Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3/4G
Chevy Chase, Barnaby Woods, Hawthorne
5601 Connecticut Avenue N.W. P.O. Box 6252 Washington, D.C. 20015
3G@anc.dc.gov http://www.anc3g.org YouTube: ANC3G Office: 202.363.5803

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

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 March 8, 2021 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 meet each quarter to provide informal input to the General Manager on a range of issues.

DC Water has faced its share of challenges during this pandemic year and has generally done well in addressing them. Despite a drop in customers' consumption, an increase in delinquencies, and an overall drop in revenue of about 5%, DC Water reports

that it has maintained a strong financial position.[1] General Manager David Gadis and Chief Financial Officer Matthew Brown have helped to guide DC Water through a particularly difficult time. Not surprisingly, however, work remains on some of the most difficult issues.

This testimony revisits two significant concerns that we have raised with the Committee in the past[2]: (1) the Clean Rivers Impervious Area Charge (CRAIC) that pays for programs to prevent contaminated stormwater runoff into our rivers; and (2) DC Water's efforts to replace lead service lines that pose undeniable hazards for our drinking water.

CRIAC

DC Water continues to perform well in implementing the Clean Rivers program, both in building the infrastructure that will protect our rivers and in partially mitigating the costs that customers must bear. Work on the Northeast Boundary Tunnel has continued toward a completion date in 2023. DC Water has not indicated any retreat from

[1] DC Water's Financial Presentation at the January 21, 2021 Stakeholder Alliance Quarterly Meeting (Financial Presentation) is available at https://bit.ly/38109wX.

[2] See ANC 3/4G Testimony Before the Committee on Transportation and the Environment Performance Oversight Hearing for DC Water, February 27, 2020, available at https://bit.ly/3oVNwck; ANC 3/4G Testimony Before the Committee on Transportation and the Environment Performance Oversight Hearing on DC Water, February 26, 2019 (2019 Oversight Hearing Testimony), available at https://bit.ly/31j5muC; Testimony of Randy Speck, Chair, ANC 3/4G before the Transportation and Environment Committee on Oversight of DC Water's Impervious Area Charge, March 2, 2018 (2018 Oversight Hearing Testimony), available at https://bit.ly/2PqIHLZ.

its plans to continue the project's timeline and scope, including the Potomac River Tunnel.[3]

The primary source of funding for this $2.7 billion project is DC Water's customers who pay for these environmental improvements through the CRAIC fee on their water bills. DC Water has made the charge more equitable by allocating a portion of CRAIC fees based on customers' sewer volumetric rate, rather than solely on the amount of the customers' impervious surface area, and the Customer Assistance Program, funded jointly by the District and DC Water, which discounts these fees for eligible low-income customers and some non-profits.[4]

Nevertheless, under the current funding mechanism, customers' fees will continue to increase. DC Water's approved budget projects a 46% increase in the CRIAC fee from FY 2022 to FY 2029.[5] Those fees will become an unaffordable burden for more and more customers. Customers also do not understand how fees based on the amount of impervious area are calculated or what they can do to reduce those charges. In the final analysis, however, if one customer takes steps to reduce CRIAC fees it will have to be made up by other customers since those fees are the only way DC Water currently has to fund the Clean Rivers program.

---

[3] See the letter from General Manager Gadis to Councilmember Cheh, February 7, 2020, available at https://bit.ly/3uIER0T.

[4] In FY 2020, the total subsidies for Customer Assistance Programs were about $3.7 million, an almost $1 million increase from FY 2019, and the number of customers assisted also increased. See Financial Presentation at page 17.

[5] Financial Presentation at page 20.

As we have testified over the past three years, DC Water cannot reduce those charges without another source of revenue. Our ANC and Chair Cheh have suggested that one way to address this concern would be for the District to contribute its equitable share of the costs created by stormwater runoff by paying the equivalent of the CRIAC fee for all impervious streets, sidewalks, and alleys, which constitute 40% of the District's impervious area.[6] The Council's Office of Budget and Research similarly proposed that one way to "increase progressivity" in paying for the Clean Rivers program would be to "subject public rights-of-way to CRIAC."[7]

It is now past time for the District to step up and to bear its fair share of CRIAC fees, thereby reducing the burden on customers and sharing the Clean Rivers' costs more equitably. We urge the Council to take that step in the FY 2022 budget.

Lead Service Line Replacement

For decades, DC Water customers have lived with the ever-present threat posed by the continued presence of lead service lines throughout the District.[8] Through misguided

[6] See 2019 Oversight Hearing Testimony at page 4; 2018 Oversight Hearing Testimony at pages 5-6; and letter from Councilmember Cheh to Board of Director's Chair Wells and General Manager Brown, January 16, 2018, at page 5, available at http://bit.ly/2SXlSNS.

[7] "Keeping CRIAC Affordable and Equitable," Office of Budget and Research, March 22, 2019, available at http://bit.ly/2wzEdsV.

[8] 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 Appleseed, October 2004, available at https://bit.ly/3rmXKEz.

actions[9] and heedless inaction,[10] this hazard persists. The science is clear — there is *no* safe level of lead in drinking water.[11] 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. DC Water and the District should no longer defer the only unequivocal solution: DC Water must develop a plan and make a binding commitment to remove all lead service lines in the water delivery system within a decade.

In March 2020, DC Water's CEO and General Manager, David Gadis, stated the company's goal "to remove all lead service lines by 2030. This is an ambitious goal, but together we must find alternative capital funding and contracting opportunities, and get the lead out of the water system."[12] In order to protect the health and safety of all District residents, that goal should be formalized — perhaps in legislation — and accompanied by

[9] 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.

[10] 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/.

[11] 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.

[12] DC Water Executive Budget Summary, Approved FY 2021, Adopted March 5, 2020, General Manager's Message, page 3 (available at https://bit.ly/36MKl04).

concrete plans, including identification of funding sources and a clear timetable for completion.

The existing programs have been a welcome start, but they offer only an inadequate, piecemeal approach. DC Water's current lead service line replacement program, partially funded by the District, leaves many gaps in its coverage.[13] In most cases, customers still have to opt into the program and pay all or a substantial part of the costs. This approach will not achieve the goal of removing all lead within any reasonable time.[14]

DC Water should propose a plan that can be implemented efficiently without relying on voluntary customer contributions. By systematically identifying lead service lines and replacing them fully using specialized crews and contractors, DC Water should be able to reduce the costs per replacement well below those incurred in the current patchwork program. A comprehensive approach will ensure that no one in the District will be left out and everyone will reap the benefits of a lead-free water system.

DC Water's plan should include an estimate of the costs for a lead-free water system — which has been requested but not yet provided[15] — and a source for capital

---

[13] See "Lead Pipe Replacement Occurs During Construction Projects or By Request," DC Water, https://www.dcwater.com/replacelead.

[14] There should be no distinction between replacement of the "public" portion of lead service lines and the "private" portion going to customers' homes. DC Water can and should take responsibility for replacing *all* lead service lines. See Letter from Jennifer C. Chavez, Earth Justice, to Environmental Protection Agency, Re: Lead and Copper Rule Long-Term Revisions: Issues Regarding Lead Service Line Replacement, November 11, 2014, available at https://bit.ly/30pn3K5.

[15] After the Commission approved this testimony, DC Water gave Councilmember Cheh's office the following estimated costs: $1.331 billion to replace the public-side lead service lines and $98

funding. There is plenty of blame to be shared for the history of lead contamination in our drinking water. Now it is time, however, to step up and pay the necessary costs to rectify past mistakes. DC Water has taken on much larger capital projects than this, and assuring safe drinking water is part of its core mission. DC Water should tell the Council how much it will cost to remove *all* lead service lines and how it can be funded.

Removing lead from our drinking water is an investment in our future and an imperative to achieve equity. Lead contamination directly contributes to adverse health consequences[16] that, in turn, affect our society and economy. One way to avoid leaving our most vulnerable residents behind is to assure that everyone has lead-free drinking water. We urge DC Water, the District government, and the Council to meet this challenge.

Thank you.

million to replace the private-side lead service lines, for a total of $1.429 billion (93% for the public side and 7% for the private side). DC Water indicated that 44% of the total cost is currently funded while 56% is currently unfunded.

[16] The World Health Organization concluded that "the consequences of brain injury from exposure to lead in early life are loss of intelligence, shortening of attention span, and disruption of behavior. Because the human brain has little capacity for repair, these effects are untreatable and irreversible. They cause diminution in brain function and reduction in achievement that last throughout life. . . . Lead also causes long-term harm in adults, including increased risk of high blood pressure and kidney damage. Exposure of pregnant women to high levels of lead can cause miscarriage, stillbirth, premature birth and low birth weight." "Lead Poisoning and Health," World Health Organization, August 23, 2018, available at http://bit.ly/2LCp6pQ.