



Statement of Jerry N. Johnson, General Manager
The District of Columbia Water and Sewer Authority

Before

The Senate Environment and Public Works
Subcommittee on Fisheries, Wildlife and Water

Wednesday, April 7, 2004

Good afternoon, Chairman Crapo, Ranking Member Graham and other members of the Committee.

Thank you for your invitation to the Authority to provide information to the Subcommittee on the exceedance in the District of Columbia of the action level under the Lead and Copper Rule.

I am Jerry N. Johnson, General Manager of the District of Columbia Water and Sewer Authority, and I am accompanied by the Authority Chief Engineer and Deputy General Manager, Michael Marcotte.

I know that you have many questions, so I will be very brief. Providing high quality services under the Safe Drinking Water Act for people who live in, work in and visit this city, has been, and continues to be our top priority.

WASA's Mission

The Board of Directors only recently updated WASA's Strategic Plan for 2003 through 2005.

WASA's vision of its future is to be the industry leader and environmental steward in providing excellent water service and wastewater collection and treatment services for all customers.

The mission of WASA is to serve all its regional customers with superior service by operating reliable and cost effective water and wastewater services in accordance with best practices.

Among our values are to be respectful and sensitive to the needs of our customers, ethical in professional and personal conduct, and committed to equity, trust and integrity in all that we do.

In facing the current challenge, we pledge every effort to:

1. understand the phenomenon of increased levels of lead concentration in certain households;
2. allocate the necessary resources and work with the District government and our partner agencies to address the problem
3. be candid with the public and with you about the information we have and about our plans.

WASA's History, Governance, and Operations

The District of Columbia Water and Sewer Authority, or "WASA", was created as an independent agency of the District of Columbia in 1996 following an extended period of

disinvestments in the critical infrastructure serving the District and the diversion of over \$80 million in water and sewer ratepayer enterprise funds for unrelated expenditures.

WASA is an independent, quasi-governmental regional entity that is governed by an eleven-member board of directors that is appointed by the Mayor of Washington, D.C. and confirmed by the District of Columbia Council. Six of the Board members, including its chairman, are District residents chosen by the Mayor. Five members, though named by the Mayor, are selected by the county executives from surrounding jurisdictions.

WASA's Board has fiduciary responsibility for the Authority, which has independent bond authority and a "double A" bond rating. In FY 2003, operating revenues totaled approximately \$255 million. Capital expenditures reached approximately \$200 million for the year, and are part of a \$1.8 billion ten-year capital reinvestment infrastructure program.

WASA provides wastewater treatment services for the District of Columbia, and Montgomery and Prince George's Counties in Maryland, as well as portions of Loudon and Fairfax Counties in Virginia at Blue Plains, the largest advanced wastewater treatment plant in the world. WASA also operates the District of Columbia's 1800-mile storm water and wastewater collection systems.

As you know, WASA purchases treated drinking water from the U.S. Army Corps of Engineers Washington Aqueduct for delivery through the District's 1300 mile distribution system to retail customers in the District of Columbia.

District History in Exceeding the Lead & Copper Rule

Since 1991 when EPA promulgated the current Lead and Copper Rule, the District of Columbia, like other municipalities, routinely tested water for lead concentrations in a small number of homes.

The District of Columbia exceeded the action level in the period 1993-1994, and WASA's predecessor agency began taking steps to address the chemical makeup of the drinking water.

The Washington Aqueduct implemented a corrosion control regime that alleviated the problem of lead leaching in 1994, and lead levels remained below the action level for several years. The EPA conditionally approved the corrosion control approach in 1997.

When WASA began its operations in 1997, annual compliance testing from 1996 through 2001 indicated that DC did not exceed the action level. In fact, in 1999, the EPA offered, and WASA accepted, a reduced regular sampling program. As a consequence, the number of samples required for compliance monitoring was reduced to 50 households sampled annually.

The Recent Exceedance

In May 2002, EPA approved the revised optimum corrosion control program.

In August 2002, WASA provided the official notice to the EPA that for the first time since WASA was created, but the second time since 1993-1994, water in the District exceeded what is now well known, but still sometimes misunderstood, the “action level”.

The action level is a regulatory trigger of 15 ppb that no more than 10 percent of the samples can exceed. The 50 samples taken in the District for that compliance period included 23 samples over 15 ppb.

EPA then requires that a utility take three basic steps until there is a reduction in the number of samples that test above 15 ppb to fewer than 10 percent of the total:

1. begin a public education campaign to inform the public about lead as an environmental contaminant, and
2. begin a program to replace or test seven percent of the public section of the known inventory of lead service line pipes that take water from the public water mains to the individual properties
3. undertake immediate steps to achieve optimum corrosion control of the treated water.

Steps Taken to Comply with the Lead and Copper Rule (2002-2003)

WASA is a regulated utility, and it is accountable not only to the customers and broader public that we serve, but to the Board of Directors, and the Environmental Protection Agency. The District of Columbia Council also maintains legislative oversight over WASA.

I believe the culture of this organization is one that is consistent with the mission statement I shared with you earlier. Clearly, there are also a number of entities to which we are accountable and which share this common interest.

In this regulated environment, as in all others, every locality is in some respects unique. We’ve worked hard to make sure our regulators understand the specific operational challenges we confront. We share information, we ask questions, we seek guidance and instruction, and then we take what we understand to be appropriate action with the full knowledge of the regulator. Again, regulatory compliance is of paramount concern. We undertook a serious effort to ensure compliance under the Lead and Copper Rule in 2002. As a consequence, in:

- August 2002 – WASA determined/reports to EPA that action level was exceeded;
- October 2002 – DCWASA/DCDOH jointly release “Living Lead Free in DC” Brochure is delivered to customers and editorial departments of Washington Post

- and Washington Times, as required (at this time, WASA was not issuing monthly bills)
- October 2002 – WASA releases Public Service Announcement raising awareness and encouraging testing
 - June 2003 – EPA approves first year of replacement program, but changes compliance date from 12/31/03 to 9/30/03
 - June 2003- WASA’s 2002 Drinking Water Quality Report includes information on lead monitoring and exceedance (language approved by EPA)
 - July-October 2003 – WASA begins intensive sampling program to accompany the first 400 physical replacements undertaken within time frame that was shortened by EPA
 - August 2003 – “What’s on Tap” Customer Newsletter contains focus on lead
 - September 2003 – Initial program year completed with 1615 services replaced or cleared by sampling.
 - September 2003 – “An Information Guide on Lead in Drinking Water” developed by WASA and EPA and distributed by WASA in two languages (schools, clinics, libraries, ANC Chairs, DCDOH)
 - September 2003 – WASA again releases public service announcement encouraging testing
 - October 2003 – Washington Post advertisement: “WASA and EPA recommend that you have your water tested for lead”
 - December 2003 – Meeting held by WASA to discuss projects funded by Safe Drinking Water Act, including lead replacement program

Optimal Corrosion Control

Apart from the gradual replacement program, and the public education program, reducing the corrosivity of treated water is a principal objective of a water utility once the action level has been exceeded. WASA, in conjunction with the Washington Aqueduct and the EPA has pursued this goal.

Optimizing corrosion control in the treatment process has, and continues to be the critical next step in addressing this issue.

I am very pleased to report that there has been measurable progress on that front. There is now a draft plan that is being circulated for a 15-day comment period. Consensus on this draft plan will lead to concrete steps that can be taken in the treatment process within the next few months and into the fall.

Steps Taken Beyond the Requirements of the Lead and Copper Rule

The Water and Sewer Authority, however, went beyond the requirements of the regulation, principally by working directly with customers. This effort resulted in our responding openly to many individual inquiries, but also to our responding to media inquiries, requests for participation in community meetings and to participation in some of the active community listserves. Specifically, in:

- October 2002 – Responded to media inquiries on the exceedance (*Washington City Paper*, article, “The District Line – Plumbing the Depths”)
- October 2002 – WASA notifies DCDOH that action level was exceeded
- January 2003 – Lead Services Hotline begins – providing specific information to customers.
- February 2003 – Written communication to Mayor and all DC Council members advising of likelihood of constituent calls that result from lead replacements
- March 2003 – WASA sends letter of notice of replacement program and an invitation to meet and discuss with WASA (transportation provided) to Advisory Neighborhood Commissioner chairs and civic association leaders
- May 2003 – WASA holds two community meetings on lead replacement program
- November/December 2003 – Three neighborhood meetings held by DCWASA to discuss replacement program
- December 2003 – Meeting held by WASA to discuss projects funded by Safe Drinking Water Act, including lead replacement program
- December 2003 – Full summary of 2003 test results compiled by DCWASA
- December 2003 – WASA requests that DCDOH provide additional assistance

Starting in April 2003, between 14,000 and 15,000 WASA customers were contacted and solicited to participate in the sampling program to test the concentration of lead in the water at the tap. Sampling was undertaken by volunteers (residents), and no customers were forced to participate in the program.

Initially the customers were contacted by mail. After an initial low response, customers were offered a \$25 incentive to participate. From April 2003 through September 30, 2003, about 3200 customers were contacted by telephone. Approximately 11,000 sampling kits were sent to customers by Federal Express through September 2003.

Lead Services Sampling Program 2003 - Direct WASA Customer Contacts -	
Sample Letters/No Incentive	8,000
Sample Letter/Incentive (\$25-\$50)	6,000
Phone Solicitation	3,200 (partial overlap w/ letters)
Sample Kits Shipped by Fed Ex	11,000
Approx. Total Contacted	14,800
Total Samples	6,131

By the end of 2003, WASA had also created a customer e-mail account, wqp2003@dcwasa.com , for customers to make inquiries and express concerns. WASA also implemented extended call center hours in September 2003 to include Saturdays.

Multiple Lead Services Replacement Program Inquiries

On March 4, 2004, the DCWASA Board of Directors announced that it has retained a law firm to investigate WASA's management of elevated lead level sampling and notification. The investigation will be conducted by Covington & Burling, an internationally recognized law firm headquartered in Washington, DC. Heading the investigation is Covington partner Eric H. Holder, Jr., the former U. S. Attorney for the District of Columbia and former Deputy Attorney General of the United States. The investigation is expected to be completed and results published in the first weeks of May.

The other inquiries of which we are aware, include the:

- U.S. General Accounting Office
- District of Columbia Office of the Inspector General
- District of Columbia Council Committee on Public Works and the Environment
- House Committee on Government Reform
- House Energy and Commerce Subcommittee on Environment and Hazardous Materials

The Authority continues to believe that it took appropriate steps to comply with the Lead and Copper Rule. Our efforts took place as we continued our efforts to consult with the Environmental Protection Agency and the District of Columbia Department of Health.

We have, none-the-less, been severely criticized by some public official and citizens. We acknowledge this criticism, and it is our obligation to listen and to understand.

We await the outcome of each of these inquiries, and we are prepared, speaking on behalf of the management and the Board of Directors in this instance, take whatever actions are appropriate.

Continuing Community Outreach

Let me assure you, Mr. Chairman and every other member of this committee that with this, as on any other challenge this relatively young agency has been confronted with, we seek to learn from the past and continually improve our services.

Building and maintaining public confidence in this vital service with which we have been entrusted on a continual basis must be an integral part of what we do.

In the past 10 weeks:

WASA has shipped filters to every residence that is believed based on our records to have a lead service line pipe. This latest step was undertaken in conjunction with the Environmental Protection Agency and Mayor Anthony Williams.

WASA will also supply replacement cartridges.

On Saturday, February 14th, working closely with the District of Columbia public schools we tested all of the District's public schools – an extra precaution even though we believe the pipes leading into the schools are lead free. WASA has trained DC Public School staff to conduct another round of public school tests which is underway.

I recommended and the Board of Directors supported a decision to increase the number of lead service pipes in public space that we replace this year by more than 500. These physical replacements will be at properties with the highest concentrations and where a pregnant woman or where a child under the age of six lives.

The Board approved a resolution and is distributing for public comment new steps it may take to address this issue in the long term. Two examples include the question of replacing lead service lines in public space with a timetable that goes beyond the requirements of the EPA's Lead and Copper Rule, and the difficult challenge of financing the replacement of service lines in private space.

The Lead Services Hotline, a program that EPA did not require, was initiated in January 2003 to facilitate direct communications with our customers. Since February 5, we expanded with more personnel allowing us to staff the operation for 12 hours Monday through Friday and for nine hours on weekends. Since February 4, 2004 the Hotline received 45,746 calls, and 6,233 e-mail messages. We have shipped over 19,000 test kits.

A summary of the 2004 Sampling Program results is attached, for your information. We have now conducted a total of over 11,000 tests of water provided by our customers, and we are processing several thousand more results in a much-improved process that minimizes customer inconvenience.

As you may know, Mayor Williams established and co-chairs with the DC Council Committee on Public Works and the Environment Chairman, Carol Schwartz, an Interagency Task Force. This body has been enormously helpful in coordinating the efforts of District agencies in response to this challenge.

We have worked closely with the District of Columbia Emergency Management Agency and Department of Health. WASA is, for example, providing DC DOH with \$1.5 million in expenses for the DOH blood lead-level testing program and associated activities to improve their data processing systems. WASA has budgeted \$1.7 million for WASA, DOH and other joint outreach/communications initiatives, excluding \$1.5 million for expanded Lead Services Hotline command center operations.

WASA is continuing our efforts to communicate effectively with our customers and the general public. We continue to update our web site, www.dcwasa.com, which is averaging over 1,700 visits daily. Our April customer newsletter, *What's On Tap*, includes information on lead, our flushing advice, as well as the annual distribution system citywide flushing program. This newsletter is distributed to between 125,00 and 130,000 customers, and the March and April editions both focus on the lead issue.

Since February, we sponsored about ten joint meetings with the Department of Health and the Washington Aqueduct all across the city. These meetings have been advertised and nearly 1,000 residents have attended these WASA sponsored events. WASA has also participated in many civic group meetings to discuss the lead issue.

In early February, WASA sent over 300,000 letters in English and Spanish with information to every address in the District of Columbia. This letter included a DOH Fact Sheet, again in Spanish and English, general information on the subject of lead in water, as well as precautions for potentially affected properties. This letter was mailed in a specially printed envelope with a large letter message printed on the front ("Please Read: Important Lead Information")

Recent Outreach Efforts

Our work continues as we speak, Mr. Chairman. The last two editions of the WASA customer newsletter, "What's On Tap" (March and April), have also been devoted to this issue.

WASA is currently contacting by mail the residents that reside in homes that are believed served by a lead service line pipe. We are providing up to date information on service line pipe flushing. The letter also urges those that have not yet had their tap water tested to use our testing process at no cost to the individual customer.

Similarly, we are contacting the residents who live in properties for which the WASA customer information system has no record for service line pipe material. As you may know, the only way to determine the service line pipe material with certainty at this time is to dig it up.

Finally, WASA has also reached a preliminary agreement with the George Washington University School of Public Health Department of Environmental and Occupational Health to provide the Authority with assistance and advice on lead in drinking water issues.

Addresses with No Record of Service Line Pipe Material

The Authority has been working to more carefully define and fine-tune our initial inventory of properties that rely upon a lead service line pipe. You may know of the Weston Study, undertaken in 1990 by the District, and which was used by WASA and EPA to establish the initial inventory of addresses with likely lead service line pipes. WASA has accelerated efforts to gather all the information available to us on addresses

that may be served by a lead pipe, but the Weston Study provides the only estimate of the overall number of lead service lines in the District.

It is our continuing challenge to refine our information and the specific addresses that are most likely among those with lead services.

There have been media reports that there are as many as 40,000 to 50,000 addresses with no record of a pipe material. Those numbers are greatly exaggerated.

WASA is now contacting by mail the approximately 21,000 customers at addresses for which we have no record of a pipe material. We are urging them to use our testing program to sample their tap water, recognizing that a number have already been sent test kits. We are also urging those residents to take the same precautions as residents with known lead service line pipes – following the flushing recommendations.

WASA is also undertaking some test “dig-ups” where test results suggest the presence of a lead service line, and we are now developing an appropriate plan to provide filters to additional properties that are likely relying upon lead services, and we will work with these customers and the Task Force in the coming weeks on any related issues.

On Friday, April 2, 2004, the Board of Directors approved a resolution that addresses future WASA policy with respect to the replacement of lead service lines, separate and apart from the EPA requirements. The Board has planned three community meetings in the next few weeks in order to obtain community comment on this topic.

Earlier I mentioned the number of public meetings we have participated in and hosted. Since February, the Board has also conducted four media briefings. We appeared at the House Government Reform Committee hearing, four DC Council hearings, twice weekly Mayoral Press Briefings and three Congressional staff briefings. As I hope you can see, the Water and Sewer Authority is actively engaged, we are continuing to learn, we are sharing information, and working hard to openly communicate in an environment that has been especially challenging.

Each one of these appearances is another opportunity to share facts and improve public understanding of a fairly complex set of health, regulatory, engineering, chemistry and policy issues.

On behalf of the Authority and its Board of Directors, I wish to express our appreciation for this Committee’s interest and contribution to this effort.

We will be happy to respond to any questions.