



**DISTRICT OF COLUMBIA  
WATER AND SEWER AUTHORITY**

Board of Directors

*Governance Committee Meeting*

**Wednesday, July 10, 2024**

**9:30 a.m.**

**Microsoft Teams meeting**

Join on your computer or mobile app

[Click here to join the meeting](#)

Meeting ID: 252 471 348 577

Passcode: ZTTg4g

**Or call in (audio only)**

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Phone Conference ID: 608 630 730#

**AGENDA**

- 1. **Call to Order**..... **Christopher Herrington, Chairperson**
- 2. **Roll Call** ..... **Michelle Rhodd, Board Secretary**
- 3. **[Government Affairs Strategy](#)**..... **[Barbara Mitchell, Director & Associate General Counsel, Government Affairs & Public Policy](#)**
- 4. **Executive Session\***..... **Christopher Herrington, Chairperson**
  - **To obtain legal advice and preserve attorney-client privilege under DC Official Code § 2-575(b)(4)(A)**
- 5. **Adjournment** ..... **Christopher Herrington, Chairperson**

*This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at [opengovoffice@dc.gov](mailto:opengovoffice@dc.gov).*

\*The DC Water Board of Directors may go into executive session at this meeting pursuant to the District of Columbia Open Meetings Act of 2010, if such action is approved by a majority vote of the Board members who constitute a quorum to discuss certain matters, including but not limited to: matters prohibited from public disclosure pursuant to a court order or law under D.C. Official Code § 2-575(b)(1); terms for negotiating a contract, including an employment contract, under D.C. Official Code § 2-575(b)(2); obtain legal advice and preserve attorney-client privilege or settlement terms under D.C. Official Code § 2-575(b)(4)(A); collective bargaining negotiations under D.C. Official Code § 2-575(b)(5); facility security matters under D.C. Official Code § 2-575(b)(8); disciplinary matters under D.C. Official Code § 2-575(b)(9); personnel matters under D.C. Official Code § 2-575(b)(10); third-party proprietary matters under D.C. Official Code § 2-575(b)(11); train and develop Board members and staff under D.C. Official Codes § 2-575(b)(12); adjudication action under D.C. Official Code § 2-575(b)(13); civil or criminal matters or violations of laws or regulations where disclosure to the public may harm the investigation under D.C. Official Code § 2-575(b)(14); and other matters provided under the Act.



# STRATEGY

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**GOVERNANCE COMMITTEE:  
GOVERNMENT AFFAIRS UPDATE**



## GOVERNMENT AFFAIRS TEAM INTRODUCTION

The Government Affairs team is lead by:

- **Marc Battle** -Chief Legal Officer and Executive Vice President

and includes:

- **Barbara Mitchell** - Associate General Counsel and Interim Director of Government Affairs
  - **Hamza Masud** - Senior Program Manager, Government Affairs
  - **Reagan Yeatman** - Government & Legal Affairs Intern



## UPDATES

- **March 11 - Multi Agency and Utility Discussion meeting at the Council:** Government Affairs, Customer Service, and Finance teams attended the Multi-Agency and Utility Discussion meeting hosted by the council. After the meeting, Government Affairs with the help of Customer Service and OMAC created a **two-page** document explaining the steps DC Water takes to mitigate service disconnections.
- **Apr 3- Apr 29 - Government Affairs works with Finance to understand the implications of the Mayor's budget:** This year, CFO Matt Brown **testified** on the importance of protecting monies for Leak Repair Assistance, LPRAP, and CRIAC/CAP.
- **May 15 - Government Affairs Meeting with MWCOG:** Government Affairs met with the Water Resources Program Director for MWCOG. Govt. Affairs introduced the team and discussed our interest in participating in the **COG's Water Security Work Group**.
- **May 17 - Letters to DC Water's Jurisdictional Senators to support S.3830:** The Low-Income Household Water Assistance Program Establishment Act would establish a permanent nationwide financial water assistance program to assist families with their water bills. DC Water sent letters to Senators to support the bill, so the Committee can fund LIHWAP in Fiscal Year 2025.
- **May 21 - Potomac River Tunnel Groundbreaking Event:** Government Affairs collaborated with OMAC to invite key figures to the Potomac River Tunnel Groundbreaking Ceremony, including Congresswoman Eleanor Holmes Norton, Councilmember and Committee Chair Charles Allen, DOEE Director Richard Jackson, and NPS Deputy Superintendent Sean Kennealy.
- **May 22 - Letters to DC Water's Jurisdictional Representatives to support H.R. 7944:** The Water Systems PFAS Liability Protection Act would exempt certain entities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to releases of perfluoroalkyl and polyfluoroalkyl substances, and for other purposes. DC Water sent letters to Representatives to support the bill, so the water systems and DC residents and businesses are not unfairly punished for PFAS pollution.
- **Ongoing - Lead Free DC Mandate path forward:** DGLA has finalized the review and the language is now with Senior Leadership for review and approval to transmit to the DC Council. DGLA has been in communication with the Council Committee and the timeline for the markup of this bill is post summer recess.



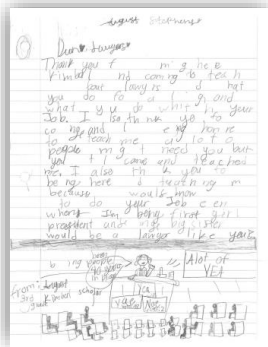
## UPDATES CONTINUED

- **Ongoing - Potomac Second Source Feasibility Study and path forward:** The Potomac Second Source Feasibility Study is a collaborative initiative led by DC Water, in ongoing communication with the Metropolitan Washington Council of Governments (MWCOG), to outline the study's objectives. The strategy begins with consulting and collaborating with other utilities in the region, focusing on both short-term and long-term goals.
- **May 31 - Trip to Kimball's 8th Annual Career Fair:** Kimball's Career Fair, a STEM-focused event, invited over 20 local organizations and businesses to share their careers and projects with students. The fair's organizer, Mrs. Sheri F. Chenier, M.Ed, recently recognized by President Biden as one of the top two STEM Coordinator/Educators in the District of Columbia, created a fun and educational environment for the attendees.
- The Government Affairs team provided demonstrations on the intersection of law and science, explaining how DC Water is regulated by laws and contracts for treating drinking water and meter services. They also conducted an interactive exercise where students took on roles such as mechanical engineers, chemical engineers, U.S. senators, judges, community members, and lawyers. Through these roles, the students learned to negotiate, compromise, and solve problems. By the end of the presentation, the students were sworn in as Senators, drafted a bill, had it signed by the President, and used the law to evaluate if the chemical engineer had properly tested the drinking water according to the new law. They simulated a court scenario when the chemical engineer failed to comply with the law, with a student judge rendering a decree. Additionally, they drafted contracts and experienced a court case when the mechanical engineer breached a contract.



## UPDATES CONTINUED

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## UPDATES CONTINUED





| ISSUE   | DETAILS   | REQUEST  |
|---|---|--|
| CRIAC NON-PROFIT AND MODERATE INCOME RELIEF (DOEE)        | CRIAC HELPS NON-PROFITS AND FAITH-BASED CUSTOMERS TO PAY CHARGES ASSOCIATED WITH A BILLING PROJECT TO SIGNIFICANTLY REDUCE THE DISCHARGE OF RAW SEWAGE AND STORMWATER RUNOFF IN TO THE ANACOSTIA, POTOMAC, AND ROCK CREEK - <b>DECREASE</b>   | <ul style="list-style-type: none"> <li>INCREASE FUNDING TO A TOTAL OF \$1.5 MILLION</li> </ul>   |
| PARTIAL LEAD SERVICE LINE REMOVAL (DOEE)                  | ALL HOMEOWNERS ENROLLED IN LPRAP WILL RECEIVE A DISCOUNT ON THEIR PRIVATE SERVICE LINE REPLACEMENT, WHERE DC WATER OR FEDERAL FUNDS CANNOT BE USED - <b>DECREASE</b>  | <ul style="list-style-type: none"> <li>INCREASE FUNDING TO A TOTAL OF \$3.3 MILLION</li> </ul>   |
| LEAK REPAIR ASSISTANCE (DC WATER)                         | DEVELOPING A SPECIALIZED PILOT LEAK REPAIR PROGRAM DESIGNED TO AID LOW-INCOME HOMEOWNERS. DC WATER PROGRAM AIMS TO ASSESS WATER LEAKS ON PROPERTIES. DISTRICT FUNDING WOULD HELP WITH LEAK REPAIRS & PREVENTING DISCONNECTIONS - <b>REQUEST</b>                                       | <ul style="list-style-type: none"> <li>IDENTIFY FUNDING (FEDERAL &amp; LOCAL) TO A TOTAL OF ONE TIME \$250,000</li> </ul>                |
| REQUEST ACT FOR LHWAP (FEDERAL)                           | ELIGIBLE HOUSEHOLDS WILL RECEIVE A ONE-TIME WATER ASSISTANCE BENEFIT TOWARDS THEIR DC WATER BILL - <b>REQUEST</b>   | <ul style="list-style-type: none"> <li>INCREASE FUNDING TO A TOTAL OF \$2.4 MILLION</li> </ul>   |
| REQUEST ACT FOR CLEAN RIVERS (FEDERAL)                    | FEDERAL PAYMENT FOR DC WATER'S COMBINED SEWER SYSTEM WHICH CANNYS BOTH SANITARY SEWAGE AND STORM WATER IN ONE PIPING SYSTEM TO REDUCE OVERFLOWS INTO DISTRICT WATERWAYS - <b>INCREASE</b>   | <ul style="list-style-type: none"> <li>INCREASE FUNDING TO A TOTAL OF \$12 MILLION</li> </ul>  |
| FLOOD SMART HOMES (DOEE/DC WATER)                         | RESILIENCE ASSESSMENT FOR FLOODING - REQUEST MADE BY FLOOD TASKFORCE CO-CHAIRS (DOEE & DC WATER) - <b>PROTECT</b>   | <ul style="list-style-type: none"> <li>PROTECT THE ALLOCATED \$902,000</li> </ul>  |
| BEPS - SUBTITLE (DOEE)                                    | THE SUBTITLE EXTENDS THE TIMEFRAME FOR DISTRICT-OWNED BUILDINGS FROM FIVE TO EIGHT YEARS TO EITHER MEET THE STANDARDS TO BE ESTABLISHED BY DOEE, OR AN ALTERNATIVE COMPLIANCE PATHWAY APPROVED BY DOEE - <b>INCREASE</b>  | <ul style="list-style-type: none"> <li>INQUIRE ABOUT THE \$22.7 M INCREASE</li> </ul>  |
| ENERGY CENTRALLY MANAGED (DGS)                            | THE DISTRICT'S UTILITIES AND FORECASTED EXPENDITURES FOR UTILITY AND ENERGY COMMODITIES PURCHASED BY DGS: NATURAL GAS, ELECTRICITY, STEAM, AND WATER - <b>DECREASE</b>  | <ul style="list-style-type: none"> <li>MONITOR THE \$2.47 M DECREASE</li> </ul>  |
| PUBLIC SPACE REGULATION DIVISION (DDOT)                   | MANAGES THE OCCUPANCY OF PUBLIC SPACE THROUGH THE ISSUANCE OF PUBLIC SPACE PERMITS, WHICH MAY IMPACT DC WATER'S CONSTRUCTION TIMELINE INCLUDING LEAD FREE DC - <b>DECREASE</b>  | <ul style="list-style-type: none"> <li>INQUIRE ABOUT THE \$6.18 M DECREASE</li> </ul>  |
| ENERGY ASSISTANCE (DOEE)                                  | ASSIST LOW INCOME RESIDENTS WITH ENERGY BILLS. INQUIRE IF THIS APPLIES TO DC WATER CUSTOMER BILLS (CAP 3 & CRIAC) - <b>INCREASE</b>   | <ul style="list-style-type: none"> <li>INCREASE FUNDING TO A TOTAL OF \$951,000</li> </ul>   |
| FIRE HYDRANT (FEMS)                                       | SUPPORT THE SERVICE AND MAINTENANCE OF FIRE HYDRANTS BASED ON A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN FIRE EMS AND DC WATER - <b>PROTECT</b>  | <ul style="list-style-type: none"> <li>PROTECT THE ALLOCATED \$6.8 M</li> </ul>  |
| SUBTITLE (VID(N) - NON-LAPSING FUND TRANSFERS ACT OF 2024 | THE SUBTITLE AUTHORIZES TO TRANSFER FUND BALANCE AVAILABLE IN SPECIAL PURPOSE FUNDATION TAX AND SEGREGATED LOCAL FUNDS TO THE UNASSIGNED FUND BALANCE OF THE GENERAL FUND FOR USE IN THE PROPOSED FISCAL YEAR 2025 THROUGH FISCAL YEAR 2028 BUDGET AND FINANCIAL PLAN - <b>MODIFY</b> | <ul style="list-style-type: none"> <li>MODIFY AND INCREASE CRIAC BREEP FUND AND LEAD SERVICE LINE REPLACEMENT FUND LINE ITEMS</li> </ul> |





## UPDATES CONTINUED

### June 18 - Budget Wins

- **Leak Repair Program:** Council approved **\$125,000** (+CPI) in recurring funds. DOEE to develop an MOU with DC Water for a Leak Repair Program designed to aid low-in-come households by assessing water leaks on their properties.
- **DC Public Charter School:** School Board received **\$950,000** to support lead pipe replacement at Charter Facilities.
- **Fiscal Year 2025 Federal Portion Budget Request Act of 2024:** \$8M for Combined Sewer-Overflow Long-Term Control Plan (requires 100% match); Chairman's office indicated they updated the language to **\$22.4M** - \$20M to Combined Sewer Overflow Long-Term Control Plan (100% match by DC Water) and \$2.4M for grants to assist low-income households that pay a high proportion of household income for drinking water and wastewater services.
- **Floodproofing Upgrades:** Council approved **\$900,000** to install floodproofing upgrades for homes in vulnerable floodplains, particularly in Wards 7 and 8.
- **Bioretention Beds:** Council approved a one-time transfer of **\$150,000** to restore and maintain bioretention beds, allowing DOEE to continue to maintain and enhance vital green infrastructure
- **Subtitle on Municipal Bonds:** Re-draft language during Council process that inadvertently affected DC Water by making DC Water bonds general obligation of the District.



## LEGISLATION

- **H.R.2964 - Wastewater Infrastructure Pollution Prevention and Environmental Safety Act:** House Passes WIPPES Act to Protect Wastewater Systems. The bill specifies that premoistened, nonwoven disposable wipes, including baby wipes, household cleaning wipes, and personal care wipes, must display a prominent "Do Not Flush" label. The Federal Trade Commission (FTC) is tasked with enforcing these regulations to ensure compliance. The bill also preempts state laws by establishing a federal standard for labeling, preventing a patchwork of state regulations.
- **H.R.8812 - Water Resources Development Act of 2024:** The bill includes a provision making a 100% federally funded study on a secondary drinking water source for D.C. The bill also includes provisions authorizing the U.S. Army Corps of Engineers (USACE) to conduct a feasibility study for a project for ecosystem restoration, recreation, dredging and sediment management of the Anacostia River and a feasibility study for a project to improve recreation by dredging Fletcher's Cove.
- **B25-0845 - DC Water Critical Infrastructure FOI Clarification Emergency Amendment Act of 2024:** To amend, on an emergency basis, the Freedom of Information Act of 1976 to exempt from disclosure critical infrastructure information or plans that contain critical infrastructure information for the critical infrastructures of the District of Columbia Water and Sewer Authority.



## NEWLEGISLATION

- **B25-0846 - DC Water Critical Infrastructure FOI Clarification Temporary Amendment Act of 2024:** To amend, on an temporary basis, the Freedom of Information Act of 1976 to exempt from disclosure critical infrastructure information or plans that contain critical infrastructure information for the critical infrastructures of the District of Columbia Water and Sewer Authority.  
**Status:** Jun 25, 2024: Legislative Meeting
- **B25-0424 - DC Water Critical Infrastructure Freedom of Information Clarification Amendment Act of 2024:** To amend the Freedom of Information Act of 1976 to exempt from disclosure critical infrastructure information or plans that contain critical infrastructure information for the critical infrastructures of the District of Columbia Water and Sewer Authority  
**Status:** Mar 04, 2024: Public Hearing on B25-0424. Committee plans to mark up this bill before summer recess.
- **B25-0831 - Utility Disconnection Protection Act of 2024:** This bill prohibits an electric company or gas company from disconnecting service for protected District households during the summer and winter months. The bill establishes the program under the Department of Energy and the Environment. The bill also requires the establishment of guidelines for payment plans for eligible customers and sets limits on what providers can charge to turn utilities back on after they have been disconnected due to non-payment. Finally, the bill requires that an electric company or gas company report data on unpaid bills and disconnections to the Public Service Commission monthly. This act is a permanent and narrower version of the protections that were in place during the public health emergency, and will work in tandem with B25-0675, the “Water is Life Amendment Act of 2024” introduced by Councilmember Parker, which prohibits water companies from disconnecting water service.  
**Status:** Jun 11, 2024: Referred to Committee on Business and Economic Development, and Committee on Transportation and the Environment



## EPA

- **AMWA's Q2 All-Membership Meeting to Hear About PFAS**






Advocacy groups representing water utilities, as well as the chemical and manufacturing industries, filed a petition with the U.S. Court of Appeals for the District of Columbia Circuit to review U.S. EPA's Final PFAS Drinking Water Rule.

- **Supreme Court Overturns Chevron Rule**

The Supreme Court has overruled its 1984 Chevron decision, which required reviewing courts to apply a two-step framework in interpreting statutes administered by federal agencies. In some cases, the Chevron framework required courts to defer to an agency's interpretation of a statute administered by the agency.



## USEFUL LINKS:

- **May 7** – Fiscal Year 2025 Federal Portion Budget Request Act of 2024 - <https://lims.dccouncil.gov/downloads/LIMS/55156/Meeting1/Enrollment/B25-0786-Enrollment1.pdf?Id=194317> 
- **May 17** – Letters to DC Water’s Jurisdictional Senators to support S.3830, the Low-Income Household Water Assistance Program Establishment Act 
- **May 22** – Letters to DC Water’s Jurisdictional Representatives to support H.R. 7944, the Water Systems PFAS Liability Protection Act 
- **June 03** – B25-0831 - Utility Disconnection Protection Act of 2024 <https://lims.dccouncil.gov/Legislation/B25-0831> 
- **June 28** – Chevron <https://thehill.com/policy/energy-environment/4714548-drinking-water-pfas-forever-chemicals-utility-lobby-challenge/> 



## HIGHLIGHTS



**DGLA Intern with  
Councilmember Christina  
Henderson**



**DGLA chatting with CM Allen  
at Potomac River Tunnel  
Groundbreaking Ceremony**



**DGLA at Kimball Elementary  
School taking oath from  
Pretend Senators**



## HIGHLIGHTS



**DGLA attended the Fireside chat with EPA Administrator Michael Regan**



**DGLA chatting with COO of Army Corps of Engineers**



**DGLA with one of the student as pretend Judge at Kimball Elementary School**



# THANK YOU

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**THIS CONCLUDES OUR PRESENTATION**