

West's District of Columbia Code Annotated 2001 Edition
Division V. Local Business Affairs.
Title 34. Public Utilities. (Refs & Annos)
Subtitle VI. Water and Sewer.
Chapter 21A. Lead Service Line Replacement Assistance.

DC ST § 34-2158

§ 34-2158. Full lead water service line replacement.

Effective: March 16, 2021

[Currentness](#)

(a)(1) Except as provided in paragraphs (2) and (4) of this subsection, the District of Columbia Water and Sewer Authority (“DC Water”) shall not replace the portion of a water service line that is on public property unless it also replaces the portion of the lead water service line that is on private property, if any, subject to the consent of the property owner.

(2) DC Water may replace the portion of a water service line that is on public property without replacing the portion of the lead water service line that is on private property if:

(A) DC Water requests the consent of the private property owner in writing to replace the portion of the lead water service line on private property, and DC Water receives notice that the property owner does not consent to replacement of the portion of the lead water service line on private property;

(B) DC Water requests the consent of the private property owner in writing to replace the portion of the lead water service line on private property, including an initial request sent by mail, and a second request sent 60 days after the initial request by mail or hand delivery to the property, as well as electronically, if feasible, but does not receive a response from the property owner within 120 days after DC Water sends the initial request;

(C) The replacement is necessary to repair a damaged or leaking water service line and, prior to commencing work to replace any portion of the water service line, DC Water requests the consent of the private property owner, in writing via hand delivery to the property, to replace the portion of the lead water service line on private property, including documentation describing the health risks created to occupants by a partial lead water service line replacement.

(D) In the event of the exceedance of a lead action level:

(i) The replacement is required pursuant to [40 C.F.R. § 141.84](#) to address the lead exposure; and

(ii) DC Water requests the consent of the private property owner in writing to replace the portion of the lead water service line on private property, including an initial request sent by mail, and a second request sent 30 days after the initial request by mail or hand delivery to the property, as well as electronically, if feasible, but does not receive a response within 60 days after DC Water makes the initial request.

(2A) In cases where DC Water replaces the portion of the water service line on public property pursuant to subsection (a)(2)(C) of this section:

(A) If DC Water has not received a response from the private property owner to replace the portion of the lead water service line on private property as of 14 days after delivery of the request described in subsection (a)(2)(C) of this section, DC Water shall request the consent of the private property owner by telephone and e-mail, if DC Water possesses that contact information; and

(B) DC Water shall complete the lead water service line replacement on private property if the private property owner provides consent within 30 days after DC Water's request under subsection (a)(2)(C) of this section.

(3) The cost of replacing lead water service lines on private property pursuant to paragraph (1) of this subsection, including overhead expense, shall be paid by DC Water using funds appropriated for this purpose in the District's annual budget.

(4) If DC Water does not have sufficient funds from the District or the private property owner to replace a portion of a lead water service line on private property, DC Water shall not replace the portion of the lead water service line on public property unless:

(A) The replacement is necessary to repair a damaged or leaking lead water service line; or

(B) In the event of an exceedance of a lead action level, the replacement is required pursuant to [40 C.F.R. § 141.84](#) to address the lead exposure.

(b) Notwithstanding subsection (a) of this section, if DC Water learns that an owner of private property wishes to pay to replace the portion of a lead water service lines on his or her private property, DC Water may replace the portion of the lead water service line on public property at the same time. The cost to replace the portion of the lead water service line located on public property shall be paid by DC Water.

(c) Nothing in this section shall be construed to affect DC Water's authority under [§ 8-205\(b\)](#), to, where DC Water deems such action necessary, perform maintenance or repair work on private property, in which case, the cost, including overhead expense, shall be paid by the property owner.

(d) For the purposes of this chapter, the term “lead water service line” means a water service line containing any lead and shall include a:

(1) Brass water service line; or

(2) Galvanized water service line.

Credits

(Dec. 7, 2004, D.C. Law 15-205, § 6019a, as added by Mar. 13, 2019, D.C. Law 22-241, § 2, 66 DCR 923; Mar. 16, 2021, D.C. Law 23-229, § 3(a), 68 DCR 1112.)

DC CODE § 34-2158

Current through April 26, 2023. Some sections may be more current, see credits for details.

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