

Sponsor Testimony—H.B. 221

Chairman Smith, Vice Chair Ryan, Ranking Member Cera—thank you for inviting me here today to offer sponsor testimony on House Bill 221.

The need for this legislation arose from a situation that the OPWC identified some years ago. It was found that many of our water and sewer lateral lines, the pipes that tie buildings into the main municipal lines, are in need of repair or replacement. The extent of the issue puts a significant strain on the efficiency of our water and sewer system, and the age of some of these pipes has elevated the risk of lead contamination in some water districts. To complicate matters, many if not most of these lateral lines are located on private property, which precludes the use of government dollars on their maintenance in most circumstances, leaving the financial responsibility with property owners who do not have the means to repair or replace their own lateral lines to begin with.

In response, the OPWC amended its guidelines to include lateral improvement projects as eligible for funding in cases where the property owner has consented to grant the agency an easement for the area of their property through which the lateral lines run. In this way, the OPWC is able to go in and repair and replace old or otherwise problematic lateral lines without infringing on private property rights or running afoul of the legal boundaries on its spending. The addition of these projects to those already eligible under the OPWC's guidelines does not necessitate new funding either, and H.B. 221 does not call for it. The focus of this bill is to codify these new guidelines to ensure that we can continue using them as a tool in the effort to improve the quality and capabilities of our water and sewer networks.

Precedent for the OPWC's new guidelines is well established. In 2015, the City of Columbus amended its sewer use regulations to allow for the repair and replacement of private sewer laterals using public utilities dollars, stating in its legislation report (attached) that compromised lateral lines “are a potential threat to public health, safety and the environment and other natural resources and thereby constitute public nuisances.”

The U.S. Department of Agriculture also includes such projects in their financing, albeit in what it calls “unusual” cases. In Northeast Ohio, Trumbull County and the Village of New London are beneficiaries of U.S.D.A. projects that allowed “user connections” (private lateral lines) to be included in the scope of a general contract to connect low-income users. Permanent easements were required in both cases.

Overall, I am confident that H.B. 221 will, with your support, help ensure that we retain the ability to tackle the threat that compromised lateral lines pose to public health and safety. The OPWC has already done an excellent job at recognizing the scope of the problem and implementing policies

to address it. I sincerely hope you will join me in support of their efforts. I would be happy to answer any questions you have at this time.

Glenn W. Holmes
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