

**WHITE PAPER ON THE LACK OF ENFORCEMENT AND PUBLIC PARTICIPATION  
IN THE D.C. ENVIRONMENTAL POLICY ACT**

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## Table of Contents

Executive Summary.....	3
I. Introduction to the D.C. EPA.....	4
A. Key Statutory Provisions.....	4
B. Purpose and Legislative History.....	7
C. Limited Case Law.....	9
II. The D.C. EPA in Practice: Environmental Review Requirements.....	11
A. Environmental Review in the Permitting Process.....	11
B. Existing Opportunities for Public Participation.....	15
C. Public Access to Environmental Information in D.C.....	19
D. D.C. EPA Case Studies.....	21
III. The D.C. EPA’s Connection with NEPA.....	23
A. Explicit and Implicit Connections.....	24
B. Difference in Coverage and Scope.....	24
IV. Future of the D.C. EPA.....	25
A. Key Takeaways and Lessons Learned.....	25
B. Need for Reform.....	26
APPENDIX I - Sample Environmental Intake Form (EIF).....	29
APPENDIX II - Environmental Intake Form (EIF) for The Southeast Tennis and Learning Center (SETLC) Expansion.....	30
APPENDIX III - Sample Environmental Impact Screening Form (EISF).....	31
APPENDIX IV - Department of Energy & Environment (DOEE) Environmental Questionnaire.....	40
APPENDIX V - Research Methodology.....	42
APPENDIX VI - Bus Depot Environmental Intake Form (EIF).....	44
APPENDIX VII - Environmental Intake Form (EIF) Utilizing the Central Employment Area Exemption.....	45
APPENDIX VIII – Sample Environmental Impact Screening Form Report.....	46

## **EXECUTIVE SUMMARY**

The District of Columbia Environmental Policy Act (D.C. EPA or the Act) was enacted in 1989 to ensure that development and construction projects in the District of Columbia receive full consideration of the impacts the project will have on the environment. Major actions executed or permitted by the D.C. government require an environmental assessment and review process. However in practice, the D.C. EPA's effectiveness is limited by a lack of meaningful environmental reviews, public participation, and access to information. To date there have been no Environmental Impact Statements, and the documents used by the D.C. government in the environmental review process—Environmental Intake Forms, Environmental Impact Screening Forms, and Environmental Questionnaire—impose only a cursory environmental review. Statutory and regulatory exemptions are frequently used and further bypass meaningful environmental review. Because of the statute's limited enforcement, it has rarely been litigated. Consequently, case law interpreting the statute offers no real guidance, leaving important provisions ambiguous. Finally, environmental review documentation is difficult to find. The public lacks access to well-organized, consolidated environmental information regarding development projects and environmental impacts in their communities.

To date, no EIS prepared in accordance with the D.C. EPA has been found or made publicly available. The D.C. EPA's shortcomings necessitate future changes to the statute's environmental review process to increase its enforcement potential, boost public participation, and facilitate access to information. For this white paper, student researchers performed legal research; scoured government websites; contacted government agencies, law firms, and nonprofits; and submitted Freedom of Information Act (FOIA) requests in order to find documents relating to the D.C. EPA. The culmination of their efforts are detailed in this white paper and the attached appendices. This paper will introduce the D.C. EPA, its provisions, legislative history, and case law; overview the requirements of the environmental review process, including opportunities for public involvement and public access to information; compare the D.C. EPA with NEPA; and highlight areas for reform that could bolster the efficacy of the D.C. EPA.

## I. INTRODUCTION TO THE D.C. EPA

The District of Columbia Environmental Policy Act (D.C. EPA or the Act) is a law meant to ensure that no significant projects are completed in the District of Columbia without the government first considering what impacts they will have on the surrounding environment. The Act requires an environmental assessment and review process for major actions executed or permitted by the District government, and it allows for public participation in that process. However, its scope is limited to large projects over a certain dollar amount, so many developments in the District can bypass the Act's requirements, and the public can be left without a mechanism to evaluate whether a project will harm a community's environment. Moreover, the law contains many listed exemptions through which project proponents can bypass environmental review. As no publicly available Environmental Impact Statements have been found, it is apparent that the government has not aggressively enforced the law's environmental review requirements.

### A. Key Statutory Provisions

The D.C. EPA is codified in the Code of the District of Columbia starting at Section 8-109.01. Its core provision is Section 8-109.03, which requires the preparation of a detailed Environmental Impact Statement (EIS) whenever the government or any private person "proposes or approves a major action that is likely to have substantial negative impact on the environment."<sup>1</sup> The provision then specifies what information an EIS must contain, including the action's likely environmental impacts, cumulative impacts, any alternatives to the action, and mitigation measures to minimize adverse environmental impacts.<sup>2</sup> The EIS, if required, must be prepared at least 60 days prior to the initiation of the action.<sup>3</sup> The Mayor, and by delegation any entity of the District government, is then directed to make any EIS available for public review and comment and to allow for public hearings.<sup>4</sup> The government must decide whether an EIS is required for a proposed action within 30 days of an application for the project and must publicly document any decisions to exempt a major action involving a hazardous substance from the EIS requirement.<sup>5</sup>

An EIS is prepared by the appropriate D.C. government agency or, when multiple agencies are involved, by a single "lead agency."<sup>6</sup> An agency may also require an applicant for a permit, license, or certificate to prepare their own EIS, if one is required, and submit it to the

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<sup>1</sup> D.C. CODE § 8-109.03(a).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at § 8-109.03(b).

<sup>5</sup> *Id.* at § 8-109.03(c)(1)-(2).

<sup>6</sup> *Id.* at § 8-109.07.

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government.<sup>7</sup> According to a 2013 D.C. Department of the Environment report, as of 2013, no such EIS had ever been prepared.<sup>8</sup> After thorough research, to date, no EIS nor supplemental EIS prepared pursuant to the D.C. EPA has been recorded.

Only “major actions” require an EIS. The D.C. EPA defines a “major action” as “any action that costs over one million dollars (\$1,000,000)” in 1989 dollars—approximately \$2,500,000 as of 2023—and that “may have a significant impact on the environment” or “imminently and substantially affects the public health, safety, or welfare.”<sup>9</sup> However, neither “significant impact” nor “substantial negative impact” is defined in the statute. Whether a project causes a substantial negative impact determines whether an EIS is required, so ascertaining what this phrase means is critical to the implementation of the D.C. EPA.

The Act incorporates public participation and involvement to some extent. In addition to allowing for public hearings and public comments on an EIS, the Act provides that an EIS must include “[r]esponses to comments provided by the Council, any affected Advisory Neighborhood Commission, and interested members of the public.”<sup>10</sup> This means that the government must substantively consider and respond to public input. Advisory Neighborhood Commissions also specifically receive copies of any EIS for a project in their neighborhood.<sup>11</sup> According to the statute, the process for public involvement can also be renewed if a supplemental EIS is required, which occurs when there is a “substantial change” to a proposed project or there are “significant new circumstances or information relevant to environmental concerns.”<sup>12</sup> EISs are subject to review in court,<sup>13</sup> creating a further avenue for public engagement if an EIS is seen as inadequate. However, because no EISs have been recorded in D.C., the statutory methods for public engagement are obsolete.

The Act can have substantial force in theory, as it can lead to projects being rejected altogether. For example, no permits can be issued by the government until an EIS, if required based on the project’s scope, has been properly completed and submitted by the permit

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<sup>7</sup> *Id.* § 8-109.03(c)(3)(B).

<sup>8</sup> A 2013 District Department of the Environment report’s attachments noted that no EIS had “ever been triggered” and amending the D.C. EPA and its regulations to “close loopholes” were on their “to do list.” See District Dep’t of the Env’t, *Performance Oversight Responses: Questions 2013, Attachment 29*, at 114, [https://dccouncil.gov/wp-content/uploads/2018/budget\\_responses/Performance\\_Oversight\\_Questions\\_2013\\_-\\_All\\_Attachments\\_-\\_final.pdf](https://dccouncil.gov/wp-content/uploads/2018/budget_responses/Performance_Oversight_Questions_2013_-_All_Attachments_-_final.pdf) (last visited Dec. 12, 2023).

<sup>9</sup> D.C. CODE § 8-109.02(2). That \$1 million dollar figure is based on 1989 dollars and adjusted yearly according to the Consumer Price Index. See D.C. Mun. Regs. § 20-7201.1; see also *Environmental Impact Screening Form Review: Frequently Asked Questions*, D.C. DEP’T OF ENERGY & ENV’T 1, [https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service\\_content/attachments/Environmental%20Impact%20Screening%20Form%20Review%20FAQs.pdf](https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/Environmental%20Impact%20Screening%20Form%20Review%20FAQs.pdf) (last visited Nov. 23, 2023) (“As of 2018, that figure is one million nine hundred and thirty thousand dollars (\$1,930,000”).

<sup>10</sup> D.C. CODE § 8-109.03(a)(10).

<sup>11</sup> *Id.* at § 8-109.03(b).

<sup>12</sup> *Id.* at § 8-109.05.

<sup>13</sup> *Id.* at § 8-109.08.

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applicant.<sup>14</sup> Moreover, a major action must be disapproved if the government finds that “the public health, safety, or welfare is imminently and substantially endangered by the action.”<sup>15</sup>

The Act specifies nine exemptions from the EIS requirement. If a project falls under an exemption, it need not prepare an EIS even if it would otherwise qualify as a “major action.”<sup>16</sup> These exemptions include actions where environmental impacts have already been adequately considered, and are the “functional equivalent” of an EIS (e.g., an EIS under the National Environmental Policy Act (NEPA)); actions within the District’s Central Employment Area (which covers much of downtown D.C.)<sup>17</sup>; and environmentally protective actions.<sup>18</sup> The Act also provides that the Mayor must write rules to implement the statute.<sup>19</sup> Those rules can be found in Chapter 20-72 of the D.C. Municipal Regulations.

These regulations outline environmental review requirements, exemptions, and opportunities for public involvement. Importantly, the regulations create an obligation for agencies or permit applicants to complete an Environmental Impact Screening Form (EISF) before potentially completing an EIS. According to Section 20-7201 of the regulations, agencies or permit applicants must prepare an EISF for actions costing more than \$1,000,000—in 1989 dollars—that “*may* have a significant impact on the environment.”<sup>20</sup> The regulations offer little guidance on what is required in an EISF, the regulations simply state that EISFs will include and be accompanied by “information relative to the environmental impacts of the proposed major action.”<sup>21</sup>

The regulations do outline narrow scenarios in which an EISF is required (e.g., when an action impacts endangered species or contaminates public water), but the regulations also list exemptions from the EISF and EIS process beyond the exemptions contained in the text of the Act. The eleven categories of additionally exempt actions, for which no EISF nor EIS is required, include: minor alterations to public structures; construction of small facilities like single-family homes or small commercial buildings; new gardening or landscaping; small parking lots; and replacements of structures where the new building meets zoning requirements and serves a similar purpose as the old structure.<sup>22</sup> The District Council did amend the regulations in 2023 to remove one exemption for major actions within Economic Development

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<sup>14</sup> *Id.* at § 8-109.03(c)(3)(B).

<sup>15</sup> *Id.* at § 8-109.04.

<sup>16</sup> *Id.* at § 8-109.06(a).

<sup>17</sup> See Open Data DC, *Central Employment Areas*, <https://opendata.dc.gov/datasets/DCGIS::central-employment-areas/explore?location=38.884021%2C-77.001751%2C13.00>.

<sup>18</sup> D.C. CODE § 8-109.06(a).

<sup>19</sup> *Id.* at § 8-109.09.

<sup>20</sup> *Id.* (emphasis added).

<sup>21</sup> *Id.* at § 20-7204.3 (EISFs may contain documents “including, but not limited to, environmental assessments, traffic analyses, computer analyses and any other reports which will assist the lead agency in making its determination”). See also Appendix III for an example of an EISF.

<sup>22</sup> *Id.* at § 20-7202.2.

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Zones.<sup>23</sup> Ultimately, while these exemptions have been curtailed recently, they still substantially undermine the efficacy of the Act. As illustrated in Part II, exemptions are frequently invoked and allow projects to proceed with little scrutiny.

## **B. Purpose and Legislative History**

The Act was intended to help the District prospectively avoid environmental harms whenever possible. The stated purpose of the D.C. EPA is “to promote the health, safety and welfare of District residents [and] afford the fullest possible preservation and protection of the environment.”<sup>24</sup> This aim is to be achieved by ensuring “the environmental impact of proposed District government and privately initiated actions [are] examined before implementation.”<sup>25</sup> The Act mandates that the government shall “substitute or require an applicant to substitute an alternative action or mitigating measures for a proposed action, if the alternative action or mitigating measures will accomplish the same purposes as the proposed action with minimized or no adverse environmental effects.”<sup>26</sup>

When the D.C. EPA was signed into law in 1989, the following purpose statement preceded the codified statute:

To require the Mayor or any District of Columbia Board, commission, authority, or person to prepare an environmental impact statement if the mayor, board, commission, authority, or person proposes or approves an action that, if implemented, is likely to have a significant effect on the quality of the environment; to ensure the residents of the District of Columbia safe, healthful, productive, and aesthetically pleasing surroundings, and to develop a policy to ensure that economic, technical, and population growth occurs in an environmental sound manner.<sup>27</sup>

This broad purpose statement reflects the sweeping intent of the bill’s drafters to require an environmental assessment for a wide variety of actions, and it suggests a low threshold for when an EIS should be required. The statement incorporates numerous considerations beyond just environmental ones, emphasizing that the law also serves to promote health, economic

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<sup>23</sup> See 44 DCR 2799 (May 9, 1997), as amended by Final Rulemaking published at 70 DCR 009769 (July 14, 2023); see also Proposed Rulemaking published at 69 DCR 015388 (Dec. 23, 2022) (“This [amendment] will ensure that potential environmental impacts of these projects, such as potential impacts on air quality and water quality, the presence of contaminants and need for cleanup, impacts on wetlands, and so on, are considered as part of the development process”).

<sup>24</sup> D.C. CODE § 8–109.01.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> See D.C. CODE 8-36(1).

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development, and aesthetics. This broad framing resembles NEPA, which requires an evaluation of health, economic, and aesthetic impacts.<sup>28</sup>

The Council explicitly cited the efficacy of the National Environmental Policy Act (NEPA), the federal law requiring a procedure similar to an EIS under the D.C. EPA, as well as other state-level environmental policy acts, as justifications for passing the D.C. EPA.<sup>29</sup> Moreover, the Council emphasized “the importance of public comment in the environmental regulatory and decision making process.”<sup>30</sup> Further illustrating the goal of public participation and transparency, one of the D.C. Council’s policy objectives for the D.C. EPA was to ensure “that discussions and decisions regarding environmental impacts and mitigation measures occur through a transparent process in which the public is kept informed and given a meaningful opportunity to participate.”<sup>31</sup>

This purpose is reflected in the D.C. EPA’s legislative history. The original D.C. Council report on the D.C. EPA indicated that the bill’s “purpose and effect” was to prevent the progressive degradation of the environment.<sup>32</sup> The report also underscored the importance of this law in bolstering public participation in government processes: “The public has often expressed a desire to know the source and scope of potentially negative environmental impacts.”<sup>33</sup> In response, the Council aimed to require the government and private parties to “thoroughly review and evaluate the potential environmental impacts of a proposed major action.”<sup>34</sup>

The D.C. EPA went through several iterations and was subject to a public hearing in 1988 and a redrafting by the Committee on Public Works before it was signed into law.<sup>35</sup> The D.C. Director of Consumer and Regulatory Affairs noted during that public hearing that the D.C. EPA did not define what “significant” meant when characterizing what type of environmental impact requires an EIS.<sup>36</sup> The final version of the bill incorporated suggested amendments from the Committee on Public Works and replaced § 8-109.03’s use of “significant impact” with “substantial negative impact,”<sup>37</sup> but still left this term undefined.<sup>38</sup> The D.C. Council submitted

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<sup>28</sup> See 42 U.S.C. § 4321(101)(b)(2).

<sup>29</sup> See Council of the District of Columbia, Draft Report of the Committee on Public Works on Bill 8-8, at 5 (June 5, 1989) [hereinafter “Committee on Public Works Draft Report”] (“The enactment of federal and state laws requiring the preparation of EISs before undertaking major projects that could potentially damage the environment have proven worthwhile.”).

<sup>30</sup> *Id.* at 6.

<sup>31</sup> 10-A D.C. MUN. REGS. § 616.4 (Apr. 10, 1984).

<sup>32</sup> Committee on Public Works Draft Report at 1.

<sup>33</sup> *Id.* at 4.

<sup>34</sup> *Id.*

<sup>35</sup> See generally Committee on Public Works Draft Report.

<sup>36</sup> See *Id.* at 7.

<sup>37</sup> *Id.* at 16.

<sup>38</sup> It seems that the Council and Committee on Public Works considered the DCRA Director’s additional note that the statute does not “provide the Mayor with the explicit authority to define ‘significant’ through rulemaking.” *Id.* at 7. Section 10 of a subsequent iteration of the bill gave the Mayor discretion to enact rules implementing the D.C.



its second draft of the bill to the Committee on Public Works for markups, and the Council then adopted the Committee’s recommendations into the final version of the bill. The statute’s language has not been amended since.

### C. Limited Case Law

The D.C. EPA has rarely been litigated in court, so there is little judicial guidance on the statute. Some of the terms in the D.C. EPA, such as “significant impact” and “substantial negative impact,” remain undefined. D.C. courts have attempted to clarify these terms, but with limited frequency and effect. For example, in the 2014 case *Kingman Park Civic Association v. Gray*, the federal district court in D.C. refrained from expounding upon the definition of “substantial negative impact.”<sup>39</sup> In this case, plaintiffs alleged that a government construction plan would have a “substantial negative impact” on the environment.<sup>40</sup> The court simply stated that the EISF process is how substantial negative impact is determined.<sup>41</sup> Relying on the EISF and supplemental documents (such as soil samples) submitted by the government, the court concluded that allegedly contaminated soil and dust did not constitute a “substantial negative impact.”<sup>42</sup> The court deferred to the EISF determination of the District agency and did not postulate further on the “substantial negative impact” language.<sup>43</sup>

The district court in that case also limited what kinds of effects must be considered by the government when determining whether an EIS is necessary. The court held that a local civic association’s allegations of “community impact” were insufficient to establish that an EIS was required because EISs only concern impacts on the environment.<sup>44</sup> However, the D.C. Circuit Court of Appeals reversed in 2016, holding that, when evaluating whether an EIS is required, the government must consider a project’s impacts on the non-natural environment, including “effects such as traffic and noise felt primarily (or even exclusively, if such can be imagined) as aspects of the human environment.”<sup>45</sup> The D.C. Superior Court—the lowest state-level court in D.C.—recently followed that guidance, allowing plaintiffs to proceed with a D.C. EPA claim where they alleged an EIS was required for a new firehouse that would result in contamination, dumping, noise, and increased traffic.<sup>46</sup>

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EPA. *See Id.* at 23-24. While this provides for the implicit authority to define terms, the terms in question remain undefined nonetheless.

<sup>39</sup> *Kingman Park Civic Ass'n v. Gray*, 27 F. Supp. 3d 171 (D.D.C. 2014).

<sup>40</sup> *Id.* at 175.

<sup>41</sup> *See id.* at 175 n.2

<sup>42</sup> *Id.* at 181-82.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 162.

<sup>45</sup> *Kingman Park Civic Ass'n v. Bowser*, 815 F.3d 36 (D.C. 2016).

<sup>46</sup> *Broadus v. Bowser*, 2020 D.C. Super. LEXIS 184 (D.C. Super. Ct. Jan. 21, 2020).

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Judicial deference to government agencies in disputes involving the D.C. EPA occurs regularly. For example, in the 2002 case *Foggy Bottom Association v. D.C. Board of Zoning Adjustment*, the D.C. Court of Appeals allowed the government significant flexibility in the environmental review process.<sup>47</sup> The court held that a special zoning exception to build a large hospital in D.C. could be granted before any EISF was completed.<sup>48</sup> This procedural change was permitted because the government later completed an EISF after the zoning exception was granted and found that no EIS was necessary.<sup>49</sup> Thus, the government was allowed to modify the traditional environmental review process, which ordinarily requires a full EISF prior to determining whether an EIS is necessary.

The D.C. EPA is not the only D.C. statute lacking a well-developed body of case law. The District's former Director of Consumer and Regulatory Affairs noted in the D.C. EPA's public hearing in 1988 that other environmental statutes in D.C. also require "the submission of detailed plans prior to [a] proposed activity."<sup>50</sup> Those that the Director mentioned include statutes dealing with air pollution and water quality and are still in effect today.<sup>51</sup> However, each of these statutes has a similarly limited body of case law as the D.C. EPA. The D.C. Water Pollution Control Act—which mirrors a federal statute like the D.C. EPA mirrors NEPA—has only been litigated once in a case that provides no substantive statutory interpretation.<sup>52</sup> The same is true for the D.C. Air Pollution Control Act.<sup>53</sup>

The lack of case law regarding the D.C. EPA, coupled with undefined terms in the statute, leaves the public uninformed about what the law requires and gives broad discretion to the government when determining whether and how to prepare an EISF or an EIS. The public participation provisions of the D.C. EPA only apply once an EIS is being prepared, and an EIS is costly, burdensome, and time-intensive.<sup>54</sup> These burdens may explain why no EISs have been prepared or litigated, especially given the numerous available exceptions that allow the government to avoid EISF and EIS procedures. Ultimately, until more EISs are prepared or the statutory language in the D.C. EPA is clarified, courts are unlikely to play an influential role in making statutory requirements more robust or empowering members of the public. To assess other avenues for improved environmental review, the D.C. EPA's implementation must be examined in more detail.

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<sup>47</sup> *Foggy Bottom Ass'n v. D.C. Bd. of Zoning Adjustment*, 791 A.2d 64 (D.C. 2002).

<sup>48</sup> *Id.* at 77.

<sup>49</sup> *Id.* at 70.

<sup>50</sup> See Committee on Public Works Draft Report at 45.

<sup>51</sup> See the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165, D.C. § 8-101.05 *et. seq.* (2023); D.C. Water Pollution Control Act of 1984, D.C. Law 5-188, D.C. CODE § 8-103 *et seq.* (2023); D.C. Hazardous Waste Management Act of 1977, D.C. Law 2-64, D.C. CODE § 8-1301 *et. seq.* (2023); D.C. Soil Erosion and Sedimentation Control Act of 1977, D.C. Law 2-23, 24 DCR 3342 (2023).

<sup>52</sup> See *District of Columbia v. Miss Dallas Trucking, LLC*, 240 A.3d 355 (D.C. 2020).

<sup>53</sup> See *D.C. Dep't of Env't v. East Capitol Exxon*, 64 A.3d 878 (D.C. 2013).

<sup>54</sup> See, e.g., *CEQ Announces Projects to Improve Efficiency of Federal Environmental Reviews through Creation of Best Practice Principles, Use of Effective IT Tool*, WHITE HOUSE (Oct. 19, 2011).

## II. THE D.C. EPA IN PRACTICE: ENVIRONMENTAL REVIEW REQUIREMENTS

The D.C. EPA's broad and ambitious purpose is juxtaposed by how the D.C. EPA has been interpreted by courts. This mismatch is also evidenced by how the D.C. EPA is implemented in practice. One of the primary ways in which the statute is enforced is through D.C.'s permitting process.<sup>55</sup> No permit in D.C. may be issued unless an EIS is prepared when one is required,<sup>56</sup> but the permitting process has developed such that this bright-line rule is rarely enforced.

### A. Environmental Review in the Permitting Process

The D.C. EPA applies whenever the government "approves a major action."<sup>57</sup> This usually arises during the permitting process, when the government is faced with a decision to approve or disapprove a large, proposed project. The permitting process in D.C. can be extensive, and the D.C. EPA attempts to ensure that environmental considerations are built in at each phase. In practice, those considerations are often overlooked.<sup>58</sup>

Permit applications for new construction projects in D.C. are submitted to the D.C. Department of Buildings (DOB).<sup>59</sup> Prior to submitting a permit application, a prospective applicant may meet with department officials to discuss zoning and other requirements, apply to obtain a new address, and work with surveyors to draw building plans.<sup>60</sup> Once an applicant is prepared, permit application materials are submitted directly to the DOB.<sup>61</sup>

A permit application must include an Environmental Intake Form (EIF).<sup>62</sup> This form contains basic details about the proposed project and its features. After a few initial identification questions, the form asks fifteen yes or no questions about the substance of the project.<sup>63</sup> Consequently, the EIF process has no robust environmental review components. Moreover, much of the form is focused on bypassing the need for an EISF. At least seven of the EIF's

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<sup>55</sup> D.C. CODE § 8-109.03(c).

<sup>56</sup> *Id.* § 8-109.03(c)(3)(B).

<sup>57</sup> *Id.* § 8-109.03(a).

<sup>58</sup> *See, e.g., Overview of Permitting Process*, D.C. DEP'T OF BUILDINGS (DOB), <https://dob.dc.gov/page/overview-permitting-process-0> (briefly describing the environmental review process and how a short environmental intake form precedes and can bypass an EISF).

<sup>59</sup> *See id.*

<sup>60</sup> *See id.*

<sup>61</sup> *See id.*

<sup>62</sup> *See* Department of Buildings, *Environmental Intake Form*, <https://dob.dc.gov/sites/default/files/dc/sites/dob/publication/attachments/DOB%20Environmental%20Intake%20Form.pdf>.

<sup>63</sup> *See* Appendix I.

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questions inquire into whether the applicant's project falls under an exception to the D.C. EPA.<sup>64</sup> Ultimately, the EIF is reviewed by the DOB to determine whether an EISF is required. If an EISF is not required, the permit application may proceed and obtain approval without any further environmental review.<sup>65</sup>

The original D.C. EPA created the EIS procedure as the only comprehensive tool for environmental assessment in the District. The EISF was added later through regulations as a precursor to an EIS, and mention of it was inserted into the D.C. EPA by amendment in 2010.<sup>66</sup> The DOB created the even more concise EIF as a predecessor to an EISF. The EIF procedure, notably, is not codified in any D.C. regulation,<sup>67</sup> meaning that the process is nebulous and the standard by which the DOB determines whether an EISF is required is unclear. No agency or court reviews these EIF decisions, so there is little accountability. Again, this leaves the government with significant discretion and circumvents the extensive review process required by statute.

Because of the barebones requirements in an EIF, no extensive analysis of environmental impacts is done at the initial permitting phase. There are few completed EISFs publicly available,<sup>68</sup> and this shortage of completed EISFs suggests that EIFs are frequently relied upon to forgo any additional environmental analysis. For example, many EIFs previously invoked the exemption in the D.C. EPA regulations for projects within Economic Development Zones.<sup>69</sup> This trend may explain why the Council removed the exemption in 2023 to ensure environmental impacts are more consistently considered in the development process.<sup>70</sup> As seen in Figure 1, though, exemptions in EIFs continue to be relied upon to avoid further environmental analysis.

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<sup>64</sup> *See id.*

<sup>65</sup> *See Overview of Permitting Process, supra* note 58.

<sup>66</sup> D.C. CODE 18-223, § 6062, 57 D.C. REG. 6242 (Sept. 24, 2010).

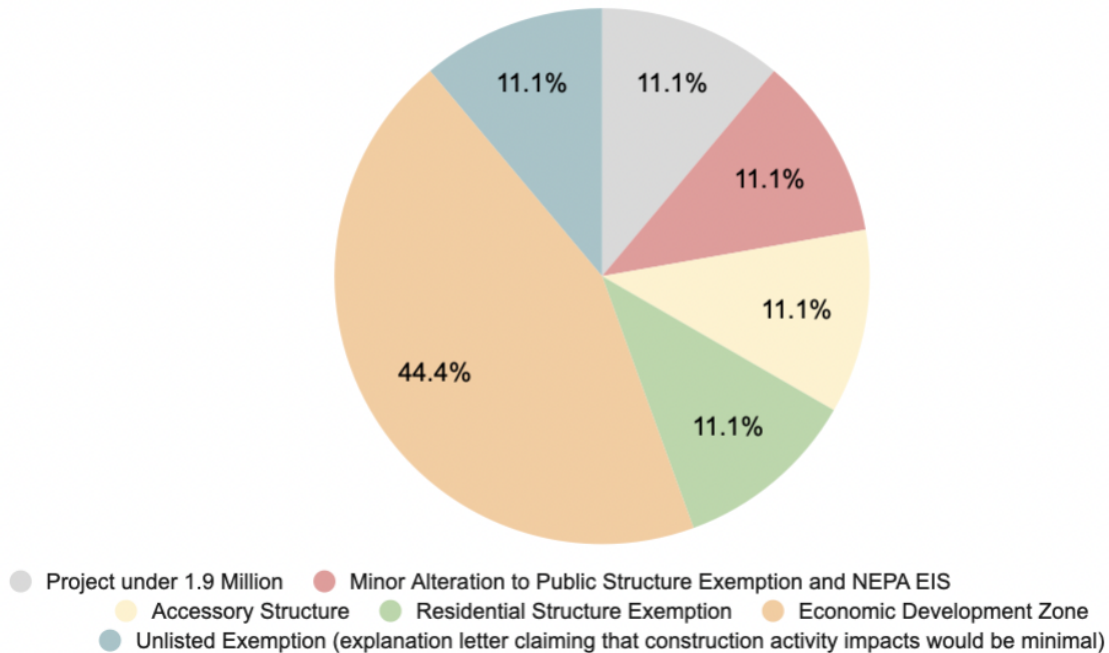
<sup>67</sup> *See, e.g.*, 12A D.C. MUN. REGS. § 105 *et seq.*

<sup>68</sup> *See, e.g.*, DOB eRecords, <https://dcraonline-rms.dkra.dc.gov/navigator/?desktop=DCRAPermits>. *See* Appendix VII for a sample EISF Report.

<sup>69</sup> *See, e.g.*, Appendix II.

<sup>70</sup> *See* Proposed Rulemaking published at 69 D.C. REG. 015388 (Dec. 23, 2022) (“This [amendment] will ensure that potential environmental impacts of these projects, such as potential impacts on air quality and water quality, the presence of contaminants and need for cleanup, impacts on wetlands, and so on, are considered as part of the development process”).

## EIF Exception Invoked



**Figure 1:** This chart displays the exceptions invoked on EIFs for 46 projects in the District of Columbia reviewed by the D.C. Department of Buildings and its predecessors in the last 10 years. Nine projects invoked exceptions in an EIF. Data for this chart was gathered from FOIA requests sent to the Department of Buildings and Department of General Services, and from the Department of Buildings eRecords database.

If the DOB does determine that an EISF is required, the applicant must prepare one. The EISF requires a more detailed evaluation and more information than an EIF. An EISF asks twenty questions about existing environmental conditions at the site of the proposed project and fifty-three questions about the nature of the proposed project itself.<sup>71</sup> Some of these are yes or no questions, while others require descriptive answers. Completing an EISF requires knowledge of zoning requirements, water and utilities connected to the proposed site, traffic conditions, the presence of special environmental features like wetlands, and maps of the project site,<sup>72</sup> much of which must be obtained by a permit applicant through communications with the government. Supporting documentation is required along with an EISF, including maps and site plans, stormwater management and sediment control measures, an engineering report, and an environmental site assessment.<sup>73</sup>

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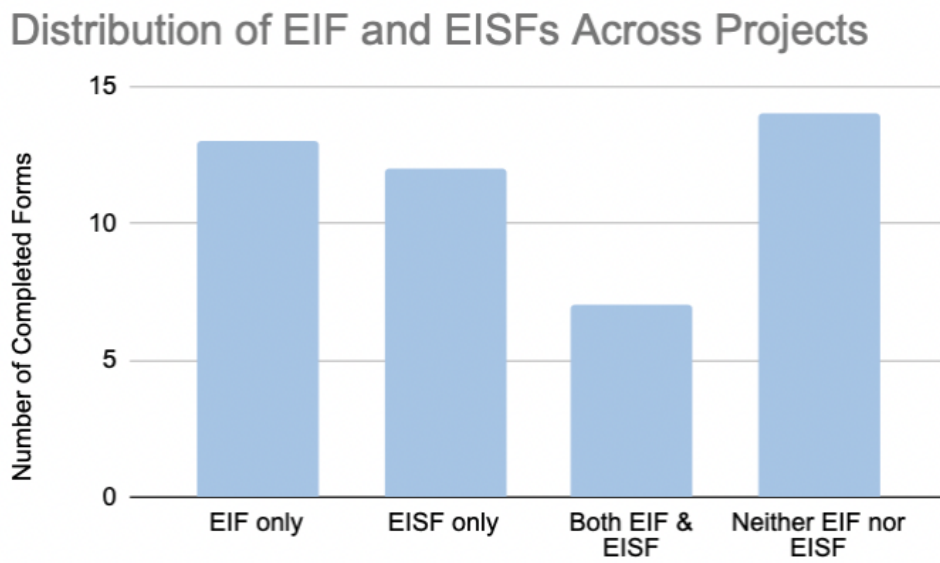
<sup>71</sup> See Appendix III.

<sup>72</sup> See *id.*

<sup>73</sup> See *id.*

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An EISF is reviewed by multiple agencies in a process that typically takes about two weeks.<sup>74</sup> Agencies involved in the EISF review process may include the Department of Energy & Environment (DOEE), D.C. Water, the Department of Transportation, the Department of Public Works, the Office of Planning, and the Solid Waste Management Administration.<sup>75</sup> These agencies each submit reports to the DOB with recommendations on approving or disapproving the EISF. The DOB then makes a final determination.<sup>76</sup> An EISF entails more rigorous environmental review than an EIF, but it still falls short of the comprehensive nature of an EIS. Furthermore, few designated chances for public participation exist, and EISFs are not made publicly available in a consolidated and efficient manner like EISs. As seen in Figure 2, the majority of projects only receive cursory review through an EIF or no environmental review at all. Figure 3 summarizes the number of projects doing EIFs, EISFs, and and EISs, and highlights that no public EISs have been discovered as of publication.



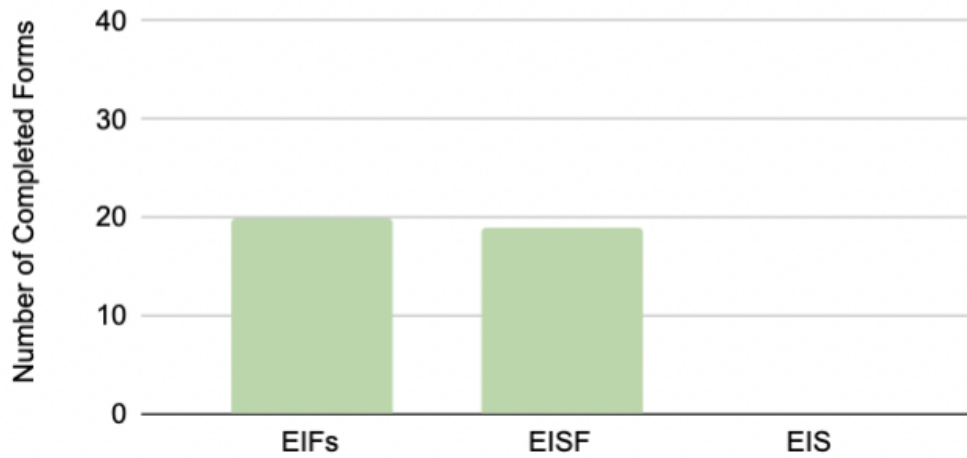
**Figure 2:** This chart displays the distribution of EIFs and EISFs filled out for 46 projects in the District of Columbia in the last 10 years. For projects which filled out any environmental review materials, some filled out an EIF, some an EISF, and some both. Data for this chart was gathered from FOIA requests sent to the Department of Buildings and Department of General Services, and from the Department of Buildings eRecords database.

<sup>74</sup> DOEE, *EISF Review: Frequently Asked Questions*, [https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service\\_content/attachments/Environmental%20Impact%20Screening%20Form%20Review%20FAQs.pdf](https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/Environmental%20Impact%20Screening%20Form%20Review%20FAQs.pdf) (last visited Jan. 7, 2024).

<sup>75</sup> See Appendix III.

<sup>76</sup> See *Overview of Permitting Process*, *supra* note 58.

## Total EIFs, EISFs, and EIS's



**Figure 3:** This chart displays the total number of EIFs, EISFs, and EISs filled out for 46 projects in the District of Columbia in the last 10 years. Even for projects which filled out environmental review materials, none were required to fill out a full EIS. Data for this chart was gathered from FOIA requests sent to the Department of Buildings and Department of General Services, and from the Department of Buildings eRecords search function.

Environmental considerations are somewhat incorporated into the broader permitting process in D.C. Independent from any specific environmental review, a permit applicant undergoes a full Plan Review for their project.<sup>77</sup> This review entails a holistic evaluation of the project plan and permit application by various agencies, including the DOEE.<sup>78</sup> The DOEE has also typically requested that a supplemental Environmental Questionnaire be submitted along with a building permit application.<sup>79</sup> Importantly, though, the opportunities for public engagement in this process are limited.

### B. Existing Opportunities for Public Participation

Anyone can participate in environmental governance by contacting their local council member or government representative. The D.C. government has multiple governing bodies. Mayor Muriel Bowser has a cabinet composed of the heads of all major agencies in D.C. The D.C. Council is made up of council members from each ward in D.C., as well as multiple non-

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<sup>77</sup> See *id.*

<sup>78</sup> See *id.*

<sup>79</sup> See DOEE, *Building Permit Application Supplemental Form - Environmental Questionnaire* (June 27, 2017), [https://doee.dc.gov/sites/default/files/dc/sites/ddoe/publication/attachments/DOEE%20-%20ENVIRONMENTAL%20QUESTIONNAIRE\\_Updated.pdf](https://doee.dc.gov/sites/default/files/dc/sites/ddoe/publication/attachments/DOEE%20-%20ENVIRONMENTAL%20QUESTIONNAIRE_Updated.pdf).

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ward-specific council members. Table 1 and Table 2 present more information on how to contact these entities (current as of December 2023).<sup>80</sup>

Mayor Muriel Bowser and Cabinet Members				
Office	Name	Title	Phone	Address
Executive Office of the Mayor	Lindsey Parker	Chief of Staff	(202) 727-5011	1350 Pennsylvania Avenue Suite 310, NW, Washington D.C. 20001
Office of the City Administrator (OCA)	Barry Kreiswirth	General Counsel and Senior Policy Advisor		1350 Pennsylvania Avenue, NW, Suite 521, Washington D.C. 20004
Office of General Counsel (OGC)	Betsy Cavendish	General Counsel to the Mayor	(202) 724-7681	1350 Pennsylvania Avenue, NW, 327, Washington D.C. 20004
Office of Zoning	Sara Jo Bardin	Director	(202) 727-6311	441 4th Street, NW, Suite 210S, Washington D.C. 20001
Department of Parks and Recreation (DPR)	Thennie Freeman	Acting Director	(202) 673-7647	1250 U Street, NW, Washington D.C. 20009
Department of Buildings	Brian Hanlon	Acting Director	(202) 442-4400	1100 4th Street, SW, Washington D.C. 20024
Department of General Services (DGS)	Delano Hunter	Acting Director	(202) 724-4400	2000 14th Street, NW, 8th Floor, Washington D.C. 20001
Department of Energy and the Environment (DOEE)	Richard Jackson	Director	(202) 535-2600	1200 First Street, NE 5th Floor, Washington D.C. 20001

Table 1: Mayor Muriel Bowser and Cabinet Members

<sup>80</sup> See *Cabinet*, MAYOR MURIEL BOWSER, <https://mayor.dc.gov/page/cabinet> (last visited Jan 9, 2024).



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**Council of the District of Columbia**

Position	Name	Email	Phone	Office	Party
Chairman	Phil Mendelson	pmendelson@dccouncil.gov	(202) 724-8032	1350 Pennsylvania Avenue NW, Suite 504 Washington, DC 20004	Democrat
At-Large Councilmember	Kenyan R. McDuffie	kmcduffie@dccouncil.gov	(202) 724-7772	1350 Pennsylvania Avenue NW, Suite 506, Washington, DC 20004	Independent
At-Large Councilmember	Anita Bonds	abonds@dccouncil.gov	(202) 724-8064	1350 Pennsylvania Avenue NW, Suite 404, Washington, DC 20004	Democrat
At-Large Councilmember	Robert C. White, Jr.	rwhite@dccouncil.gov	(202)-724-8174	1350 Pennsylvania Avenue NW Suite 107, Washington, DC 20004	Democrat
At-Large Councilmember	Christina Henderson	chenderson@dccouncil.gov	(202) 724-8105	1350 Pennsylvania Avenue, Suite 402, NW Washington, DC 20004	Independent
Ward 1 Councilmember	Brianne K. Nadeau	bnadeau@dccouncil.gov	(202) 724-8181	1350 Pennsylvania Avenue, Suite 108, NW Washington, DC 20004	Democrat
Ward 2 Councilmember	Brooke Pinto	bpinto@dccouncil.gov	(202) 724-8058	1350 Pennsylvania Avenue NW, Suite 106 Washington, DC 20004	Democrat
Ward 3 Councilmember	Matthew Frumin	mfrumin@dccouncil.gov	(202) 724-8062	1350 Pennsylvania Avenue, Suite 408, NW Washington, DC 20004	Democrat
Ward 4 Councilmember	Janeese Lewis George	jlewisgeorge@dccouncil.gov	(202) 724-8052	1350 Pennsylvania Avenue NW, Suite 105 Washington, DC 20004	Democrat
Ward 5 Councilmember	Zachary Parker	zparker@dccouncil.gov	(202) 724-8028	1350 Pennsylvania Avenue, NW, Suite 102, Washington, DC 20004	Democrat
Ward 6 Councilmember	Charles Allen	callen@dccouncil.gov	(202)724-8072	1350 Pennsylvania Avenue NW, Suite 110, Washington, DC 20004	Democrat
Ward 7 Councilmember	Vincent C. Gray	vgray@dccouncil.gov	(202) 724-8068	1350 Pennsylvania Avenue NW, Suite 406, Washington, DC 20004	Democrat
Ward 8 Councilmember	Trayon White, Sr.	twhite@dccouncil.gov	(202)724-8045	1350 Pennsylvania Avenue NW, Suite 400, Washington, DC 20004	Democrat

Table 2: Council of the District of Columbia

Advocacy to elected officials and appointees notwithstanding, the only specified touchpoint for public engagement in environmental reviews created by the D.C. EPA is in the EIS process. If an EIS is required, then the project proponent must make the EIS publicly available, accept public comments on the document, and hold a public hearing on the project and the EIS if requested.<sup>81</sup> The government must make a written determination of whether an EISF indicates that an EIS is required,<sup>82</sup> coordinate with the public in preparing an EIS, make all EISs and supplemental EISs publicly available,<sup>83</sup> and make publicly available written determinations about whether an EIS identifies adverse effects on the environment.<sup>84</sup> However, most of these public engagement requirements are not triggered if the EIS process is bypassed.

<sup>81</sup> D.C. CODE § 8-109.03(b) (“If 25 registered voters in an affected single member district request a public hearing on an EIS or supplemental EIS or there is significant public interest, [a public hearing shall be conducted] pursuant to... § 8-109.09(a)”).

<sup>82</sup> D.C. MUN. REGS. § 20-7205.1.

<sup>83</sup> D.C. Code § 8-109.

<sup>84</sup> D.C. MUN. REGS. § 20-7210.5.

The EIS process can be avoided if an exemption, under the statute itself or its implementing regulations, is met. The exemptions include broad categories such as “[r]eplacement, renovation, or reconstruction of existing structures and facilities, where the new or renovated structure meets the requirements of the Zoning Regulations,” as well as almost all “[r]esidential structure projects.”<sup>85</sup> Once an exemption is met, the law’s requirements for public documentation, comments, and hearings no longer apply. Furthermore, the D.C. EPA itself provides the public no avenue for bringing lawsuits to enforce the preparation of an EIS.<sup>86</sup>

If a proposed project is able to avoid the EIS process, the public has to find other avenues to express concerns about the project and its impacts. However, the public has no clear way to intervene in the permitting process. If a new building does not qualify as a “major action,” the DOB is authorized to grant a building permit after an application has been reviewed by the appropriate agencies without any public involvement.<sup>87</sup> Permit revocation also occurs at the behest of agencies rather than through any public process.<sup>88</sup> Permits must be publicly posted, but this offers little in the way of a forum for public opposition.

Permit applicants must notify neighboring property owners of new construction in some circumstances,<sup>89</sup> but this occurs rarely and puts only a small number of people on notice. One opportunity for public participation comes in the form of Advisory Neighborhood Commissions (ANCs), which are non-partisan entities made up of locally elected residents. There are 46 ANCs in the District.<sup>90</sup> The D.C. government is required to solicit comments and recommendations from ANCs in order to approve any after-hours construction.<sup>91</sup> The District is obligated to notify all affected ANCs of actions regarding property owned by the District, including acquiring new property or changing property use.<sup>92</sup>

ANCs must also be notified before permits are granted or zoning changes are authorized in the Commission’s area.<sup>93</sup> ANCs then hold public meetings to consider these permit applications and other government actions, and they are authorized to submit recommendations to the District.<sup>94</sup> The appropriate D.C. agency then makes its final decision after giving the ANC recommendation “great weight,” meaning the government must make “explicit reference to each of the Commission’s issues and concerns” and articulate why it accepts or rejects the ANC’s

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<sup>85</sup> *Id.* § 20-7202.2(b), (k).

<sup>86</sup> *See generally* D.C. CODE § 8-109.01 *et seq.*

<sup>87</sup> 12A D.C. MUN. REGS. § 105.

<sup>88</sup> *Id.* § 111.

<sup>89</sup> *Id.* § 106.

<sup>90</sup> *Advisory Neighborhood Commissions*, DC.gov, <https://anc.dc.gov/page/about-ancs> (last visited Jan. 8, 2024).

<sup>91</sup> 12A D.C. MUN. REGS. § 105.

<sup>92</sup> D.C. CODE § 1-309.10(b).

<sup>93</sup> *Id.* § 1-309.10(c)(1)(A)(iii).

<sup>94</sup> *Id.* § 1-309.10(d)(1).

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recommendation.<sup>95</sup> While courts have enforced this “great weight” requirement against the government, courts still often defer to D.C. agencies, as agencies have no duty to “exhaustively discuss every detail in the ANC's submission... or to [ultimately] defer to the ANC’s views.”<sup>96</sup>

ANCs may present their views to any D.C. agency, initiate proposals for D.C. governmental action, hold public hearings on any action by a D.C. agency, and submit findings and recommendations, for which they have access to D.C. officials and public data.<sup>97</sup> However, ANCs are not authorized to sue the D.C. government.<sup>98</sup> Nonetheless, ANCs are required to monitor complaints of residents within their area,<sup>99</sup> so voicing concerns about the environmental impacts of a project to an ANC is a formalized channel through which residents can oppose government action.

One other option for public involvement is through the zoning process. The D.C. Zoning Commission holds public hearings and accepts publicly submitted comments.<sup>100</sup> Members of the public can initiate contested cases if there are grounds to believe that a project is not compliant with zoning rules. Residents may also file rulemaking cases to amend the zoning regulations, meaning that residents could attempt to change a zone such that certain types of construction would no longer be permitted.<sup>101</sup> Appeals from Zoning Commission decisions go to the Board of Zoning Adjustment, which also holds public hearings and accepts comments.<sup>102</sup> D.C. residents can attempt to mitigate environmental impacts, or at least advocate to government officials, through this zoning process. Some permit applicants must apply for zoning variances or exceptions and go through this process, meaning the public has an improved opportunity to outline any environmental issues involved in these projects.<sup>103</sup>

### **C. Public Access to Environmental Information in D.C.**

The government is supposed to make environmental information, in particular EISs, publicly available to D.C. residents.<sup>104</sup> This is one of the core goals of the D.C. EPA. However, environmental data remains difficult to obtain in the District. For example, D.C. operates an open data platform called “Open Data DC.”<sup>105</sup> The platform contains information on updated zoning

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<sup>95</sup> *Id.* § 1-309.10(d)(3)(A).

<sup>96</sup> *Citizens for Responsible Options v. District of Columbia Bd. of Zoning Adjustment*, 211 A.3d 169, 184 (D.C. 2019); *see also* *Youngblood v. District of Columbia Bd. of Zoning Adjustment*, 262 A.3d 228, 239 (D.C. 2021).

<sup>97</sup> D.C. CODE § 1-309.10(d)-(j).

<sup>98</sup> *See* *Smith v. Henderson*, 982 F. Supp. 2d 32, 43 (D.D.C. 2013).

<sup>99</sup> D.C. CODE § 1-309.10(m).

<sup>100</sup> 11Z D.C. MUN. REGS. § 201.

<sup>101</sup> *Id.*

<sup>102</sup> 11Y D.C. MUN. REGS. § 201.

<sup>103</sup> D.C. MUN. REGS. § 11-3103-04.

<sup>104</sup> *Id.* § 20-7208.

<sup>105</sup> *See* Government of the District of Columbia, *Open Data DC*, <https://opendata.dc.gov/>.

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regulations, air quality trends, traffic, tree canopy, and water flows.<sup>106</sup> This information is valuable and can be used by residents to identify and combat environmental issues. However, the platform lacks property-specific information on environmental impacts. Moreover, information is dispersed across many different maps and datasets, making it difficult to obtain an overall picture of environmental impacts.

Zoning maps are also made available to the public,<sup>107</sup> and the DOB runs a public dashboard listing the permits it has granted.<sup>108</sup> However, this permit information offers no individualized details. For example, there is no documentation of why a permit was issued, what environmental review occurred, or whether any ANCs submitted recommendations. The DOB has also created “SCOUT,” a searchable online database with property-specific information.<sup>109</sup> While this database does specify what environmental review documents were submitted for each property’s permit application, those documents are not themselves accessible via the database.

These patchwork data initiatives make it extremely difficult for the public to learn about the impacts of development and construction on their communities. One of the most valuable data hubs in D.C. with respect to environmental information is the DOB Electronics Record Management System (DOB eRecords).<sup>110</sup> This platform, hosted on a website with a required login or signup, contains records related to all permit applications filed in the District in recent years. But the system is only searchable by file number (which members of the public are unlikely to have) or address.<sup>111</sup> For example, the EIF in Appendix II was obtained through this system.<sup>112</sup> Because of the address or file number-specific system, though, a systematic search for EIFs, EISFs, or EISs is infeasible.

A final point of access to environmental information is through submitting a request to the government under the D.C. Freedom of Information Act (FOIA).<sup>113</sup> This path has proven the most successful given the absence of key environmental documents from publicly accessible websites. The authors of this paper themselves submitted a FOIA request to the D.C. government and received information which is used in this whitepaper. However, requiring a FOIA request to

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<sup>106</sup> See Data Stories, *Open Data DC*, <https://opendata.dc.gov/pages/data-stories> (last visited Oct. 27, 2023).

<sup>107</sup> See *Zoning Maps and Data Dashboards for the District of Columbia*, DC Office of Zoning, <https://maps.dcoz.dc.gov/> (last visited Oct. 27, 2023).

<sup>108</sup> See *Building Permits Issued*, DC Department of Buildings, [https://dataviz1.dc.gov/t/OCTO/views/DOBPublicDashboard/PermitOperations-BuildingPermitsIssued?%3AshowAppBanner=false&%3Adisplay\\_count=n&%3AshowVizHome=n&%3Aorigin=viz\\_share\\_link&%3Aembed=yes&%3Atoolbar=no](https://dataviz1.dc.gov/t/OCTO/views/DOBPublicDashboard/PermitOperations-BuildingPermitsIssued?%3AshowAppBanner=false&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link&%3Aembed=yes&%3Atoolbar=no) (last visited Oct. 27, 2023).

<sup>109</sup> See *SCOUT*, DC Department of Buildings, <https://scout.dca.dc.gov/permits-8936> (last visited Oct. 27, 2023).

<sup>110</sup> DOB, *DOB eRecords (Electronic Records Management System)*, <https://dcraonline-rms.dca.dc.gov/navigator/?desktop=DCRAPermits>.

<sup>111</sup> See *id.*

<sup>112</sup> See Appendix II.

<sup>113</sup> See *Freedom of Information (FOIA)*, DC.gov, <https://dc.gov/page/freedom-information-act-foia> (last visited Jan. 8, 2024).

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view crucial information about environmental and community impacts of local projects is a substantial and unnecessary barrier. The D.C. EPA demands more transparency and accessibility.

#### **D. D.C. EPA Case Studies**

The barriers to accessing environmental data in D.C. and the frequency with which environmental reviews are circumvented can be illustrated by examining several large projects in the District. In an assessment of twenty of the largest development projects in the District in recent years,<sup>114</sup> only five had completed EIFs, the first and most cursory step in the D.C. EPA process. Three of those EIFs claimed exemptions to the D.C. EPA, and the exemptions were approved by the government such that no EISF nor EIS was required. The other two EIFs determined that the relevant projects were not “major actions,” thus requiring neither an EISF nor EIS. Summarily, in an assessment of some of D.C.’s largest new building developments in the past decade, not a single EISF nor EIS was required.

The primary source of any environmental review for the majority of large projects in D.C. is the DOEE’s Environmental Questionnaire.<sup>115</sup> This questionnaire has become a requirement for permit applicants. However, the form is only intended to gauge whether or not a project involves a specific type of environmental harm that would trigger more extensive environmental review. For example, the questionnaire asks about whether a project involves an underground storage tank, the drilling of wells, hazardous substances, interference with aquatic life, asbestos, or an old building with lead paint.<sup>116</sup> If any of those conditions are present, then the permit applicant must contact the appropriate division within the DOEE to coordinate what additional materials they must provide to the government.<sup>117</sup>

The Environmental Questionnaire, while often completed, does not encourage transparency with the public regarding potential environmental harms, nor does it provide an opportunity for public participation. Out of twenty major recent development projects in D.C., an Environmental Questionnaire was available for nearly all of them. For six of these projects, the permit applicant answered no to every question on the questionnaire, and no further environmental review was done. For other projects, the applicant answered yes to at least one question but no publicly available EIFs were found. Because no EIFs were completed or publicly available, there is no subsequent record of the environmental review process. Presumably, the applicant was in contact with the DOEE about the necessary information to provide to the government, but public insight into that interaction is unavailable.

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<sup>114</sup> See Appendix V.

<sup>115</sup> See Appendix IV.

<sup>116</sup> See *id.*

<sup>117</sup> See *id.*

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Two specific projects provide particularly insightful examples. The Southeast Tennis & Learning Center (SETLC) underwent renovations and an expansion in 2014. The project cost \$18 million, covered 34,000 square feet, and was led by a committee created by the District government. The SETLC is adjacent to Oxon Run Park, a large park home to legacy cherry blossom trees, a stream, trails, recreational fields, and a community solar farm.<sup>118</sup> The 2014 project likely met the definition of a major action under the D.C. EPA given its cost and scope, but the project proponents claimed an exemption from the D.C. EPA. The EIF submitted for the project invoked the exemption for developments inside the District’s Economic Development Zone—later repealed in 2023. No further D.C. EPA procedures appear to be followed as they are not publicly available, and the project was approved and completed.<sup>119</sup>

A bus depot project in the District involved replacing a closed school with a bus depot for 65 buses to travel between D.C. and New York.<sup>120</sup> The project proponents completed an EIF that invoked two exemptions: one for projects that involve only the operation or repair of public structures with negligible expansion beyond their current use, and another for projects that already completed an EIS under NEPA.<sup>121</sup> But no environmental review had yet occurred, so this exception was inapplicable. In 2012, a judge halted the project partially due to the circumvention of the required environmental screening under the D.C. EPA (and under NEPA).<sup>122</sup> The court’s decision was also partially motivated by the project’s failure to consult with local Advisory Neighborhood Commissions (ANCs),<sup>123</sup> demonstrating the potentially substantial role that ANCs have in the D.C. EPA process. This judicial intervention was effective; the site was subsequently converted into a community center instead of a bus depot.<sup>124</sup>

The D.C. EPA’s ambitious goals are not being realized in practice. Exemptions abound, documents and data remain concealed, and judicial resolution is rare. These implementation failures have real impacts, and communities are left uninformed and subject to the whims of project proponents and government agencies. These failures do not have to continue; contrasting the D.C. EPA with NEPA illustrates how a statute prioritizing environmental review can be effective in practice.

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<sup>118</sup> See *Oxon Run Parkway*, WARD 8 WOODS CONSERVANCY, <https://ward8woods.org/oxon-run-parkway/> (last visited Nov. 17, 2023).

<sup>119</sup> See *Southeast Tennis and Learning Center Project*, D.C. DGS, <https://dgs.dc.gov/page/dgs-southeast-tennis-and-learning-center-project> (last visited Nov. 17, 2023).

<sup>120</sup> See Darryl Fears, *Ivy City, tired of being a D.C. ‘dumping ground,’ takes on Gray over bus depot*, WASH. POST (Aug. 12, 2012).

<sup>121</sup> See Appendix VI.

<sup>122</sup> See Mike DeBonis, *Ivy City bus lot plans halted by judge*, WASH. POST (Dec. 10, 2012) (citing *Bennett v. Union Station Redevelopment Corp.*, 2012-CA-006027-B at 17 (D.C. Sup. Ct., Dec. 10, 2012)).

<sup>123</sup> See *id.*

<sup>124</sup> See Paul Schwartzman, *After decades of waiting, D.C.’s Ivy City to get community center at Crummell School*, WASH. POST (May 27, 2021).

### III. THE D.C. EPA'S CONNECTION WITH NEPA

The D.C. EPA is a “mini-NEPA,” or a state-equivalent version of the National Environmental Policy Act (NEPA).<sup>125</sup> The D.C. Council modeled the D.C. EPA after NEPA and meant for it to mirror NEPA’s principles about transparency and environmental concern.<sup>126</sup> In fact, the D.C. EPA exempts actions from its EIS requirement if an EIS has already been prepared pursuant to NEPA.<sup>127</sup> However, NEPA often covers projects that are larger in scope and cost than what the D.C. EPA covers, despite assessing the same thematic material.

While there are no publicly available EISs prepared under the D.C. EPA, there is an extensive record of EISs prepared in accordance to other states’ mini-NEPAs.<sup>128</sup> In Connecticut, for example, more than 6 EISs were completed per year from 2015 to 2020.<sup>129</sup> In Hawaii, which has more than twice the population of D.C.,<sup>130</sup> more than 7 EISs were prepared annually in the same timeframe.<sup>131</sup>

#### A. Explicit and Implicit Connections

The D.C. EPA is modeled after NEPA.<sup>132</sup> The D.C. Council intended for the D.C. EPA’s environmental assessment procedures to be “comparable to the regulations” that the White House’s Council on Environmental Quality (CEQ) developed for NEPA.<sup>133</sup> In fact, the D.C. EPA specifies that an environmental review conducted according to NEPA’s standards can supplant a review under the D.C. EPA and avoid the need for an EIS.<sup>134</sup> NEPA and the D.C. EPA, including its implementing regulations, share language centered around protection of the environment and of public health, safety, and welfare.<sup>135</sup>

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<sup>125</sup> See *Summary of the Current Issues on Environmental Justice and State “Mini-NEPAs”*, ENVIRONMENTAL JUSTICE STATE BY STATE, <https://ejstatebystate.org/current-issues/mini-nepa> (last visited Nov. 17, 2023).

<sup>126</sup> 10-A D.C. MUN. REGS. § 618.5 (2023).

<sup>127</sup> See D.C. CODE § 8-109.06(a)(1).

<sup>128</sup> See, e.g., Kevin Swamberg, *No Alternative: the Failure of the Minnesota Environmental Policy Act to Consider Project Alternatives and Proposed Remedies*, 49 MITCHELL HAMLINE L. REV. 126, 137-38 (2023) (citing website sources where states maintain records of their EISs or their procedural equivalent, drawing from them how many EISs are prepared per year).

<sup>129</sup> *Id.* at 137 n.77 (citing *Environmental Monitor Archives*, CONN. STATE COUNCIL ON ENV'T QUALITY, <https://portal.ct.gov/CEQ/Environmental-Monitor/Environmental-Monitor-Archives/Environmental-Monitor-Archives> [<https://perma.cc/3F73-SKU3>]).

<sup>130</sup> See *US States - Ranked by Population 2024*, WORLD POPULATION REVIEW, <https://worldpopulationreview.com/states> (last visited Jan. 6, 2024) (noting that the District’s population in 2024 is 677,827 and Hawaii’s 2024 population is 1,426,280).

<sup>131</sup> Swamberg, *supra* note 130, at 137 n.75 (citing *The Environmental Notice Archives 2015-2020*, STATE OF HAWAII DEP'T OF HEALTH OFF. OF ENV'T QUALITY CONTROL, [http://oeqc2.doh.hawaii.gov/\\_layouts/15/start.aspx#/The\\_Environmental\\_Notice/Forms/AllItems.aspx](http://oeqc2.doh.hawaii.gov/_layouts/15/start.aspx#/The_Environmental_Notice/Forms/AllItems.aspx)).

<sup>132</sup> 10-A D.C. MUN. REGS. § 618.1. An amendment to the D.C. Comprehensive Plan Act in 2006 first expressly stated that the D.C. EPA had been modeled after NEPA. See 10-A D.C. MUN. REGS. § 616.1 (2006).

<sup>133</sup> *Id.* § 618.5 (2023).

<sup>134</sup> D.C. CODE § 8-109.06(a)(1).

<sup>135</sup> Compare 42 U.S.C. § 4331, with D.C. CODE § 8-109.01.

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The D.C. EPA mirrors NEPA’s goals of transparency and the public dissemination of information regarding environmental concerns. NEPA has the twin aims of obligating agencies to “consider *every* significant aspect of the environmental impact of a proposed action” and ensuring project proponents inform the public that the review process considered environmental concerns for large, government-sanctioned actions.<sup>136</sup> The D.C. EPA’s public participation goal is evident in its legislative history and in the D.C. Council’s policy guidelines, which provide that the D.C. EPA’s environmental review should include “*all* pertinent information about the effects of the project on the human environment, including information about existing conditions, projected impacts, and mitigation measures.”<sup>137</sup> This process is meant to ensure that policymakers and the general public have access to extensive environmental information when a major development is proposed.<sup>138</sup>

## B. Difference in Coverage and Scope

The NEPA environmental review process often covers projects that are much larger in scope and expense than those the D.C. EPA covers. For example, the Federal Railroad Administration and the Maryland Department of Transportation jointly completed a draft EIS in accordance with NEPA for a proposed interstate rail project, the Baltimore-Washington Superconducting Magnetic Levitation (SCMAGLEV) Project.<sup>139</sup> This project—a high-speed rail system that would connect D.C. and Baltimore—was estimated to cost over \$15 billion.<sup>140</sup> In contrast, the D.C. EPA requires an EIS for developments that are likely to impact the environment and exceed \$1 million in costs (in 1989 dollars).<sup>141</sup> For example, the Southeast Tennis & Learning Center (SETLC) 2014 renovation and expansion project cost \$18 million.<sup>142</sup>

This difference in coverage likely accounts for some of the increased efficacy of NEPA relative to the D.C. EPA. Because NEPA applies to interstate actions like the SCMAGLEV and to actions involving the federal government, as opposed to those involving only local government approval, its breadth is inherently more expansive. Consequently, there were 656

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<sup>136</sup> *Baltimore Gas & Electric Co. v. Natural Resources Defense Council*, 462 U.S. 87, 97 (1983) (emphasis added).

<sup>137</sup> 10-A D.C. MUN. REGS. § 618.5 (emphasis added).

<sup>138</sup> *Id.*; see *Foggy Bottom Ass’n v. D.C. Zoning Comm’n*, 979 A.2d 1160, 1166 (D.C. 2009) (citing *Foggy Bottom Ass’n v. D.C. Bd. of Zoning Adjustment*, 791 A.2d 64, 73 (D.C. 2002)) (interpreting “implementation” of a major action to mean its “construction” in the D.C. EPA).

<sup>139</sup> See *Current Phase I Project Status*, NORTHEAST MAGLEV (2023), <https://northeastmaglev.com/project/timeline/> (last visited Dec. 1 2023).

<sup>140</sup> Daniel Lukomsky, *Northeast Maglev's Lobbying Raises Questions for Maryland*, PATCH MEDIA (Aug. 19, 2023), <https://patch.com/maryland/gaithersburg/northeast-maglevs-lobbying-raises-questions-maryland>.

<sup>141</sup> D.C. CODE § 8-109.02(2).

<sup>142</sup> See *Southeast Tennis and Learning Center Project*, D.C. DGS, <https://dgs.dc.gov/page/dgs-southeast-tennis-and-learning-center-project> (last visited Nov. 17, 2023).



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actions resulting in draft or final EISs under NEPA from 2013 to 2018.<sup>143</sup> NEPA is consistently being implemented and enforced, and EISs under NEPA allow the public to participate in this federal process. The D.C. EPA falls far short of this standard, as evidenced by the absence of any available EIS. Moreover, whether a project costs billions of dollars or several million, there is still a need for environmental review. Environmental damage can be caused by any project or action regardless of the cost or size.

#### **IV. FUTURE OF THE D.C. EPA**

The D.C. EPA has been the law in the District for more than 30 years, but its implementation continues to falter. Reforms have failed to bring significant public attention to the law. Because D.C. operates much of its political system in conjunction with or directly through the federal government, the debate surrounding NEPA has likely displaced focus on the D.C. EPA. This lack of attention harms the District and its residents. Public officials must faithfully implement the full scope and purpose of the D.C. EPA so as to honor the purpose of the law to promote health, protect the environment, and inform the public about environmental impacts.

##### **A. Key Takeaways and Lessons Learned**

One primary flaw in the implementation of the D.C. EPA is the repeated invocation of exemptions that exclude projects from the full application of the statute. These exemptions may be claimed by permit applicants, or they may be affirmatively invoked by the District government. Either way, the extensive availability of exemptions has severely limited the efficacy of the law. Through a review of available EIFs and those requested through FOIA, it is apparent that the D.C. EPA allows exemptions which are too lax or prioritize economic development over environmental wellbeing.<sup>144</sup> Although one of those exemptions was repealed, several remain, and there seems to be no standard procedure for vetting or verifying the applicability of an exemption for a particular project.

Another area of concern surrounding the D.C. EPA is public access to information. Some public access is restricted when no EIF nor other document is prepared for a project in the first place. Even where environmental documents do exist, they are extremely difficult to find. For a District resident hoping to learn more about a project in their neighborhood there is little guidance on how to obtain relevant materials. The resident must learn the exact address of the project, navigate a host of confusing online databases and platforms, read dozens of poorly organized documents (see, e.g., Appendix V), and hope that the available documents are fully

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<sup>143</sup> Council on Environmental Quality, *Fact Sheet: CEQ Report on Length of Environmental Impact Statements (2013 – 2018)* (June 2020), [https://ceq.doe.gov/docs/nepa-practice/CEQ\\_EIS\\_Length\\_Fact\\_Sheet\\_2020-6-12.pdf](https://ceq.doe.gov/docs/nepa-practice/CEQ_EIS_Length_Fact_Sheet_2020-6-12.pdf).

<sup>144</sup> See D.C. MUN. REGS. § 20-7202.

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completed and legible. This is true even for the DOB eRecords database—the best source of environmental documentation in the District—where projects are only searchable by either exact address or permit number.<sup>145</sup>

Communication directly with a government agency or project proponent is possible, but it is challenging and time-consuming. Reliance on individualized outreach often fails. Residents may also file FOIA requests, but the same issues arise. The onus should not be on the public to consume valuable time and energy searching for how their community will be impacted by a project.

Beyond the implementation failures plaguing the D.C. EPA, the statute also suffers from ambiguity in its provisions, leading to greater deference to agencies and a lesser role for the public. The statute lacks clarity on what kinds of impacts must be considered at the outset of a project and when a given impact constitutes a “significant impact” or a “substantial negative impact,” and courts have refrained from engaging in a meaningful interpretation of the statute that might provide more of a check on agency discretion.<sup>146</sup> A fuller description of what “substantial negative impact” means would lead to more accountability, as residents would be equipped to challenge specific projects and determine precisely when full environmental reviews are required.

## **B. Need for Reform**

The failures and barriers identified above demand reform. The question arises whether that reform should be centered on the D.C. EPA itself, its regulations, agency procedures, judicial review, or a combination thereof. Because the statute is broad and sets general standards that are specified in more granular detail in regulations, amending the regulations would be easier than amending the statute and would likely be more effective at achieving real change.

For example, several of the exemptions available in the law’s regulations could be repealed. The D.C. Council already repealed an exemption in 2023, so this could set a precedent for the District government for limiting or removing other exemptions. One target for reform could be the exemption for projects within the District’s Central Employment Area.<sup>147</sup> This exemption applies to a broad swathe of the District, is entirely based on geography rather than any aspects of a project’s environmental impact, and resembles the exemption repealed in 2023. It was invoked in at least one large project in the District since 2014.<sup>148</sup> Because the exemption is specified in the D.C. EPA itself, though, this reform would likely require a statutory amendment.

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<sup>145</sup> See DOB, *DOB eRecords (Electronic Records Management System)*, <https://dcraonline-rms.dca.dc.gov/navigator/?desktop=DCRAPermits>.

<sup>146</sup> See *Kingman Park Civic Ass'n v. Gray*, 27 F. Supp. 3d 171 (D.D.C. 2014), *supra* note 39.

<sup>147</sup> See D.C. MUN. REGS. § 20-7202.1(g).

<sup>148</sup> See Appendix VII.

Two other exemptions should be narrowed or removed and would only require amending the statute's implementing regulations. First, the exemption for replacements or renovations of existing structures<sup>149</sup> covers a wide range of projects and should be repealed or limited in scope to reflect pertinent environmental concerns. For example, a new site assessment could be required to determine whether the surrounding environment has changed since the initial structure was erected. If change has occurred, such as a new stream running nearby or a new playground abutting the site, then the exemption may not be invoked. Second, the exemption for small structures—including “[s]mall commercial structures not involving the use of significant amounts of hazardous substances”<sup>150</sup>—is vague and ignores the reality that small structures can still have significant environmental impacts. This exemption should be repealed or limited.

In addition to amending exemptions, agency procedures should be changed to ensure public access to information. For example, the law's regulations could be altered to require that all EISFs be made publicly available,<sup>151</sup> including a written explanation for why no EIS was prepared when the agency reviewing the EISF determines that no EIS is necessary. Moreover, the D.C. Council should require agencies, especially the DOB, to report periodically on the number of permit applications filed, the number of environmental documents (EIFs, EISFs, and EISs) prepared, the number and types of exemptions invoked, the types of environmental impacts considered, and the size and cost of the projects that were ultimately permitted. This data would aid the Council in overseeing implementation of the D.C. EPA and directing agencies to correct shortcomings, and it would allow the public to more easily evaluate the efficacy of the law. Such reports would also centralize environmental information that is currently disparate and disorganized.

Lastly, more guidance is needed on what level of impact triggers the D.C. EPA's requirements. Assistance could come from the courts. Challenging agency decisions not to prepare an EIS under the D.C. EPA could prove useful, as several recent cases have demonstrated. Alternatively, the law's regulations could be amended to more specifically define what constitutes a “significant impact” or “substantial negative impact.” The federal regulations implementing NEPA offer a good model for how such an amendment could work, as NEPA's regulations elaborate extensively on the types of impacts that are considered significant.<sup>152</sup>

The D.C. EPA's original purpose was laudable and that purpose remains important today. However, the D.C. government has struggled to incorporate the law into its day-to-day operations, meaning that the D.C. EPA has had little influence on the projects that get authorized

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<sup>149</sup> See D.C. MUN. REGS. § 20-7202.2(b).

<sup>150</sup> See *id.* § 20-7202.2(c)(2).

<sup>151</sup> See *id.* § 20-7205.

<sup>152</sup> See 40 C.F.R. §§ 1501.3(b), 1508.1(g).

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and the information the public receives. The D.C. Council should reform the law and its regulations to achieve the law's stated purpose and revitalize its role in local governance.

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## APPENDIX I - SAMPLE ENVIRONMENTAL INTAKE FORM (EIF)

(Page 1 of 1)

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**\*\*\* THIS EIF FORM ONLY APPLIES TO BUILDING PERMIT B2209879. FUTURE PERMIT APPLICATIONS REQUIRE A NEW FORM \*\*\***  
 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
 PERMIT OPERATIONS DIVISION  
 PLANS APPROVED

**Environmental Intake Form**

Permit No. B2209879

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**Owner & Contact Information**

**Complete address of proposed work**

Square	Suffix (if any)	Lot	Application date (4 numbers for year)
1183	0813		9/12/2022

Number	Ext	Official street name
3401		K Street

Project name	Application number	PROJECT DESCRIPTION: Selective demolish and structural alteration of existing 2-story brick use building, construction type II. Includes foundation and column reinforcement, removal of existing concrete slab on grade, and new steel columns, columns and floor slab for 1st floor stair and elevator cores, removal of interior non-load bearing partitions at 1st and 2nd floor, removal of entire roof structure and supporting 2nd floor columns including all rooftop equipment and penetrations. Work also includes alteration and reinforcement of exterior facade and openings at 2nd floor to prepare for future new construction 7-story hotel building to be submitted under a separate permit application. Approximate area of work: 15,000 SF
citizenM Hotel Georgetown	B2209879	

6. Owner	7. Complete mailing address (include zip)	8. Phone	9. Email, if you prefer e-notice
Washington Georgetown Properties LLC	148 Madison Avenue New York NY 10016	646-508-2584	citizenrcraig@citizenm.com

10. Agent for owner, if applicable	11. Complete mailing address (include zip)	12. Phone	13. Email, if you prefer e-notice
DFM Development Services, LLC	400 N Washington St., 3rd Flr Falls Church, VA 22046	703-283-1118	mdiaz@dfmdevelopment.com

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**Project Scope**

Scope (Check all that this project involves.)	No	Yes	If You Answer "Yes"
1. Is this project a residential structure within R, RF and RA-1 zoning districts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Is this project a single-family structure <b>not</b> built in conjunction with 2 or more units?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Is this project an accessory structure, such as a garage, patio, pool, or fence?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Is this project only an interior renovation with no building use or capacity change?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. Is this project in an Economic Development Zone, as defined in DC Official Code § 6-1501 et seq (DC Law 7-177)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Is this project in the Central Employment Area, defined in DC Zoning Regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Does the project involve <b>only</b> operation, repair, maintenance, or minor alteration of public structures, facilities, mechanical equipment, or topographical features, with <b>negligible or no</b> expansion of use beyond its current use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. Does the owner of this site own adjacent or abutting property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Do you plan to develop adjacent/abutting property in next 3 years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attach a site plan. If there is no plan, attach a written explanation.
10. Do you plan more development that requires permit(s) on any site in this square in next 3 years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Is this project a solid waste facility?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See EIS Coordinator.
12. Have you prepared an Environmental Impact Statement (EIS) or a functional equivalent, as required by the National Environmental Policy Act of 1969 (NEPA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attach the EIS or equivalent.
13. Are you claiming an exemption, other than those listed in this form, from the requirement to submit an Environmental Screening Form, under Title 20 § 7202.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attach an explanation; cite relevant section of regulations.
14. Is the total project cost more than \$1.90 million, including site preparation and construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If you're not claiming an exemption, attach an EISF.
15. For projects with a total cost of \$1.90 million or less, check all that apply:			
• Contains threatened or endangered plant or animal species.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If you check any item, attach EISF or equivalent.
• Is within 100 feet of a pond, stream, lake, spring, or wetland.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
• Project will produce emission of odorous or other air pollutants (from any source, including VOCs)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
• Project produce, use, or dispose of hazardous substances, as defined in 20 DCMR 7299	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
• Will be built on land where the water table depth is less than 3 feet.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
• Will require blasting.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
• Will generate medical, infectious, radioactive, or hazardous waste.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

I certify that all statements on this application are true and complete to the best of my knowledge and belief. I agree to comply with all applicable DC laws and regulations. The making of false statements on this application is punishable by criminal penalties. (DC Code Sec. 22-2514)

Signature of Owner/Authorized Agent <u>Malissa Diaz</u>	Date <u>9/12/2022</u>
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**OFFICIAL USE ONLY**

Environmental Impact Screening Form Required	DCRA Reviewer <u>Arlette Howard</u>	Date <u>9.14.2022</u>
Yes. Referred to EIS Coordinator	No	

NOTE: Building permit approval is not the same as approval of an action or entire project under the Environmental Policy Act of 1969. If you build on the same, adjacent, or abutting property, or expand on work covered by this Environmental Intake Form within 3 years, you may be required to file an EISF for the whole project, including the part covered by this application and permit approval. If the action violates any federal or DC environmental laws, an EISF can be required.

**To report waste, fraud, or abuse by any DC government office or official, call the Inspector General: 1-800-521-1639**

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## APPENDIX II - ENVIRONMENTAL INTAKE FORM (EIF) FOR THE SOUTHEAST TENNIS AND LEARNING CENTER (SETLC) EXPANSION

(Page 27 of 128)

Environmental Intake Form									
Owner & Contact Information									
Complete address of proposed work									
Square <b>PIAR</b>		Suffix (if any)		Lot <b>0114</b>		Application date (4 numbers for year) <b>1 2 1 0 2 0 1 3</b>			
Number <b>7 0 1</b>		Ext		Official street name <b>M I S S I S S I P P I A V E N U E</b>				District <b>SE</b>	
Project name <b>Southeast Tennis Learning Center</b>				Application number (if applicable)		Project Description <b>Expansion of existing building and reconfiguring of existing tennis courts to 7 new courts</b>			
8. Owner <b>Department of General Services</b>				7. Complete mailing address (include zip) <b>20009 2000 14th Street NW</b>		9. Phone <b>(202) 727-2800</b>		10. Email, if you prefer e-notice	
10. Agent for owner, if applicable <b>Wiles Mensch Corporation</b>				11. Complete mailing address (include zip) <b>11860 Sunrise Valley DR, Ste 200 Reston, VA 20191</b>		12. Phone <b>703-391-7600</b>		13. Email, if you prefer e-notice <b>mcomas@wilesmensch.com</b>	
Project Scope									
Scope (Check all that this project involves)									
						No		Yes	
1. Is this project a residential structure within R-1 through R-5-A zoning districts?						<input checked="" type="checkbox"/>			
2. Is this project a single-family structure not built in conjunction with 2 or more units?						<input checked="" type="checkbox"/>			
3. Is this project an accessory structure, such as a garage, patio, pool, or fence?						<input checked="" type="checkbox"/>			
4. Is this project only an interior renovation with no building use or capacity change?						<input checked="" type="checkbox"/>			
5. Is this project in an Economic Development Zone, as defined in DC Official Code § 5-1501 et seq (DC Law 7-177)? <b>Alabama Avenue Economic Development Zone</b>						<input checked="" type="checkbox"/>		Skip to the signature line.	
6. Is this project in the Central Employment Area, defined in DC Zoning Regulations?									
7. Does the project involve only operation, repair, maintenance, or minor alteration of public structures, facilities, mechanical equipment, or topographical features, with negligible or no expansion of use beyond its current use?									
8. Does the owner of this site own adjacent or abutting property?									
9. Do you plan to develop adjacent/abutting property in next 3 years?								Attach a site plan. If there is no plan, attach a written explanation.	
10. Do you plan more development that requires permit(s) on any site in this square in next 3 years?									
11. Is this project a solid waste facility?								See EIS Coordinator.	
12. Have you prepared an Environmental Impact Statement (EIS) or a functional equivalent, as required by the National Environmental Policy Act of 1969 (NEPA)?								Attach the EIS or equivalent.	
13. Are you claiming an exemption, other than those listed in this form, from the requirement to submit an Environmental Screening Form, under Title 20 § 7202.								Attach an explanation, cite relevant section of regulations.	
14. Is the total project cost more than \$1.51 million, including site preparation and construction?								If you're not claiming an exemption, attach an EISF.	
15. For projects with a total cost of \$1.51 million or less, check all that apply: ☐ Contains threatened or endangered plant or animal species. ☐ Is within 100 feet of a pond, stream, lake, spring, or wetland. ☐ Project will produce emission of odorous or other air pollutants (from any source, including VOCs). ☐ Project produce, use, or dispose of hazardous substances, as defined in 20 DCMR 7299. ☐ Will be built on land where the water table depth is less than 3 feet. ☐ Will require blasting. ☐ Will generate medical, infectious, radioactive, or hazardous waste.								If you check any item, attach EISF or equivalent.	
I certify that all statements on this application are true and complete to the best of my knowledge and belief. I agree to comply with all applicable DC laws and regulations. The making of false statements on this application is punishable by criminal penalties. (DC Code Sec. 22-2514)									
Signature of Owner/Authorized Agent <i>[Signature]</i>						Date <b>1/29/14</b>			
OFFICIAL USE ONLY									
Environmental Impact Screening Form Required									
☐ Yes. Referred to EIS Coordinator						☒ No		DCRA Reviewer <i>[Signature]</i>	
								Date	
NOTE: Building permit approval is not the same as approval of an action or entire project under the Environmental Policy Act of 1969. If you build on the same, adjacent, or abutting property, or expand on work covered by this Environmental Intake Form within 3 years, you may be required to file an EISF for the whole project, including the part covered by this application and permit approval. If the action violates any federal or DC environmental laws, an EISF can be required.									
To report waste, fraud, or abuse by any DC government office or official, call the Inspector General: 1-800-621-1639									

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## APPENDIX III - SAMPLE ENVIRONMENTAL IMPACT SCREENING FORM (EISF)

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Department of Consumer and Regulatory Affairs



### ENVIRONMENTAL IMPACT SCREENING FORM (EISF)

The Environmental Impact Screening Form (EISF) is designed to help applicants and District government agencies to determine whether or not a major action, as defined in DC Law 8-36, (DC Environmental Policy Act of 1989), would likely result in significant adverse environmental impacts, during the project's construction or operational phase.

The EISF review process provides an orderly and comprehensive procedure that permits the introduction of information tailored to the specific project or actions proposed.

**Please note: pursuant to the Environmental Policy Act Regulations (Chapter 72, Title 20 DCMR), no agency is permitted to issue a license, permit, certificate or authorization until the environmental impact review is completed.**

The Department of Consumer and Regulatory Affairs (DCRA) will transmit your EISF and supporting documents to other agencies for their review, including the District Department of Energy & Environment, the Department of Public Works, the Office of Planning and the DC Water and Sewer Authority.

To expedite review of your submission, provide as complete and comprehensive information as possible. In addition to the EISF, your submission must include:

1. 19 signed copies of the completed EISF and supporting documents. EXHIBIT 1.
2. 19 copies of a vicinity map of approximately a 1-mile radius, showing neighborhood names; institutional uses; shopping centers; fire, police, and metro stations; parks and public space. EXHIBIT 2.
3. 19 copies of a brief written summary of the project (1 page is sufficient. e.g., location, current use of site, project description, unavoidable impacts, mitigation steps, and "green" features). EXHIBIT 3.
4. 19 copies of a detailed site plan; including existing conditions. EXHIBIT 4.
5. 3 copies of a Geotechnical report. EXHIBIT 5.
6. 3 copies of a Phase I and Phase II Environmental Assessment report. EXHIBIT 6.
7. 1 copy of a site plan (24" x 36") showing existing conditions, with a narrative that describes the immediate boundaries of the project, the existing topographic and drainage conditions, including locations and names of any wetlands, streams and water courses on and/or adjacent to the property, the presence of any existing functioning stormwater management facilities at the site, the presence of any abandoned stormwater management facilities at the site, total project area to be disturbed and any other supplemental materials submitted by the applicant. EXHIBIT 7.
8. 1 copy of a separate plan (24" x 36") showing conceptual erosion and sediment control measures for the project, including proposed grading and total square footage of disturbed earth. EXHIBIT 8.
9. 1 copy of a separate plan (24" x 36") showing conceptual storm water management measures and their location(s), including drainage layout. No storm water management computations are required for this initial phase. EXHIBIT 9.

You must attach additional information that will help you to accurately describe your project and help reviewing agencies: a narrative description of the project, brochures describing the project or processing equipment, soil surveys, traffic surveys, air quality analyses, or other information.

*Each applicant will be notified about DCRA's findings of an EISF review, unless more information has been requested by a reviewing agency. DCRA's findings will indicate whether or not the proposed project is likely to have substantial negative impact on the community, and whether or not an Environmental Impact Statement is required.*



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### RESOURCES FOR ENVIRONMENTAL IMPACT SCREENING FORM

Here is a list of resources to use to complete the Environmental Impact Screening Form (EISF). All phone numbers are within the (202) area code. Note that in addition to the resource locations listed below, all District laws and regulations are available at local DC public libraries. Or you may visit [dcra.dc.gov](http://dcra.dc.gov) to find forms, laws and regulations, maps and links to other websites that provide information to environmental policy review.

- A vicinity map - - essentially a street map - - can be purchased at many locations. One example is an ADC map, which is at 1 inch=2000 feet scale and shows shopping centers, churches, schools, parks and other uses near your site.
- Questions about the existing conditions plan, site plan and contextual map should be directed to the EIS Coordinator, DC Office of Planning, 442-7600.
- For the current zoning classification, call 442-4560, or visit [dcoz.dc.gov](http://dcoz.dc.gov).
- For information regarding zoning conditions, call 727-6311.
- Water, sewer, and storm water sewer maps, and as-built construction documents are available for a fee at the DC Water at 5000 Overlook Avenue SW, 2nd Floor, Washington DC 20032.
- 1,000' scale water and sewer maps of all publicly maintained pipelines are available for review at DC Water.
- The sewer map also identifies combined sewer locations.
- Other questions about water and sewer issues can be directed to DC Water at 202-646-8600.
- Call the District Department of Transportation (DDOT), at 671-2700 with questions about traffic volume and parking.
- Allowable decibel levels during construction and during business operations can be found in DCMR 20, Chapters 27, 28 and 29, available online at [dcregs.dc.gov](http://dcregs.dc.gov)
- Information about wetlands in the District of Columbia can be found at the Department of Energy & Environment's webpage: <http://green.dc.gov/publication/map-known-wetlands-within-district-columbia>
- Call 645-4301 for additional information about solid waste requirements.
- Additional information regarding recycling requirements can be found by calling 645-7190.

#### Environmental Policy Reviewing Agencies:

- Department of Energy & Environment – 535-2600
- Office of Planning – 442-7600
- Department of Public Works
- Solid Waste Management Administration – 645-4301
- District Department of Transportation – 671-2700
- DC Water – 646-8600
- Department of Consumer and Regulatory Affairs – 442-9557



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**I. PROJECT INFORMATION**

Name of Project <b>Hearst Park &amp; Pool</b>		
Location of Project (Street Address) <b>37th st NW</b>	Square / Parcel <b>1905</b>	LOT <b>0802</b>
Name of Applicant <b>Department of General Service</b>	Telephone	<b>202.727.2800</b>
Applicant Email Address <b>allam.al-alami@dc.gov</b>	Fax <b>N/A</b>	
Applicant Mailing Address <b>2000 14th street NW</b>	<b>8th floor</b>	
City <b>Washington</b>	State <b>DC</b>	Zip <b>20009</b>
Name of Authorized Agent / Point of Contact <b>Tom Wheeler @ cox graae + spack architects</b>	Telephone <b>202.727.2800</b>	Fax <b>N/A</b>
Agent Mailing Address <b>2909 M st NW</b>	Agent Email Address <b>twheeler@cgsarchitects.com</b>	
City <b>washington</b>	State <b>DC</b>	Zip <b>20007</b>
Name of Owner <b>Department of General Services</b>	Telephone <b>202.727.2800</b>	Fax <b>N/A</b>
Owner Mailing Address <b>2000 14th st NW</b>		
City <b>Washington</b>	State <b>DC</b>	Zip <b>20009</b>
Owner Email Address <b>allam.al-alami@dc.gov</b>		

Please complete each question – write N/A if not applicable

**II. EXISTING CONDITIONS**

1. Present land use:
  - a. Industrial  Commercial  Residential  Public/Institutional  Other
  - b. Percent of impervious area 15 %
  - c. Floor Area Ratio (FAR) 0.9 Gross Floor Area <sup>15,208</sup> Building Height 16' - 6"
  - d. Number and type of dwelling units 0
2. What is the current zoning classification of the site? R - 1 - B
3. Have any zoning conditions been placed on the site? No If yes, cite case number \_\_\_\_\_
4. What are the predominant land uses and zoning classifications within a ¼ mile radius of the project site? MU/R
5. Total size of project land area: 191.688 (square feet/acres)
6. What is the predominant soil type on the project site? UB-Urban Land
- 7(a). Is there any contaminated soil within the project limits? Yes  No  Don't Know
- 7(b). Is there any contaminated ground water in the project limits? Yes , No , Don't Know
- 7(c). If yes to Question 7 above:
  - (i) what is the likely source of the contamination? UST System , AST System , Drums , unknown , Other
  - (ii) What is the contaminant of concern? Petroleum , hazardous substance , other , unknown
  - (iii) Are cleanup/correction action plans in place? No , Yes
 Explain: \_\_\_\_\_

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8. Is the proposed project or the work to be performed located within a Special Flood Hazard Area (SFHA) or the 100-year floodplain area? Yes  No   
(a) If yes, what Zone? Zone A  Zone AE  Zone X (Shaded)  Zone X (Unshaded)   
(b) If no, please contact DOEE for verification.
9. Approximate percentage of slopes on project site:  
0-10% 75  
11-15% \_\_\_\_\_  
greater than 15% 25
10. List all adjacent properties with description of current use of each: Hearst Elementary School: Education
11. List any adjacent properties or buildings that are listed on the National Register of Historic Places:  
None
12. What is the depth of the water table in feet at the project site, if known? 13' to 22'  
Provide source of data (e.g. soil boring on-site monitoring well data on adjacent property, etc.) Soil Borings
13. Does the project site contain any species of plant or animal that is identified as threatened or endangered?  
Yes  No  if yes, identify each species
14. Are any streams within 100 feet of the project site? Yes  No   
If yes, name the stream and the river to which it is a tributary
15. Are any lakes, ponds, springs or wetlands within 100 feet of the project site? Yes  No   
If yes, provide name and size
16. Is the site served by existing public utilities?  
Gas  Electric  Water  Sanitary Sewer  Combined Sewer  Storm Sewer
17. Do you plan to connect to existing water, sanitary, storm and combined sewers? Y If so, what size?  
ex water = 8", ex sanitary = 10", ex storm = 21"
18. What are the existing average and peak sewage flows generated by the existing facilities? N/A (GPM)
19. What are the distances from the property line to the public water, sanitary, storm and combined sewers?  
ex water = 28', ex sanitary = 32', ex storm = 33'
20. Has the site ever been used as a landfill, construction fill or for the disposal of solid waste?  
Yes  No

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III. Project Description

1. Proposed land use: Industrial  Commercial  Residential  Public/Institutional   
Other  \_\_\_\_\_
2. Project area to be developed: 29,000 (sq. ft./acres)  
Project area to remain undeveloped: 162,668 (sq. ft./acres)  
Dimensions of proposed structure: height 32'-4" width 83'-2" length 95'  
Gross floor area of proposed structure: 5,208 sq. ft.  
Depth of any excavation: average 2.5' (ft) maximum 4 (ft)  
Percent of impervious cover after development 25 %  
Total Project Area to be disturbed 154,500 (sq.ft./acres)
3. What is the proposed development schedule?  
Intended Construction Start Date 11.01.2018 Intended Operational Start Date 11.01.2019  
Does the proposed action require a planning or zoning decision? Yes \_\_\_ No X  
If yes, indicate decision required:  
Zoning variance \_\_\_\_\_ Special exception \_\_\_\_\_ Special use permit \_\_\_\_\_  
Subdivision large tract review \_\_\_\_\_ Historic Preservation Review Board \_\_\_\_\_ Other \_\_\_\_\_
4. Number and type of dwelling units, if any: 0
5. If commercial, office or institutional use, the number of employees 4
6. Give the modal split of residents, employees and daily customers/visitors (i.e., number expected to arrive by automobile/mass transit/walking/bicycle)  
55% Drive/carpool, 25% Transit, 20% Bike/Walk
- 7a. Give the estimated number of peak period morning (6:30 AM – 9:30 AM) and evening (4:30 PM – 6:30 PM) vehicular trips into and out of the property AM peak hour: 25 total trips (17in/8 out) PM peak hours: 33 total trips (16 in/17 out)
- 7b. Give the location of parking entry, drop off areas and pedestrian entry  
On street parking, drop off and pedestrian entry at 37th st NW
8. Give the number of daily deliveries by truck, if any, and location of loading area, if any One delivery on average  
deliveries will be thru entrance on 37th st via service access at Quebec st
9. Will the proposed project provide for a net gain of 50 residential units, including but not limited to apartment dwellings, condominium units, co-op units, housing units, a subdivision or other housing complex, hotel rooms and dormitory rooms? Yes \_\_\_\_\_ No X  
Please briefly describe the type and number of any residential units, and changes from the existing configuration of the site:  
\_\_\_\_\_  
\_\_\_\_\_
10. Will the proposed project provide 50 or more net new parking spaces? Yes \_\_\_\_\_ No X  
Please describe the existing parking configuration and any modifications, additions, or removals of parking proposed by the project. Also describe any discrete parking garage vent, including its location, height, and directional orientation:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
11. Will the proposed project consist of shopping, office, conference, and/or commercial facilities with 50,000 square feet of floor space or more? Yes \_\_\_\_\_ No X  
Please briefly describe any shopping, office, conference, and/or commercial facilities proposed:  
\_\_\_\_\_  
\_\_\_\_\_

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12. Will the proposed project consist of entertainment and/or recreational facilities, including but not limited to theaters, parks, auditoriums, sports stadiums, rooftop facilities, or bowling alleys, with the capacity to accommodate more than 400 persons at one time? Yes \_\_\_ No X  
If yes, please briefly describe the facilities:

---

NOTE: If you answered yes to any of questions 9 – 12, you are required to submit one electronic and one paper copy of an air quality analysis as detailed by current guidance provided by the Department of Energy & Environment (DOEE). Please contact the DOEE Air Quality Permitting Branch at (202) 535-2250 or [aqd.permitting@dc.gov](mailto:aqd.permitting@dc.gov) for DOEE Air Quality Division EISF guidance or for more information on this process

13. Will the proposed project maintain any new equipment that burns fuel, such as, but not limited to, stationary generators, boilers with heat input ratings greater than 5 million BTU/hour, or other stationary air pollution emitting equipment? Yes \_\_\_ No X If yes, please briefly describe the equipment:

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NOTE: If you answered yes to question 13, you will likely need to go through a separate air quality permitting process prior to construction of the equipment being initiated. Please contact the DOEE Air Quality Permitting Branch at (202) 535-2250 or [aqd.permitting@dc.gov](mailto:aqd.permitting@dc.gov) for more information on this separate permitting process.

14. Will the proposed project result in an emission into the atmosphere of odorous air pollutants from any source which is, or is likely to be, injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life and property? Yes \_\_\_ No X

If yes, describe: \_\_\_\_\_

15a. Briefly describe the methods you will use to control fugitive dust emissions into the atmosphere during the work you propose. Fugitive dust emissions refer to dust and/or particulate dispersed into the air by wind and human activities at the site during the construction or operational phases of the planned facility. If referring to another plan, such as an erosion and sediment control plan, please attach a copy of the relevant section of that plan that addresses airborne fugitive dust emissions. Contractor to provide water spraying equipment capable of accessing all work areas. Water applications shall be applied a min. of once per day during dry weather or more often as required to prevent dust emissions.

15b. Briefly describe the methods you will use to control erosion and sedimentation  
SCE, SF, SSF, IP

16. How much natural material (rock, earth, etc.) will be removed from the site? 900 (tons/cubic yards)

17. How much vegetation will be removed from the site? 125,500 (sq. ft./acres)

18. Will any mature trees or other locally important vegetation be removed from the site? Yes X No \_\_\_

19. Will construction be on land where the depth to the water table is less than 3 feet? Yes \_\_\_ No X

20. What are the projected average and peak sewage flows to be generated by this project?

250 gpm pump discharge

21. What water demand for peak domestic and peak fire protection will result from this project?

59 gpm domestic and 0 gpm fire protection

- 22a. What are the proposed methods to comply with the 2 and 15-year detention requirements?

Bio-retention facilities, Green roof

- 22b. What are the proposed methods to comply with retention requirements?

Bio-retention facilities, Green roof

23. Will pumping of ground water be required at the site during and/or after the project is completed?

Yes \_\_\_ No X

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If yes, explain the purpose (e.g. sump for dewatering; continuous for industrial use)

- 23b. The expected pumping rate is 0 gallons per day
24. Will construction be on land where the bedrock is exposed or is within 3 feet of the existing ground surface?  
Yes \_\_\_ No X
- 25a. Will the construction disturb more than 5,000 square feet of soil? Yes X No \_\_\_
- 25b. Will the construction involve major substantial improvement? Yes X No \_\_\_
26. Will contaminated soil be disturbed by the construction of pipelines? Yes \_\_\_ No X
27. Will the disturbed area be reclaimed? Yes \_\_\_ No X  
a. If yes, for what intended purpose is the site being reclaimed? \_\_\_\_\_
28. If the project is single-phased, provide the length of construction: 12 months (including demolition)
29. If the project is multi-phased:  
a. Total number of phases anticipated: \_\_\_\_\_  
b. Anticipated date of commencement of Phase 1: month \_\_\_\_\_ year \_\_\_\_\_  
c. Anticipated date of completion of final phase: month \_\_\_\_\_ year \_\_\_\_\_  
d. Is Phase 1 functionally dependent on subsequent phases? Yes \_\_\_ No \_\_\_
30. Will blasting occur during construction? Yes \_\_\_ No X
31. Will the surface area of an existing water body be increased or decreased by the project? Yes \_\_\_ No X  
If yes, explain \_\_\_\_\_
32. Will the proposed project interfere with ground water recharge? Yes \_\_\_ No X
33. Will the proposed project adversely affect existing surface water quality? Yes \_\_\_ No X
34. Is the project or any portion of the project in a 100-year flood plain? Yes \_\_\_ No X
35. Will liquid waste be generated, either during construction or afterwards? Yes X No \_\_\_  
a. If yes, indicate type of waste (chemical, industrial, sewage, etc.) and amount:  
Sewage  
b. How will this waste be disposed of? Sanitary sewer
36. Will the project generate solid, medical, infectious, radioactive or other hazardous waste? Yes \_\_\_ No X  
a. If yes, what is the type and amount per month?  
type: \_\_\_\_\_  
amount: \_\_\_\_\_  
b. Will any existing waste disposal facility be used? Yes \_\_\_ No \_\_\_  
name of facility \_\_\_\_\_  
location: \_\_\_\_\_  
c. Will any waste not go into a waste disposal facility? Yes \_\_\_ No \_\_\_  
If yes, explain \_\_\_\_\_

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37. Will the project produce odors? Yes \_\_\_ No X  
If yes, describe source of odor and duration \_\_\_\_\_
38. Will the project produce noise during construction that is above the allowable level (80db)? Yes \_\_\_ No X
39. Will the operating noise level exceed the allowable decibel level for that zone? Yes \_\_\_ No X
40. Will a pile driver be used during construction? Yes \_\_\_ No X
41. Where will the A/C unit be located? Reference exhibit 4 for mech. equipment located in open air enclosure at pool house.
42. Will the project operation maintain an emergency generator? Yes X No \_\_\_  
If yes, where will the generator be located?  
In open air trash/ equipment enclosure.
43. Where will other motor driven equipment be located?  
Restrooms, pool equipment room, water service room, trash enclosure.
44. Will the project operation have frequent deliveries by large vehicles? Yes \_\_\_ No X
45. Will any underground storage tanks be installed? Yes \_\_\_ No X  
a. If yes, how many tanks will be installed? \_\_\_\_\_  
b. Contents of each (e.g. diesel, heating oil, gasoline, hazardous substance, etc.): \_\_\_\_\_  
c. Capacity of each (gallons): \_\_\_\_\_  
d. Material of Construction of each tank: \_\_\_\_\_  
e. Material of construction of piping system \_\_\_\_\_
- 46 (i). Are any known USTs still buried onsite? Yes \_\_\_ No X  
• If yes, how many tanks? \_\_\_\_\_  
• Contents of each (e.g. diesel, heating oil, gasoline, hazardou substance,etc.): \_\_\_\_\_  
• Capacity of each (gallons): \_\_\_\_\_  
• Material of Construction of each tank \_\_\_\_\_  
• Date Installed/removed or closed- in-place for each tank \_\_\_\_\_
- 46(ii) Plans for existing USTs on the property, do you intend to:  
• Reuse or upgrade these tanks \_\_\_\_\_  
• Remove some or all tanks from the ground \_\_\_\_\_  
• Abandon/close-in-place \_\_\_\_\_
47. Will pesticides (herbicides, insecticide, etc.) be used? Yes \_\_\_ No X  
If yes, indicate the type of pesticide and give the name of the licensed applicator who will apply it  
\_\_\_\_\_
48. Will any other substances that will adversely change existing surface and ground water quality be handled at the-site either during or after construction? Yes \_\_\_ No X If yes, attach pollution prevention plan.
49. Will the proposed project require the issuance of any permits or other approvals (Certificate of Occupancy, Public Space Permit, Raze Permit, Air Pollution Permit, Storm Water Management Permit, Pretreatment Permit) from the District Government in addition to a Building Permit?  
Yes  No  If yes, list all required permits: CofO, Public Space, SWM approval, E&S approval, DCwater approval, Temp discharge permit.

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50. Will the proposed project require the issuance of any permits or other approvals (NPDES, Section 404 Degree and Fill Permit, etc.) from the Federal Government? Yes \_\_\_ No  If yes, list all required permits:

\_\_\_\_\_

51. How will solid waste (trash, garbage, debris) generated by occupants of the project be managed?

Removal by rolling waste recepticle.

\_\_\_\_\_

52. How will recyclable materials generated by occupants of the project be managed?

Removal by rolling recycling material recepticle.

\_\_\_\_\_

53. What plans will be implemented to maintain the abutting public space free of litter and debris during construction and post- occupancy?

During construction, contractor will provide labor to keep the abutting public space free of construction generated debris and trash.

\_\_\_\_\_

#### IV. VERIFICATION

*I understand that, if I make a false statement on this application, my permit could be denied or revoked; I could be criminally prosecuted; and, if I'm convicted, fined up to \$1000, imprisoned up to 180 days, or both, under DC Official Code § 22-2405.*

Applicant/Authorized Agent (Signature): \_\_\_\_\_

Name (Print): \_\_\_\_\_ Date \_\_\_\_\_

Company Cox Graae + Spack Architects

Title: Principal

Address: 2909 M Street NW, Washington, DC 20007

\_\_\_\_\_

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY DC GOVERNMENT OFFICE OR OFFICIAL, CALL  
THE INSPECTOR GENERAL ON 1-800-521-1639

4/2004  
5/2011  
7/2011  
5/2012  
10/2015  
10/2016



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## APPENDIX IV - DEPARTMENT OF ENERGY AND ENVIRONMENT (DOEE) ENVIRONMENTAL QUESTIONNAIRE

### DEPARTMENT OF ENERGY & ENVIRONMENT BUILDING PERMIT APPLICATION SUPPLEMENTAL FORM - ENVIRONMENTAL QUESTIONNAIRE

PROJECT ADDRESS: \_\_\_\_\_ SQUARE: \_\_\_\_\_ SUFFIX: \_\_\_\_\_ LOT: \_\_\_\_\_

Directions: Please answer all 19 questions in this questionnaire, by checking either column "Yes" or "No" for each question. If you answer "Yes" to any of the questions, you should contact the corresponding office(s) indicated in column 'contact person/office,' as soon as possible. Until this supplement form is reviewed and approved by the concerned office(s), the building permit will not be issued.

SCOPE OF PROJECT	YES	NO	CONTACT PERSON/OFFICE	OFFICE USE
1. Will the work to be performed involve the installation, removal, close-in-place now, or repair of an underground storage tank (UST) system?  <i>Please get approvals or signatures from the Underground Storage Tank Branch, Water Quality Division and the Air Quality Division.</i>	<input type="checkbox"/>	<input type="checkbox"/>	(202) 535-2600 or <a href="mailto:ust.doe@dc.gov">ust.doe@dc.gov</a> , Underground Storage Tank Branch  (202) 535-2600, Air Quality Division, Permitting Branch	
2. Will the work to be performed involve assessment of soil or soil-vapor, or cleanup of soil associated with the released material from an underground storage tank (UST)?  <i>Please get approvals or signatures from the Underground Storage Tank Division, Water Quality Division and the Air Quality Division.</i>	<input type="checkbox"/>	<input type="checkbox"/>	(202) 535-2600 or <a href="mailto:ust.doe@dc.gov">ust.doe@dc.gov</a> , Underground Storage Tank Branch  (202) 535-2600, Air Quality Division  (202) 535-2600, Air Quality Division	
3. Will the work to be performed involve the assessment or clean-up of groundwater associated with the release of material from an underground storage tank (UST)?  <i>Please get approvals or signatures from the Underground Storage Tank Division, Water Quality Division and the Air Quality Division.</i>	<input type="checkbox"/>	<input type="checkbox"/>	(202) 535-2600 or <a href="mailto:ust.doe@dc.gov">ust.doe@dc.gov</a> , Underground Storage Tank Branch  (202) 535-2600, Air Quality Division  (202) 535-2600, Water Quality Division	
4. Will the proposed project involve the installation or drilling of wells other than for the purposes stated in questions 2 and 3?  <i>Please get approvals or signatures from the Water Quality Division.</i>	<input type="checkbox"/>	<input type="checkbox"/>	(202) 535-2600, Water Quality Division	
5. Will the proposed project involve installation or drilling of wells using air rotary drilling methods or any methods discharging gases or dust into the air?  <i>Please get approvals or signatures from the Water Quality Division and the Air Quality Division.</i>	<input type="checkbox"/>	<input type="checkbox"/>	(202) 535-2600, Water Quality Division  (202) 535-2600, Air Quality Division, Permitting Branch	
6. Will the proposed project involve the generation, treatment, storage, disposal or transportation of chemicals or other substances which may be considered hazardous?  <i>Contact Hazardous Materials Branch (202) 535-2600.</i>	<input type="checkbox"/>	<input type="checkbox"/>	(202) 535-2600, Hazardous Waste Branch	
7. Will the proposed use involve the construction of a facility for the handling, transfer, storage, disposal or treatment of solid waste, medical waste, or recyclable materials?  <i>Contact DOEE Environmental Review Coordinator (202) 535-2600.</i>	<input type="checkbox"/>	<input type="checkbox"/>	(202) 535-2600, DOEE EIS Coordinator	
8. Will the proposed project involve construction which will result in a discharge or release to or withdrawal from a river, stream, wetland, or groundwater or disturb the sediment in rivers, streams or wetlands?  <i>Please get approvals or signatures from the Water Quality Division.</i>	<input type="checkbox"/>	<input type="checkbox"/>	(202) 535-2600, Water Quality Division	
9. Will the proposed project involve construction which may affect aquatic or terrestrial biota, their habitat, or water quality?  <i>Please get approvals or signatures from the Water Quality Division and the Fisheries and Wildlife Division.</i>	<input type="checkbox"/>	<input type="checkbox"/>	(202) 535-2600, Water Quality Division  (202) 535-2600, Fisheries and Wildlife Division	



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10. Does the project site contain a species of plant or animal that is federally protected? <i>Federally protected means that the plant or animal is subjected to limited, restricted, specific, or approved interactions in accordance with Federal guidelines.</i>			(202) 535-2600, Fisheries and Wildlife Division	
11. Will the proposed project result in the discharge into the air of gases or dust or the creation of any objectionable odors? <i>Contact Air Quality Division Permitting Branch (202) 535-2600</i>			(202) 535-2600, Air Quality Division, Permitting Branch	
12. Was the building built before 1978? (Lead paint may be present). <i>Issuance of a lead abatement or renovation permit may be required.</i>			(202) 535-2600, Lead and Healthy Housing Division, Compliance and Enforcement Branch	
13. Does the building contain asbestos? <i>Requires a current asbestos survey (i.e., survey of all asbestos containing materials) for the building. A permit from the Air Quality Division is required for most asbestos removal projects.</i>			(202) 535-2600, Air Quality Division, Permitting Branch	
14. Does the project disturb 5,000 square feet or greater of land? <i>Major Land Disturbance: Submit a stormwater management plan to the Watershed Protection Division for approval.</i>			(202) 535-2600, Watershed Protection Division	
15. Is the project an interior renovation or addition where (1) the assessed value of the structure(s) is greater than or equal to 50% of the total cost of construction, AND (2) the sum of the structures' footprint and any soil disturbance is 5,000 square feet or greater? <i>Major Sustainable Improvement: Submit a storm water management plan to the Watershed Protection Division for approval.</i>			(202) 535-2600, Watershed Protection Division	
16. Is the project (1) a new building, addition and/or interior renovation where the total cost of construction is greater than 100% of the assessed value of the structure(s), AND (2) the property is assigned a zone district other than R1 - R4? <i>Submit a green area ratio (GAR) plan to the Watershed Protection Division for approval.</i>			(202) 535-2600, Watershed Protection Division	
17. Will the proposed project or the work to be performed be within a Special Flood Hazard Area (SFHA) or 100-year floodplain area (i.e., Zone A or AE)? <i>If YES, Compliance with DC Floodplain Regulations (DCMR 20, Flood Hazard Rules, and DCMR 12, Flood Provisions in the Construction Code is required.</i> <i>If NO, Please verify and confirm whether the project site is NOT located in a Special Flood Hazard Area (SFHA). <a href="http://ddoe.dc.gov/floodplainmap">http://ddoe.dc.gov/floodplainmap</a></i>			(202) 535-2600, Watershed Protection Division	
18. Will the proposed project result in the construction or installation of any equipment that burns fuel such as, but not limited to, stationary generators (any size) and boilers with heat input ratings greater than 5 million BTU/hr? <i>Note that separate air quality permits are required for most of these units.</i>			(202) 535-2600, Air Quality Division, Permitting Branch	
19. Will the proposed project result in the construction or installation of any other stationary pollution-emitting equipment? Examples include, but are not limited to, degreasing units, professional printing equipment, plating lines, spray painting operations, and gasoline dispensing systems. <i>Note that separate air quality permits are required for most of these units.</i>			(202) 535-2600, Air Quality Division, Permitting Branch	

I hereby certify that I have the authority of the owner of the property to make this application and that the answers to the above questions are complete and correct to the best of my knowledge. False statements may be subject to fines and prosecution, as applicable by statute.

Signature \_\_\_\_\_ Name (print) \_\_\_\_\_  
Address \_\_\_\_\_ Date \_\_\_\_\_ Phone \_\_\_\_\_

OFFICE USE ONLY	
DOEE APPROVAL BY _____	NAME (Print) _____
CONTACT NUMBER: (202) _____	DATE: _____
COMMENTS AND PERMIT RESTRICTIONS _____	

(USE REVERSE IF NECESSARY)

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## **APPENDIX V - RESEARCH METHODOLOGY**

The student-researchers first examined the D.C. EPA, and its corresponding regulations and case law, to determine its requirements and shed light on how the statutory language has been interpreted. For this purpose, the student-researchers consulted Westlaw and Lexis. This revealed multiple shortcomings of the D.C. EPA: ambiguities in the D.C. EPA's language and a lack of illuminating case law. The student-researchers then began communicating with D.C. government officials; one of the first significant records the student-researchers sought and received was D.C. EPA's legislative history. At the same time, the student-researchers investigated the EISF process and found, on the DOEE's and the DOB's websites, the mention of EIFs and Environmental Questionnaires. However, no EISs pursuant to the D.C. EPA were uncovered. The student-researchers then began seeking out large individual projects that were the most likely to be subject to an EIS requirement.

The review of large development projects in D.C. that the student-researchers completed for this whitepaper involved a multi-step process that reflected the difficulty of obtaining data and records on environmental review in D.C. All websites and documents mentioned below are cited in the whitepaper. Initially, the student-researchers consulted the D.C. Department of General Services (DGS) website, as the DGS manages online pages for individual projects. Several specific projects were examined, but few relevant documents were available on the DGS website. Next, the student-researchers conducted general searches regarding D.C. and environmental documentation. This research uncovered several generic webpages providing FAQs on environmental reviews, sample EIFs and EISFs, and an overview of the D.C. permitting process.

To discover more about the permitting process in the District, the student-researchers consulted the Department of Buildings (DOB) website. The DOB maintains a website providing an overview of the permitting process, which includes sparse information about environmental reviews. The DOB also operates a public dashboard with data about permits, inspections, and enforcement. This database provided background information on projects, but it did not contain any environmental documentation, such as EIFs or EISFs. D.C. webpages for zoning and for Advisory Neighborhood Commissions were also consulted. They both offered helpful context but no documentation for review. The same was true for the database of zoning maps maintained by the District.

Next, the student-researchers accessed the platform Open Data D.C. Open Data D.C. provides data, maps, and demographic information. As with the above sources, no environmental documentation or permit applications were available on the platform. Through a review of D.C. data, the DGS website, and the DOB website, it was discovered that D.C. also maintains a separate online platform called SCOUT. This platform provides information about notices,

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permits, inspections, licenses, and enforcement actions taken at individual addresses. It also provides information about the structure at a given address. However, the platform is only searchable by address or by permit or license number. Therefore, researchers and members of the public cannot perform a comprehensive search for environmental documentation like EISFs and EISs. The student-researchers utilized SCOUT to search several addresses known to be home to large development projects. It was quickly discovered, though, that SCOUT would indicate that a permit had been applied for or obtained, but it would not allow access to permit applications or permits themselves.

Finally, further investigation into the DOB's online presence revealed an online records system. The DOB maintains an eRecords system that contains permit documents, including those related to environmental reviews. Several barriers to access exist, though. First, one must create an account with an email and password to log in and begin searching the eRecords system. Second, the system is also only searchable by address or file number, so researchers and members of the public cannot search broadly for documents like EIFs or EISFs. Third, the records for each address are not organized by topic or category and are named with acronyms, numbers, or technical abbreviations. Finding an environmental document for an address in the system requires opening numerous documents and scrolling through dozens of pages of a permit application or administrative record, with many addresses ultimately containing no EIF or other environmental review documentation available or in existence.

Once this eRecords system was identified, the student-researchers compiled a list of approximately twenty of the largest construction or development projects in D.C. in the past ten years. These addresses were then cross-referenced with the DOB's eRecords system to search for Environmental Questionnaires, EIFs, EISFs, or EISs. Those that were found are discussed in the whitepaper. Simultaneously, the student-researchers submitted a D.C. Freedom of Information Act (FOIA) request to the D.C. government. This encompassed a request for all environmental documentation related to D.C. EPA, including EISs and EISFs. The D.C. government is in the process of responding to the request and has supplied the student-researcher team with some information as of this publication. No EISs have been provided as a result of the FOIA request; information may keep coming from the government, and the student-researchers will update this whitepaper with that information as appropriate.

**APPENDIX VI - BUS DEPOT ENVIRONMENTAL INTAKE FORM (EIF)**

(Page 22 of 24)

<b>DCRA</b> DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS		<b>Environmental Intake Form</b>	
<b>Owner &amp; Contact Information</b>			
Complete address of proposed work			
Square <b>DAIRP</b>	Suffix (if any)	Lot <b>0022</b>	Application date (4 numbers for year) <b>11/21/2011</b>
Number <b>1900</b>	Ed.	Official street name <b>GALLAUDET STREET NE</b>	Quadrant <b></b>
Unit/Suite <b></b>	Project name <b>Criminal site Redevelopment</b>		
Filed Job Application number (if applicable) <b>B1201925</b>		Project Description <b>Site redevelopment.</b>	
8. Owner <b>Union Station Redevelopment Corporation</b>	7. Complete mailing address (include zip) <b>10 G Street, N.E. Suite 504 20002</b>	8. Phone <b>202-272-0071</b>	9. Email, if you prefer e-notice
10. Agent for owner, if applicable <b>precision systems inc</b>	11. Complete mailing address (include zip) <b>1801 Rockville Pike. Suite 350 20852</b>	12. Phone <b>202-886-8225</b>	13. Email, if you prefer e-notice <b>psi@psivanness.com</b>
<b>Project Scope</b>			
1. Is this project a residential structure within R-1 through R-5A zoning districts?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Is this project a single-family structure not built in conjunction with 2 or more units?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Is this project an accessory structure, such as a garage, patio, pool, or fence?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Is this project only an interior renovation with no building use or capacity change?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Is this project in an Economic Development Zone, as defined in DC Official Code § 8-1501 et seq (DC Law 7-177)?		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Skip to the signature line.
6. Is this project in the Central Employment Area, defined in DC Zoning Regulations?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Does the project involve only operation, repair, maintenance, or minor alteration of public structures, facilities, mechanical equipment, or topographical features, with negligible or no expansion of use beyond its current use?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Does the owner of this site own adjacent or abutting property?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Do you plan to develop adjacent/abutting property in next 3 years?		<input checked="" type="checkbox"/>	<input type="checkbox"/> Attach a site plan. If there is no plan, attach a written explanation.
10. Do you plan more development that requires permit(s) on any site in this square in next 3 years?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Is this project a solid waste facility?		<input checked="" type="checkbox"/>	<input type="checkbox"/> See EIS Coordinator.
12. Have you prepared an Environmental Impact Statement (EIS) or a functional equivalent, as required by the National Environmental Policy Act of 1969 (NEPA)?		<input type="checkbox"/>	<input checked="" type="checkbox"/> Attach the EIS or equivalent.
13. Are you claiming an exemption, other than those listed in this form, from the requirement to submit an Environmental Screening Form, under Title 20 § 7202.		<input type="checkbox"/>	<input checked="" type="checkbox"/> Attach an explanation; cite relevant section of regulations.
14. Is the total project cost more than \$1.51 million, including site preparation and construction?		<input checked="" type="checkbox"/>	<input type="checkbox"/> If you're not claiming an exemption, attach an EISF.
15. For projects with a total cost of \$1.51 million or less, check all that apply:		<input checked="" type="checkbox"/>	<input type="checkbox"/> If you check any item, attach EISF or equivalent.
<input type="checkbox"/> Contains threatened or endangered plant or animal species. <input type="checkbox"/> Is within 100 feet of a pond, stream, lake, spring, or wetland. <input type="checkbox"/> Project will produce emission of odorous or other air pollutants (from any source, including VOCs). <input type="checkbox"/> Project produce, use, or dispose of hazardous substances, as defined in 20 DCMR 7299. <input type="checkbox"/> Will be built on land where the water table depth is less than 3 feet. <input type="checkbox"/> Will require blasting. <input type="checkbox"/> Will generate medical, infectious, radioactive, or hazardous waste.			
I certify that all statements on this application are true and complete to the best of my knowledge and belief. I agree to comply with all applicable DC laws and regulations. The making of false statements on this application is punishable by criminal penalties. (DC Code Sec. 22-2514)			
Signature of Owner/Authorized Agent <i>[Signature]</i>		Date <b>11/21/2011</b>	
<b>OFFICIAL USE ONLY</b>			
Environmental Impact Screening Form Required: <input checked="" type="checkbox"/> Yes: Referred to EIS Coordinator <input type="checkbox"/> No: DCRA Reviewer			
		Date <b>11/21/2011</b>	
NOTE: Building permit approval is not the same as approval of an action or entire project under the Environmental Policy Act of 1989. If you build on the same, adjacent, or abutting property, or expand on work covered by this Environmental Intake Form within 3 years, you may be required to file an EISF for the whole project, including the part covered by this application and permit approval. If the action violates any federal or DC environmental laws, an EISF can be required.			
To report waste, fraud, or abuse by any DC government office or official, call the Inspector General: <b>[Redacted]</b>			




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## APPENDIX VII - ENVIRONMENTAL INTAKE FORM (EIF) UTILIZING THE CENTRAL EMPLOYMENT AREA EXEMPTION

(Page 1 of 1)

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
 PERMIT OPERATION DIVISION  
 Plans Approved

		<b>Environmental Intake Form</b>		Permit # 01112210 Date 10/12/15  All work must be done strictly in accordance herewith on approved plans. Approved plans shall be kept on the site until completion of the construction. No inspection will be made without approved plans on site. The approval does not prevent a field inspection from ordering corrections to meet table item issues on noted during inspections.
<b>Owner &amp; Contact Information</b>				
Complete address of proposed work				
Square	Suffix (if any)	Lot	Application date (4 numbers for year)	
0700		0045	10132015	
Number	Ext	Official street name	Quadrant	Unit/Suite
1244		SOUTH CAPITOL STREET	SE	
Project name		Application number (if applicable)	Project Description	
1244 SCAP		B1600028 FD1500123	new mixed use	
6. Owner		7. Complete mailing address (include zip)	8. Phone	9. Email, if you prefer e-notice
The JBG Companies		4445 Willard Ave Ste 400 Chevy Chase MD 20815		
10. Agent for owner, if applicable		11. Complete mailing address (include zip)	12. Phone	13. Email, if you prefer e-notice
Phillip Pittinger-Dunham Capitol Permits		490 M Street SW W103 Washington, DC 20024		
<b>Project Scope</b>				
Scope (Check all that this project involves.)			No	Yes
1. Is this project a residential structure within R-1 through R-5-A zoning districts?			<input checked="" type="checkbox"/>	
2. Is this project a single-family structure <i>not</i> built in conjunction with 2 or more units?			<input checked="" type="checkbox"/>	
3. Is this project an accessory structure, such as a garage, patio, pool, or fence?			<input checked="" type="checkbox"/>	
4. Is this project only an interior renovation with no building use or capacity change?			<input checked="" type="checkbox"/>	
5. Is this project in an Economic Development Zone, as defined in DC Official Code § 6-1501 et seq (DC Law 7-177)?				Skip to the signature line.
6. Is this project in the Central Employment Area, defined in DC Zoning Regulations?			<input checked="" type="checkbox"/>	
7. Does the project involve <i>only</i> operation, repair, maintenance, or minor alteration of public structures, facilities, mechanical equipment, or topographical features, with <i>negligible or no</i> expansion of use beyond its current use?				
8. Does the owner of this site own adjacent or abutting property?				
9. Do you plan to develop adjacent/abutting property in next 3 years?				Attach a site plan. If there is no plan, attach a written explanation.
10. Do you plan more development that requires permit(s) on any site in this square in next 3 years?				
11. Is this project a solid waste facility?				See EIS Coordinator.
12. Have you prepared an Environmental Impact Statement (EIS) or a functional equivalent, as required by the National Environmental Policy Act of 1969 (NEPA)?				Attach the EIS or equivalent.
13. Are you claiming an exemption, other than those listed in this form, from the requirement to submit an Environmental Screening Form, under Title 20 § 7202.				Attach an explanation; cite relevant section of regulations.
14. Is the total project cost more than \$1.51 million, including site preparation and construction?				If you're not claiming an exemption, attach an EISF.
15. For projects with a total cost of \$1.51 million or less, check all that apply:				If you check any item, attach EISF or equivalent.
<input type="checkbox"/> Contains threatened or endangered plant or animal species.				
<input type="checkbox"/> Is within 100 feet of a pond, stream, lake, spring, or wetland.				
<input type="checkbox"/> Project will produce emission of odorous or other air pollutants (from any source, including VOCs).				
<input type="checkbox"/> Project produce, use, or dispose of hazardous substances, as defined in 20 DCMR 7299.				
<input type="checkbox"/> Will be built on land where the water table depth is less than 3 feet.				
<input type="checkbox"/> Will require blasting.				
<input type="checkbox"/> Will generate medical, infectious, radioactive, or hazardous waste.				
I certify that all statements on this application are true and complete to the best of my knowledge and belief. I agree to comply with all applicable DC laws and regulations. The making of false statements on this application is punishable by criminal penalties. (DC Code Sec. 22-2514)				
Signature of Owner/Authorized Agent			Date 10-13-15	
<b>OFFICIAL USE ONLY</b>				
Environmental Impact Screening Form Required				
project located in Central Employment Area <input checked="" type="checkbox"/> Yes. Referred to EIS Coordinator <input type="checkbox"/> No    DCRA Reviewer <u>Gone A. Chylis</u> Date <u>10-13-15</u>				
NOTE: Building permit approval is not the same as approval of an action or entire project under the Environmental Policy Act of 1989. If you build on the same, adjacent, or abutting property, or expand on work covered by this Environmental Intake Form within 3 years, you may be required to file an EISF for the whole project, including the part covered by this application and permit approval. If the action violates any federal or DC environmental laws, an EISF can be required.				
To report waste, fraud, or abuse by any DC government office or official, call the Inspector General: <span style="background-color: black; color: black;">XXXXXXXXXX</span>				

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## APPENDIX VIII - SAMPLE ENVIRONMENTAL IMPACT SCREENING FORM (EISF) REPORT



**MEMORANDUM**

TO: Arlette Howard, DOB  
 FROM: *JL* Joel Lawson, Associate Director Development Review  
 DATE: January 30, 2023  
 SUBJECT: BLRA No. 23-00455, Environmental Impact Screening Form (EISF)  
 401 I Street SW, Amidon-Bowen Elementary School

Pursuant to Chapter 72, Title 20, *Environmental Policy Act Regulations*, the Office of Planning (OP) has reviewed the Environmental Impact Screening Form for this proposal, prepared by the applicant and forwarded to OP by DOB for comment.

**Brief Project Description:**

Address	401 I Street SW
Applicant	Department of General Services and DC Public Schools
Legal Description:	Square 498 Lot 886
Ward / ANC	Ward 6 ANC 6D
Zoning:	R-3 - Low density residential; a public school is a permitted use in this zone.  The proposed use is consistent with the zoning; a full review of the proposal against the zoning regulations will occur as part of the building permit process.
Proposal:	Two story addition to the existing school building, for new space for a new Child Development Center and two new Pre-K rooms, as well as a new playground for 6 month – 2 year olds.
Comprehensive Plan Future Land Use and Policy Map Designations:	Land Use Map: Local Public Facilities Policy Map: Neighborhood Conservation Area The proposal is not inconsistent with these designations.
Comprehensive Plan Policies:	The proposal would particularly further objectives of the Land Use and Educational Facilities Citywide Elements of the Comprehensive Plan, as it would result in improvements to allow expanded programming at the existing public school building, to serve area families.  The Lower Anacostia Waterfront and Near Southwest Area Element includes this site within the Waterfront Policy Focus Area, which indicates a desire the maintain the inclusion of all kinds of families and household incomes in the neighborhood (1914.2); the proposed improvements to the public school could further this intent.



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	<p>The site is also within the Southwest Neighborhood Plan (2015), which notes that the addition of pre-school and pre-kindergarten at this school is attracting new families (p.71) to the neighborhood.</p> <p>As such, the proposal would be not inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens.</p>
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Item 14. OP analysis of whether the proposed project might disrupt or divide the physical arrangement of an existing community and/or induce significant growth or concentration of population that might adversely impact the environment:

<b>Will the proposed project:</b>	<b>Yes:</b>	<b>No:</b>
Create a new source of significant light or shadow which would adversely impact other properties?		<b>X</b>
Substantially degrade or obstruct any scenic view or vista now observed from public areas?		<b>X</b>
Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including but not limited to the Comprehensive Plan), which was adopted for the purpose of avoiding or mitigating environmental effect?		<b>X</b>
Induce significant growth or concentration of a population that might adversely impact the environment?		<b>X</b>

**Conclusion:**

Under the relevant regulations, the Office of Planning concludes that there are no significant impacts. OP has determined that the proposed project will not disrupt or divide the physical arrangement of an existing community that might adversely impact the environment; or induce significant growth or concentration of population that might adversely impact the environment.