# Lead Service Line Planning Task Force

# Meeting Minutes

June 30, 2022

Meeting Called to Order at 2:00 p.m. by Kenley Farmer, appointed Chair.

1. Roll Call of Task Force Members

* Kenley Farmer, designee for Department of Energy and Environment (DOEE)
* Matthew Nestopoulos, designee for Department of Consumer and Regulatory Affairs (DCRA)
* Stephen Varga, designee for District Department of Transportation (DDOT)
* Randy Speck, public representative appointed by Council
* Valerie Baron, public representative appointed by Council
* Maureen Schmelling, designee for DC Water and Sewer Authority (DC Water)

**Guest Panelists**

* Apera Nwora, DC Water
* John Deignan, DC Water
* Paul Schwartz, DC Water Alliance

1. Adoption of Meeting Agenda and Meeting Minutes

The meeting agenda was adopted and meeting minutes from the 6/23/2022 meeting can be adopted.

1. Timeline Review of Council’s Independent Cost Assessment

There are no updates from Council staff regarding the independent cost assessment.

1. Reactions to Proposed Sections of the Draft Report

* Q: Maureen, is page 24 the furthest you’ve gotten so far in the draft report?
* A: Yes, but I did not check any numbers and there are other editorials. I’ve placed main comments on the ADI and the vulnerable population, but I didn’t do edits for that. Also, I have not started on the barrier and cost section yet.
* Q: Are we submitting a proposal to council staff to request an extension on the draft report’s deadline?
* A: We’ve worked out a timeline that sent a letter of the existing extension, but we’re going to try to take advantage of a little more flexibility and then we’re going to send something to counsel.
* Q: Maureen, are you still not able to sign off on anything until after the board meeting on July 14th?
* A: Yes, we need to present to our board, but we can give a draft to Council prior to the board meeting.
* Q: Are we shooting for 2 weeks from today to give a draft to Council staff?
* A: Yes, but there is concern due to the July 4th holiday. It depends on how fast each agency moves it through their approval process. We need to go through and make sure the report say’s what we wanted it to say. There are good recommendations, and we need to highlight those, but the draft is still pretty rough at this point.

Reactions to Maureen Schmelling’s Draft Report:

Concerns and Recommendations:

* The data that American University was able to analyze through a joint partnership with DC Water showed that through the years, the customer-initiated programs where the customers bear a portion of the cost resulted in replacements going disproportionately to people that don’t have the heaviest burden. People of color and low-income residents still had fewer replacements when there was a customer-initiated program.
* Instead of thinking in terms of stopping the voluntary programs, we should try to evolve the voluntary programs and block-by-block program into something bigger. There may be an opportunity to take advantage of our biggest barrier; how can we leverage those who want replacements and those who don’t while leveraging the funding that right now is assigned to the voluntary and LPRAP programs to get more blocks completed sooner?
* The administration has named an intent to revise the Lead and Copper Rule, so we should note that in the report because some of these requirements may change and they’ve given themselves essentially until the end of the term. Many people are hopeful that they will do that sooner, so we must build an expectation that we might need to be nimble in response to regulatory changes.
* Q: Are 40% of the replacements still planned to be completed through either the existing programs or the voluntary programs?
* A: We’ve agreed to phase out the LPRAP program, but to phase these programs out we will need a legislative policy chain that would enable DC Water to do replacements where it’s private side only.
* Q: Would it be much more efficient to phase out the existing programs to focus on the block-by-block program?
* A: Yes, we agree that it would be more efficient to phase existing programs out.
* Q: Can a recommendation be made from the task force asking to phase out existing programs?
* A: Yes, we have a section under recommendations in the draft report suggesting that we phase out existing programs.
* Q: Under the EPA Lead and Copper Rule revision, it would require a homeowner to continue to have the voluntary program completed. Is that an absolute requirement and how much time would it take for this process?
* A: You would have to replace within 6 months; failure to do so will require a report being sent to the state explaining why you have not. Upon their review you’ll have a year to replace it. To make it less difficult for the customer, the voluntary program is a much better way to facilitate that and allows people the opportunity to replace their service lines at the time they see necessary.
* Q: How can we take the pieces of information that each of us know now and come up with a proposal about how to evolve these programs and if there’s an opportunity to solve some of the refusal problems?
* A: DC Water has put out an RPF to hire a program management team that is responsible for a lot of these changes. Also, it’s their responsibility to look at everything to make recommendations and changes. In hindsight, I don’t believe we will be able to make a change this summer that would take away the voluntary program. We are relying on the new engineering team to address these concerns as it is their responsibility.
* Q: Is there a timeline on when the engineering team will be making these recommendations and decision, and has the work started already?
* A: We expect them to get their notice to proceed soon, to get started in December.
* Q: Does DC Water know where the 48,000 lines that are assumed to be copper but need to be verified are located?
* A: In rough terms, the outer edges of the district are assumed to be a huge amount of the 48,000 lines. Our management team is responsible for relaying this information to customers.
* Q: How are we going to prioritize the 48,000 lines that may be discovered to be lead in the future?
* A: There’s tons of data sets you can combine to come to the estimate of the likelihood of lead that DC Water will use to prioritize.
* Q: Does DC Water know how many brass service lines there are in DC?
* A: There are 9,200 on the public side and 9,700 on the private side.
* Q: Does DC Water have any historic data on what the requirements were and how lead came into our water system?
* A: DC Water researched the D.C. code, but we had a large gap of years we don’t have the plumbing code changes for. It was in the later years we found a gap between the plumbing codes from 1950-1970
  + Under the Justice40 Initiative released by President Biden’s administration, 40% of the funding for this initiative must be spent in disadvantaged areas. As a part of the Justice40 initiative, the Council for Environmental Quality has released a map that DC Water has used to identify disadvantaged areas. There are still questions about the racial equity component of this tool and if it lacks specificity.
* Q: Has DC Water done anything more to analyze how the Justice40 Initiative can be considered and what the requirements are?
* A: 40% of the money that is being spent from the current administration, must be dispersed in disadvantaged areas as defined by EPA. We’ve been trying to operationalize equity and align them with our disadvantaged areas. We are spending 100% of funds in disadvantaged areas and then in other areas of the district until all the lead is removed.
* Q: How does the Justice40 Initiative overlap with DC Water and DOEE’s current prioritization efforts?
* A: We will be evaluating this topic throughout this process, and we need to ensure our efforts meet the same standards of the Justice40 Initiative.

1. Outreach and Partnership Opportunities

* Paul Schwartz spoke with the NAACP’s asthma and lead campaign regarding future dates to meet with Council staff.
* Randy Speck reached out to Councilmember Lewis George’s office but has not received a response regarding her proposed bill
* Conduct a training session on July 8th, 2022, dedicated to showing how DC Water conducts their outreach strategy and how their outreach team is trained on door-to-door outreach
* Participate in door-to-door outreach on July 9th, 2022, to inform the public on the many programs that are conducive to removing lead pipes in the district

1. Question and Answer Session
2. Action Items and Future Agenda Items

Action Items

* + Task Force will:
    - Brief DC Water before sending a draft report to Council.
    - Circulate the draft report to DC Water and DCRA to receive edits, comments, and concerns
    - Schedule a public listening session on Thursday July 28th
    - Check on the status of the draft report and any discussions we have related to those edits
    - Discuss concerns regarding DC Water’s use of program managements responsibility
  + Kenley Farmer will:
    - Reach out to Council staff regarding updates on the independent cost assessment.
    - Add Michael Porcello to the next task force meeting
    - Follow up with DC Water and DDOT upon their review of the draft report for further steps in the process
* Valerie Baron will:
* Speak with Michael Porcello regarding mapping policy proposals from the task force that are like other legislative vehicles such as Newark, NJ lead service
* DC Water will:
  + - Will provide redlines of the documents for review from the Task Force
    - Review and provide more information in context of their plan

**Proposed Agenda for 7/7/22**

1. Roll Call of Task Force Members
2. Adoption of Meeting Minutes and Meeting Agenda
3. DOEE Public Listening Session Communications Plan
4. Reactions to Proposed Sections of the Draft Report
5. Discuss Outreach and Partnership Opportunities
6. Reports from Subcommittees
7. Question and Answer Session
8. Independent Cost Assessment Update from Michael Porcello
9. Action Items and Future Agenda Items