



**Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3/4G**

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**ANC 3/4G Testimony Before the
Committee on Transportation and the Environment
Performance Oversight Hearing for
DC Water
February 28, 2022**

Chairperson Cheh and members of the Committee on Transportation and the Environment, I am Randy Speck, Chair of ANC 3/4G (Chevy Chase). Thank you for the opportunity to testify about DC Water's performance over the past year. I am testifying on behalf of our Commission, which authorized this testimony at its properly noticed February 14, 2022 public meeting by a vote of 7 to 0 (a quorum being 4). Since September 2018, I have also been a member of DC Water's Stakeholder Alliance, a group of residents who have provided informal input to the General Manager on a range

of issues.¹ In addition, I am one of two public representatives appointed by the Council to the Lead Service Line Replacement Task Force (LSL Task Force) created as part of the Fiscal Year 2022 Budget Support Act of 2021.² My testimony focuses on DC Water’s program to replace all of the District’s lead service lines by 2030 and the information that the LSL Task Force needs from DC Water to complete its work.

As I testified in 2021,³ DC Water customers have lived for decades with the ever-present threat posed by the continued presence of LSLs throughout the District.⁴ Through misguided actions⁵ and heedless inaction,⁶ this hazard persists. The science is clear —

¹ Although the Strategic Alliance met quarterly for several years, it has not met at all since April 22, 2021. DC Water made presentations on its lead service line (LSL) replacement program — Lead Free DC — at the April 16, 2020 and April 22, 2021 Strategic Alliance meetings.

² D.C. Code § 34–2162.

³ ANC 3/4G Testimony Before the Committee on Transportation and the Environment Performance Oversight Hearing for DC Water, March 15, 2021, pages 4-7.

⁴ See, e.g., “Getting The Lead Out? The D.C. Tap Water Crisis One Year Later,” National Resources Defense Council, January 25, 2005, available at <https://www.nrdc.org/media/2005/050128-0>; “Lead in the District of Columbia Drinking Water: A Call for Reform,” DC Appleaseed, October 2004, available at <https://bit.ly/3rmXKEz>.

⁵ Partial lead service line replacement is dangerous and can lead to acute, significantly elevated levels of lead in the water in the short- and long-term. Construction can disturb the pipe and release large flakes of lead, and over time, the pipes can corrode at the joint, causing lead to leach into the water flowing to our taps at home at a higher rate than before construction. See “The Hidden Costs & Dangers of Partial Lead Pipe Replacements, Natural Resources Defense Council, March 12, 2018, available at <https://on.nrdc.org/2H93jjS>. “[C]hildren living in homes with partial lead pipe replacements were four times more likely to have an elevated blood lead level than children living in homes without lead pipes.” “DC/CDC Lead Staff Report,” House Committee on Science and Technology Subcommittee on Investigations and Oversight, May 20, 2010, available at <https://bit.ly/3qpYreS>.

⁶ Thousands of homes across the District still have lead service lines. See DC Water Lead Service Line Map, available at <https://geo.dcwater.com/Lead/>.

there is *no* safe level of lead in drinking water.⁷ The presence of lead service lines poses a threat even when periodic sampling does not always indicate lead because lead leaching is variable over time. The District must have a reliable plan with assured funding to remove all LSLs in the water delivery system as soon as possible, but not later than 2030.

Among other assignments, the Council instructed the LSL Task Force to “recommend changes or clarifications” to DC Water's June 2021 Lead Service Line Replacement Plan (DC Water’s Plan). The first step in that process has been to understand key components of DC Water’s Plan, including the following questions:

- How will DC Water reliably determine where all LSLs are located?
- How will DC Water move from its current piecemeal programs to a much more cost-effective block-by-block program?
- How will DC Water prioritize the sequence for replacing the estimated 28,000 LSLs in the District?
- What should replacement of all the District’s LSLs reasonably cost?
- How should DC Water communicate its LSL replacement program to its customers?

The answers to these questions will help the LSL Task Force with making its recommendations. The information that DC Water has begun to provide thus far suggests

⁷ The American Academy of Pediatrics has found that “there is no safe level of blood lead concentration for children,” and “the best ‘treatment’ for lead poisoning is to prevent any exposure before it happens.” See “AAP: No Amount of Lead Exposure Is Safe for Children,” Nursing Center, June 20, 2016, available at <https://bit.ly/3kOhRJo>.

several concerns that we expect to cover in the LSL Task Force’s report and raises questions that will need to be pursued further.

First, it appears that DC Water’s formal inventory procedure is reasonably conservative. Appropriately, it only uses tests of a customers’ water to confirm the presence of lead — not to exclude the possibility of lead. Other jurisdictions — e.g., Michigan in its Minimum Service Line Material Verification Requirements — have specified best practices for identifying LSLs, and DC Water needs a similarly rigorous process. In addition, there are some indications, that DC Water’s current map of lead service lines is not completely accurate and will need to be audited and supplemented before it can form a reliable basis for the removal plan.

Second, current programs to replace LSLs are tiny compared with the need. DC Water must move from the current programs⁸ that replaced only 800 LSLs in FY 2021,⁹ to replacing 28,000 LSLs by 2030. DC Water will need to transition from a hodgepodge of small programs to the kind of comprehensive, efficient block-by-block program that will be required.

⁸ The two District-funded programs are the Capital Improvement Project and Emergency Repair Replacement (CIPERR) where DC Water pays for 100% of the public-side costs and the District pays for 100% of the private-side costs and the Lead Pipe Replacement Assistance Program where the District pays for 50% to 100% of the private-side replacement costs where DC Water had replaced the public-side line and only the private-side is lead. DOEE, Lead Pipe Replacement. There is also a voluntary program where the customer pays 100% of the private-side replacement costs and DC Water pays 100% of the public-side replacement costs. DC Water’s Plan, June 2021, page 4.

⁹ DC Water’s Plan, page 8.

Third, DC Water has an apparently sophisticated algorithm for deciding the sequence for removing LSLs. This sequencing matters because it is particularly important to replace those LSLs providing water to the most vulnerable customers and to ensure equity. DC Water’s plan assigns weights to seven categories,¹⁰ but it has not justified how those weights were derived. An efficient block-by-block program must be melded with an equitable focus on vulnerable populations. Moreover, DC Water’s proposal to give lower priority to replacement of those partial LSLs that it created before 2018¹¹ is particularly concerning in light of the science showing an increased risk for customers from those partial LSLs.¹²

Fourth, DC Water’s \$1 billion estimate for the cost to replace the District’s LSLs appears to be much too high.¹³ An independent analysis using actual experience in other cities concluded that the expected costs to replace all LSLs in the District should be a

¹⁰ The categories are: (1) the Area Deprivation Index, which is a measure of 17 economic and demographic factors (25% weighting factor); (2) children under 18 (10%); (3) licensed childcare facilities (15%); (4) water main failures (5%); (5) iron concentration (14%); (6) chlorine concentration (5%); and service line material (27%), with a weighting of 7 given to full LSLs and 3 to partial LSLs. DC Water’s Plan, page 7.

¹¹ Before the District prohibited partial replacements of LSLs in 20__ (DC Code § 34–2158), DC Water replaced only the “public” side of about ____ LSLs, leaving the “private” side as lead. [Source?]

¹² See, e.g., Brown, M. J. 2011, Association Between Children’s Blood Lead Levels, Lead Service Lines, and Water Disinfection, Washington, DC, 1998–2006. *Environmental Research* 111:67-74.

¹³ DC Water has indicated that its upcoming budget will include a commitment to fully fund its cost estimate and complete LSL replacement by 2030 using available federal and District funds plus customer funds collected through a rate increase. This significant commitment is welcome. Nevertheless, the Task Force must be able to review the reasonableness of DC Water’s cost estimate so that they can determine whether passing all of these costs through to customer is justified.

mean cost of \$142 million and a high cost of \$228 million.¹⁴ It is possible that DC Water's four-times greater estimate could include costs that were not incurred in other cities. To date, however, DC Water has only provided an extremely high-level itemization of its \$1 billion estimate with only five cost categories.¹⁵ We have asked for much more complete data so that we can determine whether DC Water's estimate is reasonable,¹⁶ and that information will be essential to complete our report.

Finally, DC Water's plan includes its expected community outreach efforts, but many concerns remain unanswered. It is not yet clear what methods DC Water will use to inform all customers when they can expect their LSLs to be replaced. Nor is it clear what information customers will receive on the precautions (e.g., use of drinking water filters) they should take before and after the replacement to minimize risks to their health and how these precautionary measures will be delivered and financed. We also need to know

¹⁴ Finishing the Job of Getting Safe Water to the Tap: How Much Does it Cost to Replace Lead Service Lines?, Elin Warn Betanzo, Safe Water Engineering, LLC, October 2021, page 16.

¹⁵ The only breakdown of its \$1.139 billion estimate included these broad categories: (1) public LSL costs (\$135 million); (2) private LSL costs (\$142 million); (3) water main costs (\$435 million), (5) street restoration costs (\$236 million); and (6) management cost (\$192 million).

¹⁶ DC Water has suggested that the Task Force does not have the expertise to review its cost estimate. The Task Force members have ample experience to analyze DC Water's estimate. In 40 years practicing law, I have worked on a number of cases involving large capital projects (e.g., construction of nuclear power plants, decommissioning nuclear power plants, construction of other power plants, and construction of the Trans Alaska Pipeline). As part of that work, I became intimately familiar with standard estimating principles for such projects and the construction management and planning that goes into those projects. I was also a member of the Project Management Institute for many years and worked closely with many experts in that field. That experience is directly applicable to the Task Force's review of DC Water's cost estimate.

how DC Water plans to ensure all customers will be able to access the information they need.

The LSL Task Force will address all topics assigned by the Council, including identification of barriers to completing LSL removal by 2030, proposed solutions to overcome those barriers, sources of funding, and ways to streamline permitting and inspection. We appreciate the Committee's support for the LSL Task Force and its efforts to ensure that we have the data and comprehensive and complete plans from DC Water that are essential for our report. We will continue to inform the Committee if we are unable to get what we need from DC Water.

ANC 3/4G has focused attention on this crisis for years and we aim to continue to do so until LSLs in the District are completely removed and replaced in a safe, effective, and equitable manner. Any amount of lead in the water is detrimental to the health of our residents. We must not allow this exposure to continue.

Thank you.