

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Anacostia River Toxics Remediation Emergency Amendment Act of 2019 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

34 participation. Additionally, DOEE noted that data gaps identified in the initial remedial
35 investigation required additional sample collection and analyzation.

36 (c) On June 4, 2018, the Council passed emergency legislation, extending the deadline to
37 December 31, 2019. The legislation was made permanent in the Fiscal Year 2019 Budget
38 Support Act of 2018, effective October 30, 2018 (DC Law 22-168, 65 DCR 9388).

39 (d) On November 11, 2019, the Committee on Transportation and the Environment
40 received a letter from DOEE Director Tommy Wells, requesting an extension of the deadline to
41 September 30, 2020. In that letter, Director Wells noted that the agency would be unable to
42 complete the record of decision by the new December 31, 2019 deadline. DOEE, however,
43 would be able to issue a draft of the Interim Record of Decision, called a Proposed Plan, by that
44 deadline. The Proposed Plan would include information on DOEE's preferred cleanup alternative
45 and provide opportunity for public comment. The letter also noted that the Agency does not
46 anticipate being able to complete the remedial investigation, required for completion of the
47 record of decision, until the fall of 2020, also adding to the delay.

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

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

54 Sec. 4. This resolution shall take effect immediately.