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**ANC 3/4G Testimony Before the**  
**Committee on Transportation and the Environment**  
**Performance Oversight Hearing for**  
**DC Water**  
**February 27, 2020**

Chairperson Cheh and members of the Committee on Transportation and the Environment, I am Randy Speck, Chair of ANC 3/4G (Chevy Chase), and I am testifying on behalf of our Commission, which authorized this testimony at its February 24, 2020 meeting by a vote of 4 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.

This testimony focuses on two significant issues: (1) the Clean Rivers Impervious Area Charge (CRAIC) that pays for programs to prevent stormwater runoff into our rivers; and (2) DC Water's efforts to replace lead service lines that can contaminate customers' drinking water.

## **CRIAC**

DC Water has performed well in implementing the Clean Rivers program, both in building the infrastructure that will protect our rivers and in mitigating the costs that customers must bear. The first major milestone was the completion of the Anacostia River Tunnel System in March 2018. In its first two years, this tunnel has exceeded expectations by capturing more of the runoff from the combined sanitary/storm sewer system than predicted and collecting almost 3,200 tons of trash, debris, and other solids that would otherwise have polluted the Anacostia River. The region is already benefiting from DC Water's efforts, and construction is ongoing for the next phases of this \$2.7 project — all of which need to be completed as required by the current Consent Decree. ANC 3/4G understands and appreciates DC Water's efforts to minimize the costs of their project. Nevertheless, we support the Chair's February 6, 2020 letter to General Manager Gadis urging DC Water to consider the possibility of requesting an extension of the project's timeline or a reduction in its scope, "if considered at all, . . . only after we've tried everything else" to relieve the economic burden on customers.<sup>1</sup>

Of course, DC Water customers pay for these environmental improvements through the CRAIC fee on their water bills. DC Water has made progress, however, to improve the fairness of that charge and to relieve the most vulnerable customers of some of those costs. First, DC Water has changed its methodology by allocating 18% of CRA-

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<sup>1</sup> See the letter from Councilmember Mary Cheh to General Manager David Gadis, February 6, 2020, available at <http://bit.ly/2T7DDub>.

IC fees based on customers' sewer volumetric rate, rather than solely on the amount of the customers' impervious surface area. This change makes the allocation of the charge more equitable.

DC Water has also embraced the program that the Council initiated for FY 2019 to relieve some customers of a part their CRIAC fees. This Customer Assistant Program, funded jointly by the District and DC Water, provides eligible low-income customers with a 50% discount for CRIAC fees. The original program was only funded year-to-year, but DC Water has budgeted to make its funding for this program permanent. The District should certainly step up to provide its funding permanently as well, both for low-income customers and for non-profits.

These measures and aggressive refinancing of its debt have enabled DC Water to reduce the CRIAC rate slightly in the short term. Over the next ten years and beyond, however, CRIAC rates will increase inexorably, and more and more customers will discover that their water bill has become unaffordable.<sup>2</sup>

DC Water's steps to relieve the CRAIC burden on customers are certainly helpful, but, as we testified last year, DC Water cannot provide meaningful reductions in future years without another source of funding. 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

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<sup>2</sup> See "Why A Plan To Keep Sewage Out Of The Potomac Was On The Chopping Block," WAMU, February 20, 2020, available at <http://bit.ly/3c08Wzx>.

all impervious streets, sidewalks, and alleys, which constitute 40% of the District's Impervious area.<sup>3</sup> 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."<sup>4</sup> It is now time for the District to step up and to bear its fair share of CRIAC fees, thereby reducing the burden on customers. We urge the Council to take that step in this fiscal year's budget.

### **Lead Pipe Replacement**

We greatly appreciate the Council's enactment of the "Lead Water Service Line Replacement and Disclosure Amendment Act of 2018," which added funding in FY 2019 to assist customers in replacing some of the hazardous lead service lines prevalent throughout the District. This legislation (1) largely put a stop to DC Water's dangerous practice of partial lead service line replacement,<sup>5</sup> and provides District funds to ensure that when DC Water conducts infrastructure upgrades it can replace all of any lead lines it

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<sup>3</sup> See ANC 3/4G's Testimony Before the Committee on Transportation and the Environment, Performance Oversight Hearing on DC Water, February 26, 2019, page 4, available at <http://bit.ly/31j5muC>, and the letter from Councilmember Cheh to Board of Director's Chair Wells and General Manager Brown, January 16, 2018, page 5, available at <http://bit.ly/2SXISNS>.

<sup>4</sup> "Keeping CRIAC Affordable and Equitable," Office of Budget and Research, March 22, 2019, available at <http://bit.ly/2wzEdsV>.

<sup>5</sup> The Office of the Inspector General found that "DC Water's practice of performing partial pipe replacements does not mitigate customers' long-term risk of lead exposure. Full lead pipe replacement is the ideal solution to minimize the risk of lead exposure." Partial lead service line replacement is dangerous and can lead to acute, significantly elevated levels of lead in the water. 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 <https://on.nrdc.org/2H93jjS>.

finds; (2) creates a new Lead Pipe Replacement Assistance Program (LPRAP) administered by DC Water and the Department of Energy and Environment (DOEE) to provide funds based on a need-sensitive formula to fix past partial pipe replacements; and (3) requires landlords and home sellers to disclose to prospective tenants and buyers when there is a lead service line at a property.

We commend DC Water and DOEE on their initial efforts to implement this legislation. From discussions with General Manager Gadis, he is strongly committed to remove *all* lead service lines over the next decade. This goal is essential since there is no safe level of lead in drinking water.<sup>6</sup> DC Water, DOEE, and the Council should continue to explore ways to eliminate *all* sources of lead in our drinking water infrastructure.

While DOEE seems to be processing applications for assistance efficiently, there are steps that DC Water should take to make the program more effective. First, as provided in the statute, DC Water should publish a list of contractors that can do the service pipe replacement work. Some contractors may be taking advantage of the program by charging excessive fees, and those contractors should be removed from the approved list.

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<sup>6</sup> 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 <http://bit.ly/2VYgZb5>.) 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.” (See <http://bit.ly/2LCp6pQ>.)

Second, DC Water and DOEE should track and make public demographic and location data about both voluntary LPRAP replacements and the success rates of DC Water's efforts to replace full service lines. Third, DC Water and DOEE should report to Council and the public on their outreach efforts and the reasons for any processing delays or application denials. Finally, because high levels of lead can be released during pipe replacements, DC Water should ensure that customers know about the dangers of not flushing and filtering a system properly after a replacement.

As long as lead pipes remain in the drinking water system, DC Water must be vigilant to protect its customers. The steps taken this past year are a beginning. We hope to work with DC Water to educate the public about the danger and to take all reasonable steps that can mitigate this grievous concern.

Thank you.