


Councilmember Mary M. Cheh

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Lead Service Line Priority Replacement Assistance Act of 2004 to extend the deadline for the submission of Lead Service Line Planning Task Force interagency plan to August 23, 2022.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Lead Service Line Planning Task Force Interagency Plan Emergency Declaration Resolution of 2022”.

Sec. 2. (a) In the Fiscal Year 2022 Budget Support Act of 2021, effective November 13, 2021 (D.C. Law 24-45; 68 DCR 10163), the Council established a Lead Service Line Planning Task Force (“Task Force”), tasked with producing an interagency plan for the removal and replacement of all lead water service lines by 2030. The Task Force is made up of representatives from the Department of Energy and Environment (“DOEE”), the District of Columbia Water and Sewer Authority (“DC Water”), the District Department of Transportation, and the Department of Consumer and Regulatory Affairs, one representative selected by the Chair of the Committee with oversight of DC Water, and one representative selected by the Chair of the Committee with oversight of DOEE. The Task Force held its first meeting on November 4, 2021, and has met regularly since.

(b) To complement the work of the Task Force, the Council also allocated \$200,000 to undertake a comprehensive assessment of the cost estimates and prioritization scheme included in DC Water's Lead Service Line Replacement Plan, released June 14, 2021; the contractor's assessment is to be transmitted to the Council through draft and final reports. Due to unanticipated delays in the contracting process, the contract for that work was not awarded until early February 2022. The projected timeline for the contracted work currently sets a deadline of April 6, 2022 for the contractor to transmit their final report to the Council. Given the extent of the analysis called for under the Request for Proposals, the timeline for the contractor to produce its final report was already quite constrained. To ensure the contractor has adequate time to identify and analyze the necessary data, documents, and other materials and to produce a thorough final report, it is likely that the deadline for the contractor to transmit the final report to the Council will be extended.

(c) It was intended that the Task Force have the opportunity to review and, where appropriate, incorporate findings and recommendations from the contractor's final report into the Task Force's interagency plan. Where deadlines under the contract are extended, however, it is unclear if the Task Force will have adequate time to review and incorporate information from the contractor's final report. Extending the deadline for the Task Force to produce its interagency plan by 2 months will provide sufficient time for the Task Force to complete this work. Of note, this delay should not negatively impact the Council's ability to thoughtfully allocate federal or local funds to support this work in the Fiscal Year 2023 budget and Fiscal Year 2022 supplemental budget; rather, the contractor's report and the Task Force's interagency plan will provide guidance for future legislation to expedite lead water service line replacement work and

54 to more precisely tailor how we prioritize certain properties, blocks, and neighborhoods for this
55 work.

56 (d) This emergency legislation is necessary to give the Lead Service Line Planning Task
57 Force sufficient time to review the contractor's final report and produce the interagency plan
58 required by D.C. Official Code § 34-2162(d).

59 Sec. 3. The Council of the District of Columbia determines that the circumstances
60 enumerated in section 2 constitute emergency circumstances making it necessary that the Lead
61 Service Line Planning Task Force Interagency Plan Emergency Amendment Act of 2022 be
62 adopted after a single reading.

63 Sec. 4. This resolution shall take effect immediately.