

A RESOLUTION

23-281

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 3, 2019

To declare the existence of an emergency with respect to the need to amend the Anacostia River Toxics Remediation Act of 2014 to extend the deadline, from December 31, 2019, to September 30, 2020, by which the Department of Energy and Environment must adopt and publish a record of decision in the District of Columbia Register choosing the remedy for remediation of contaminated sediment in the Anacostia River.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Anacostia River Toxics Remediation Emergency Declaration Resolution of 2019”.

Sec. 2. (a) In 2014, the Council passed the Anacostia River Toxics Remediation Act of 2014, requiring the Department of Energy and Environment (“DOEE”) to adopt and publish by June 30, 2018, a record of decision choosing the remedy for remediation of contaminated sediment in the Anacostia River.

(b) In January of 2018, the Committee on Transportation and the Environment held a hearing on the project, at which DOEE requested an extension of the deadline by a year and a half. At the hearing, DOEE indicated that it needed additional time to complete the project to accommodate its partnership with the National Park Service as well as robust stakeholder participation. Additionally, DOEE noted that data gaps identified in the initial remedial investigation required additional sample collection and analyzation.

(c) On June 5, 2018, the Council passed emergency legislation, extending the deadline to December 31, 2019. The legislation was made permanent by the Anacostia River Toxics Remediation Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 8-104.31).

(d) On November 11, 2019, the Committee on Transportation and the Environment received a letter from DOEE Director Tommy Wells, requesting an extension of the deadline to September 30, 2020. In that letter, Director Wells noted that DOEE would be unable to complete the record of decision by December 31, 2019, but DOEE would be able to issue a draft of the Interim Record of Decision, called a Proposed Plan, by that deadline. The Proposed Plan would include information on DOEE’s preferred cleanup alternative and provide opportunity for public

comment. The letter also noted that DOEE does not anticipate being able to complete the remedial investigation, required for completion of the record of decision, until the fall of 2020, also adding to the delay.

(e) Emergency legislation is necessary to allow DOEE the time it needs to complete the record of decision for this project in a way that is fully supported.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Anacostia River Toxics Remediation Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.