



Legislation Text

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1. BACKGROUND

This ordinance authorizes the Director of the Department of Public Utilities to implement and execute a limited Lead Service Line Replacement Pilot Program and to perform, or cause to be performed, work on private property outside of the public right-of-way in support of the Pilot Program.

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. The City's public water system is subject to regulation by the United States Environmental Protection Agency and the Ohio Environmental Protection Agency. 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.

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. The public side includes the part of the service line installed within the public right-of-way, and the private side includes the part of the service line running from the end of the public right-of-way to the structure on the property. 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 a service line of unknown material. The City excluded lead as an approved material for service lines in 1963. However, lead service lines currently exist in both the public and private side of the City service lines due to installation prior to the exclusion. The public health and safety is endangered by the ingestion of drinking water that contains lead. 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. 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.

It is anticipated the City, through the Department of Public Utilities Division of Water, will expend in excess of \$1.3 billion over the next 10 or so years to replace lead lines to become compliant with anticipated federal and state lead line requirements. 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. 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 replace all lead service lines in the City's service area, whether publicly or privately owned, to protect public health, and to avoid noncompliance with federal or state law.

The City's Division of Water (DOW) is very experienced in replacing and repairing water service lines located within the public right-of-way. DOW does not currently perform work outside of the public right-of-way. To become compliant with anticipated federal and state law concerning lead service lines, DOW will need to develop a lead service line replacement program, along with associated rules and regulations, and become involved in replacing service lines on private property. There are differences in performing work on service lines on private property versus doing similar work in the public right-of-way. Rather than learn about these differences after developing a program, rules, and regulations, and learning what should have been incorporated in the program in the midst of a \$1.3 billion replacement project, DOW would like to do a limited pilot program with private property volunteers to be able to incorporate lessons learned into the program manual, rules, and regulations before beginning the main replacement program.

DOW plans to perform the limited pilot program in partnership with the City's Department of Development (DOD). DOD is in the process of identifying private property owners that want to have their lead lines replaced and are willing to have the City do the work. DOD obtained a grant through the Ohio Department of Development Lead Safe Ohio program to pay for the work for the private service line replacement. City Council approved DOD to accept and execute documents related to this grant via Ordinance 3209-2023, passed on 12/4/23. This pilot program is anticipated to cost about \$2.9 million, with the DOD grant providing up to \$1 million for the private service line replacement and DOW providing up to \$1.9 million for public service line replacement along with construction inspection and administration services for the pilot program.

2. FISCAL IMPACT

There is no direct fiscal impact from this ordinance. This ordinance seeks City Council approval to perform a limited lead line replacement pilot program that includes work on private property to incorporate lessons learned into a program manual for the main lead line replacement program. This limited pilot program is expected to cost around \$2.9 million compared to the \$1.3 billion cost estimated for the overall program. Future ordinances will be submitted authorizing the expenditure of funds for the pilot program after bidding is complete if City Council approves this request.

3. EMERGENCY DESIGNATION

Emergency action is requested to reduce and eliminate the use of lead water service lines as they are a public health hazard that should be eliminated as quickly as possible, and the grant money obtained for this pilot program must be encumbered by mid-May or we risk losing the grant funding.

To authorize the Director of the Department of Public Utilities to implement and execute a limited Lead Service Line Replacement Pilot Program for water service lines; to authorize the Department of Public Utilities to perform lead water service line replacements on private property with permission of the private property owner; and to declare an emergency. (\$0.00)

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 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. The public side includes the part of the service line installed within the public right-of-way, and the private side includes the part of the service line running from the end of the public right-of-way to the structure on the property; 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 City previously excluded lead as an approved material for service lines, however, lead service lines currently exist in both the public and private side of the City service lines due to installation prior to the exclusion; and

WHEREAS, the public health and safety is endangered by the ingestion of drinking water that contains lead; 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, it is anticipated the City, through the Department of Public Utilities Division of Water, will expend in excess of \$1.3 billion over the next 10 or so years to replace lead lines to become compliant with anticipated federal and state lead line requirements; 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 replace all lead service lines in the City's service area, whether publicly or privately owned, to protect public health, and to avoid any noncompliance with anticipated federal or state law; and

WHEREAS, The City's Division of Water (DOW) is very experienced in replacing and repairing water service lines located within the public right-of-way but DOW does not currently perform work outside of the public right-of-way; and

WHEREAS, to become compliant with anticipated federal and state law concerning lead service lines, DOW will need to develop a lead service line replacement program, along with associated rules and regulations, and become involved in replacing service lines on private property; and

WHEREAS, there are differences in performing work on service lines on private property versus doing similar work in the public right-of-way; and

WHEREAS, rather than learn about these differences after developing a program, rules, and regulations, and learning what should have been incorporated in the program in the midst of a \$1.3 billion replacement project, DOW would like to do a limited pilot program with private property volunteers to be able to incorporate lessons learned into the program manual, rules, and regulations before beginning the main replacement program; and

WHEREAS, DOW plans to perform the limited pilot program in partnership with the City's Department of Development (DOD); and

WHEREAS, DOD is in the process of identifying private property owners that want to have their lead lines replaced and are willing to have the City do the work; and

WHEREAS, DOD obtained a grant through the Ohio Department of Development Lead Safe Ohio program to pay for the work for the private service line replacement after City Council approved DOD to accept and execute documents related to this grant via Ordinance 3209-2023, passed on 12/4/23; and

WHEREAS, this pilot program is anticipated to cost about \$2.9 million, with the DOD grant providing up to \$1 million for the private service line replacement and DOW providing up to \$1.9 million for public service line replacement along with construction inspection and administration services for the pilot program; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to reduce and eliminate the use of lead water service lines as they are a public health hazard that should be eliminated as quickly as possible, and the grant money obtained for this pilot program must be encumbered by mid-May or we risk losing the grant funding, thereby preserving the public health, peace, property, safety, and welfare;
NOW, THEREFORE,

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

SECTION 1. City Council approves the Department of Public Utilities to conduct a Lead Service Line Replacement Pilot Program and to perform, or cause to be performed, work on private property outside of the public right-of-way with the permission of the private property owner in support of the Lead Service Line Replacement Pilot Program.

SECTION 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.