



**TESTIMONY OF DANIELLE BURS, COUNSEL
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**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT
ROUNDTABLE ON**

“The Clean Rivers Impervious Areas Charge”

John A. Wilson Building Room 500

May 22, 2018

Good morning Chairperson Cheh and members of the Committee. I am Danielle Burs, Counsel at the DC Appleseed Center for Law and Justice. DC Appleseed is a nonprofit public interest organization that addresses important issues facing residents of the National Capital Area. Thank you for convening this roundtable, particularly in light of the concern expressed by some parties at the May 15 budget vote. DC Appleseed is a member of the Anacostia Park and Community Collaborative (APACC) which is also interested in this issue.

Both DC Appleseed and APACC are concerned about the impact of the Clean Rivers Impervious Areas Charge (CRIAC) on persons with low incomes, small churches, and cemeteries operating with small margins. We also recognize the importance of funding the Clean Rivers Project, which combines tunnels and green infrastructure to achieve a reduction in the annual combined sewer overflow (CSO) by 96% system-wide and 98% for the Anacostia River. Beyond the inherent benefit of that work, the project is mandated by a federal consent decree that requires the District to meet statutory deadlines and complete the project by 2030 regardless of cost or face prohibitive penalties. Environmental groups and clergy have begun meeting to discuss how these competing priorities can be met, but have not reached a consensus yet. We are committed to being part of this conversation, which will become increasingly urgent as CRIAC is projected to increase each year until 2030.

Several steps have already been taken to try to ameliorate the burden for DC Water customers struggling to pay their bills since the addition of the CRIAC. DC Water increased support to lower income customers and issued a century bond to spread out costs, among other steps taken in anticipation of the CRIAC, but we have heard that this was insufficient for some residents – and that some residents are feeling burdened but are not eligible for the Department of Energy and Environment’s Low Income Home Energy Assistance Program (LIHEAP) or DC Water’s Customer Assistance Program (CAP). Councilmember Cheh, we have taken note of the thorough suggestions in your January 18 letter to DOEE Director Wells and Chair of the DC WASA Board Henderson Brown,¹ and Mr. Brown’s thoughtful response.² Both documents highlight long-term solutions that merit further consideration, and DC Appleaseed and APACC would be happy to assist in that work in any way we can.

As for short term solutions, our understanding is that the \$6 million CRIAC Relief Fund in the version of the Fiscal Year 2019 budget voted on by Council on May 15 is unlikely to increase much under current constraints, but that the proper allocation of those funds is still under consideration. We recommend a primary focus on households with low incomes, both due to their financial vulnerability and to the ability of the fund to make a significant impact for those DC Water customers. DC Water has estimated that 19,000 LIHEAP households do not currently get the CAP discount.³ The cost of providing the CAP discount to those households for FY 19 would be approximately \$2.6 million⁴ – less than half of the current Relief Fund allocation. One complication with this approach is that many households with low incomes reside in buildings where there is no individual metering, so DC Water doesn’t have the kind of information about them necessary to provide interventions. We would be very happy to help DC Water tackle that challenge, if it hasn’t already been resolved.

We also want to see relief for churches and cemeteries who truly cannot afford their water bills with the current CRIAC rate. Because these organizations’ bills are so high, the amounts we

¹ Councilmember Mary Cheh. Letter to Tommy Wells and Henderson Brown. 18 Jan. 2018.

² District of Columbia Water and Sewer Authority Board Chair Henderson Brown. Letter to Councilmember Mary Cheh. 21 Feb. 2018.

³ District of Columbia Water and Sewer Authority Board Chair Henderson Brown. Letter to Councilmember Mary Cheh. 21 Feb. 2018.

⁴ If there are 19,000 LIHEAP households who do not currently get the CAP discount of \$11.50 (50% of the \$23.00 current charge) then the cost of providing the CAP discount to these households would be approximately \$2,622,000 in FY 2019.

suggest be provided to individual households wouldn't make a significant difference. For that reason, we suggest providing the portion of the Relief Fund not allocated for households with low incomes to nonprofit churches and cemeteries in order of most need. Combined with credits for up-front investments in features that reduce runoff, this could substantially reduce the burden for these important organizations. Baltimore's model is one that might be useful to consider while looking at this option. DC Appleseed and APACC would be glad to work with DC Water, RIVER, the Committee, and any other stakeholders on putting together a short term solution that combines direct relief and credits to meaningfully reduce the burden on churches and cemeteries and keep the budget balanced.

Thank you for the opportunity to testify. I look forward to working together as we continue to evaluate longer-term solutions for all stakeholders, and I am happy to answer any questions you may have.