


Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Kwame R. Brown
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: January 10, 2012

SUBJECT: Fiscal Impact Statement – “Anacostia Waterfront Environmental Standards Amendment Act of 2011”

REFERENCE: Draft bill, shared with OCFO on November 29, 2011

Conclusion

Funds are sufficient in the FY 2012 through FY 2015 budget and financial plan to implement the provisions of the bill.

Background

Title IV of the “National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008”¹ (the “Act”) provided a definition of the Anacostia Waterfront Development Zone (the “Development Zone”) and a description of environmental standards to apply within that zone. Some parts of the Act were to be implemented through Mayoral regulations, but no subsequent regulations have been issued, creating uncertainty as to what stormwater standards new projects in the Development Zone must meet. The bill specifies these standards, and clarifies what projects the Act covers. The Act’s stormwater regulations would only apply to larger projects² that are publicly owned, publicly funded (at least 15 percent of the total costs), or constructed on land purchased, leased, or donated from the District. Moreover, projects beyond a certain stage of development would not be required to retroactively meet the updated standards.

The bill also eliminates penalties on regulated sites that meet their stormwater management requirements through off-site mitigation or payment in lieu of mitigation.

¹ Effective March 26, 2008 (D.C. Law 17-138; D.C. Official Code § 2-1225.01 *et seq.*).

² These include projects with soil disturbance or a building footprint of 5,000 square feet or larger.

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FIS: "Anacostia Waterfront Environmental Standards Amendment Act of 2011," draft legislation shared with OCFO on November 29, 2011

Finally, the bill makes various technical and clarifying changes, including providing a more exact description of the boundaries of the Development Zone, and changing some standards to harmonize them with the standards of the District's federal Municipal Separate Storm Sewer System (MS4) permit. The District is currently operating under an MS4 permit from the U.S. Environmental Protection Agency that requires stricter stormwater management standards across the District than the Act requires for the Development Zone. The District Department of the Environment (DDOE) is preparing rules that will implement these stricter standards District-wide, so the bill stipulates that the Act's standards sunset once the rules implementing the MS4 permit standards are fully effective.

Financial Plan Impact

Funds are sufficient in the FY 2012 through FY 2015 budget and financial plan to implement the provisions of the bill. The stormwater management regulations proposed by the bill are already in place, and DDOE anticipates no change to its costs of implementation.