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## Submitted to the DC Council Committee on Transportation & the Environment FY 2024 Performance Oversight Hearing

Councilmember Charles Allen, Chairperson

March 9, 2024

### Testimony of Scout Cheeks, DC Appleseed Center for Law and Justice

Thank you for the opportunity to testify regarding performance oversight of the District's Department of Energy and Environment ("DOEE"). My name is Scout Cheeks and I am the Policy and Project Management Analyst at DC Appleseed Center for Law and Justice ("DC Appleseed"). DC Appleseed is a non-profit, non-partisan organization that aims to make the District a better place to live and work through litigation, teamwork, and advocacy.

Over our history, DC Appleseed has tackled some of the District's most challenging issues, proposing and implementing solutions to create a better living and working environment for all residents. For two decades, we advocated for a swimmable and fishable Anacostia River. Today, DC Appleseed continues to fight for the Anacostia River's effective and equitable restoration, with a particular emphasis on engaging Black and Brown DC residents in Wards 7 and 8 who have disproportionately endured the long-term impacts of toxic pollutants. We are pleased to see the Anacostia River transforming from a perceived toxic, forgotten nuisance into a safe and attractive resource for recreation, economic development, and neighborhood revitalization.

### Acknowledgment of DOEE's Work

DC Appleseed wishes to commend the Department of Energy and the Environment (DOEE) on their progress with the Anacostia River Sediment Project (ARSP). DOEE initiated the ARSP to identify and clean up sediment contamination in the nine-mile tidal portion of the Anacostia River, Washington Channel and Kingman Lake. By DOEE's own estimate, the ARSP will clean up 77 acres of sediment at a cost of approximately \$35.5 million.

DOEE committed to engaging the public during every phase of ASRP. DC Appleseed routinely engages with DOEE staff and leadership, whether submitting comments on the Baseline/Performance Monitoring Plan, Basis of Design Report (30% Design Phase), or attending Leadership Council for a Cleaner Anacostia River (LCCAR)

meetings. We regularly receive direct responses from DOEE to our public comments, and many of our recommendations were implemented. We also see DOEE staff engaging and coordinating presentations by a broad group of stakeholders through LCCAR, as well as meetings in Wards 7 and 8. Special recognition is due to several DOEE team members involved in the ARSP: Richard Jackson, Director of DOEE; Dev Murali, ARSP Remedial Project Manager; and Gretchen Mikeska, Anacostia Coordinator. Their leadership reflects DOEE's commitment to community collaboration in the river cleanup efforts. We appreciate these efforts and encourage continued public engagement in the cleanup and redevelopment of the Anacostia River to create a healthier and more sustainable future for District residents.

### **Technical Assistance Grant**

We would also like to express appreciation to DOEE for its past funding of a technical assistance grant related to the ARSP. The funding support from DOEE to procure a technical expert on sediment management has been invaluable and has significantly contributed to the success of various environmental initiatives. This grant has been instrumental in supporting DC Appleseed's work on the Anacostia River cleanup and has enhanced the effectiveness of various environmental groups in providing informed comments on DOEE initiatives. Additionally, it has played a crucial role in fostering public trust in DOEE's efforts and has facilitated meaningful engagement with the community to create transparent and collaborative decision-making processes.

### **Activated Carbon Sediment Treatment Contingency Plan**

While DC Appleseed expects DOEE to persist in evaluating safe and enduring depollution methods for the Anacostia River, we do have concerns regarding the sustained efficacy of activated carbon technology for enhancing the beneficial use of dredged materials. Thus, alongside the innovative approaches outlined in the Basis of Design Report, continual overall assessment is essential. To ensure remediation efforts' effectiveness, we recommend a biennial comprehensive review, measuring progress against established benchmarks. Failure to meet these benchmarks should prompt thorough reassessment to identify areas for improvement or additional measures. This proactive strategy will facilitate adaptive project management, ensuring ongoing success and environmental impact mitigation.

### **Pepco Environmental Settlement Funds**

DC Appleseed was delighted to hear the Office of the Attorney General (OAG) reached a historic \$57 million settlement with Pepco. This landmark settlement addresses claims pertaining to hazardous substances released into the District's land and waterways, with a particular focus on the Anacostia River. We anticipate that these settlement funds will play a crucial role in ensuring the Anacostia River is a safe and enjoyable resource for all residents of DC.

While we view the settlement as a significant victory for the city, we urge the District and DOEE to be transparent and intentional in allocating and tracking these funds. According to the Partial Consent Decree, \$47 million of the settlement must be used to fund the ARSP. Thus, we request that DOEE provide regular audited financial reports on the allocation and usage of these funds for their intended purpose, possibly in conjunction with the Office of the Chief Financial Officer. Doing so would promote public involvement, increase transparency, and ensure accountability in the expenditure of the funds.



We appreciate the District government's ongoing efforts to hold polluters of the Anacostia River accountable and restore public health and safety in the surrounding District neighborhoods, particularly Wards 7 and 8.

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For further discussion on this matter, please feel free to contact me using the information below.

Scout Cheeks  
Policy & Project Management Analyst  
DC Appleseed Center for Law and Justice  
[scheeks@dcappleseed.org](mailto:scheeks@dcappleseed.org)