

Capital Reporting Company  
Action to Amend the Ban on Swimming in the Potomac River 07-18-2012

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PUBLIC HEARING  
OF  
DISTRICT DEPARTMENT OF THE ENVIRONMENT  
1200 1st Street, N.E.  
Conference Room 612  
Washington, D.C. 20002  
202-535-2600

Action to Amend the Ban on Swimming in the  
Potomac River

Wednesday, July 18, 2012

6:03 p.m.

Reported by: Erick McNair  
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1 A P P E A R A N C E S

2 ON BEHALF OF DDOE:

3 COLLIN BURRELL, Associate Director of the Water  
4 Quality Division - Presiding

5 ALAN BARAK, Assistant Attorney General, Office of  
6 General Counsel

7 SHAH NAWAZ, Environmental Specialist, Water  
8 Quality

9

10 PUBLIC ATTENDEES:

11 MICHAEL HARRIS

12 JENNIFER DEVLIN

13 TARUS NELSON

14 JENNIFER RENTCH

15 MEREDITH BOWEN

16 MIKE DIMARCO

17 MOLLY QUINN

18 TRAVIS SIEHNDEL

19 JEFFREY BELL

20 TIM STAPLES

21 KURT THIEL

22 PATRICK KELLY

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1 P R O C E E D I N G S

2 MR. BURRELL: Okay. Good evening. I'm  
3 Collin Burrell, Associate Director of the Water Quality  
4 Division, D.C. Department of the Environment,  
5 presenting tonight's public hearing on the action to  
6 amend the ban on swimming in the Potomac River  
7 rulemaking. I will now call the public hearing to  
8 order. It is now 6:05 p.m., Wednesday, July 18th, 2012  
9 at the District Department of the Environment, DDOE,  
10 1200 1st Street, Northeast, Washington, D.C.,  
11 Conference Room 612.

12 This public hearing is being conducted on the  
13 authority of Mr. Christophe Tulou, Director of DDOE.  
14 Representing DDOE are Alan Barak, Assistant Attorney  
15 General, Office of the Counsel General -- General  
16 Counsel, and Mr. Shah Nawaz, Environmental Specialist,  
17 Water Quality and who just walked out the room.

18 The purpose of this hearing is to allow the  
19 public to present their views on the proposed amendment  
20 to create a permanent exception to the prohibition of  
21 swimming in the District portion of the Potomac River  
22 to authorize special swimming events in the Potomac

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1 River. This rulemaking is necessary to preserve the  
2 safety of the individuals who will be swimming in the  
3 Potomac River during triathlons or any other events in  
4 the future and to prevent the threats to their health,  
5 safety and welfare as a result of their being exposed  
6 to pollutants or conditions that fail to comply with  
7 the District water quality standards and criteria for  
8 class A water set forth in 21 DCMR Section 1104.

9           DDOE Water Quality Division in the past  
10 authorized temporary suspension of the swimming ban by  
11 statute in 2007 and by emergency rule in 2008 through  
12 2011. The rule before you today are (sic) proposed to  
13 adopt as final -- for adoption as final. We are taking  
14 comments for 30 days after their publication as  
15 proposed. They would become effective immediately upon  
16 the final publication date in the District Register.

17           On Friday, June 29, 2012 at DCR Volume 59,  
18 Number 26, DDOE published a proposed rule as notice --  
19 and notice to the public hearing in the D.C. Register,  
20 and also they submitted a proposed rule electronically  
21 to the stakeholders identified previously, residents of  
22 the District, event organizers and other interested

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1 persons for their comments.

2           This proposed rulemaking amends Section 1158,  
3 Enforcement, of Title 21 of the District of Columbia  
4 Municipal Regulations, 21 DCMR Section 1158, by  
5 deleting Section 1158.5 on prohibition of swimming,  
6 adding Section 1108, Rivers, inserting the prohibition  
7 at Section 1108.1 and adding the rules at Section  
8 1108.2 to Section 1108.20 to create a permanent  
9 exception to the prohibition of swimming in the  
10 District portion of the Potomac River and to authorize  
11 qualifying swimming events in the Potomac River for a  
12 limited amount of time under limited conditions.

13           DDOE will consider all written and oral  
14 comments. All persons making presentations are urged  
15 to address their statements to relevant issues. All  
16 statements will be heard and considered, but for the  
17 accuracy of the record, statements should be submitted  
18 in writing. Electronic submission of writings is  
19 preferred. If you have extensive written material we  
20 can summarize it tonight so that there will be time for  
21 all parties to be heard. We will read them.

22           I will call each person in the order in which

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1 they appear on the list of persons requested -- who  
2 requested to speak. I assume everyone on this list  
3 requested to be heard?

4 MS. DEVLIN: I'm on the list, but I'm not  
5 speaking.

6 MR. BURRELL: Okay. I'll go through the list  
7 just to check off who will like to be heard. And we  
8 have one other person who -- these are the names on  
9 that list?

10 And the hearing will be end -- will end after  
11 all persons wishing to make comments have been heard.  
12 And before you begin your statement, I will ask that  
13 you clearly state your name and affiliation name.

14 Since that's the same list I will just await  
15 (indiscernible) and then I will just go through to  
16 verify who will be making testimony and check it off  
17 and then call you in the order in which to appear on  
18 the list.

19 MR. KELLY: I'm going as fast as I can,  
20 folks. You're waiting very patiently.

21 MR. BURRELL: Okay. I'll just go down the  
22 list, and if you're planning to make statement just,

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1 you know, identify yourself.

2 Michael Harris? Yes.

3 MR. HARRIS: Yes.

4 MR. BURRELL: Jennifer Darlin (sic) --

5 Devlin?

6 MS. DEVLIN: Yeah, but I won't speak.

7 MR. BURRELL: You won't speak?

8 MS. DEVLIN: No.

9 MR. BURRELL: Okay. Erick McNair? Okay.

10 Didn't speak.

11 Tarus Nelson?

12 MR. NELSON: Yes.

13 MR. BURRELL: You're going to speak it?

14 MR. NELSON: Yes.

15 MR. BURRELL: Okay. Jennifer -- Mrs. --

16 MS. RENTCH: Rentch.

17 MR. BURRELL: Rentch?

18 MS. RENTCH: Yes.

19 MR. BURRELL: Okay. Thank you. Will you be

20 speaking?

21 MS. RENTCH: Yes.

22 MR. BURRELL: Yes. Meredith Bowen? Will you

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1 be speaking?

2 MS. BOWEN: Yes.

3 MR. BURRELL: Mike DiMarco?

4 MR. DIMARCO: Yeah. I'll be speaking.

5 MR. BURRELL: Mrs. Molly Quinn?

6 MS. QUINN: Yes.

7 MR. BURRELL: Speaking?

8 MS. QUINN: Absolutely.

9 MR. BURRELL: Travis Snyder (sic)?

10 MR. SIEHNDEL: Yes. Speaking.

11 MR. BURRELL: Speaking. Jeffrey Bell?

12 MR. BELL: Yes.

13 MR. BURRELL: Speaking?

14 MR. BELL: Yes.

15 MR. BURRELL: Tim -- can't read this one.

16 MR. STAPLES: Staples. Yes.

17 MR. BURRELL: Staples?

18 MR. STAPLES: Staples.

19 MR. BURRELL: Staples. Thank you. Speaking.

20 And Kurt Thiel. Did I get it right?

21 MR. THIEL: Bingo. Thank you, sir. And I'm

22 speaking.



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1           MR. BURRELL: All right. As I said before,  
2 before beginning your statement, please clearly state  
3 your name and any affiliation. And at this time, I  
4 will call Mr. Michael Harris to give his presentation.

5           MR. HARRIS: Thank you very much. My name is  
6 Michael Harris. I am from Fairfax, Virginia, and I'm  
7 here on behalf of myself. I'm a 19-year triathlete,  
8 and I've completed a Nation's Triathlon the last four  
9 years which includes swimming in the Potomac three  
10 times. I've also completed triathlons in Philadelphia,  
11 New York City and Cleveland. That means I've swum in  
12 the Schuylkill and Hudson Rivers as well as Lake Erie.  
13 These are bodies of water that have undergone major  
14 cleanup and host numerous swimming events despite the  
15 weird looks and comments that I get from my non-tri  
16 friends. Some reputations die hard.

17           I average five to six triathlons in a year,  
18 and Nation's is my A race since it is in my backyard  
19 and because it's such a great course. This will be my  
20 third year being captain of my company's three-person  
21 team. This race is a perfect showcase for the nation's  
22 capital as it demonstrates the District's commitment to

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1 personal health and fitness.

2 Two weekends ago, while participating in the  
3 New York City Tri, I ran with a participant who noticed  
4 my Nation's Tri shirt and asked me to tell him all  
5 about it. He was excited to be going to D.C. for the  
6 first time.

7 I've never had an issue swimming in the  
8 Potomac other than getting ribbed by those who think it  
9 isn't safe to swim. The Nation's Tri has a great  
10 reputation in maintaining safety on their swim course.  
11 By passing a permanent exemption to the swimming ban  
12 for special swimming events involving the Potomac  
13 River, you send a message that the Potomac is safe and  
14 that special events are the rule and not the exception.

15 Thank you very much.

16 MR. BURRELL: Thank you, Mr. Harris.

17 At this time, I will call Mr. Tarus Nelson.

18 MR. NELSON: Yes. Tarus Nelson, triathlete  
19 and a director of a youth tri club in the area, Strive  
20 2 Tri. I'm corresponding to you as a concerned resident  
21 of Fort Washington, Maryland, directly near the Potomac  
22 River, adjacent to the National Harbor, who supports

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1 the use of the river for triathlons and open water  
2 swims. The Potomac River is a beautiful natural  
3 resource which has been instrumental to changing the  
4 health and wellness of thousands of citizens over the  
5 recent years. Both domestic and international athletes  
6 have annually committed themselves to participate in  
7 triathlons such as D.C. Tri and Nation's, making the  
8 D.C. metro area a focal point for multisport activities  
9 in the Mid-Atlantic region. Triathlons have been an  
10 integral part of my lifestyle to help overcome injuries  
11 I have -- I received as a young service-disabled  
12 veteran, in essence, the best physical therapy  
13 unsubscribed by medical professionals.

14           Below is a brief history in which I began  
15 with D.C. Tri sprint distance in 2010, done Lake  
16 Stevens in Washington state, done Nation's Triathlons,  
17 Olympic distance here a few times as well as swam with  
18 mentally challenged athletes previous and this year. I  
19 swam the 2.4 mile in the Potomac as well as recently  
20 swam from Virginia to Maryland. And next -- this  
21 weekend go to Lake Placid, New York to do our Iron Man  
22 as well.

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1           The Potomac serves as much more than a body  
2 of water which segregates neighboring states and the  
3 nation's capital but an important source of community  
4 interaction which is seldom experienced within large  
5 metropolitan areas that possess large bodies of water.  
6 We are fortunate to have a national governing body  
7 which has dedicated essential resources to ensuring the  
8 safety of residents and aquatic enthusiasts which  
9 further enforces a need to safeguard the Potomac River.  
10 It is refreshing to see the bustling activities  
11 occurring weekly at the National Harbor that conducts  
12 open water swim sessions which includes an amazing  
13 young swim team that inspires others to take the plunge  
14 and enjoy all the Potomac River has to offer.

15           In closing, I request you accept my sincere  
16 desire that you pass the permanent exemption of the  
17 swim ban for special swimming events involving the  
18 Potomac River. It is imperative that we support these  
19 events which improve the life of generations to enjoy  
20 the natural treasures of our region.

21           MR. BURRELL: Thank you, Mr. Nelson.

22           At this time, I will call Ms. Jennifer

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1 Rentch.

2 MS. RENTCH: Okay.

3 MR. BURRELL: Who will give her presentation.

4 MS. RENTCH: Yes. Jennifer Rentch. I am a  
5 local triathlete as well as I -- my husband and I own a  
6 local triathlon coaching company. I am writing in  
7 support of lifting the permanent swimming ban for the  
8 Potomac River around the area of Washington, D.C. I  
9 have participated in the local triathlon scene for six  
10 years now and have competed in the notable local races,  
11 D.C. Triathlon and Nation's Triathlon, three times and  
12 two times respectively. Each of these swims has been  
13 outstanding with regards to water visibility and  
14 quality. I have swum in many other city rivers without  
15 being able to say that about any of them.

16 While there are many races held in major  
17 metropolitan areas around the country, ours is  
18 particularly special due to the city's various unique  
19 historical sites, monuments and spectacular parklands.  
20 I believe that is what continues to draw large crowds  
21 of participants, sponsors and spectators year after  
22 year.

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1           I think triathlon brings a lot of benefits to  
2 the individuals that participate. Good health and good  
3 habits are just some of the more visible benefits of  
4 participating. There are also benefits of improved  
5 self- confidence as well as learning about a new city  
6 from an unusual vantage point. Lastly, many  
7 participants help raise money for charities, and some  
8 use the opportunity to honor a loved one or a friend.

9           In the past six years, I have traveled all  
10 around the country for races. Many people stop and ask  
11 me about my Nation's Tri tee shirts and express that  
12 this race is definitely on their bucket list. Most  
13 express that they just can't wait to get here and do it  
14 in the near future. It would be a real shame to  
15 disappoint them.

16           Thank you for your consideration, and I  
17 sincerely hope you pass the permanent exemption.

18           MR. BURRELL: Thank you, Ms. Rentch.

19           At this time, I will call Ms. Meredith Bowen  
20 to give her presentation.

21           MS. BOWEN: Hi. I'm Meredith Bowen. I live  
22 in the District, and I'm here representing myself and

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1 as a member of Team In Training. My love affair with  
2 triathlon is absolutely a D.C. romance. I jumped into  
3 the Potomac River for my very first race at the  
4 Nation's Tri in 2010. My absolute favorite memory of  
5 the race is taking a moment to look up over my shoulder  
6 while we were underneath the Arlington Memorial Bridge  
7 and thinking how incredibly cool it was to see the  
8 bottom of it. As a runner and resident, I've seen the  
9 sights of the Mall and the memorials dozens of times.  
10 But that view under the bridge, that was something  
11 unique.

12 I've completed two more D.C. triathlons since  
13 then: the 2011 D.C. Tri and 2011 Nation's, though it  
14 broke my heart and canceled the swim. I'm looking  
15 forward to jumping into the Potomac again this year for  
16 Nation's on September 9th.

17 Being a member of D.C.'s growing triathlon  
18 community is one of my favorite aspects of my residency  
19 here. I get to train and race in America's backyard  
20 and share a beautiful city with thousands of out-of-  
21 town racers each year during Nation's Tri, the largest  
22 race in existence in the country. And while training

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1 amongst the monuments and the museums is a uniquely  
2 D.C. experience, racing in the parks close to traffic  
3 and engulfed in spectators puts local races above and  
4 beyond any urban races I've ever done including New  
5 York City and Philadelphia triathlons.

6 D.C. is consistently rated amongst the  
7 fittest cities in the country and one of the most  
8 charitable, too. Our chapter of Team In Training,  
9 which benefits the Leukemia & Lymphoma Society, is one  
10 of the largest in the country. When my aunt was  
11 diagnosed with cancer in 2009, I decided to join Team  
12 T and complete the Nation's Triathlon in honor of her  
13 fight. When she passed away in August 2011, I knew  
14 that triathlon and Team T would always be ways that I  
15 honor her memory. Doing it in D.C.

16 where that started is important.

17 A permanent exemption of the swimming ban for  
18 special swimming events in the Potomac will protect and  
19 foster our local triathlon community and help ensure  
20 the District's reputation as one of the country's  
21 eminent triathlon cities. Thank you for your  
22 consideration of this exemption.



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1 MR. BURRELL: Okay. Thank you, Ms. Bowen.

2 At this time, I will call Mr. Mike DiMarco to  
3 give his testimony.

4 MR. DIMARCO: Hi. My name is Mike DiMarco,  
5 and I'm representing myself. I've been a resident of  
6 the District of Columbia for five years, and I'm an  
7 avid triathlete. When I first moved to Washington,  
8 D.C., the city was not known as a triathlon town. It  
9 was regularly mocked in the triathlon community.  
10 Fellow triathletes from across the country would mock  
11 the dirty Potomac River and did not see D.C. as a  
12 desirable location.

13 In 2007, I completed the Nation's Triathlon  
14 for the first time and couldn't have been more  
15 surprised at what a great city Washington, D.C. was for  
16 triathletes, as the race turned me from a skeptic to an  
17 advocate for triathlon in Washington, D.C. Now in the  
18 triathlon community the Nation's Triathlon is known as  
19 one of the best events in the country and was recently  
20 rated the top triathlon in the Mid-Atlantic region.  
21 Triathletes from across the country eagerly flock to  
22 our great city to participate in this race each

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1 September, and each year a new corps of racers  
2 transform from skeptics to advocates, much like myself  
3 five years ago.

4           Passing a permanent exemption to the swimming  
5 ban for special swimming events in the Potomac will  
6 help ensure the Nation's Triathlon can continue to  
7 attract triathletes to Washington, D.C. each year and  
8 allow us to showcase our wonderful city and wonderful  
9 sport to people from across the country and across the  
10 world. Thank you for considering passing this  
11 exemption at this time.

12           MR. BURRELL: Okay. Thank you, Michael.

13           At this time I will call someone, Quinn?

14           MS. QUINN: Yes.

15           MR. BURRELL: Oh, Ms. Quinn. Sorry.

16           MS. QUINN: It's okay.

17           MR. BURRELL: To give her presentation.

18           MS. QUINN: Hello. My name's Molly Quinn,  
19 and I'm the vice president of Competitor Group, the  
20 owner and producer of the Nation's Triathlon and other  
21 major endurance races that take place worldwide.  
22 Competitor Group currently owns and operates more than

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1 50 events around the world including the Rock 'n' Roll  
2 Marathon Series, Land Rover, TriRock Triathlon Series  
3 and Columbia Muddy Buddy series, events that will  
4 include more than 600,000 professional and amateur  
5 participants in 2012. As the former president of  
6 Washington Sports and Event Management, I've overseen  
7 seven events involving a swimming competition that took  
8 place in the Potomac River, four for the Nation's  
9 Triathlon, two for the Washington, D.C. Triathlon and  
10 one for the Dextro Energy World Triathlon Series.  
11 Additionally, for most of these events, we've also held  
12 a swim practice in the Potomac River the day before the  
13 event.

14           For each of these events, our organization  
15 worked with independent water-quality testing  
16 organizations and conducted all the required water  
17 tests leading up to and including the day of the race.  
18 In order to further enhance swim safety, we've also put  
19 into place a quality assurance project plan, a QAPP,  
20 and have taken added steps to ensure the safety of our  
21 athletes, including the purchase and deployment of  
22 large, numbered buoys that assist in directing swimmers

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1 in the water, and the use of ambulances and assets in  
2 the water, including rescue boats, kayaks, WaveRunners,  
3 all equipped with the appropriate number of lifeguards  
4 and EMS personnel to support the number of participants  
5 for each given race. Safety support for the swim is  
6 provided by the District of Columbia's Fire EMS, D.C.  
7 Harbor Police, the U.S. Park Police and personnel on  
8 the water provided through Nation's Tri. All swimmers  
9 are monitored via an electronic chip as they enter and  
10 exit the water.

11 I'd also like to take a moment to share with  
12 you some of the positive results of these races. For  
13 three years running, Washington, D.C. was voted by the  
14 American Fitness Index as the fittest city in the  
15 nation. Among the reasons cited were the proliferation  
16 of triathlons, including three events noted earlier,  
17 and a nonprofit organization we also support called the  
18 Chief Kids Tri which brings the benefits of triathlon  
19 training to some of D.C.'s inner-city youth. The  
20 Nation's Triathlon is the only triathlon event in the  
21 country dedicated to supporting research and to a cure  
22 for blood cancers, and to date, our race has raised

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1 more than \$11 million to benefit the Leukemia &  
2 Lymphoma Society. In addition to our charitable  
3 giving, we also commissioned a study on the economic  
4 impact of the Nation's Triathlon which found that  
5 direct and indirect spending tied to the event has  
6 contributed more than \$6.8 million annually to the  
7 local economy.

8           Through these triathlons, we also offer  
9 unique race within races that have fostered  
10 competitions among our city's federal employees. We've  
11 had members of Congress, White House staff, Hill staff  
12 and administration leaders compete. We also host  
13 competitions among active-duty veteran military  
14 populations and for new triathletes. We're proud of  
15 the impact we've had on the city, including being  
16 recognized by the Guinness Book of World Records as the  
17 largest international distance triathlon event in the  
18 nation and being recognized by the First Lady's Let's  
19 Move! initiative for our chief program as an  
20 organization that is helping combat the obesity crisis  
21 in our country.

22           We hope you will continue to let triathlons

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1 grow and flourish in the nation's capital as we  
2 continue to see the benefits of these competitions  
3 reflected in our city's economic well-being and health.

4 MR. BURRELL: Okay. Thank you, Ms. Quinn.

5 And at this time I will call on Mr. Travis  
6 Siehndel to make his presentation.

7 MR. SIEHNDEL: This one's a hard act to  
8 follow.

9 My name is Travis Siehndel, and I represent  
10 myself and the 1,200 member strong D.C. Triathlon Club.  
11 I've been competing in the sport of triathlon for just  
12 over nine years and have been either a participant or  
13 an active volunteer in each of the Nation's Triathlon  
14 events that have been produced in Washington, D.C. In  
15 addition to swimming the Potomac for the Nation's  
16 Triathlon, I have also participated in open water  
17 swimming events in the Potomac River off the shores of  
18 Maryland.

19 Throughout my experience racing triathlon  
20 events, I have swum in bodies of water in major cities  
21 in the U.S. as well as in the international waters of  
22 Cozumel, Mexico. Domestically, in addition to swimming

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1 the Potomac River, I have swam in the Hudson River in  
2 New York, the Allegheny River in Pittsburgh, the  
3 Monongahela River in Morgantown, West Virginia, as well  
4 as the Chesapeake Bay and many of its tributaries.  
5 With this experience, it's my opinion that the Potomac  
6 River provides one of the best urban river swimming  
7 experiences in the country. Beginning on one side you  
8 have the Lincoln Memorial, Georgetown and the Memorial  
9 Bridge in view, and on the other is Arlington National  
10 Cemetery, the U.S. Air Force Memorial and the Pentagon.  
11 These sites alone make for one of the most amazing  
12 backdrops that open water swimming has to offer.

13           Through my experience with the D.C. Triathlon  
14 Club and as a volunteer for its new triathlete training  
15 program, I have helped to prepare and train nearly  
16 1,000 first-time triathletes to compete in the sport.  
17 For any of these athletes that may have had pre-  
18 existing reservations regarding swimming in the Potomac  
19 based on its reputation as a dirty urban river, I have  
20 never heard any -- I have never heard of an athlete  
21 exiting the Potomac reporting anything other than  
22 praise and surprise at the quality of the water in the

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1 Potomac.

2           In a city as active and vibrant as  
3 Washington, D.C., the Potomac River is a national  
4 treasure and provides yet another opportunity to define  
5 our city as the world-class center that it is. Thank  
6 you for considering this permanent exemption for  
7 swimming in the Potomac River, and I look forward to  
8 seeing more opportunities for swimming in this historic  
9 body of water. Thank you.

10           MR. BURRELL: Thank you, Mr. Siehndel.

11           At this time, I would call on Mr. Jeffrey  
12 Bell to give his presentation.

13           MR. BELL: My name is Jeffrey Bell. I  
14 represent Team In Training as the head triathlon coach.  
15 I'm a local triathlete and triathlon coach, and I'm  
16 writing and speaking in support of lifting the  
17 permanent swimming ban for the Potomac River area  
18 around Washington, D.C.

19           As one of the thousands of athletes bred into  
20 the sport of triathlon here in the nation's capital, I  
21 fell in love with the sport thanks to the Leukemia &  
22 Lymphoma Society's Team In Training endurance program.



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1 Six years ago, I considered the feat of finishing a  
2 single triathlon to be a pipe dream. With the  
3 incredible coaching and fundraising support through the  
4 D.C. chapter of Team In Training, Team T, not only did  
5 I successfully complete the race, but I raised over  
6 \$4,000 for LLS and blood cancer patients in the metro  
7 D.C. area. I was there at the starting line when the  
8 Nation's Triathlon first broke ground in its inaugural  
9 year at the Georgetown waterfront, and I've watched  
10 over the next few years as the race became the largest  
11 Olympic distance triathlon in North America.

12           In addition to becoming the continent's  
13 largest triathlon, the Nation's Triathlon is the only  
14 triathlon in the country dedicated to building  
15 awareness and raising money for the treatment of  
16 leukemia and blood- related cancers. In 2011 alone,  
17 the event raised nearly \$3 million for LLS with 700  
18 athletes competing and raising funds through Team In  
19 Training. Even more impressive, since the race's  
20 inception, the partnership between the race and LLS has  
21 garnered an estimated \$11 million for research, patient  
22 education and support initiatives that will help LLS

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1 bring us closer to a cure.

2           The Nation's Triathlon is the flagship  
3 triathlon for Team T nationwide and a cornerstone  
4 tourism event for the city every year in September.  
5 With over 85 percent of the Team T participants  
6 arriving in D.C. as traveling participants and not  
7 local residents, they are awarded such awards as a  
8 four-day weekend hotel stay on top of planned time to  
9 spend with family and friends, visitors touring the  
10 area, landmarks, etc., and spending money in the  
11 nation's capital. So not only is the race acclaimed as  
12 a world-class triathlon but also provides significant  
13 tourism revenue to the city outside of the busy summer  
14 season.

15           Having been a part of the LLS family for six  
16 years as a participant, fundraiser and now head  
17 traveling coach, I have developed incredible  
18 connections to dozens of survivors of blood cancers as  
19 well as several of those who lost battles. I cannot  
20 fathom depriving blood cancer patients in the D.C. area  
21 of nearly \$3 million a year of cancer research funds  
22 raised by this event alone because of the legislative

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1 swimming ban. Passing a permanent exemption to the  
2 swimming ban for the Potomac River will help ensure  
3 that the Nation's Triathlon can continue to attract  
4 triathletes to Washington, D.C. and provide LLS and  
5 Team In Training with a cornerstone fundraising event  
6 to support the mission of curing blood cancers.

7 Thank you.

8 MR. BURRELL: Thank you, Mr. Bell.

9 At this time, I will call on Mr. Staples for  
10 his presentation.

11 MR. STAPLES: Good evening. My name is Tim  
12 Staples. My company, Marine Evolutions, is a marine  
13 contracting company in Alexandria that has installed  
14 the triathlons a number of times and works on the river  
15 every day during boating-related things. And we also  
16 advise various commercial properties in the area about  
17 flooding, about other natural things related to the  
18 river.

19 The ban on swimming in the river originated  
20 many years ago when the river was very polluted. That  
21 is not the case now. It has been improved. The  
22 testing that is being done by the various triathlon

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1 events has proved that at the time of those events the  
2 water quality is better than is required by the  
3 national standards, sometimes by quite a lot, better  
4 than many of the beaches that local D.C. people go to  
5 in Delaware, Maryland and Virginia. So to my, to my  
6 belief, the total ban on swimming is past as a  
7 requirement and should totally be removed. There are  
8 canoeists and kayakers that are up at Great Falls that  
9 are in the river every day practicing for the Olympics,  
10 or they've just gone to London for them. There are  
11 people fishing at Fletcher's Cove on a very regular  
12 basis wading into the river. There are people swimming  
13 off their boats to cool off out by the Three Sisters  
14 rocks. There are people rowing. There are people  
15 sailing. There are people in all different sporting  
16 activities that are in the river every day. Indeed,  
17 your own D.C. Harbor Patrol regularly practice rescues  
18 in the river without contamination suits.

19           Therefore, swimming in the river should be  
20 permitted and certainly an exemption for a special  
21 event where you have all these safeguards of testing  
22 and safety support. It's a very easy sell for you

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1 because the liability is very small.

2 MR. BURRELL: Okay. Thank you, Mr. Staples.

3 And at this time I will call Mr. Kurt Thiel  
4 to give his presentation.

5 MR. THIEL: I am Kurt Thiel. Some of you,  
6 actually almost all of you, have seen me at one time or  
7 other. I'm the guy in the red Tsunami kayak. Okay.  
8 I'll start off informally. Back in 1999, I was the  
9 meet director for the 2003 National Championship 5K. I  
10 had all the permits and everything lined up for the  
11 2003 National Championship 5K Open Water race. Two  
12 months before the race, because there was some kind of  
13 a lawsuit going on, a judge ruled that if my permits  
14 stood that that race was held, that the District of  
15 Columbia would basically be pleading guilty to what  
16 they were charged with.

17 In my research for that race during those  
18 years, the D.C. Department of Health was very helpful.  
19 I have reams of paperwork that I have not dug out of my  
20 attic; I know it's up there somewhere; where the river  
21 is 325 days a year contact one certifiable back then  
22 from the Memorial Bridge and below. At that time, Rock

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1 Creek Park and a few of the outfalls in the Georgetown  
2 area and above were a distinct problem. That has since  
3 been ameliorated by some of the stuff that D.C. Water  
4 has done and is doing in the future. Of course, that's  
5 the nirvana as the tunnel being dug.

6           Let me back up and do my formal presentation.  
7 I am the safety officer and I am the open water chair  
8 for Potomac Valley Swimming. Potomac Valley Swimming  
9 is the local swim committee of the Eastern Zone of  
10 United States Swimming. Go ahead.

11           Potomac Valley Swimming lauds this effort to  
12 streamline the process by which swimming events can be  
13 brought to the Potomac River within the confines of the  
14 District of Columbia's waters. This is a major step to  
15 allow the contesting of National Championship Open  
16 Water swimming events in our nation's river in the  
17 future, along with local and regional events. Potomac  
18 Valley Swimming has been at the forefront of efforts to  
19 have significant open water swimming events returned to  
20 the Potomac since the late 1990s when it first became  
21 evident that the measures taken by the communities  
22 along the Potomac had improved the water quality

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1 dramatically over the lamentable state President  
2 Johnson found in the 1960s.

3           And by the way, my last open water race in  
4 the Potomac was off the Potomac Boat Club docks in  
5 1966. That was the end of my open water competitive  
6 career in this area.

7           In an event to hold the 2003 National  
8 Championship 5-kilometer race, the D.C. Department of  
9 Health shared the water sample reports for a number of  
10 years which showed that the river was contact one  
11 certifiable for approximately 325 days per year in the  
12 area below the Memorial Bridge. The problem then and  
13 now was when an unusually heavy rainstorm flushed  
14 pathogens into the river from streets, parks, combined  
15 sewer outflows, sometimes known as CSOs, along with  
16 minor tributaries. I think we should also add  
17 Georgetown's parking lots when somebody doesn't put the  
18 wall up.

19           Since that time, the situation has been  
20 greatly improved by communities along the river through  
21 active and passive measures. The District of Columbia  
22 and its D.C. Water are to be particularly commended for

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1 the actions taken since the 2003 USA Swimming 5K race  
2 attempt. Although this is a major step in the right  
3 direction, it only covers one-time events and  
4 associated practice sessions. PVS is also in need of a  
5 venue to practice open water swimming on a continuing  
6 basis by its teams and also the national team. Without  
7 the use of the river beyond the one event plus practice  
8 session format, a great asset will be lost to the  
9 development of world- class open water swimmers in the  
10 area and the USA. We believe that a program as it  
11 existed and was overseen by the D.C. Department of  
12 Health with routine testing of the main channel of the  
13 river and incorporating a radio contact check-in,  
14 check-out system with the harbor master, proper water  
15 safety qualified and certified coaches and escort boats  
16 could open the Potomac River as a major training venue  
17 for open water swimming. Although only a quick  
18 thumbnail sketch of the possibilities, PVS stands ready  
19 to consult with the District's authorities to make this  
20 a viable part of the rulemaking effort.

21 Thank you.

22 MR. BURRELL: Okay. Thank you, Mr. Thiel.



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1 Did anyone else --

2 MS. DEVLIN: We had one person that came in  
3 late.

4 MR. BURRELL: Did anyone else --

5 MR. KELLY: I just came in support of the  
6 Team In Training, Jeff Bell and Meredith Bowen.

7 MR. BURRELL: Okay. Do you have an interest  
8 in testifying or -- okay.

9 At this time, is anyone else present who  
10 wished to testify?

11 If there are no other persons present that  
12 wish to testify, at this time, I will move that the  
13 hearing be officially closed.

14 Thank you very much, and this hearing now has  
15 adjourned.

16 (Whereupon, the public hearing was concluded  
17 at 6:38 p.m.)

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1 CERTIFICATE OF NOTARY PUBLIC

2

3 I, ERICK McNAIR, the officer before whom the  
4 foregoing hearing was taken, do hereby certify that the  
5 testimony appearing in the foregoing transcript was  
6 recorded by me and thereafter reduced to typewriting  
7 under my direction; that said transcription is a true  
8 record of the testimony given by said parties; that I  
9 am neither counsel for, related to, nor employed by any  
10 of the parties to the action in which this was taken;  
11 and, further, that I am not a relative or employee of  
12 any counsel or attorney employed by the parties hereto,  
13 nor financially or otherwise interested in the outcome  
14 of this action.

15

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ERICK McNAIR

20

Notary Public in and for the

21

District of Columbia

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My Commission Expires: July 14, 2016

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CERTIFICATE OF TRANSCRIPTION

I, KAREN EHATT, hereby certify that I am not the Court Reporter who reported the following proceeding and that I have typed the transcript of this proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of said proceeding.

\_\_\_\_\_

Date

\_\_\_\_\_

KAREN EHATT

Transcriptionist

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<p style="text-align: center;"><u>          </u> \$</p> <p><b>\$11</b> 21:1 25:21</p> <p><b>\$3</b> 25:17 26:21</p> <p><b>\$4,000</b> 25:6</p> <p><b>\$6.8</b> 21:6</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p><b>1,000</b> 23:16</p> <p><b>1,200</b> 22:10</p> <p><b>1104</b> 4:8</p> <p><b>1108</b> 5:6</p> <p><b>1108.1</b> 5:7</p> <p><b>1108.2</b> 5:8</p> <p><b>1108.20</b> 5:8</p> <p><b>1158</b> 5:2,4</p> <p><b>1158.5</b> 5:5</p> <p><b>1200</b> 1:6 3:10</p> <p><b>14</b> 34:22</p> <p><b>18</b> 1:15</p> <p><b>18th</b> 3:8</p> <p><b>1960s</b> 31:2</p> <p><b>1966</b> 31:5</p> <p><b>1990s</b> 30:20</p> <p><b>1999</b> 29:8</p> <p><b>19-year</b> 9:7</p> <p><b>1st</b> 1:6 3:10</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p><b>2</b> 10:20</p> <p><b>2.4</b> 11:19</p> <p><b>20002</b> 1:8</p> <p><b>2003</b> 29:9,11 31:7 32:1</p> <p><b>2007</b> 4:11 17:13</p>	<p><b>2008</b> 4:11</p> <p><b>2009</b> 16:11</p> <p><b>2010</b> 11:15 15:4</p> <p><b>2011</b> 4:12 15:13 16:13 25:16</p> <p><b>2012</b> 1:15 3:8 4:17 19:5</p> <p><b>2016</b> 34:22</p> <p><b>202-535-2600</b> 1:9</p> <p><b>21</b> 4:8 5:3,4</p> <p><b>26</b> 4:18</p> <p><b>29</b> 4:17</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p><b>30</b> 4:14</p> <p><b>325</b> 29:21 31:11</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p><b>50</b> 19:1</p> <p><b>59</b> 4:17</p> <p><b>5K</b> 29:9,11 32:1</p> <p><b>5-kilometer</b> 31:8</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p><b>6:03</b> 1:16</p> <p><b>6:05</b> 3:8</p> <p><b>6:38</b> 33:17</p> <p><b>600,000</b> 19:4</p> <p><b>612</b> 1:7 3:11</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p><b>700</b> 25:17</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p><b>85</b> 26:5</p> <hr/> <p style="text-align: center;">9</p> <hr/>	<p><b>9th</b> 15:16</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p><b>able</b> 13:15</p> <p><b>absolute</b> 15:4</p> <p><b>absolutely</b> 8:8 15:2</p> <p><b>accept</b> 12:15</p> <p><b>acclaimed</b> 26:11</p> <p><b>accuracy</b> 5:17</p> <p><b>across</b> 17:10,21 18:9</p> <p><b>act</b> 22:7</p> <p><b>action</b> 1:11 3:5 34:10,14</p> <p><b>actions</b> 32:1</p> <p><b>active</b> 22:13 24:2 31:21</p> <p><b>active-duty</b> 21:13</p> <p><b>activities</b> 11:8 12:10 28:16</p> <p><b>actually</b> 29:6</p> <p><b>add</b> 31:16</p> <p><b>added</b> 19:20</p> <p><b>adding</b> 5:6,7</p> <p><b>addition</b> 21:2 22:15,22 25:12</p> <p><b>Additionally</b> 19:11</p> <p><b>address</b> 5:15</p> <p><b>adjacent</b> 10:22</p> <p><b>adjourned</b> 33:15</p> <p><b>administration</b> 21:12</p> <p><b>adopt</b> 4:13</p> <p><b>adoption</b> 4:13</p>	<p><b>advise</b> 27:16</p> <p><b>advocate</b> 17:17</p> <p><b>advocates</b> 18:2</p> <p><b>affair</b> 15:1</p> <p><b>affiliation</b> 6:13 9:3</p> <p><b>ago</b> 10:2 18:3 25:1 27:20</p> <p><b>ahead</b> 30:10</p> <p><b>Air</b> 23:10</p> <p><b>Alan</b> 2:5 3:14</p> <p><b>Alexandria</b> 27:13</p> <p><b>Allegheny</b> 23:2</p> <p><b>allow</b> 3:18 18:8 30:15</p> <p><b>alone</b> 23:11 25:16 26:22</p> <p><b>am</b> 9:6 13:4,6 29:5 30:7 34:9,11 35:3</p> <p><b>amateur</b> 19:4</p> <p><b>amazing</b> 12:12 23:11</p> <p><b>ambulances</b> 20:1</p> <p><b>ameliorated</b> 30:3</p> <p><b>amend</b> 1:11 3:6</p> <p><b>amendment</b> 3:19</p> <p><b>amends</b> 5:2</p> <p><b>America</b> 25:11</p> <p><b>American</b> 20:14</p> <p><b>America's</b> 15:19</p> <p><b>among</b> 20:15 21:10,13</p> <p><b>amongst</b> 16:1,6</p> <p><b>amount</b> 5:12</p> <p><b>annually</b> 11:6 21:6</p>
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<p><b>anyone</b> 33:1,4,9  <b>anything</b> 23:21  <b>appear</b> 6:1,17  <b>appearing</b> 34:5  <b>appropriate</b> 20:3  <b>approximately</b>                  31:11  <b>aquatic</b> 12:8  <b>area</b> 10:19 11:8                  13:8 24:17 25:7                  26:10,20 27:16                  30:2 31:6,12                  32:10  <b>areas</b> 12:5 13:17  <b>Arlington</b> 15:6                  23:9  <b>arriving</b> 26:6  <b>aspects</b> 15:18  <b>asset</b> 32:8  <b>assets</b> 20:1  <b>assist</b> 19:22  <b>Assistant</b> 2:5 3:14  <b>Associate</b> 2:3 3:3  <b>associated</b> 32:4  <b>assume</b> 6:2  <b>assurance</b> 19:19  <b>athlete</b> 23:20  <b>athletes</b> 11:5,18                  19:21 23:17                  24:19 25:18  <b>attempt</b> 32:2  <b>ATTENDEES</b>                  2:10  <b>attic</b> 29:20  <b>attorney</b> 2:5 3:14                  34:12</p>	<p><b>attract</b> 18:7 27:3  <b>August</b> 16:13  <b>aunt</b> 16:10  <b>authorities</b> 32:19  <b>authority</b> 3:13  <b>authorize</b> 3:22                  5:10  <b>authorized</b> 4:10  <b>average</b> 9:17  <b>avid</b> 17:7  <b>await</b> 6:14  <b>awarded</b> 26:7  <b>awards</b> 26:7  <b>awareness</b> 25:15  <b>away</b> 16:13</p> <hr/> <p style="text-align: center;"><b>B</b></p> <hr/> <p><b>backdrops</b> 23:12  <b>backyard</b> 9:18                  15:19  <b>ban</b> 1:11 3:6 4:10                  10:11 12:17 13:7                  16:17 18:5 24:17                  27:1,2,19 28:6  <b>Barak</b> 2:5 3:14  <b>based</b> 23:19  <b>basically</b> 29:15  <b>basis</b> 28:12 32:6  <b>battles</b> 26:19  <b>Bay</b> 23:4  <b>beaches</b> 28:4  <b>beautiful</b> 11:2                  15:20  <b>became</b> 25:10                  30:20</p>	<p><b>become</b> 4:15  <b>becoming</b> 25:12  <b>begin</b> 6:12  <b>beginning</b> 9:2 23:7  <b>behalf</b> 2:2 9:7  <b>belief</b> 28:6  <b>believe</b> 13:20                  32:10  <b>Bell</b> 2:19                  8:11,12,14                  24:12,13 27:8                  33:6  <b>benefit</b> 21:1  <b>benefits</b> 14:1,3,4                  16:9 20:18 22:2  <b>best</b> 11:12 17:19                  23:6  <b>better</b> 28:2,3  <b>beyond</b> 16:4 32:7  <b>Bingo</b> 8:21  <b>blood</b> 20:22                  25:6,16 26:18,20                  27:6  <b>Boat</b> 31:4  <b>boating-related</b>                  27:15  <b>boats</b> 20:2 28:13                  32:15  <b>bodies</b> 9:13 12:5                  22:20  <b>body</b> 12:1,6 24:9  <b>Book</b> 21:16  <b>bottom</b> 15:8  <b>Bowen</b> 2:15 7:22                  8:2 14:19,21                  17:1 33:6</p>	<p><b>bred</b> 24:19  <b>bridge</b> 15:6,10                  23:9 29:22 31:12  <b>brief</b> 11:14  <b>bring</b> 26:1  <b>brings</b> 14:1 20:18  <b>broke</b> 15:14 25:8  <b>brought</b> 30:13  <b>bucket</b> 14:12  <b>Buddy</b> 19:3  <b>building</b> 25:14  <b>buoys</b> 19:22  <b>Burrell</b> 2:3 3:2,3                  6:6,21                  7:4,7,9,13,15,17,                  19,22                  8:3,5,7,9,11,13,1                  5,17,19 9:1                  10:16 12:21 13:3                  14:18 17:1                  18:12,15,17 22:4                  24:10 27:8 29:2                  32:22 33:4,7  <b>bustling</b> 12:10  <b>busy</b> 26:13</p> <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <p><b>canceled</b> 15:14  <b>cancer</b> 16:11 25:6                  26:20,21  <b>cancers</b> 20:22                  25:16 26:18 27:6  <b>canoeists</b> 28:8  <b>capital</b> 1:19 9:22                  12:3 22:1 24:20                  26:11  <b>captain</b> 9:20</p>
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