ESTABLISHING Council's policy directive regarding the critical need for the City of Cincinnati's Greater Cincinnati Water Works to proceed without delay with all necessary and appropriate steps, including drafting the necessary legislation, to fully fund and implement: (i) a program to replace all public and private portions of lead service lines in the City of Cincinnati within 15 years; (ii) a property assessment program to enable GCWW to efficiently replace private and public lead service lines simultaneously, initially using seed money, and to enable property owners to spread over multiple years the reimbursement of the private lead service line replacement cost through assessment against the real property, and (iii) a customer assistance program to assist qualifying low income customers with payment of the costs of lead service line replacement.

WHEREAS, lead exposure, especially in young children and fetuses, is known to cause serious health effects, including lower IQ, hyperactivity, slow growth, behavioral issues, learning impairments, and anemia; and

WHEREAS, current research from the American Academy of Pediatrics documents the risks of lead from many sources, including drinking water, with specific focus on the ramifications of partial lead service line replacement, and the recent Report of the Lead and Copper Rule Working Group to the National Drinking Water Advisory Council strongly recommends full lead service line replacements in lieu of partial replacements; and

WHEREAS, recent crises in Flint, Michigan; Sebring, Ohio, Chicago, Illinois, and many other cities involving elevated levels of lead in drinking water have focused the attention of the public and federal and state regulators on the risks of lead exposure from lead service lines (LSLs); and

WHEREAS, approximately 15,000 public LSLs and an estimated 27,000 private LSLs still exist within the City of Cincinnati, even though installation of LSLs has been prohibited in the City of Cincinnati since 1927; and

WHEREAS, since 1971, Greater Cincinnati Water Works ("GCWW") has been systematically removing the public portion of LSLs in association with its water main replacement capital program, while encouraging property owners to simultaneously replace their private LSLs; and

WHEREAS, since 2014, Greater Cincinnati Water Works ("GCWW") has been providing residents with filter pitcher kits when the property owner has opted not to replace the private LSL and the lead service line has been disturbed due to a partial replacement practice; and
WHEREAS, the average $3,000 cost of private LSL replacement has been an obstacle for many customers, preventing them from permanently eliminating this risk of exposure to lead in their homes; and

WHEREAS, the City Administration submitted a report to City Council dated September 14, 2016 detailing GCWW’s research, options and recommendations for a program to completely remove lead service lines (public and private portion of the lines) and to assist customers with financing private LSL replacement; and

WHEREAS, given the necessity of full lead service line replacement to protect public health, the City Administration now recommends that the City fund and implement an enhanced lead strategy (the “Enhanced Lead Strategy”), including: (i) a program to replace all public and private portions of lead service lines in the City of Cincinnati within 15 years; (ii) a property assessment program to enable GCWW to efficiently replace private and public LSLs simultaneously, initially using seed money, and to enable property owners to spread over multiple years the reimbursement of the private LSL replacement cost through assessment against the real property, and (iii) a customer assistance program to assist qualifying low income customers with payment of the costs of lead service line replacement; and

WHEREAS, implementation of the Enhanced Lead Strategy would help to greatly reduce the risk of lead exposure from LSLs in Cincinnati, allowing more children in Cincinnati to grow up without the debilitating developmental, behavioral and neurological impacts of lead exposure, thereby contributing to the Plan Cincinnati goal of becoming a healthier Cincinnati; and

WHEREAS, in consultation with the Finance Department and bond counsel, GCWW has undergone an extensive review of its current capital and operating budgets, existing debt, and its need for future borrowing requirements and rate increases, and has determined that by right-sizing its operating and capital budgets, obtaining a stable multi-year rate increase of 3.75%, and refinancing certain existing debt and issuing new debt at very favorable rates, GCWW may achieve significant savings on future debt service payments, thereby enabling GCWW to fully fund its operations and capital program, including planned replacement of aging water mains and other utility infrastructure, the estimated $9.7 million annual cost of a 15-year program to replace public LSLs, and the costs of seeding a revolving fund for replacement of private LSLs to be repaid through property assessments; now, therefore,

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

Section 1. That Council hereby declares and establishes that the City Manager is hereby authorized to proceed without delay with all necessary and appropriate steps, including drafting the necessary legislation, to fully fund and implement: (i) a program to replace all public and private portions of lead service lines in the City of Cincinnati within 15 years; (ii) a property assessment program to enable the Greater Cincinnati Water Works to efficiently
replace private and public lead service lines simultaneously, initially using seed money, and to enable property owners to spread over multiple years the reimbursement of the private lead service line replacement cost through assessment against the real property; and (iii) a customer assistance program to assist qualifying low income customers with payment of the costs of lead service line replacement.

Section 2. That the proper City officials are authorized to do all things necessary and proper to comply with Section 1 hereof.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the lead service line replacement program and associated programs to be implemented at the earliest possible time.

Passed: October 12, 2016

Attest: Clerk

John Cranley, Mayor

I hereby certify that Ordinance No. 326-2016 was published in the City Bulletin in accordance with the Charter on 10-25-2016.

Michele Antin
CLERK OF COUNCIL