



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

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**ANC 3/4G Testimony Before the
Committee on Transportation and the Environment
Oversight Hearing
Department of Energy and Environment
January 25, 2022**

Chairperson Cheh and members of the Committee on Transportation and the Environment, I am Randy Speck, Chair of ANC 3/4G. Thank you for the opportunity to testify about the Department of Energy and Environment's (DOEE's) performance over the past year. I am testifying on behalf of our Commission, which authorized this testimony at its January 24, 2022 meeting by a vote of 7 to 0 (a quorum being 4).

DOEE has a major role in addressing one of the District's most significant public health threats — the continued hazard posed by the lead service lines (LSLs) that deliver drinking water to District residents. First, DOEE oversees the existing DC Water programs to replace LSLs. In that capacity, it serves as the District's watchdog to ensure that DC Water uses earmarked public funds efficiently, equitably, and exclusively to

eliminate the danger caused by lead in water — not for other ancillary purposes. Second, it is the lead agency implementing the Lead Service Line Planning Task Force Establishment Act of 2021, which directs a six-member task force¹ to “develop an interagency plan for the removal and replacement of all lead water service lines by 2030.”²

In its first role, DOEE has been the responsible agency to dispense District funding to DC Water for its current programs to replace lead service lines. These programs are small compared with the need. DC Water’s June 2021 Lead Service Line Replacement Plan estimates that about 28,000 lead service lines (LSLs) need to be replaced by 2030, but the programs funded by the District³ replaced only 400 LSLs in FY 2021.⁴ DOEE has performed its oversight responsibility well, though the scope of the existing programs is far smaller than is required.

¹ I serve as one of the Council’s two appointees on the Lead Service Line Replacement Task Force. I also work with the Lead Emergency Action for the District (L.E.A.D.) coalition.

² Fiscal Year 2022 Budget Support Act of 2021, Title VI, Subtitle O, at page 274, codified at DC Code § 34–2162.

³ 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 Lead Service Line Replacement Plan (DC Water’s Plan), June 2021, page 4.

⁴ DC Water’s Plan, page 8.

DC Water's Plan envisions the continuation of the District-funded and voluntary LSL replacement programs⁵ while it also implements a more efficient block-by-block approach. This raises a number of potential concerns that will need to be addressed, including how DC Water communicates with customers about when and how their LSLs will be replaced. These piecemeal programs will not be as efficient as block-by-block replacement, and DOEE may need to assess whether the current programs will need to be modified or phased out over time.

DOEE's role should expand with the influx of federal funding for LSL replacement. It is not yet clear how earmarked money from the American Rescue Plan and the Infrastructure and Jobs Act of 2021 will be dispensed — i.e., whether it will go to the District so that it can exercise primary oversight or directly to DC Water. In any case, the District has a responsibility to ensure that these funds are used as intended and not diverted to other capital projects or for excessive administrative costs. We urge the Council and DOEE to continue their stewardship of public funds to be certain that DC Water replaces as many LSLs as possible with the available resources.

In its second role, DOEE is doing an excellent job leading the LSL Replacement Task Force. Recognizing the importance of this work, DOEE's Deputy Director Kenley Farmer chairs the Task Force and is facilitating its work to meet the ambitious statutory deadlines for completing its report. DOEE, the Department of Transportation, and the Department of Consumer and Regulatory Affairs are collaborating with DC Water to

⁵ See DC Water's Plan, page 4.

streamline permitting and inspection of LSL replacements and coordinating other infrastructure work to reduce costs where possible.

The Task Force needs a thorough understanding of DC Water's LSL replacement plan before it can recommend changes or clarifications, as the statute requires. The Council's appointees are endeavoring to get necessary information from DC Water about its Plan, particularly its estimated costs of about \$1 billion. That estimate is far higher than the actual costs incurred in other cities. It is possible that DC Water's estimate includes some costs — e.g., permitting and inspections, administrative overhead, inflation, and contingency — that are not captured in other cities' costs, but we cannot make that determination without a detailed breakdown of DC Water's estimate. We look forward to the Council's third-party's report on the estimated costs on April 1, 2022, but we expect the Task Force to do its own analysis of costs to ensure that available funding can go as far as possible.

We are also examining the Plan's approaches for identifying service lines with unknown material, establishing priorities for the order in which LSLs will be replaced, advising customers how they can make their drinking water safer until all LSLs are replaced, and advising the Council on any legislative changes that are needed to complete LSL replacement by 2030. We look to DOEE to continue its leadership on the Task Force to be sure that we can fulfill our mandate.

Thank you.