


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



**Natwar M. Gandhi**  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Vincent C. Gray  
Chairman, Council of the District of Columbia

**FROM:** Natwar M. Gandhi   
Chief Financial Officer

**DATE:** November 30, 2010

**SUBJECT:** Fiscal Impact Statement – “Brownfield Revitalization Amendment Act of 2010”

**REFERENCE:** Bill Number 18-1092 – As Introduced

---

**Conclusion**

Funds are sufficient in the FY 2011 through FY 2014 budget and financial plan to implement the provisions of the proposed legislation.

**Background**

The proposed legislation would amend the Brownfield Revitalization Amendment Act of 2000<sup>1</sup> to vest the Mayor with the authority to take action or order responsible persons<sup>2</sup> to perform cleanups of hazardous waste sites. In addition, the proposed legislation would:

- Change the fee structure for the Voluntary Cleanup Program (VCP) to provide District Department of the Environment (DDOE) flexibility to charge an applicant a fee up to \$10,000.
- Expand the sources and uses of funds in the Clean Land Fund (“Fund”). The Fund would generate additional revenues from enforcement or actions taken to prevent contamination

---

<sup>1</sup> Effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code § 8-631.01 *et seq.*)

<sup>2</sup> Responsible persons is the current owner or operator, or at the time of contamination was the owner or operator, of a contaminated property; by an agreement, arranged for the release, disposal or treatment of a hazardous substance on a property; was responsible for the transportation of a hazardous substance for release, disposal, or treatment at a property; caused or contributed to the contamination of a property; or knew that a property is contaminated and transferred ownership of the contaminated property after June 13, 2001, except if there is enough evidence to prove that the person did not participate in the management of the property, did not directly cause the contamination, and that the person meets several other criteria.

that then would be used to clean up contaminated sites or would be used to compel companies to clean up contaminated sites.

### **Financial Plan Impact**

Funds are sufficient in the FY 2011 through FY 2014 budget and financial plan to implement the provisions of the proposed legislation. Any revenue generated through fees and fines that are deposited into the Fund will be spent on cleanup and enforcement at contaminated sites. If additional funds are necessary to clean up contaminated sites or enforce the proposed legislation, they would need to be appropriated in future years because Federal and District anti-deficiency laws<sup>3</sup> prohibit District officers and employees from exceeding agency appropriations in any fiscal year.

---

<sup>3</sup> 31 U.S.C § 1341 (2007) and D.C. Official Code § 47-355.01 *et seq.* (2001)