



COUNCIL OF THE DISTRICT OF COLUMBIA

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ZACHARY PARKER
COUNCILMEMBER, WARD 5

COMMITTEE MEMBER
Facilities and Family Services
Health
Hospital and Health Equity
Housing
Transportation and the Environment

November 6, 2023

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue NW
Washington, DC 20004

Dear Secretary Smith,

Today, I am introducing the Environmental Justice Amendment Act of 2023. Please find enclosed a signed copy of the legislation, which is co-introduced by Councilmembers Christina Henderson and Kenyan McDuffie.

It is often said that every map of the District looks the same. When it comes to pollution and environmental hazards, the saying certainly holds true. For decades, the District has concentrated facilities that produce air pollution, hazardous waste, water pollution, stormwater runoff, and urban heat island effects in low income and predominantly Black neighborhoods. During that time, the District has placed the burden of fighting these injustices on the residents in Ivy City, Brentwood, Mayfair, Bellevue, and countless other communities in Wards 4, 5, 7, and 8. Instead of empowering and lifting up the needs of these resilient neighborhoods, we have exposed them to an outrageous accumulation of environmental hazards through our land use, planning, and permitting processes.

The Environmental Justice Amendment Act of 2023—which is modeled on a [New Jersey statute and accompanying rulemaking](#)—has four major components. The bill:

1. Establishes a “cumulative impact statement” process that must be completed to obtain District permits and other relief for environmentally harmful actions in overburdened communities;¹

¹ The Environmental Justice Act of 2023 employs the CDC’s Environmental Justice Index (EJI) to define overburdened communities. The EJI, which takes into account environmental burdens, social vulnerability, and health vulnerability, is depicted on Attachment A to this letter.

2. Establishes a “modified cumulative impact statement” to assess District agency plans that impact the siting of significant sources of environmental harm in overburdened communities;
3. Establishes forms of accountability to ensure that these processes are enforceable and result in meaningful progress for overburdened communities; and
4. Establishes an environmental justice division at DOEE.

The Environmental Justice Amendment Act would require an assessment of the cumulative impacts created by major actions and actions at applicable facilities in overburdened communities, require transparency and community engagement regarding those impacts, and result in the denial of the proposed action if a disproportionate impact on an overburdened community is identified. Actions that substantially reduce disproportionate impacts, are required by changes in environmental regulations aimed at improving stressors, or that provide direct benefits to overburdened communities (such as access to affordable housing, food, health care, parks, trails, or public education) are exempt from this process.

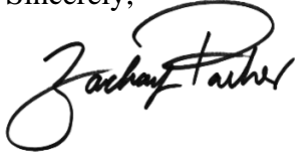
The legislation would also require the preparation of a modified cumulative impact statement whenever a District agency proposes a plan or policy that that would subject an overburdened community to significant sources of pollution. If the modified cumulative impact statement identified a disproportionate impact on an overburdened community, an agency would be barred from spending funds to implement the proposed policy or plan unless it obtained affirmative approval from the D.C. Council. Road designs that are consistent with the District’s climate commitments are exempt from this process.

Mindful of the fact that accountability is key to the success of any process, the Environmental Justice Amendment Act would authorize the Mayor to fine an applicant or to revoke an action taken on behalf of an applicant for failure to comply with mitigating measures or conditions of operation identified in an environmental impact statement or cumulative impact statement. The legislation would also empower the People’s Counsel to initiate a civil action on behalf of any individual or individuals for legal wrongs suffered in the preparation or disposition of an environmental impact statement or cumulative impact statement.

Finally, the Environmental Justice Act would establish an Energy and Environmental Justice Division in the Department of Energy and Environment. This division would be charge with identifying and reducing environmental, energy, climate, and health burdens and cumulative impacts in overburdened communities; leading, coordinating, and tracking the incorporation of energy justice and environmental justice into the DOEE’s processes, priorities, and allocation of resources; empowering communities to exercise their rights under the District’s environmental laws and regulations; and ensuring that the District continues to make investments in energy equity and access.

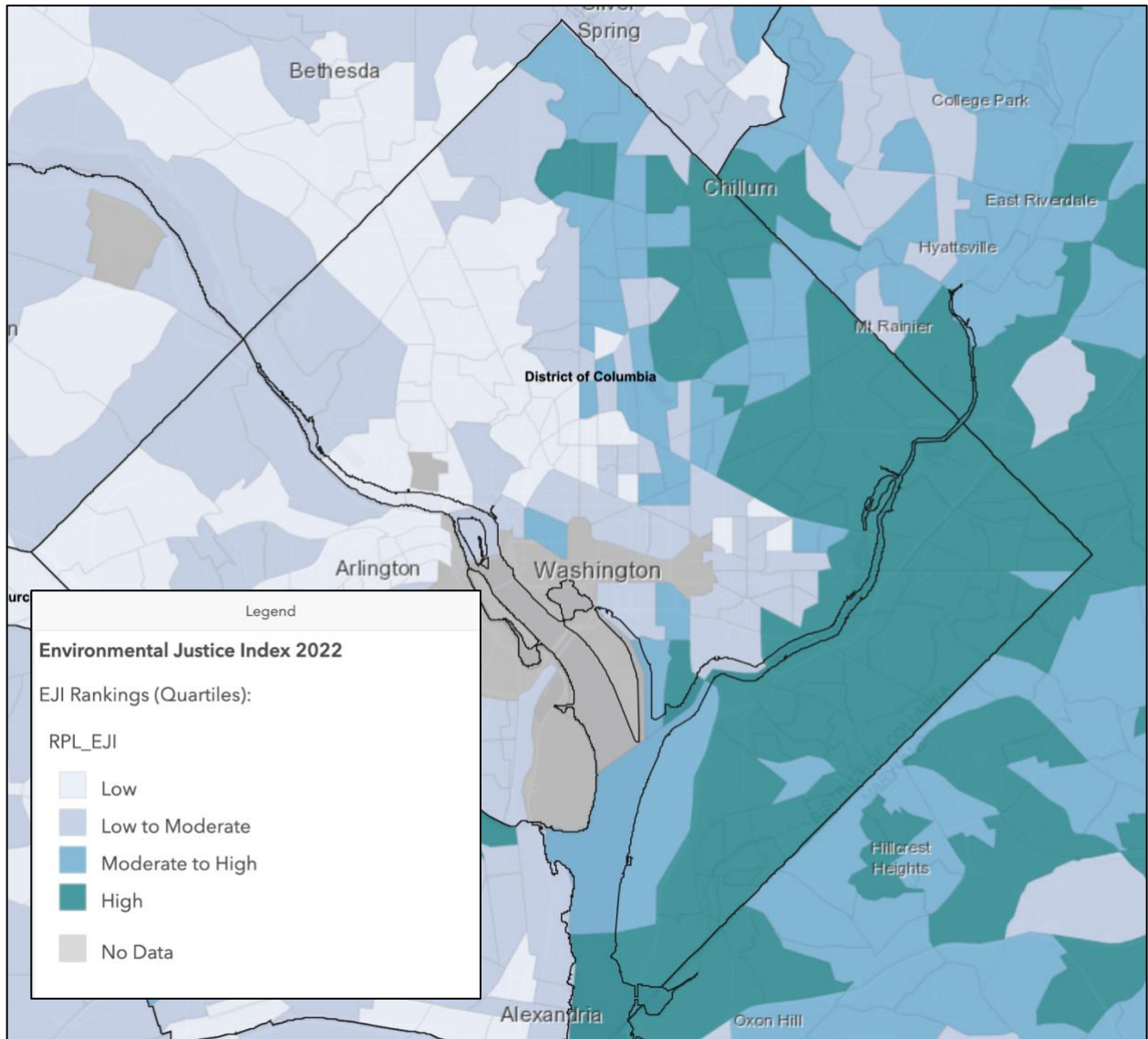
I look forward to working with my colleagues on the Council and the Executive to advance environmental justice in the District. Please contact my Deputy Chief of Staff, Conor Shaw, at cshaw@dccouncil.gov if you have any questions about this legislation.

Sincerely,

A handwritten signature in black ink that reads "Zachary Parker". The signature is written in a cursive style with a large, prominent initial "Z".

Zachary Parker
Ward 5 Councilmember

Attachment A: The Centers for Disease Control’s Environmental Justice Index

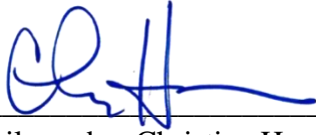


As introduced, the Environmental Justice Amendment Act of 2023 defines overburdened community as a census block in the top quartile of the EJI index (depicted in dark green) or a census block in the second quartile of the EJI that is adjacent to a census block in the top quartile (blue census blocks that are adjacent to green census blocks).

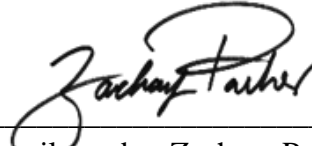
The EJI Index can be viewed at <https://onemap.cdc.gov/portal/apps/sites/#/eji-explorer>.

Technical documentation regarding the data that is used to compile the EJI index can be viewed here: <https://www.atsdr.cdc.gov/placeandhealth/eji/docs/EJI-2022-Documentation-508.pdf>.

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Councilmember Christina Henderson



Councilmember Zachary Parker



Councilmember Kenyan R. McDuffie

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Environmental Policy Act of 1989 to reform the requirements of an Environmental Impact Statement, to require a Cumulative Impacts Statement for any major action in an overburdened community or any action at an applicable facility in an overburdened community, to require a modified Cumulative Impacts Statement for any plan or policy that impacts the siting or operation of applicable facilities in the District, or any concept analysis or design of an interstate, freeway, expressway, or arterial road inconsistent with the District's climate commitments, to require the Mayor to disapprove any cumulative impacts action with disproportionate impact unless mitigating measures are taken or a reasonable alternative is substituted, to authorize the Mayor to fine an applicant or revoke an action taken on behalf of an applicant for failure to comply with mitigating measures or conditions of operation, and to require the Mayor to maintain a file of all Environmental Impact Statements, Cumulative Impacts Statements, and supplemental Environmental Impact Statements for public review, to enhance accountability mechanisms under the Environmental Policy Act, to authorize the Mayor to impose a fee on an applicant for the cost of reviewing a cumulative impacts screening form or preparing a Cumulative Impacts Statement; and to create the Energy and Environmental Justice Division at DOEE.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Environmental Justice Amendment Act of 2023".

40 Sec. 2. The District of Columbia Environmental Policy Act of 1989, effective October
41 18, 1989 (D.C. Law 14-28; D.C. Official Code § 8–109.01 *et seq.*) is amended as follows:

42 (a) Section 2 (D.C. Official Code § 8–109.01) is amended to read as follows:

43 (1) Strike the phrase “environmental impact” and insert the phrase “environmental
44 impact and cumulative impacts” in its place; and

45 (2) Strike the phrase “environmental effects” and insert the phrase
46 “environmental effects or cumulative impacts” in its place.

47 (b) Section 3 (D.C. Official Code § 8–109.02) is repealed.

48 (c) A new section 3a is added to read as follows:

49 “Sec. 3a. Definitions.

50 “For the purposes of this chapter, the term:

51 “(1) “Action” means:

52 “(A) A new project or activity directly undertaken by the Mayor or a
53 board, commission, or authority of the District government; or

54 “(B) A project or activity that involves the issuance, or renewal, of a lease,
55 permit, license, certificate, registration, other entitlement, or permission to act by an agency of
56 the District government.

57 “(2) “Adverse cumulative stressors” means that the combined stressor total of the
58 overburdened community is higher than the overburdened community’s geographic point of
59 comparison or would be made higher than an overburdened community’s geographic point of
60 comparison as a result of the action’s contribution.

61 “(3) “Adverse stressor” means a stressor in the overburdened community that is
62 higher than an overburdened community’s geographic point of comparison or would be made

63 higher than an overburdened community’s geographic point of comparison as a result of the
64 action’s contribution.

65 “(4) “Applicable facility” means any:

66 “(A) Major source of air pollution as defined in chapter 2 of title 20 of the
67 District of Columbia Municipal Regulations;

68 “(B) Generator (including a very small quantity generator), transporter, or
69 storage, treatment, transfer or disposal facility as those terms are defined in [40 C.F.R. 260.10](#);

70 “(C) Sludge processing facility, or incinerator;

71 “(D) Sewage treatment plant with a capacity of more than 50 million
72 gallons per day;

73 “(E) Transfer station, recycling facility, or other solid waste facility;

74 “(F) Scrap metal facility;

75 “(G) Asphalt or concrete plant;

76 “(H) Medical waste facility, or incinerator;

77 “(I) A surface lie-down or parking lot containing more than 20,000 square
78 feet of impervious surface;

79 “(J) A depot, maintenance, or storage facility with capacity to store 10 or
80 more trucks, buses, or other heavy machinery that produce particulate matter through tire wear or
81 the operation of internal combustion engines;

82 “(5) “Climate commitments” means the greenhouse gas emission reduction
83 targets established in section 109d of District Department of the Environment Establishment Act
84 of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8–151.09d) and

85 policies issued consistent with that law, including the targets established in Clean Energy DC
86 and the District of Columbia Climate and Energy Action Plan.

87 “(6) “Combined stressor total” means the sum of adverse stressors in an
88 overburdened community;

89 “(7) “Cumulative impacts action” means any major action located in whole, or in
90 part, in an overburdened community, or any action at an applicable facility located in whole, or
91 in part, in an overburdened community, but does not include an action that DOEE determines:

92 (A) Will substantially reduce the disproportionate impacts on the
93 overburdened community without extending the lifetime of the facility or significantly increasing
94 the capacity and operations of the facility;

95 (B) Is required for a facility to comply with changes to federal and District
96 environmental laws and regulations that reduce stressors; or

97 (C) Provides substantial direct benefits to the overburdened community
98 where it is located in the form of access to affordable housing, food, health care, parks, trails, or
99 public education.

100 “(8) “Cumulative impacts plan” means:

101 “(A) A plan or policy that impacts the siting or operation of applicable
102 facilities in the District, including the Comprehensive Plan and the Districtwide Production
103 Distribution and Repair Report; or

104 “(B) A concept analysis or design of an interstate, freeway, expressway, or
105 arterial road that is inconsistent with the District’s climate commitments. For the purposes of this
106 act, a concept or design of an interstate, freeway, expressway, or arterial road shall be presumed
107 to be consistent with the District’s climate commitments if it:

108 “(i) Incorporates a road diet that reduces by at least 33% the
109 number of available vehicle lanes;

110 “(ii) Introduces restricted lanes that are designated for use by buses
111 or streetcars at least 84 hours a week without expanding the width of the road;

112 “(iii) Establishes an off-street recreational trail that is designed for
113 users aged 8-80 years old without expanding the width of the road; or

114 “(iv) Replaces an interstate, freeway, or expressway with a
115 recreational facility, residential or mixed use development, or surface road that is designed to
116 carry 40 percent fewer vehicles per day.

117 “(9) “Disproportionate impact” means the action cannot avoid either:

118 “(A) Creating adverse cumulative stressors in an overburdened community
119 as a result of the action’s contribution; or

120 “(B) Contributing to an adverse stressor in an overburdened community
121 that is already subject to adverse cumulative stressors.

122 “(10) “DOEE” means the Department of Energy and Environment.

123 “(11) “Environment” means the physical conditions that will be affected by a
124 proposed action, including but not limited to, the land, air, water, minerals, flora and fauna.

125 “(12) “Functional equivalent” means the full and adequate description and
126 analysis of the environmental impact of a proposed action by an agency, board, commission, or
127 authority of the District government that examines or imposes environmental controls under
128 procedures that provide for notice, opportunity for public comment, and the creation of a
129 reviewable record.

130 “(13) “Geographic point of comparison” means the comparison area and value
131 used to determine whether an overburdened community is subject to one or more adverse
132 stressors and is determined by selecting the lower value of the District or ward’s 50th percentile,
133 calculated excluding the values of other overburdened communities. For the purposes of this
134 definition, “ward” shall refer to the ward in which the overburdened community is located.

135 “(14) “Hazardous substance” means any solid, liquid, gaseous, or semisolid form
136 or combination that, because of its nature, concentration, physical, chemical, or infectious
137 characteristic, as established by the Mayor, may:

138 “(A) Cause or significantly contribute to an increase in mortality or an
139 increase in a serious, irreversible or incapacitating reversible illness; or

140 “(B) Pose a substantial hazard to human health or the environment if
141 improperly treated, stored, transported, disposed of, or otherwise managed, including substances
142 that are toxic, carcinogenic, flammable, irritants, strong sensitizers, or that generate pressure
143 through decomposition, heat, or other means and containers and receptacles previously used in
144 the transportation, storage, use, or application of hazardous substances.

145 “(15) “Lead agency” means the District agency designated by the Mayor to have
146 primary responsibility for the preparation of an Environmental Impact Statement (“EIS”), or a
147 Cumulative Impacts Statement (“CIS”).

148 “(16) “Major action” means any action that costs over \$1,000,000 and that may
149 have a significant impact on the environment, except that, subject to the exemptions in section 7,
150 the Mayor, pursuant to rules issued in accordance with section 10, shall classify any action that
151 costs less than \$1,000,000 as a major action, if the action imminently and substantially affects

152 the public health, safety, or welfare. The cost level of \$1,000,000 shall be based on 1989 dollars
153 adjusted annually according to the Consumer Price Index.

154 “(17)(A) “Overburdened community” means any census block group in the top
155 quartile of the 2022 Environmental Justice Index published by the Centers for Disease Control
156 and any census block group in the second quartile of the 2022 Environmental Justice Index that
157 is adjacent to a census block group in the top quartile of the 2022 Environmental Justice Index.

158 (B) Five years after the effective date of the Environmental Justice Amendment
159 Act of 2023 (introduced on November 6, 2023) and every 5 years thereafter, DOEE may issue
160 regulations adjusting the definition of an overburdened community, providing that DOEE
161 considers the social vulnerability of residents, including racial or ethnic minority status and
162 socioeconomic status; environmental burdens, including air pollution, potentially hazardous and
163 toxic sites, built environment, transportation infrastructure, water pollution, and urban heat island
164 effect; and health vulnerability, including the incidence of pre-existing chronic diseases, food
165 access, and health care access.

166 (C) DOEE shall publish and maintain a map on its website identifying
167 overburdened communities in the District.

168 “(18) “Stressor” includes:

169 “(A) Sources of environmental pollution, including concentrated areas of
170 air pollution, mobile sources of air pollution, contaminated sites, transfer stations or other solid
171 waste facilities, recycling facilities, scrap yards;

172 “(B) Point-sources of water pollution including water pollution from
173 facilities or combined sewer overflows; also

174 “(C) Concentrated areas of heat from urban heat island effect;

175 “(D) Conditions that cause significant public health impacts, including
176 accidental injuries or death, asthma, cancer, elevated blood lead levels, cardiovascular disease,
177 dementia, pregnancy loss, maternal mortality and developmental disabilities in the overburdened
178 community; or

179 “(E) Any other stressors as defined by DOEE.”.

180 (d) Section 4 (D.C. Official Code § 8–109.03) is amended as follows:

181 (1) Subsection 3(a) is amended to add a new paragraph 2A to read as follows:

182 “(2A) The relationship of the proposed major action to the District’s climate
183 commitments;”.

184 (2) Subsection 3(b) is amended by striking the phrase “registered voters” and
185 inserting the phrase “qualified electors in local elections” in its place.

186 (3) Subsection 3(c) is amended as follows:

187 (A) Strike the phrase “grant or issuance” wherever it appears and insert the
188 phrase “grant, issuance, or renewal” in its place.

189 (B) Strike the phrase “certificate” wherever it appears and insert the
190 phrase “certificate, registration” in its place.

191 (C) Paragraph (3)(B) is amended by striking the phrase “this paragraph”
192 and inserting the phrase “paragraph or section 13” in its place.

193 (e) New sections 4a and 4b are added to read as follows:

194 “Sec. 4a. Cumulative Impacts Statement requirements.

195 “(a) Whenever the Mayor or a board, commission, authority, or person proposes or
196 approves a cumulative impacts action, the Mayor, board, commission, authority, or person shall
197 prepare or cause to be prepared, and transmit, in accordance with this section, a detailed CIS at

198 least 60 days prior to implementation of the proposed cumulative impacts action. The CIS shall
199 be written in a concise manner and shall contain:

200 “(1) A detailed description of the neighborhood setting of the facility, which shall
201 include:

202 “(A) The location of any existing applicable facility;

203 “(B) The location of community assets, including transit facilities;
204 hospitals; senior, low-income, and public housing; nursing homes; playgrounds; parks; trails; and
205 schools;

206 “(C) Key demographic and economic information from the United States
207 Census, the American Community Survey, or similar sources;

208 “(D) Current zoning and future land use as established in the
209 Comprehensive Plan for the National Capital and any applicable Small Area Plan;

210 “(E) The prevalence of land zoned for production, distribution, and repair
211 in the census block where the facility is (or will be) located as well as adjacent census blocks;

212 and

213 “(F) Existing urban heat island effects and flooding hazards.

214 “(2) A description of the facility's current and proposed operations, including:

215 “(A) A site plan of the facility or equivalent map if no site plan exists;

216 “(B) An explanation of the purpose of the cumulative impacts action

217 sought, including how the action serves the needs of the individuals in the overburdened
218 community;

219 “(C) An assessment of the relationship of the cumulative impacts action to
220 the District's climate commitments; and

221 “(D) Identification of all stressors that are anticipated as a result of the
222 operation and construction of the facility, as well as processes and investments designed to
223 control or mitigate those stressors;

224 “(3) A list of all leases, permits, licenses, certificates, registrations, other
225 entitlements, or permissions to act, by an agency of the District or federal government, required
226 for the facility (including those previously obtained); and

227 “(4) An assessment of the anticipated impacts, both positive and negative, of the
228 construction and operation of the facility on each identified stressor in the overburdened
229 community. The assessment shall assume the facility operates at the maximum usage or output
230 allowable under District and federal law and the terms of the action sought.

231 “(b) If a cumulative impacts action also requires an EIS per section 4, the CIS required by
232 this section may be prepared and transmitted as a supplemental EIS per section 6, provided the
233 supplemental EIS meets the requirements of this section.

234 “(c) The Mayor, board, commission, or authority shall transmit a copy of any CIS
235 prepared pursuant to subsection (a) of this section, or any supplemental EIS prepared in lieu of a
236 CIS pursuant to subsection (b) of this section, to the Council, any District agency that has
237 responsibility for implementing the cumulative impacts action or special expertise with respect to
238 any stressors involved, and any affected Advisory Neighborhood Commission. A copy of the
239 CIS, or supplemental EIS prepared in lieu of a CIS, shall be made available for review by the
240 public in the main office of the agency primarily responsible for implementing or permitting the
241 proposed cumulative impacts action. The Mayor, board, commission, or authority shall provide a
242 reasonable period consistent with the District of Columbia Administrative Procedure Act,
243 approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501 *et seq.*), for comment on

244 any CIS prepared pursuant to subsection (a) of this section, or any supplemental EIS prepared in
245 lieu of a CIS pursuant to subsection (b) of this section. The Mayor, board, commission, or
246 authority shall conduct a public hearing pursuant to the rules issued in accordance with section
247 10(c) for any CIS or supplemental EIS prepared in conjunction with any major action. If 25
248 qualified electors in local elections in an affected single member district request a public hearing
249 on a CIS, or a supplemental EIS prepared in lieu of a CIS, for any other action, or if there is
250 significant public interest, the Mayor, board, commission, or authority shall conduct a public
251 hearing pursuant to the rules issued in accordance with section 10(c).

252 “(d)(1) Upon receipt of an application for a proposed major action, or a proposed action
253 at an applicable facility, the Mayor, board, agency, commission, or authority of the District
254 government shall determine within 30 days, excluding Saturdays, Sundays, and legal holidays,
255 whether the action is a cumulative impacts action and a CIS is required per subsection (a).

256 “(2) The agency shall notify the applicant, in writing, if a determination has been
257 made that the action is a cumulative impacts action and a CIS is required. Notice of the
258 determination and the findings that support the determination shall be kept on file by the Mayor.

259 “(3) The Mayor, board, commission, or authority may require an applicant to
260 prepare a CIS, or a supplemental EIS in lieu of a CIS. A nongovernmental applicant shall be
261 charged a fee to cover the cost of agency review of the CIS, or supplemental EIS prepared in lieu
262 of a CIS. No lease, permit, license, certificate, registration, or other entitlement shall be issued,
263 unless the applicant required to prepare a CIS has completed the CIS, or a supplemental EIS in
264 lieu of the CIS, in compliance with this act and paid any fee charged pursuant to this paragraph
265 or section 13.

266 “(4) The applicant shall assist the Mayor, or the board, commission, or authority
267 at any stage of the review of the proposed cumulative impacts action by timely submitting all
268 relevant information concerning impact, costs, benefits, and alternatives. The Mayor, board,
269 commission, or authority shall deny a proposed action, if the applicant fails to submit relevant
270 information as specified in rules promulgated pursuant to section 10.

271 “(e) No funds appropriated to a District agency shall be expended to implement a
272 cumulative impacts action that has a disproportionate impact identified in a CIS unless the
273 Mayor submits the cumulative impacts action to the Council for its approval and the Council
274 approves the action (in accordance with criteria established by act of the Council).

275 “Sec. 4b. Modified Cumulative Impacts Statement requirements.

276 “(a) Whenever the Mayor or a board, commission, authority, or person proposes or
277 approves a cumulative impacts plan, the Mayor, board, commission, authority, or person shall
278 prepare or cause to be prepared, and transmit, in accordance with this section, a modified CIS at
279 least 60 days prior to implementation of the proposed cumulative impacts plan. The modified
280 CIS shall be written in a concise manner and shall contain:

281 “(1) The neighborhood and demographic context for the plan or policy, including
282 description of the impact it is expected to have on applicable facilities in overburdened
283 communities;

284 “(2) An assessment of the anticipated impacts, both positive and negative, of the
285 adoption of the cumulative impacts plan on each identified stressor in overburdened
286 communities; and

287 “(3) Identification of any disproportionate impact and a description of efforts to
288 mitigate each disproportionate impact, including any reasonable alternatives to the proposed
289 cumulative impacts plan that were considered but rejected.

290 “(b) The Mayor, board, commission, or authority shall transmit a copy of any modified
291 CIS, to the Council, the Attorney General for the District of Columbia, and any affected
292 Advisory Neighborhood Commission. A copy of the modified CIS shall be made available for
293 review by the public in the main office of the agency primarily responsible for drafting or
294 implementing the proposed cumulative impacts plan.

295 “(c) No funds appropriated to a District agency shall be expended to implement a
296 cumulative impacts plan that has a disproportionate impact identified in a modified CIS unless
297 the Mayor submits the cumulative impacts plan to the Council for its approval and the Council
298 approves the plan (in accordance with criteria established by act of the Council).”.

299 (f) Section 5 (D.C. Official Code § 8–109.04) is amended as follows:

300 (1) Designate the existing text as subsection (a).

301 (2) New subsections (b) and (c) are added to read as follows:

302 “(b) If the CIS, or the supplemental EIS prepared in lieu of a CIS, identifies a
303 disproportionate impact, the Mayor, board, commission, or authority of the District government
304 shall disapprove the action, unless the applicant proposes mitigating measures or substitutes a
305 reasonable alternative to avoid the disproportionate impact.

306 “(c) If the CIS, or the supplemental EIS prepared in lieu of a CIS, identifies no
307 disproportionate impact, it shall specify the mitigating measures or conditions of operation
308 required to support that finding.”.

309 (g) A new section 5a is added to read as follows:

310 “Sec. 5a. Enforcement and fines.

311 “The Mayor may fine an applicant or revoke an action taken on behalf of an applicant for
312 failure to comply with mitigating measures or conditions of operation identified in an EIS, a CIS
313 or supplemental EIS.”.

314 (h) Section 8 (D.C. Official Code § 8–109.07) is amended to read as follows:

315 “Sec. 8. Lead agencies; files.

316 “(a) The Mayor shall designate a lead agency to prepare an EIS, CIS, or supplemental
317 EIS when the preparation of the EIS or CIS requires the input of more than 1 agency. The lead
318 agency shall, if necessary, oversee the preparation of a single, omnibus EIS, ensure reasoned
319 consideration of and distinction among any inconsistent conclusions, and promote coordination
320 with public and private organizations and individuals with a special expertise or recognized
321 interest.

322 “(b) The Mayor shall maintain a file of all EISs, CISs, and supplemental EISs for public
323 review. The file shall be published, regularly updated, maintained, and available for public
324 inspection on a District government website.”.

325 (i) Section 9 (D.C. Official Code § 8–109.08) is amended to read as follows:

326 “Sec. 9. Judicial review.

327 “(a) Where an EIS or a CIS is prepared in connection with the issuance or, approval, or
328 renewal of a lease, permit, license, certificate, registration, or any other entitlement or permission
329 to act by a District government agency that is subject to administrative or judicial review under
330 applicable laws or regulations, the administrative or judicial review shall be governed by the
331 applicable laws and regulations.

332 “(b) Notwithstanding subsection (a) The People’s Counsel may bring a civil action on
333 behalf of any individual or individuals suffering a legal wrong, or adversely affected or
334 aggrieved by an order or decision of the Mayor or an agency regarding an action subject to an
335 EIS, CIS, supplemental CIS, or modified CIS, and such civil action shall be subject to review by
336 the District of Columbia Court of Appeals under section 11 of the District of Columbia
337 Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code §
338 2–510).”.

339 (j) Section 10 (D.C. Official Code § 8–109.09) is amended by adding a new subsection
340 (c) to read as follows:

341 “(c) Within 180 days of the effective date of the Environmental Justice Amendment Act
342 of 2023 (introduced on November 6, 2023), the Mayor shall, pursuant to the District of Columbia
343 Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code §
344 2–501 et seq.), issue proposed rules to implement the provisions of this act and to assist District
345 agencies in the review of a cumulative impacts screening form and in the preparation of a CIS.
346 The proposed rules shall be submitted to the Council for a 45-day period of review, excluding
347 Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve
348 or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review
349 period, the proposed rules shall be deemed approved.”.

350 (k) Section 13 (D.C. Official Code § 8–109.12) is amended to read as follows:

351 “Sec. 13. Fees.

352 “Whenever the Mayor reviews an environmental impact or cumulative impacts screening
353 form or prepares, or causes to be prepared, an EIS, a CIS, or supplemental EIS under this
354 subchapter, the Mayor may impose a fee on the applicant to compensate the Mayor for the costs

355 of reviewing the environmental impact or cumulative impacts screening form or preparing the
356 EIS, CIS, or supplemental EIS.”

357 Sec. 3. The District Department of the Environment Establishment Act of 2005, effective
358 February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8–151.01 *et seq.*), is amended as
359 follows:

360 (a) Section 103(b)(1)(C) (D.C. Official Code § 8–151.03(b)(1)(C)) is amended as
361 follows:

362 (1) Strike the phrase “section 3” and insert the phrase “section 3a” in its place;

363 and

364 (2) Strike the phrase “Environmental Impact Statement” and insert the phrase
365 “Environmental Impact Statement or Cumulative Impacts Statement” in its place.

366 (b) Section 106 (D.C. Official Code § 8–151.06) is amended as follows:

367 (1) Paragraph (6) is amended by striking the phrase “; and” and inserting a
368 semicolon in its place.

369 (2) Paragraph (7)(D)(ii) is amended by striking the period and inserting the phrase
370 “; and” in its place.

371 (3) A new paragraph (8) is added to read as follows:

372 “(8) An Energy and Environmental Justice Division to lead DOEE’s efforts to do
373 the following:

374 (A) Identify and reduce the environmental, energy, climate, and health
375 burdens and cumulative impacts imposed on District residents in overburdened communities;

376 (B) Lead, coordinate, and track incorporation of energy justice and
377 environmental justice into the agency’s processes, priorities, and allocation of resources;

378 (C) Ensure that communities are empowered to exercise their rights to
379 participate in and enforce requirements established under the District’s environmental laws and
380 regulations, particularly those burdened with significant sources of pollution, facing
381 disproportionate cumulative impacts, experiencing chronic energy insecurity, or deprived of
382 distributed and clean energy resources; and

383 (D) Ensure that the District’s grid and clean energy investments materially
384 uplift energy insecure households, maximize the equitable deployment of distributed energy
385 resources (including rooftop and community solar, storage, weatherization, and energy efficiency
386 upgrades), minimize land use and wildlife impacts, and protect the public’s access to reliable,
387 resilient, and affordable energy.

388 Sec. 4. Section 2(5) of the Solid Waste Facility Permit Act of 1995, effective February
389 27, 1996 (D.C. Law 11-94; D.C. Official Code § 8–1051 *et seq.*), is amended by striking the
390 phrase “section 3” and inserting the phrase “section 3a” in its place.

391 Sec. 5. Applicability.

392 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved
393 budget and financial plan.

394 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
395 an approved budget and financial plan, and provide notice to the Budget Director of the Council
396 of the certification.

397 (c)(1) The Budget Director shall cause the notice of the certification to be published in
398 the District of Columbia Register.

399 (2) The date of publication of the notice of the certification shall not affect the
400 applicability of this act.

401 Sec. 6. Fiscal impact statement.

402 The Council adopts the fiscal impact statement in the committee report as the fiscal
403 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
404 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

405 Sec. 7. Effective date.

406 This act shall take effect following approval by the Mayor (or in the event of veto by the
407 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
408 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
409 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
410 Columbia Register.