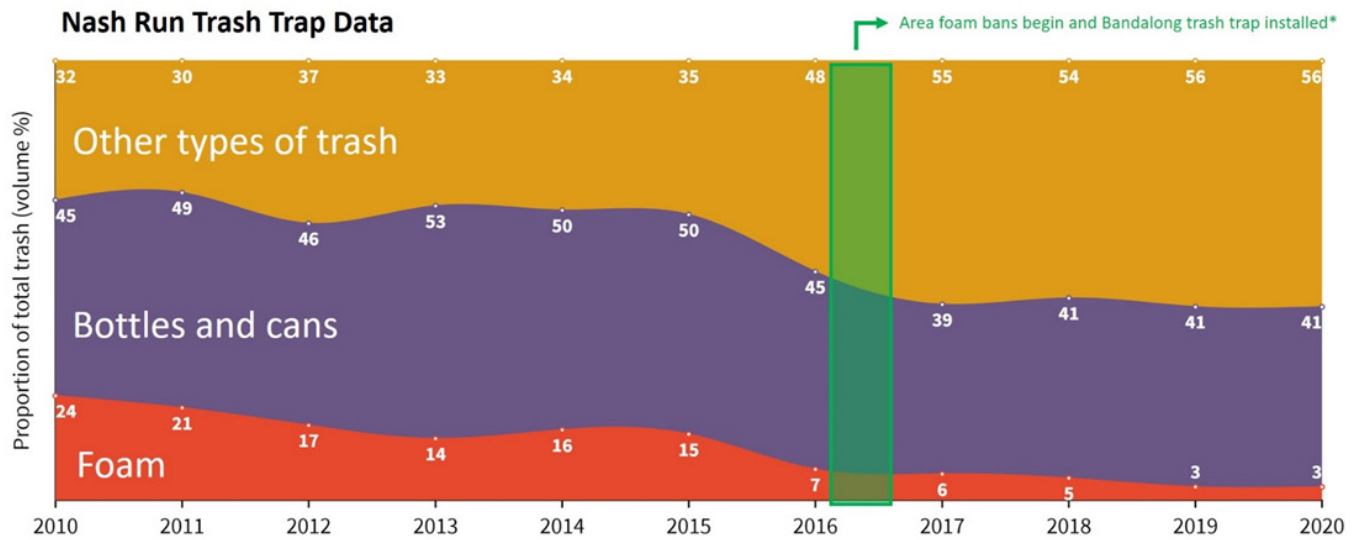
In FY20, the Latin American Youth Center (LAYC)'s River Corps trained 14 youth by using a hybrid program model that was half virtual and half in-person. This model provided trainees the opportunity to engage in virtual workforce trainings and environmental education, while also giving them hands-on field experiences. Trainees completed project work related to maintenance of green infrastructure installations, stream photo monitoring, trash clean-ups, and RiverSmart Homes inspections. Trainees also received certification in OSHA-10, First Aid/CPR, EPA watershed management, and erosion and sediment control best practices. Throughout the program, LAYC further supported trainees by providing housing and food assistance.



Figure 6: A RiverCorps youth member in the field analyzing water samples from a stream near Watts Branch.

## Trash Traps

Bag Fund revenues supported the installation and ongoing maintenance of nine trash traps, which have collectively removed more than 80,000 pounds of trash and debris from the District's water bodies since their respective installations. In FY20, these trash traps captured more than 8,500 pounds of litter. Each trap is monitored, with data reported on the amount (weight and volume) and type of trash collected and removed. This data informs DOEE's litter reduction measures.



*Graph based on data from Anacostia Watershed Society. Yearly averages may not sum to 100 due to rounding. Data for 2020 is through September 2020.*

**Figure 7: Trash Capture includes data collection to better understand the composition of trash in the river.**



**Figure 8: Volunteers at a Nash Run cleanup event.**



## Stream Restoration

**Broad Branch Road NW Restoration:** In FY20, the Bag Fund supported design and permitting costs to increase the size of a roadway culvert on Broad Branch Road NW. This project furthers the water quality measures of the previously installed [Broad Branch stream](#) daylighting project (2014) by increasing conveyance of larger storm events and reducing roadway flooding of Broad Branch Road NW.



Figure 9: Pictures of the 2014 Broad Branch Stream Restoration Project before (Top) and after (Bottom) a rain event

## Mussel Restoration

As of FY20, DOEE and its grantee, (AWS), deployed at least 27,894 mussels, with 11,473 of those being released into the Anacostia River directly. Four different unionid mussel species were propagated: Alewife floater (*Utterbackiana implicata*), Eastern pondmussel (*Ligumia nasuta*), Eastern floater (*Pyganodon cataracta*) and Eastern lampmussel (*Lampsilis radiata*). AWS implemented the Mussel Power program at six schools in the District and is working with the Aquatic Resources Education Center to develop a mussel display for educational purposes. AWS also engaged dozens of volunteers in the counting, measuring, and release of mussels into the Anacostia River.



Figure 10: Mussel basket

## Reusable Bag Distribution

DOEE did not purchase new reusable bags in FY20 but distributed more than 28,000 bags from the FY19 purchase to District nonprofits, sister agencies, and partners, with a special focus on low-income and senior populations. In FY20, groups that received reusable bag donations include DC Office on Aging, Bread for the City, DC Food Project, and Emory Beacon of Light Food Pantry. This effort aids residents in changing their behavior from using disposable bags to using reusable bags.



**DC Food Project**  
@DCFPTeam

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Our Emergency Weekend Bag Program relaunches this Friday, helping nearly 700 families in the city. Thank you to [@DOEE\\_DC](#) for donating reusable bags and to [@RindSnacks](#) for the tasty snacks, which families will receive when picking up groceries at one of our 8 school locations.



9:01 AM · Oct 7, 2020 · Twitter for iPhone

Figure 11: DC Food Project was one of the community organizations that DOEE donated reusable bags to during FY20.

## Citizen Science Water Quality Monitoring

Each year from May to September, volunteers from all eight Wards in the District test the levels of bacteria, air and water temperature, pH, and turbidity in areas where residents and visitors recreate. Data from this citizen science [water quality monitoring program](#), implemented by Anacostia Riverkeeper, is published and updated on a weekly basis via the Swim Guide and Water Reporter applications and the Chesapeake Monitoring Cooperative database. There were six virtual trainings in May 2020. Additionally, the program trained more than 30 new volunteers who helped analyze more than 460 water quality samples.



Figure 12: Volunteers drop off water quality samples to a lab.



## Community Stormwater Solutions

Through the [Community Stormwater Solutions grant program](#), DOEE provides funding for community-oriented and community-inspired projects to improve water quality, reduce trash, and raise awareness of what residents can do to restore rivers, streams, and parks. The Bag Fund is one of the major funding sources of this program, which supports projects across several Bag Fund spending categories.

In FY20, DOEE expanded the program by partnering with the Chesapeake Bay Trust (CBT) to help administer funds, cultivate relationships with potential grantees, and execute capacity-building initiatives to make funding opportunities more accessible to new organizations and small businesses. In partnership with CBT, DOEE awarded 10 Community Stormwater Solutions grants in FY20.



Figure 13

# Enforcement and Fee Collection

DOEE suspended routine Bag Law inspections from March 2020 through the end of the fiscal year in response to the Mayor’s March 30, 2020 [Stay-at-Home Order](#) and continued health and safety restrictions. This resulted in fewer total inspections for the year as compared to previous years. In FY20, DOEE conducted 217 inspections of District businesses to ensure compliance with the Act. This is compared to the approximately 550 inspections conducted in a normal year. As a result of these inspections, DOEE issued 33 Notices of Violation, or warning letters, and 19 Notices of Infraction, which carry civil penalties. DOEE assessed \$7,400 in civil penalties for infractions that occurred in FY20.

While the majority of FY20 inspections took place between October 2019-March 2020, compliance rates remained consistent with previous years (Figure 14). DOEE inspectors completed several rounds of targeted outreach since March 2020 to ensure businesses continue to charge and remit Bag Fees.

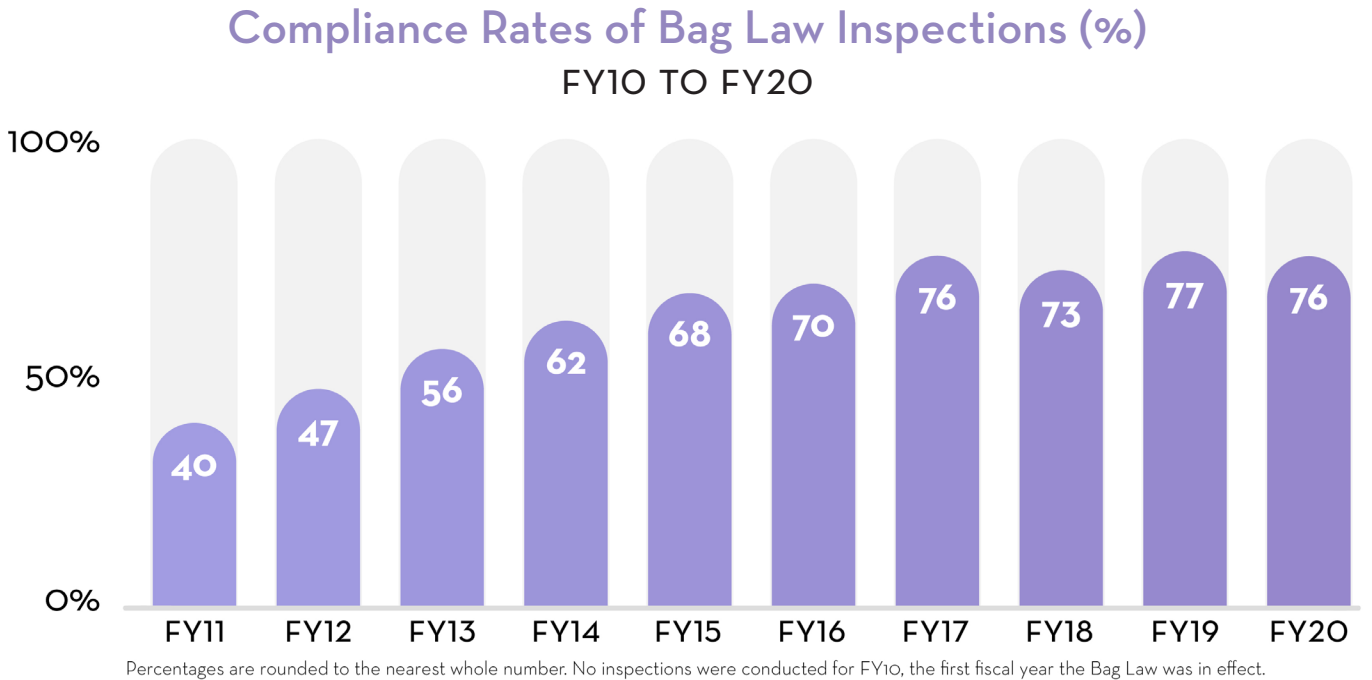


Figure 14

## Administration

A small portion of Bag Fund revenues covers administrative expenses associated with the program, such as equipment, printing and reproduction, and overhead expenses. Bag Fund revenues also support processing bag fees and other revenue sources remitted by businesses and residents and transferring them to the Bag Fund.



## Additional Information

The Bag Fund is managed by DOEE's Natural Resources Administration. For more information about implementation of the Act, visit [doee.dc.gov/bags](https://doee.dc.gov/bags). Additional questions should be directed to Emily Rice, Branch Chief of the Watershed Protection Division's Partnering and Environmental Conservation Branch, at (202) 535-2679 or [emily.rice@dc.gov](mailto:emily.rice@dc.gov).



## Appendix A: Bag Fund Revenue by Year and Source

<b>Fiscal Year</b>	<b>Fees</b>	<b>Tax Contributions</b>	<b>License Plates</b>	<b>Enforcement</b>	<b>Interest</b>	<b>TOTALS by YEAR</b>
<b>FY10</b>	\$1,510,088.35	\$18,107.49	\$0.00	\$0.00	\$0.00	\$1,528,195.84
<b>FY11</b>	\$1,845,313.25	\$69,849.37	\$6,493.80	\$650.00	\$0.00	\$1,922,306.42 <sup>1</sup>
<b>FY12</b>	\$1,993,183.22	\$64,117.91	\$10,670.15	\$3,164.13	\$0.00	\$2,071,135.41
<b>FY13</b>	\$2,001,575.50	\$58,120.21	\$10,753.05	\$2,302.25	\$0.00	\$2,072,751.01
<b>FY14</b>	\$2,084,613.59	\$60,853.69	\$21,935.50	\$4,567.30	\$0.00	\$2,171,970.08
<b>FY15</b>	\$2,236,275.44	\$72,435.77	\$26,414.45	\$2,478.43	\$32,287.64	\$2,369,891.73
<b>FY16</b>	\$2,284,104.15	\$76,906.63	\$28,086.95	\$2,451.51	\$11,107.79	\$2,402,657.03
<b>FY17</b>	\$2,382,747.11	\$104,331.65	\$28,750.70	\$5,230.11	\$29,423.04	\$2,550,482.61
<b>FY18</b>	\$2,294,977.50	\$109,646.07	\$29,288.80	\$9,200.00	\$55,320.61	\$2,498,432.98
<b>FY19</b>	\$2,282,879.44	\$103,541.59	\$29,284.35	\$10,594.60	\$76,678.39	\$2,502,978.37
<b>FY20</b>	\$2,068,208.73	\$129,567.64	\$17,890.75	\$11,200.00	\$16,613.64	\$2,243,480.76
<b>TOTALS by SOURCE:</b>	\$22,983,966.28	\$867,478.02	\$209,568.50	\$51,838.33	\$221,431.11	

**TOTAL  
REVENUE:           \$24,334,282.24**

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<sup>1</sup> Total FY11 revenue updated from previous years' reports to correct a calculation error, adds \$150 to the total.

## Appendix B: Act Priorities Addressed by Fund-Supported Activities

Act Priority/Fund-Supported Activity	Green Infrastructure	Watershed Education	Trash Capture	Stream Restoration	Outreach and Reusable Bag Distribution	Enforcement and Fee Collection	Program Administration
A public education campaign to educate residents, businesses, and tourists about the impact of trash on the District's environmental health		X			X	X	
Providing reusable carryout bags to District residents, with priority distribution to seniors and low-income residents					X		
Purchasing and installing equipment, such as storm drain screens and trash traps, designed to minimize trash pollution that enters waterways through storm drains			X	X			
Creating youth-oriented water resource and water pollution educational campaigns for students at the District public and charter schools		X					
Monitoring and recording pollution indices			X		X	X	
Preserving or enhancing water quality and fishery or wildlife habitat	X	X	X	X	X	X	
Promoting conservation programs, including programs for wildlife and endangered species	X	X			X		
Purchasing and installing signs and equipment designed to minimize trash pollution, including anti-littering signs to be installed in areas where littering would impact the Anacostia River, recycling containers, and covered trash receptacles			X		X		
Restoring and enhancing wetlands and green infrastructure to protect the health of the watershed and restore the aquatic and land resources of its watershed	X	X	X	X			
Funding community cleanup events and other activities that reduce trash, such as increased litter collection		X	X		X		
Funding a circuit rider program with neighboring jurisdictions to focus river and tributary clean-up efforts upstream <sup>1</sup>		X	X				
Supporting vocational and job training experiences in environmental and sustainable professions that enhance the health of the watershed		X					
Maintaining a public website that educates District residents on the progress of clean-up efforts							X
Paying for the administration of this program							X

<sup>1</sup> DDOE addresses this priority area through its participation the Anacostia Watershed Restoration Partnership and the Metropolitan Washington Council of Governments Regional Water Quality Management Program. Likewise, many local watershed groups (e.g. The Anacostia Watershed Society and Anacostia RiverKeeper) are already advocating for circuit rider initiatives throughout the region.