

District of Columbia
Intended Use Plan for
Bipartisan Infrastructure Law
Lead Free DC Funding
Federal Fiscal Years 2023 and 2024

The recent passage of the Public Law 117-58, the “Bipartisan Infrastructure Law” (BIL), also known as the “Infrastructure Investment and Jobs Act”, provided significant funding over the next five years for the modernization and maintenance of an aging infrastructure drinking water system.

BIL provided a Supplemental Base allotment, a Lead Service Line Replacement allotment, and an Emerging Contaminant allotment to the Safe Drinking Water SRF Program. This document is submitted for fiscal years 2023 and 2024 to identify the projects intended for the Lead Service Line Replacement allotment.

The Safe Drinking Water Act (SDWA) Amendments of 1996 (Pub. L. 104-182) authorize a Drinking Water State Revolving Fund (DWSRF) program to assist public water systems in financing improvements needed to achieve or maintain compliance with SDWA requirements and to protect public health. Although the District of Columbia ("the District") is defined as a State for the purposes of SDWA, Section 1452(j) exempts the District from establishing a State Revolving Fund program. Therefore, the US Environmental Protection Agency (EPA) provides the District's allotment of Federal funds in the form of grants. The District of Columbia Water and Sewer Authority (DC Water) is the grantee for project grants.

The District has an unfortunate history of lead in drinking water because of its older housing stock and has 60 census tracts that have been identified as disadvantaged for the purposes of the Justice 40 Initiative through the Climate and Economic Justice Screening Tool (CEJST).¹ Achieving health equity and environmental justice is critical in the effort to address lead pipes and improve water infrastructure. There are an estimated 28,000 lead service lines (LSL) in the District. DC Water has committed to going beyond what is required by the Lead and Copper Rule (LCR) and will replace all lead service lines by 2030. On June 3, 2021, the DC Water Board of Directors [approved Resolution 21-46](#), which approves the Lead Free DC (LFDC) Plan to implement the program and replace all lead, galvanized iron, and brass (if funded) services lines by 2030 (see appendix for full resolution). DC Water’s approach prioritizes work located in Disadvantaged Communities as defined by CEJST. Furthermore, DC Water LFDC prioritization model incorporates water quality and customer equity needs in the prioritization of LSL replacements using their project planning model. This prioritization model uses demographic and water quality data to prioritize LSL replacements for vulnerable populations most impacted by lead exposure and historically underserved communities that experience disproportionately poorer health outcomes.

The Lead Free DC Program comprises lead service line replacement programs detailed below:

Roughly half of the premises with lead service lines are full lead service lines with lead on both the public side of the property line, maintained by DC Water, and the private side of the property line, maintained by the

¹ <https://www.whitehouse.gov/ceq/news-updates/2022/02/18/ceq-publishes-draft-climate-and-economic-justice-screening-tool-key-component-in-the-implementation-of-president-bidens-justice40-initiative/>

property owner. DC Water manages the replacement of full lead service lines² (in public space and private property) during DC Water’s capital improvement projects (CIP) or emergency repair replacements (ERR), **“Capital Improvement Project and Emergency Repair Replacements” (CIPERR)**. The District currently provides 100% of the costs to replace the portion on private property.

The remaining District premises have private-side only lead service lines; that is, the lead pipe is only on the private side of the property line and is maintained by the property owner. Private-side only lead service lines are the result of previous partial replacements where the lead service line on the public side of the property line was replaced, but the lead service line on the private side was not. Property owners with these partial lead service lines are eligible for the **“Lead Pipe Replacement Assistance Program” (LPRAP)**, jointly administered by the Department of Energy and the Environment (DOEE) and DC Water. LPRAP provides financial assistance to eligible residential property owners who elect to replace the private lead water service line when the public portion of the water service line is not a lead water service line in whole or in part. The level of financial assistance provided is based on income and determined by DOEE.

The Lead Water Service Line Replacement and Disclosure Amendment Act of 2018, DC Law 22-241, effective March 13, 2019, and amendments set forth in the Lead Service Line Replacement Amendment Act of 2019, DC Law 23-16, effective September 11, 2019, and District of Columbia Water and Sewer Authority Omnibus Amendment Act of 2020, DC Law 23-229, effective March 16, 2021 (collectively called the “Act”), created the two lead service line replacement programs (CIPERR and LPRAP) funded by the District. Through the CIPERR Program, under Section 6019a of the Act, the District provides funding to DC Water to replace lead water service lines on private property, with the consent of the owner, when DC Water is conducting a scheduled or emergency replacement of the lead water service line or the water main in public space. Through the LPRAP Program, under Section 6019b of the Act, the District provides funding that DOEE and DC Water jointly administer to property owners to replace the partial lead service line on their private property.

LONG AND SHORT-TERM GOALS FOR THE USE OF DC GRANT FUNDS

Long-Term Goals

1. Replace all lead service lines by 2030, equitably prioritizing replacement in Disadvantaged Communities.
2. Achieve and maintain compliance with the Lead and Copper Rule (LCR) and Safe Drinking Water Act (SDWA) drinking water standards.

Short-Term Goals

1. Update the Lead Free DC Plan.
2. Routinely evaluate and revise our project prioritization model to replace lead service lines most efficiently, effectively, and equitably select projects that eliminate the public health risk posed by lead service lines, especially for vulnerable populations.

² DC Water will replace private-only lead service lines if the household is in the project footprint of a CIPERR replacement project, provided the homeowner signs a lead service line replacement agreement and sufficient District financial assistance is available to fund the costs of that work.

AVAILABLE FUNDS

Since there was not an approved FY 2022 Lead Free DC (LFDC), Intended Use Plan (IUP), or Project Priority List (PPL), this document includes the funding strategy for fiscal years of 2022, 2023, and 2024. For purposes of planning, we have listed the final allotments below for FY 2022 and FY 2023, and the estimated allotment for FY 2024.

DISTRIBUTION OF FUNDS

DC Water will replace lead service lines through by-block capital projects under CIPERR and through customer-initiated projects through LPRAP. Projects that fall within Disadvantaged Communities as defined by [the White House Council on Environmental Quality's Climate and Economic Justice Screening Tool](#), CEJST) will be prioritized in upcoming fiscal years for funding and execution.

For FY 2022, 2023 and FY 2024, the available funding and expected usage is as follows:

Table 1: Intended Use Plan Construction Grant Priority List

Available Federal Funds	Grant Dollars
Bipartisan Infrastructure Law (BIL) FY 2022	\$28,350,000
Bipartisan Infrastructure Law (BIL) FY 2023	\$28,650,000
Bipartisan Infrastructure Law (BIL) FY 2024 (Estimated Allocation)	\$28,650,000
Total Estimated Federal Funds (FY 2022-2024)	\$85,650,000

CURRENT PROGRAM COST ESTIMATE

DC Water will utilize BIL Funding for costs associated with private-side and public-side lead service line replacement (LSLR) work. DC Water conducted a cost analysis of planned LSLR work located in Disadvantaged Communities (as defined by [the White House Council on Environmental Quality’s Climate and Economic Justice Screening Tool](#), CEJST) in Washington, DC. These data include all the LSLR programs under DC Water's Lead Free DC (LFDC) program based on total lead removal by 2030. The total planning level cost estimate as of February 2023 for the LFDC program is \$628.9M, where 25% of the costs are for private-side work (**Table 1**). The planning level cost estimate will continue to evolve based on new and planned contracts for replacement projects.

Table 2: LFDC Private-side and Public-side Costs

	(\$)	%
Total Cost of LFDC Program (February 2023)	\$628,951,000.00	
<i>Private-side Cost</i>	\$156,200,314.69	25%
<i>Public-side Cost</i>	\$472,750,685.31	75%

Generally, the lead service lines in the District of Columbia are concentrated in old neighborhoods that do not significantly overlap with the communities that would be considered disadvantaged per the CEJST. Therefore, DC Water compared the overall funding provided in the Bipartisan Infrastructure Law (BIL) for lead replacement with the estimated cost of work within Disadvantaged Communities to assess whether the White House’s Justice 40 initiative is achieved.

The total planning level cost estimate for the program is \$628.9M. The amount of total cost in Disadvantaged Areas is \$81.7 M, about 13%. See **Table 2**.

Table 2: Total Program Costs in Disadvantaged Areas

	(\$)	%
Total Cost of LFDC Program (February 2023)	\$ 628,951,000	
Total Costs for LFDC Work in CEJST Disadvantaged Communities	\$ 81,746,854	13%

Of the \$81.7 million of work in Disadvantaged Communities, about \$22.1 million (27%) will be used to complete private-side work, and \$59.6 million (73%) will be used to complete public-side work. The total cost of public-side and private-side work in Disadvantaged Communities is about 43% of the total Bipartisan Infrastructure Funding which achieves the White House’s Justice40 initiative to maximize the equitable impact of the BIL funding.