



City of Cincinnati

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An Ordinance No. _____

- 2021

AUTHORIZING the Greater Cincinnati Water Works (“GCWW”) to provide 100% utility-funded private lead service line replacement, subject to the availability of appropriated funds in Private Lead Service Line Replacement operating account no. 312x301x7200, when the property owner and the City have entered into a contract for GCWW to replace the private lead service line on the owner’s property.

WHEREAS, Cincinnati Municipal Code (“CMC”) Chapter 401, Division M, “Lead Service Line Replacement Program,” authorized the Greater Cincinnati Water Works (“GCWW”) to develop a program to replace private lead service lines in order to reduce the risk of lead in drinking water and to expend ratepayer funds for the cost of replacing private lead water service lines when the property owner and the City have entered into a contract for GCWW to replace private lead service line on the owner’s property (the “Program”); and

WHEREAS, CMC Section 401-129 provides that the property owner is responsible for the cost of private lead service line replacement; and, therefore, when GCWW replaces a given private lead service line under the Program, the property owner is required to repay GCWW for the replacement work costs; and

WHEREAS, in order to reduce the financial burden for lead line replacement on residential property owners, City Council passed Ordinance No. 187-2017 on June 28, 2017 authorizing GCWW to provide financial assistance to Program participants in the form of cost-sharing, by reducing the amount of the replacement cost to be repaid to GCWW (up to a maximum of \$1500 reduction) as follows: 50% off of the replacement cost for qualifying low-income, senior citizen residential property owners; 45% off of the replacement cost for qualifying low-income, non-senior citizen residential property owners, and 40% off of replacement cost for all other residential property owners; and

WHEREAS, GCWW’s “Help Eliminate Lead Pipes” (HELP) program, funded by private donations, employee donations, and cell tower lease revenue, provides additional assistance to eliminate entirely the obligation of qualifying low-income residential owners to repay to GCWW under the Program; and

WHEREAS, since July 2017, GCWW has replaced over 3,200 private lead service lines or about 800 per year through the Program; however, over 39,000 private lead service lines remain connected to the GCWW system; and

WHEREAS, while GCWW is in full compliance with the regulatory requirements as to lead and its Program has received recognition from USEPA as a national model, USEPA’s revisions to the Lead and Copper rule, effective December 16, 2021, will likely require GCWW

to increase the private lead service line replacement rate beginning in 2024 to over 3% or around 1200 lead service lines annually in order to remain in compliance; and

WHEREAS, in order to protect public health and increase the replacement rate to meet pending regulatory requirements, Council desires to eliminate cost as an obstacle to lead service line replacement by authorizing GCWW to provide 100% funding for the cost of private lead service line replacements performed under contract between the City and the property owner, so property owners participating in the Program will no longer be required to repay GCWW for the replacement work costs, subject to the terms of the Program developed by GCWW and the availability of appropriated funds in Private Lead Service Line Replacement operating account no. 312x301x7200; and

WHEREAS, the funding for GCWW's Program to provide 100% utility-funded private lead service line replacements was included in the water rate study and June 7, 2021 presentation to Council for approval of the water rate increases starting January 2022; and

WHEREAS, the actions authorized in this ordinance are in accordance with the "Live" goal to "[p]rovide a full spectrum of housing options, and improve housing quality and affordability" and strategy to "[p]rovide quality healthy housing for all income levels," as described on pages 164 to 168 of Plan Cincinnati (2012), as well as in accordance with the "Sustain" goal to "[b]ecome a healthier Cincinnati" and strategy to "[c]reate a healthy environment and reduce energy consumption," as described on pages 181 to 186 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Greater Cincinnati Water Works is authorized to provide funding for 100% of the cost of private lead service line replacements performed under contracts between the City and the property owner subject to the terms of the Program developed by GCWW and the availability of appropriated funds in Private Lead Service Line Replacement operating account no. 312x301x7200.

Section 2. That the expense of providing additional resources for private lead service line replacement activities is hereby declared to serve a public purpose because it will protect the public health by decreasing the public's potential exposure to lead in drinking water.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the provisions of Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk