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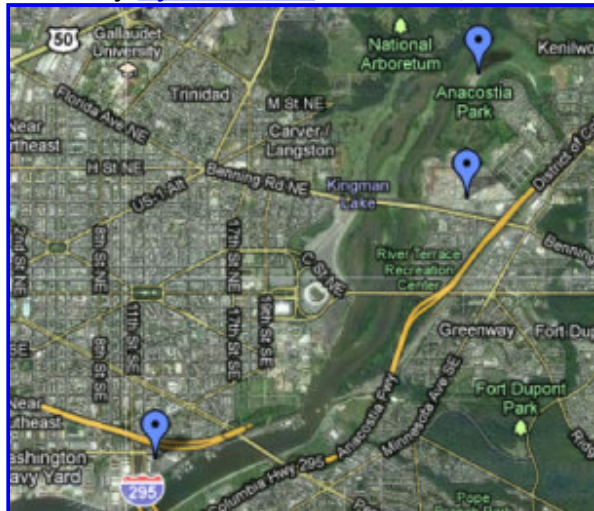
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# HOUSING COMPLEX

## D.C. Getting Power to Make Polluters Pay

Posted by [Lydia DePillis](#) on Dec. 13, 2010 at 2:57 pm



Locations of sites that need clean-up.

In every other state in the nation, when some industrial entity pollutes an area, the state government can sue that entity and force it to pay for cleanup without the federal Environmental Protection Agency having to come in and take over.

You know what comes next: Not in the District.

Although in 2000 the Council created incentives for voluntary cleanup of contaminated sites, enforcement mechanisms were stripped out before the measure became law. So, for the last decade, the city hasn't taken much in the way of direct action to force compliance with hazardous waste regulations, which would speed cleanup at several of the District's most polluted places.

Now, a newly-empowered EPA is making several sites along the Anacostia River a priority, as part of a larger push to clean up the watershed. In particular, the [Kenilworth Landfill](#), PEPCO Benning Road facility, and two parcels formerly used by Washington Gas and Light are leaching pollutants into the river. In mid-August, the EPA regional administrator sent a [letter](#) to the Metropolitan Washington Council of Governments with a warning. "EPA is closely monitoring the efforts of the authorities with legal responsibility and jurisdiction over these sites," it reads. "If measures to clean up these sites in a transparent and legally enforceable manner are not in effect by mid-December 2010, EPA intends to address these sites using appropriate federal authorities."

Translation: If you're not going to do something about these dumps, the EPA could put them on the National Priorities List, i.e. make them Superfund sites. Once that happens, Councilwoman **Mary Cheh** worried, cleanup can proceed very slowly—taking somewhere in the neighborhood of 15 years to complete—and also create a stigma that discourages private owners who might otherwise be interested in taking on their redevelopment. Moreover, on a couple of sites, the responsible party is an agency of the federal government, which the EPA

can't very easily sue.

With all due haste, Cheh put together a [bill](#) modeled on other state legislation that would empower the District to take polluters to court if they refuse to enroll in a voluntary cleanup program, laying out hefty fines (up to \$25,000 per day) for noncompliance. The enforcement program would be run out of the District Department of the Environment, which plans to get started with \$7.5 million it expects to get in a [settlement from CSX](#). The Council passed an emergency version of the bill on first reading last week, setting it up to be signed by the mayor by the end of the year.

This environmental measure, though, doesn't have the full-throated support of the environmental community. At a hearing last month, both Anacostia Riverkeeper and the Anacostia Watershed Society (AWS) voiced concerns about how quickly the legislation was moving forward, and how much responsibility it puts on the shoulders of a District agency that hasn't attempted enforcement on this scale before. The Superfund process may move slowly, but it does have a lot of experience and institutional weight behind it.

"I'm just a little more confident in their history and track record than DDOE's," says AWS' **Brent Bolin**. "If it was your first boxing match, you wouldn't want to fight Mike Tyson, and I think that's what they're walking into."

As far as the problem of stigma, Bolin thinks that thorough cleanup should come before development anyway. Take a former Washington Gas sites under the 11th Street Bridge, now owned by the District, which could generate some profit if redeveloped or sold. Since it's possible to make the area safe for humans without completely taking care of the underlying toxics, Bolin worries that steps might be skipped along the way.

"That's where the possible of conflict of interest comes in, that they have the interest in moving forward with the redevelopment of the property," he says. "I think that's fine, but I think that what needs to happen first, is that they need to be cleaned up."

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## Comments

1. *Rick Mangus* [December 13th, 2010](#)

[5:58 pm](#)

#1

Where is the bag tax money! No one down at the Wilson Building seems to know or don't want to talk about either!

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