Testimony of
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Good morning, Mr. Chairman and Members of the Subcommittee. I am Donald Welsh, Regional Administrator for Region III of the U.S. Environmental Protection Agency. Thank you for the opportunity to discuss the important issue of lead in D.C. drinking water and to outline the steps EPA and other agencies are taking to resolve the problem.

There is no higher priority for my office than to continue to work with the city and other partners to protect those who live and work in the District and to correct the cause of elevated lead in the water.

To that end, steps are underway to reduce lead levels in tap water through corrosion control. Orthophosphate, a chemical designed to inhibit corrosion in water lines, was applied to a portion of the D.C. water system on June 1. EPA authorized the action on the advice of a Technical Expert Working Group with concurrence by an Independent Peer Review Panel of corrosion control specialists. Both the working group and the review panel were established by EPA to inform key decisions in the process.

The treatment change has proceeded without incident. There have been no known customer complaints of discolored water, and water testing reported to us by the D.C. Water and Sewer Authority (WASA) and the Washington Aqueduct show no unexpected results. If all

continues to go well, the treatment change could be expanded to the entire water system within weeks.

Lead levels in the partial system application area in a northwest section of the District remain elevated. Corrosion control experts have advised that actual reductions in lead concentrations may not be seen for six months or longer. The corrosion inhibitor must have time to build up a protective layer on the pipes in order to be fully effective.

Meanwhile, the public needs to continue to follow the consumer guidance for tap water flushing and the health guidance on the use of water filters where supplied. Local agencies and EPA will notify the public when these measures are no longer needed.

The Washington Aqueduct and WASA will maintain the modified treatment within set water quality parameters and monitor the system closely throughout the partial system application. The additional equipment installed by the Aqueduct to help maintain the required pH levels in this area continues to perform well.

If no unresolvable issues are found during the partial system application of treatment, the approved plan calls for full system application of orthophosphate as soon as feasible. Last month, the Washington Aqueduct reported that the current projection is for the start of the full application on or about August 9.

Protecting Public Health

By way of background, EPA's Lead and Copper Rule requires water systems to optimize corrosion control to prevent lead and copper from leaching into drinking water. To assure corrosion control is effective, the rule establishes an action level of 15 parts per billion (ppb) for

lead. If lead concentrations exceed 15 ppb in more than 10 percent of the taps sampled, the system must intensify sampling and take a number of additional actions to control corrosion and to educate the public about steps they should take to protect their health. The system must also begin a lead service line replacement program.

Such was the case in the District of Columbia, where, over the last couple of years, lead concentrations in tap water in many homes increased well above the 15 ppb action level.

While WASA took certain actions then to address the requirements in the Lead and Copper Rule, a recent compliance audit and a review of outreach efforts have identified many areas where the authority's efforts fell short of meeting the spirit and, in a number of instances, the letter of the rule.

We have come a long way this year in meeting the challenges posed by lead in D.C. drinking water. Prior to the completion of the compliance audit and the signing of a resulting consent order, WASA and the city had undertaken a series of activities directed by EPA to address the immediate public health threat.

Those activities included:

- The delivery of more than 32,000 certified water filters and consumer instructions to occupants in homes with lead service lines and others. Water filters continue to be sent out automatically, along with a referral to the Department of Health, when tap water test results indicate elevated lead levels.
- Additional tap water sampling in buildings not served by lead service lines, including schools, day care centers, businesses and other facilities.

- A commitment to accelerate the schedule for physically replacing lead service lines in the District.
- A modification of construction methods for service line replacement to ensure they do not pose an undue risk to health in the days or weeks following the replacement, while ensuring compliance with the lead and copper regulation.
- Expedited notification to customers of the results of water sampling at their residences, committing to providing results in 30 days or less.

In addition to these and other ongoing actions compelled in large part by EPA and the city to provide protections and notifications for lead in drinking water, EPA last month entered into an Administrative Order on Consent with WASA that will result in further public health safeguards.

Consent Order

The provisions of the consent order are intended to reinforce the important safeguards provided for under the federal Safe Drinking Water Act. The order was the result of an extensive, four-month audit of WASA's compliance with the Lead and Copper Rule as far back as 1998. The audit included on-site review of records and detailed evaluation of thousands of pages of documents that were formally required by EPA. During the audit, EPA found that WASA failed to comply with a number of lead sampling, public notification and reporting requirements.

The most serious violation cited in the consent order was WASA's failure to report all of the results of its tap water monitoring during the period of July 2000 to June 2001. The

regulations require that all tap water monitoring samples be reported, unless a sample is invalidated in accordance with EPA regulations. In this case WASA did not obtain the required authorization to omit samples. If the samples had been included, WASA would have exceeded the lead action level and protective provisions would have been triggered a year earlier, including efforts to understand and correct ineffective corrosion control.

Under the consent order, WASA must accelerate lead service line replacement, enhance public education and outreach, and improve its monitoring, data management and customer response practices - all beyond the baseline of regulatory requirements.

We are in the process of monitoring compliance with the order. To date, we have received all required work products on schedule.

The most recent lead and copper compliance testing results - for the first six months of this calendar year - were received on July 7 and indicated that once again the 90th percentile action level for lead was exceeded with a value of 59 parts per billion lead.

Improved Outreach

In a separate initiative earlier this year, an EPA team reviewed WASA's prior education and outreach efforts and identified a number of steps WASA can take to achieve more effective public education and outreach regarding lead in drinking water. In addition to following mandatory requirements and making use of extensive EPA guidance, the report recommends that WASA use consultants to help effectively inform the public.

The recommendations were designed as key input to WASA's continuing efforts to plan and carry out enhancements to drinking water education efforts both for regulatory compliance and "beyond compliance" efforts.

The report also included recommendations for EPA Region III to improve its oversight of WASA's public education program.

We have revised our standard operating procedures, in part, to assure that shortcomings in public outreach are identified earlier and corrected. Other changes in procedure will ensure that a team of EPA staff members with a variety of programmatic, regulatory and enforcement expertise sees each compliance report filed by WASA and the Washington Aqueduct.

We will continue to look for additional ways to strengthen our oversight procedures. There have been lessons learned in this process that will benefit the agency in the future.

In addition to our collaborative efforts with the city, EPA has taken a number of actions to provide information directly to residents and others on the issue of lead in the District's drinking water, including the establishment of a special lead education program, Lead Safe D.C.

Naval District Washington

Finally, EPA has also received results that show the lead action level was exceeded during the most recent sampling period with 90th percentile results of 19 and 25 ppb at two locations operated by the Naval District Washington - the Navy Yard and the Nebraska Avenue Complex. Naval District Washington, which obtains its water from WASA, has taken action to install and maintain water filters, notify residences, provide guidance on tap flushing procedures, resample locations, take fixtures out of service and investigate potential sources of lead.

Conclusion

Working closely with the District of Columbia, our public service partners and concerned citizens, we will continue to aggressively act to protect residents and resolve the lead problem. We are taking action to hasten the day when the citizens of the District of Columbia can once again be confident in the safety of their drinking water.

Thank you for the opportunity to present this information this morning. I am pleased to answer any questions you may have.