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March 23, 2004

Mr. Glenn S. Gerstell
Chairman
District of Columbia Water and Sewer Authority
5000 Overlook Avenue, SW
Washington, DC 20032

Dear Mr. Gerstell:

On March 5, 2004, the Committee on Government Reform held a hearing entitled "Public Confidence, Down the Drain: The Federal Role in Ensuring Safe Drinking Water in the District of Columbia." We received testimony from you on behalf of the District of Columbia Water and Sewer Authority at that hearing

As a result of the hearing, the Committee has a number of questions for the hearing record concerning WASA's role in exercising its responsibilities to prevent lead contamination in tap water in the District of Columbia drinking water supply. Those questions are as follows:

1. On March 10, 2004, EPA announced that WASA would implement an interim action plan to ensure safe drinking water in the District of Columbia. You were directed to provide a plan of action for completion of the items in the March 4, 2004 EPA letter. Please provide a copy of that plan of action. Is one of those actions to test all lead service line locations during 2004, as EPA requested? If not, why not?

2. You stated that WASA is conducting research in collaboration with EPA, the Washington Aqueduct and the D.C. Department of Health to determine the cause of the spike in lead levels and that a report would be prepared sometime in March. Please provide a copy of that report.

At the hearing, WASA officials stated that they believed the public notifications provided in 2002 were appropriate given the small number of samples taken. Roughly 50 percent of the samples were over the action level, the 90th percentile level was 75 ppb (five times the action level), and two samples were over 150 ppb.

3. Did this data indicate a serious problem with high lead levels? If not, please explain the basis for WASA's interpretation of this data.

4. If WASA believed that the sample size was too small to draw any conclusion about the potential seriousness of the problem, why didn't WASA immediately collect additional samples?

Invalidation of samples taken by WASA in the 2001-2002 monitoring period was a subject at the hearing and of recent press reports. Mr. Michael Marcotte, Chief Engineer and Deputy General Manager, WASA, stated that initially seven samples had lead levels above 15 ppb, but that WASA invalidated several of those samples in consultation with EPA Region III. Mr. Welsh stated that EPA never received a request to invalidate samples, and did not invalidate any samples.

5. Did anyone at WASA receive authorization from EPA to invalidate any test results, either in 2001 or any other time? If so, who at WASA received such authorization and who at EPA authorized the invalidation? Did anyone at WASA inform EPA in any manner of WASA's intent or desire to invalidate some samples? Please provide any records relating to communications between WASA and EPA or within WASA on this point.

6. Did anyone at WASA invalidate any test results, either in 2001 or any other time, without receiving authorization from EPA? If so, who at WASA invalidated the results?

At the hearing, questions were raised regarding the timeliness and adequacy of WASA's response to various issues related to the lead problem.

7. On what date did WASA begin testing in lieu of replacement of lead service lines pursuant to 40 CFR 141.84(c)? When did WASA receive the first results from that testing? When did WASA first notify individual residents of the results of these tests of their tap water? When did WASA first notify EPA of any of the results of these tests, whether through formal or informal communications?

8. Prior to January 31, 2004, in notifying individual residents of their tap water test results, did WASA provide any information on the health risks of lead, particularly to pregnant women, infants, and young children? If not, why not? Does WASA maintain that these notifications were appropriate?

9. At any point, did WASA request the Army Corps of Engineers to reevaluate the adequacy of its corrosion control plan? Please describe in detail the dates and substance of communications between WASA and the Corps on this issue.

10. How confident are you in the accuracy of its materials survey indicating the number and location of lead service lines? Based on WASA's experience in replacing lead service lines to date (or any other means of evaluating the survey), what is the material survey's accuracy rate for predicting where lead service lines are located? Could the material survey be updated or improved? If so, does WASA plan to update the materials survey? What is the timeline for any such effort?

11. What evidence does WASA have that residents in multi-family dwellings have low lead levels? Please provide any test results you have from such dwellings.

12. WASA continues to be harshly criticized for withholding information on test results. What steps does WASA take to vet the data from individual test results prior to releasing those results?

13. Will WASA commit to inform customers of their individual tap water testing results within two weeks of the date that WASA receives such results? If WASA believes it cannot meet this timeframe, please explain the problem and provide an alternative timeframe that WASA commits to meet.

14. Will WASA commit to inform the public of new test results within the same timeframe as individual customers are informed? Will WASA commit to using a readily accessible means of providing this information to the public, such as posting a frequently updated database and/or map of test results on its website? If not, why not?

Test results in the District indicate that partial lead service line replacement may raise rather than lower lead levels at the tap. If further monitoring confirms that this is a long term effect, clearly replacing portions of lead service lines would further endanger public health, as well waste money.

15. If it is confirmed that partial lead service line replacement raises lead levels, how will WASA address this problem? Will WASA pay for full service line replacement?

Please provide answers to these questions by April 9, 2004.

Sincerely,

Tom Davis
Chairman

Henry A. Waxman
Ranking Member

Eleanor Holmes Norton
Member of Congress

Chris Van Hollen
Member of Congress