



OHIO SECTION AWWA

Water Utility Council

**Written Testimony of Todd Danielson, Chair of the Ohio Water Utility Council,
Before The Ohio House of Representatives State and Local Government
Committee in Opposition to H.B. 121
November 1, 2017**

Chairwoman Anielski, Vice-Chair Hambley, members of the committee, I am Todd Danielson, Chair of the Water Utility Council of the Ohio Section of the American Water Works Association (AWWA). I am testifying today of behalf of the Ohio Section of the AWWA and its members in opposition to House Bill 121 and the amendment currently circulating.

The Ohio AWWA is the leading water policy organization in Ohio. Ohio AWWA member utilities include publicly-owned and investor-owned water utilities that provide safe drinking water to millions of Ohioans and thousands of business and institutional customers in Ohio's big cities, small towns, and rural areas.

The Ohio AWWA is an affiliate of the AWWA, which is the authoritative national resource on safe drinking water, with more than 50,000 members sharing knowledge on water resource development, water and wastewater treatment technology, water storage, distribution, utility operations and management. The AWWA membership includes more than 4,600 water utilities that supply safe drinking water to roughly 180 million people in North America. AWWA's mission is to unite the water community to protect public health and to provide safe and sufficient water for the public.

My predecessor, Tyler Converse, presented before this Committee on May 9, 2017, on behalf of the Ohio AWWA Water Utility Council in opposition to H.B. 121. In the AWWA's view, the recently proposed amendment to the bill puts local water utilities in an even worse position than the unacceptable and unnecessary language the current bill would. The current bill requires utilities to consider all pipe materials that meet engineering specifications for the project as determined by design engineers. The amendment would prohibit local water utilities from excluding "reasonable" pipe material as determined by "sound engineering principles." The terms "reasonable" and "sound engineering principles" are vague, undefined, and clearly have no certain meaning in the context of pipe installation projects. This would easily open local water utilities up to lawsuits, unnecessarily costing the citizens of Ohio many millions defending litigation.

The amendment presents the same fundamental problems as the language of the current bill. Both would force local utilities to abandon existing written pipe material specifications and consider pipe materials solely on the basis of "engineering specifications" or "sound engineering principles," neither of which take into

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consideration lifecycle, environmental, or social costs that utilities consider when establishing written pipe material specifications. Responsible utilities must consider all of these costs in establishing written pipe material specifications, in particular lifecycle costs that include maintenance and operational costs over time. Lifecycle costs will vary based upon local conditions in which a water utility operates. These costs and utility judgement are hard to reduce to "engineering specifications" or "sound engineering principles" and would very likely lead to higher overall lifecycle costs if the original bill and/or the current amendment were passed into law.

To summarize, the amendment constitutes an even greater state intrusion into the pipe market that undermines local utility control over operations and will result in even more bid challenges and litigation. AWWA urges the Committee to reject the proposed amendment.

Madam Chair and members of the Committee, your attention and consideration in this matter are very much appreciated. I am happy to respond to any questions you may have at this time.

Sincerely,



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and
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