



Legislation Details (With Text)

File #: 1627-2024 **Version:** 1

Type: Ordinance **Status:** Council Office for Signature

File created: 5/30/2024 **In control:** Rules & Policy Committee

On agenda: 7/15/2024 **Final action:**

Title: To enact Chapter 1119 of the Columbus City Codes to establish the Lead Service Line Replacement Program; to declare lead service lines in the public water systems to be a public nuisance; to amend section 1101.03 of the Columbus City Codes; and to authorize the Director of the Department of Public Utilities to implement the Lead Service Line Replacement Program to replace lead and galvanized steel water lines in the City distribution system.

Sponsors: Christopher Wyche

Indexes:

Code sections:

Attachments: 1. Chapter 1119, 2. Section 1101.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|---------------------------|--------|
| 7/15/2024 | 1 | Columbus City Council | Approved | Pass |
| 6/24/2024 | 1 | Columbus City Council | Postponed to Date Certain | Pass |
| 6/10/2024 | 1 | Columbus City Council | Read for the First Time | |

This ordinance enacts a new chapter of the Columbus City Codes, Chapter 1119, “Lead Service Line Replacement Program,” to establish the Lead Service Line Replacement Program; to declare lead service lines in the public water systems to be a public nuisance; and to authorize the Director of the Department of Public Utilities to implement the Lead Service Line Replacement Program to replace lead or galvanized steel water lines in its distribution system whether they are publicly or privately owned. This ordinance also authorizes the amendment of Section 1101.03 of the Columbus City Codes to clarify that water service termination related to the Lead Service Line Replacement Program will be pursuant to Chapter 1119.

Fiscal Impact: There is no direct fiscal impact from this legislation. Implementation of the Lead Service Line Replacement Program authorized by this legislation will be authorized by future ordinances which will appropriate necessary funds. It is estimated that the Lead Service Line Replacement Program will cost approximately \$1.2 billion over the next 13 years.

To enact Chapter 1119 of the Columbus City Codes to establish the Lead Service Line Replacement Program; to declare lead service lines in the public water systems to be a public nuisance; to amend section 1101.03 of the Columbus City Codes; and to authorize the Director of the Department of Public Utilities to implement the Lead Service Line Replacement Program to replace lead and galvanized steel water lines in the City distribution system.

WHEREAS, under the authority provided in the Ohio Constitution, the Ohio Revised Code, and the City of Columbus Charter, the City provides drinking water through its service lines and can permit and install water connections; and

WHEREAS, the City’s public water system is subject to regulation by the United States Environmental Protection Agency and the Ohio Environmental Protection Agency; and

WHEREAS, the United States Environmental Protection Agency regulates lead service lines in public water systems through the Lead and Copper Rule at 40 CFR 141 Subpart I, and the Ohio Environmental Protection Agency regulates lead service lines in the public water systems through Ohio Administrative Code §§3745-81-80 through 3745-81-90; and

WHEREAS, the United States Environmental Protection Agency and the Ohio Environmental Protection Agency have proposed more stringent lead service line replacement requirements, including mandatory replacement of private lead service lines; and

WHEREAS, 40 CFR 141 Subpart A defines a lead service line that is owned by the water system, owned by the property owner, or owned by both to include a galvanized service line if the galvanized service line ever was or is currently downstream of any lead service line or service line of unknown material; and

WHEREAS, the water distribution system is comprised of service lines owned by the City on the public side, and by individual property owners on the private side, where the public side includes from the main to the curb stop and the private side includes from the curb stop to the meter; and

WHEREAS, the Center for Disease Control and Prevention states that no safe blood lead level in children has been identified and even low levels of lead in blood are associated with developmental delays, difficulty learning, and behavioral issues. <https://www.cdc.gov/nceh/lead/prevention/default.htm>; and

WHEREAS, in 1991 the United States Environmental Protection Agency established the level at which no known or anticipated adverse effects on the health of a person would occur for lead in drinking water at zero. U.S. EPA. (1991). Maximum Contaminant Level Goals and National Primary Drinking Water Regulations for Lead and Copper; Final Rule. Federal Register 56 FR 26460. June 7, 1991; and

WHEREAS, the research supports a finding that public health and safety is endangered by the ingestion of drinking water that contains lead; and

WHEREAS, the City excluded lead as an approved material for service lines in 1963; and

WHEREAS, Lead Service Lines currently exist in both the public and private side of the City service lines; and

WHEREAS, the use of a Lead Service Line to deliver drinking water from a water main to a residence, business, school, or other building or structure, increases the risk of lead content in the water; and

WHEREAS, the continued use of Lead Service Lines for an indefinite period of time, without a systematic plan for replacing those lead lines, is a threat to the health and safety of the utility customers as well as the residents, occupants, and visitors to the City; and

WHEREAS, repair or replacement of only part of a Lead Service Line, leaving some but not all of the Lead Service Line in service, poses a higher risk of releasing lead into the drinking water on the property being served than when the whole existing Lead Service Line is left undisturbed, and this risk should be reduced to the extent practically possible; and

WHEREAS, it is necessary and appropriate and in the best interest of the City, its inhabitants, and the operations of the City's drinking water utility to establish the Lead Service Line Replacement Program to replace all lead service lines in the City, whether publicly or privately owned, to protect public health, and to avoid any noncompliance with federal or state law; and

WHEREAS, it is necessary to amend Section 1101.03 of the Columbus City Codes to clarify that water service termination related to the Lead Service Line Replacement Program will be pursuant to Chapter 1119; and

WHEREAS, it is necessary and appropriate and in the best interest of the operations of the City's drinking water utility and the public health of the utility customers to expend utility ratepayer funds to pay for Lead Service Line replacements on the public and private line side, and to establish financing and/or funding mechanisms as necessary to offset costs for implementation of the Lead Service Line Replacement Program, **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. City Council finds Lead Service Lines to be a threat to public health and to constitute a public health nuisance. Lead Service Lines are hereby prohibited in the City's service area.

SECTION 2. City Council finds that the complete replacement of Lead Service Lines is essential to protect the public safety and health and authorizes the City to provide utility-funded public and private lead service line replacement, subject to the availability of appropriated funds.

SECTION 3. That Chapter 1119 of the Columbus City Codes is hereby enacted to read as follows:

SEE ATTACHMENT - CHAPTER 1119.

SECTION 4. That Section 1101.03 is hereby amended to read as follows:

SEE ATTACHMENT - SECTION 1101.03.

SECTION 5. That the existing Section 1101.03 is hereby repealed.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.