



District of Columbia
v.
Potomac Electric Power Company

Settlement Terms

- Pay \$10 million in civil penalties
- Pay \$47 million for the District's initial cleanup of the Anacostia River
- Investigate, assess risks, and pay for remediation
- Pay for the District's oversight costs

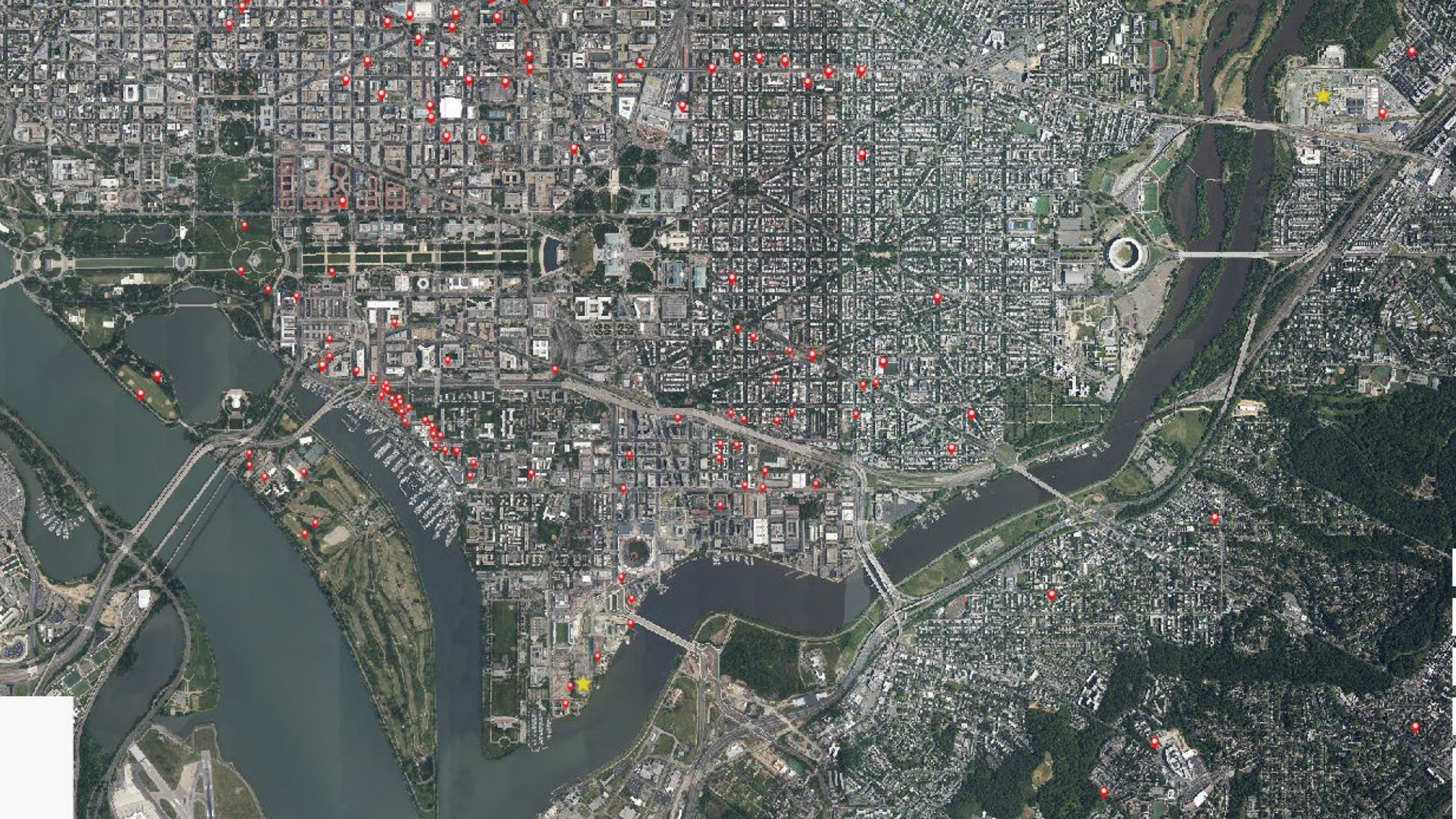
The Washington Post
Democracy Dies in Darkness

Pepco to pay D.C. more than \$57 million for Anacostia River pollution

5 min



The Anacostia River in 2021. (Craig Hudson for The Washington Post/For the Washington Post)



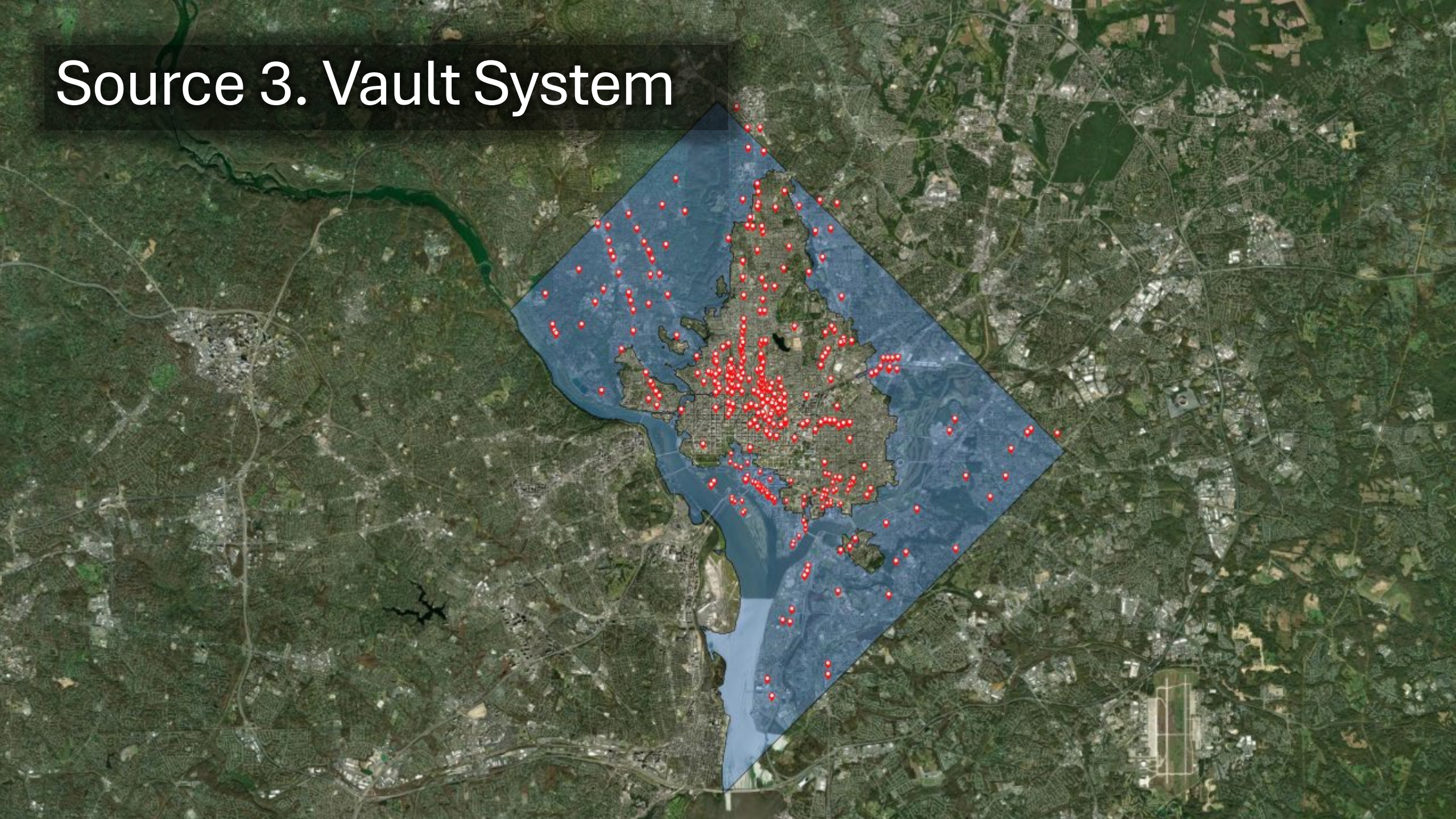
Source 1: Buzzard Point Facility



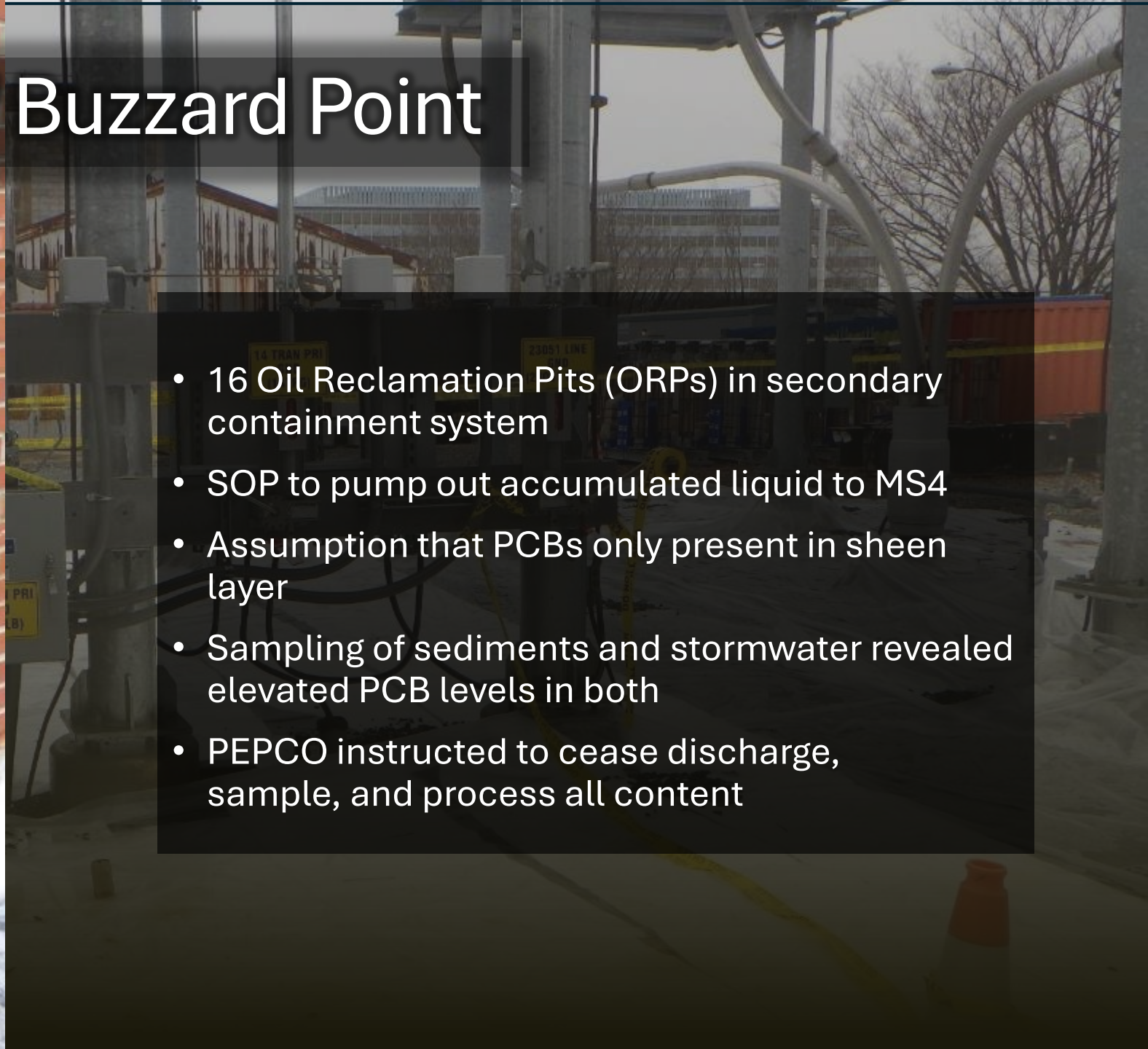
Source 2. Benning Road Facility



Source 3. Vault System



2013 Inspection of Buzzard Point



- 16 Oil Reclamation Pits (ORPs) in secondary containment system
- SOP to pump out accumulated liquid to MS4
- Assumption that PCBs only present in sheen layer
- Sampling of sediments and stormwater revealed elevated PCB levels in both
- PEPCO instructed to cease discharge, sample, and process all content

Timeline of Discharge Procedures

Prior to
1980

- Vaults have auto sump pumps or direct connections to closest sewer line via trench or overflow drains

1980-
2008

- Vaults with no sheen: pump out all liquid and discharged to street/storm drain
- Vaults with sheen: pump out liquid to last vertical foot, then vacuum contents

2008
onward

- Prohibited vault discharge to MS4 per Environmental Procedure 108
- Vacuum all contents for sampling, processing, and appropriate disposal

2013
onward

- Adopted EP 108 for Buzzard Point ORPs at DOEE's direction
- Vacuum all contents for sampling, processing, and appropriate disposal

Benning Road Processing

7-4557

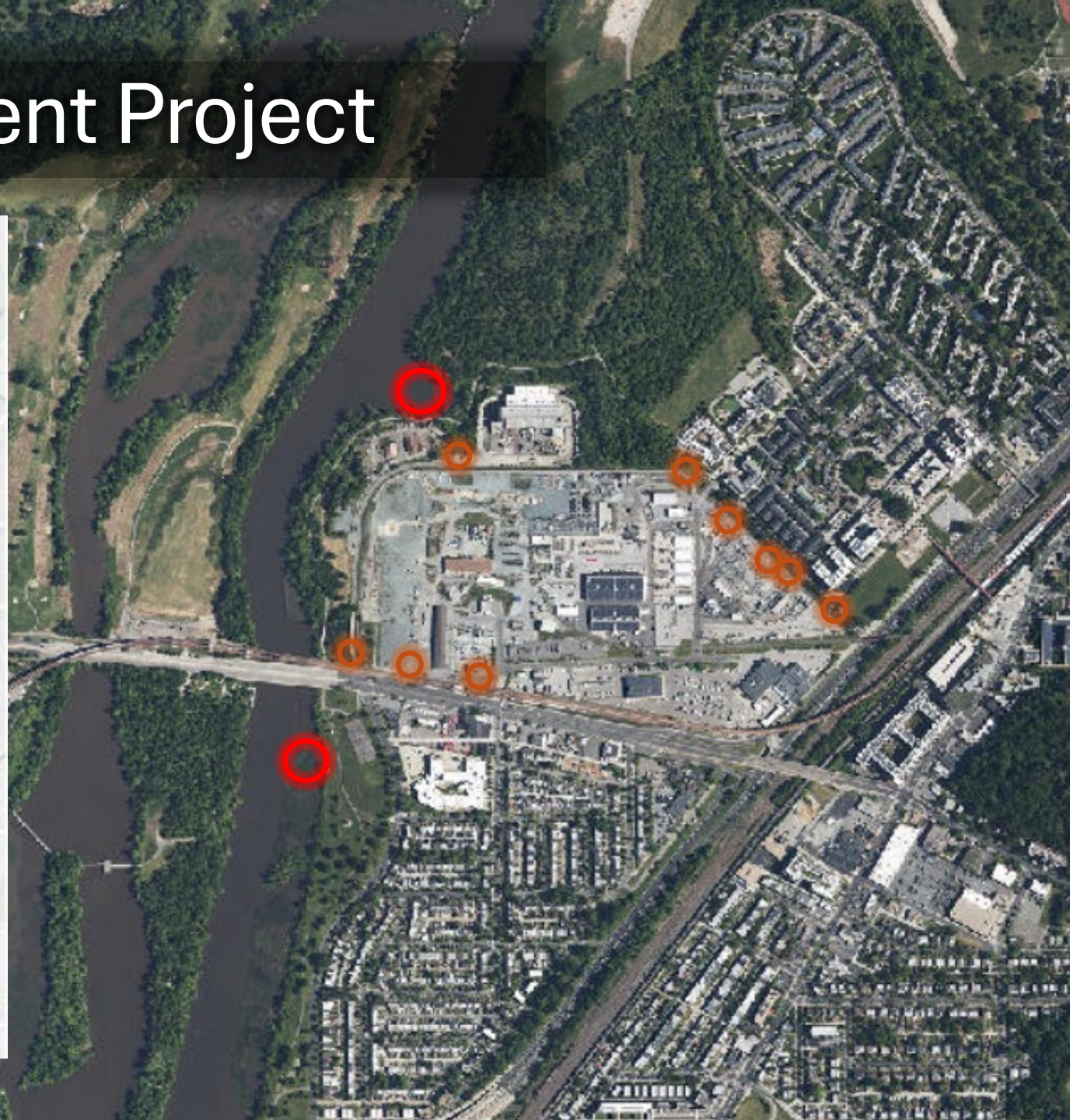
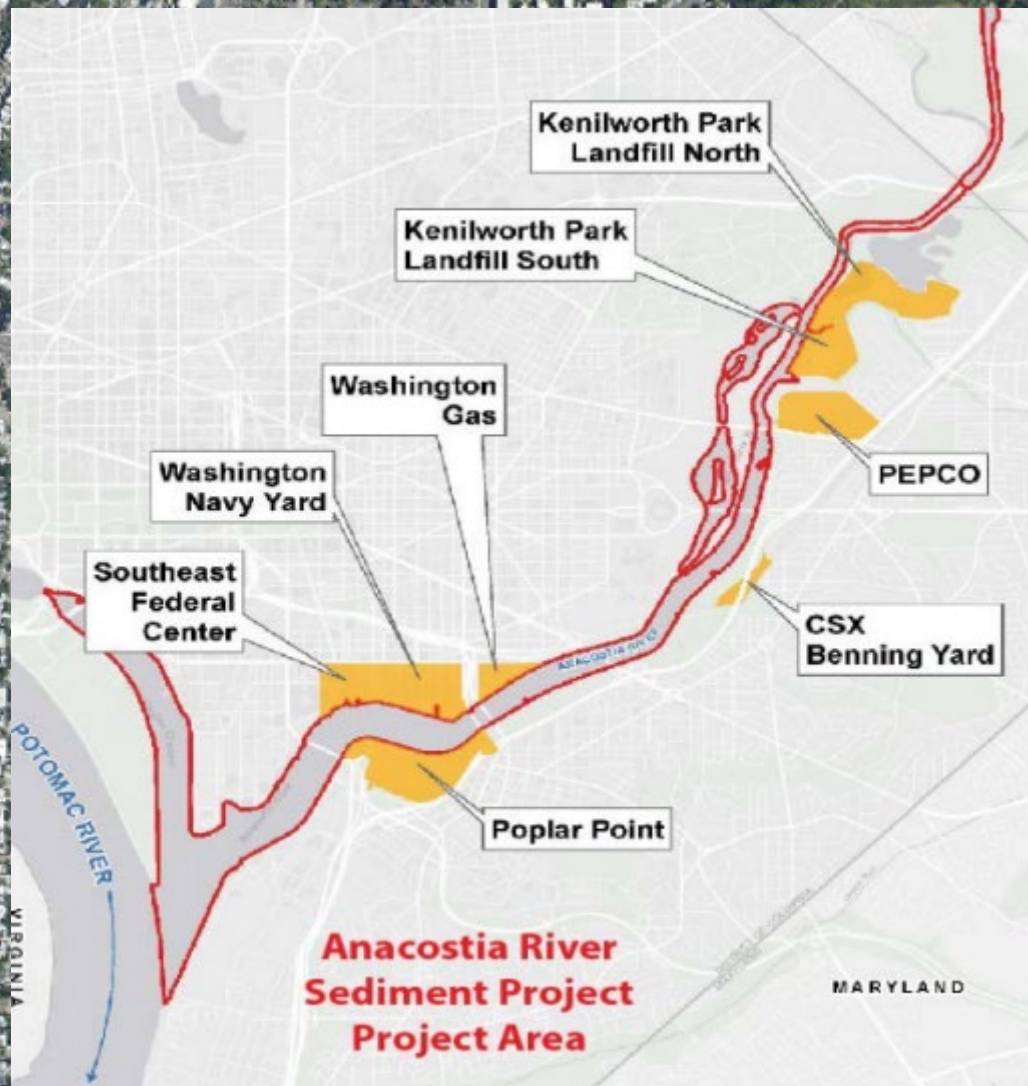
SYSTEM
BEFORE
MOVING
TO
NEW
TEMP

SYSTEM
BEFORE
MOVING
TO
YELLOW
TEMP

BRI-MAR
TRAILERS

2015/01/01 00:00

Anacostia River Sediment Project



Calculating Potential Penalties

- (1) For violations of this subchapter or related regulations or orders, the mayor may petition in the Superior Court of the District of Columbia or any other court of competent jurisdiction.
- (2) (A) A person who violates the laws referred to in paragraph (1) of this subsection shall be subject to a civil penalty of no more than \$ 50,000 for each violation.
- (B) A person who willfully violates the laws referred to in paragraph (1) of this subsection shall be subject to a civil penalty of no more than \$ 250,000 for each violation.
- (C) The court shall determine the amount of the civil penalty under this paragraph based on consideration of the following factors:

Continuing Violations

- \$250,000 penalty for vault discharges in December 2023
- Escalation Clause for future discharges
 - First time: \$10,000
 - Second time: \$20,000
 - Third time: \$100,000

2023/1

2023/12/

Settlement Terms

- Pay \$10 million in civil penalties.
- Pay \$47 million for the District's initial cleanup of the Anacostia River.
- Complete the following actions:
 - Investigate contamination from its Buzzard Point facility and perform cleanups to eliminate those risks, as needed.
 - Pay for or perform the cleanup of the Benning Road Facility, including areas in the Anacostia River adjacent to the facility.
 - Investigate potential contamination caused by vaults.
 - Pay for the District's costs to oversee Pepco's work.

Acknowledgements

David Pilat

Robert Burnett

Jacob Zangrilli

Apurva Patil

Ray Montero

Wesley Rosenfeld

David Hoffman

Questions?

jayne.brown@dc.gov