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CENAB-WA 18 March 2026

LETTER FOR The Council of the District of Columbia, Committee on Transportation and the Environment

SUBJECT: Response to testimony provided during the DC Water Performance Oversight Hearing

1. The U.S. Army Corps of Engineers (USACE) Baltimore District, on behalf of the Washington Aqueduct, submits this statement for the record to address several characterizations made during the DC Water Performance Oversight Hearing on March 2, 2026. We are committed to ensuring the Council has a comprehensive, contextual and accurate understanding of the Washington Aqueduct's operations, its governance structure and its vital role in the region.

2. The Washington Aqueduct is a well-managed utility system operated to the highest standards, with established reliability in the local area dating back to 1859. All water produced daily at our two Water Treatment Plants not only meets EPA regulatory standards mandated by the Safe Drinking Water Act, but it also surpasses these requirements to meet optimized performance standards outlined by the voluntary Partnership for Safe Water Program. We are dedicated to continuing our work alongside our regional partners through established channels agreed to by all parties, ensuring safe and resilient water supply for the entire region.

3. **On Regional Water Source Resilience:** We share the goal of enhancing regional water supply resilience. However, the assertion that the District is the "only major metropolitan city in the United Sates without a backup water supply" is not wholly accurate and may not fully represent the complexities of water systems nationwide. Several major U.S. cities rely heavily or entirely on a single water source. Chicago relies exclusively on Lake Michigan, Austin relies on the lower Colorado River, and New Orleans is dependent on the Mississippi River. Until the completion of a quarry reservoir in 2020, Atlanta was also reliant on a single source. Acknowledging these parallels is important for benchmarking as we collectively plan for our region's future.

4. **On the July 3, 2024, Incident and Operational Reliability:** The assertion that an incident on July 3, 2024, illustrates systemic mismanagement of the Aqueduct is a misrepresentation of the facts. That event was not a failure of the Aqueduct's infrastructure or management, but a testament to its proficient handling of an unprecedented regional challenge. A severe and historically atypical algal bloom in the Potomac River impacted the raw water quality for all water utilities in the region. The Washington Aqueduct's team proactively identified the treatment difficulties posed by the algae and, in rapid coordination with the U.S. Environmental Protection Agency

(EPA), immediately implemented alternative treatment strategies to mitigate any impact on water quality and availability. Aqueduct staff closely monitored water levels, implemented additional mechanical and chemical treatment solutions, washed filters to increase production, made necessary chemical adjustments, and brought alternate filters online for additional treatment capacity. As a result of these actions, water supply for the region never deviated from EPA-established quality standards.

It is critical to note that for nearly two decades, the Aqueduct has been at the forefront of enhancing its treatment capabilities. Following a comprehensive Future Treatment Alternatives study from 2009-2012, an advanced treatment pilot study was approved by the Wholesale Customer Board (DC Water, Arlington County, and Fairfax Water) in 2014. In March 2019, the Aqueduct sought to advance this critical initiative by requesting funds for the second phase of piloting advanced treatment, a process which would directly address challenges like algal blooms and emerging contaminants. However, this project was halted when it failed to receive the required unanimous budget approval from the Wholesale Customer Board, with DC Water casting the single, and overriding, dissenting vote. Any current vulnerabilities in handling such water quality challenges are directly related to the multi-year delay of this crucial initiative. It was only after two recent major contamination events, including the Potomac Interceptor Sewage Spill, that the Wholesale Customer Board, with DC Water now in agreement, unanimously authorized the work to restart in March 2026.

5. **On Governance, Oversight and Cost Sharing:** The claim of "challenges relating to the management of the Aqueduct" and a lack of input for DC Water is unfounded. Following the passage of P.L. 104-182, Title III, § 306 (August 6, 1996, 110 Stat. 1685), the wholesale customers and the Secretary of the Army entered into the 1998 Memorandum Of Understanding (MOU) on May 5, 1998, stating that “the Wholesale Water Customers and the Army have determined that a desirable option is for the ownership, operation, maintenance, and management of the Washington Aqueduct to remain with the Army Corps of Engineers.” The 1998 MOU established the Wholesale Customer Board for the precise purpose of giving our wholesale customers, including DC Water, Arlington County, and the City of Falls Church, a formal venue to address concerns regarding the cost, quality, and availability of water.

This MOU was updated in 2013 to replace the City of Falls Church with Fairfax Water to reflect changes in management. While this MOU does not grant customers purview over the federal management of the Aqueduct, it provides a robust and effective forum for partnership and input. Similarly, the assertion that DC Water pays a "disproportionate amount of maintenance costs" is incorrect. The cost-sharing methodology is clearly defined in the MOU: the three wholesale customers pay in direct proportion to the percentage of water purchased by each entity. Moreover, the other wholesale

customers, Arlington County and Fairfax Water, support the MOU arrangement and the Army's continued operation of the Aqueduct.

Additionally, under the agreement, funding for operations, maintenance, and capital improvements is provided wholly by the customers and not by Congressional appropriation. Any priority initiative desired by DC Water and the regional partners, including efforts related to identification of a secondary water source or expanded water storage, can be pursued using the mechanism in place to provide necessary funding to the Washington Aqueduct. Despite DC Water's publicly stated commitment to improve water resiliency measures, including testimony before the Council, funding towards implementation of said priority has not been allocated to the Washington Aqueduct.

6. **On the Proposal for DC Water to Acquire the Washington Aqueduct:** The recent authorization for DC Water's General Manager to negotiate an acquisition of the Washington Aqueduct is a matter of significant concern. We believe this proposal contradicts independent expert recommendations, compromises national security, and creates an untenable conflict of interest for a shared regional asset.

a. **Contradiction of Independent Expert Analysis:** This issue of Washington Aqueduct privatization has been studied extensively. A 2020 study by the Metropolitan Washington Council of Governments (MWCOG) and the Federal City Council evaluated the operational and long-term challenges of the Washington Aqueduct. After a thorough review, the study's primary recommendation was for USACE to maintain ownership, while implementing specific actions to improve operations and capital financing. DC Water's proposal runs directly contrary to the primary finding of this comprehensive, independent regional analysis, discarding its central recommendation.

b. **A Strategic National Security Asset:** The Aqueduct is not merely municipal infrastructure; it is a strategic asset essential to the continuity of operations for the U.S. Federal Government, including the White House, the U.S. Capitol, the Pentagon, and numerous other critical facilities. Federal ownership by USACE is a deliberate feature. This ensures the Aqueduct operates under the same integrated Department of War security and defense posture as the federal entities it serves. Transferring ownership to a local utility would remove the asset from this unified national security structure and introduce potentially unacceptable vulnerabilities. Being part of Department of War provides Washington Aqueduct access to vital capabilities to respond to emergencies that may impact the Nation's capital and continuity of government.

c. **A Shared Regional Asset:** The Washington Aqueduct is a regional asset serving not only the District of Columbia but also Arlington County and the City of Falls Church in Virginia. Furthermore, USACE's regional water supply role extends beyond the Aqueduct, as it serves as a commissioner on the Interstate Commission on the

Potomac River Basin (ICPRB) and holds key responsibilities under the Low Flow Allocation Agreement (LFAA). The Washington Aqueduct's General Manager also serves as Chair of the Water Security Working Group for the National Capital Region partners, under MWCOG. Additionally, USACE owns and and operates Jennings Randolph Lake, a flood risk management reservoir project located in Garrett County, Maryland, and Mineral County, West Virginia, which provides critical water storage for the District of Columbia, Fairfax Water, and the Washington Suburban Sanitary Commission.

The current governance model, which operates under the neutral, federal oversight of USACE and incorporates input from all participating entities and jurisdictions, ensures equitable treatment for all parties including the Wholesale Customer Board, MWCOG, ICPRB, and LFAA. Placing the Aqueduct under the sole control of DC Water, which also represents one of three finished water wholesale customers, would eliminate this crucial impartiality and create an inherent conflict of interest.

d. **Operational Continuity and Workforce Expertise:** The successful operation of the Washington Aqueduct relies on a highly specialized workforce with deep expertise in large-scale drinking water treatment of a variable riverine water source. This is a distinct engineering and scientific discipline from wastewater management, which is DC Water's primary area of operational expertise. Furthermore, the Aqueduct's staff are career federal employees under the Federal Employees Retirement System (FERS) and other federal employment structures. A realistic plan to transfer the Aqueduct must account for the significant challenges in retaining this critical institutional knowledge during a proposed transition from the federal system to a municipal utility. An assumption of a seamless employee transfer is implausible and is not a substitute for a comprehensive workforce transition and retention plan.

e. **Financial Liability vs. Operating Costs:** There is a fundamental difference between paying a percentage of annual operating costs and assuming 100% of the financial liability for a multi-billion-dollar portfolio of aging federal infrastructure. A complex network of permits, contracts, real estate and historic properties, water supply agreements and other complicated factors are a significant consideration. Under an acquisition, DC ratepayers would shoulder a significant burden of all future capital improvements and emergency repairs, including costs associated with catastrophic failures. The District should be aware of the potential for a significant financial change, as well as an immense transfer of liability.

7. We trust this statement clarifies the position of the U.S. Army Corps of Engineers and the Washington Aqueduct. We remain committed to our mission and to the collaborative framework that has successfully served this region for decades.

8. The point of contact for this memorandum is Washington Aqueduct Public Affairs Specialist Julius Delos Reyes, which can provide further details pertaining to these matters.

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