

February 10, 2020

RE: HB 4043 Water Pipe Preemption Legislation

Dear Legislators,

The City of Ashland has a strong commitment to ensuring that the citizens of Ashland have access to clean and reliable drinking water and that the community has a dependable distribution and wastewater system. The City takes this responsibility very seriously as we have an obligation to protect public health and to use limited public resources in the most efficient manner possible.

The City of Ashland opposes HB 4043 as it would prohibit local government authority over water infrastructure and necessary specifications for water systems when state funds are used either directly or indirectly. This bill would make it more difficult for the City of Ashland to select the types of piping materials that work best within our unique water system. It would prohibit upfront specifications at the project design level and would result in additional costs, administrative burden and would ultimately make it more difficult for a local government to select the most appropriate pipe for their specific water or wastewater system.

Technical decisions on materials such as pipes should be made by professional engineers and those tasked with building and maintaining water infrastructure. These decisions should be based on the unique needs of each system, considering critical factors such as structural integrity, soil compatibility, maintenance and life cycle costs. While certain pipe material may appear to be a better option based on initial acquisition costs, it may be more expensive to install and may lead to increased maintenance and replacement costs in the future if that material is not suitable for the project conditions. This could result in higher life-cycle costs for the project, as well as environmental damage or permit violations.

Imposing new materials mandates not only interferes with sound engineering judgment, but also with the ability of communities to manage their systems as efficiently as possible. Communities should remain free to adopt system-wide best management practices and uniform specifications in the development and maintenance of their water systems to maximize efficiency and control costs. Specifications allow local governments to consider life-cycle costs, soil conditions, past performance of certain pipe materials, seismic and wildfire resilience, water conservation and water/wastewater system continuity.

Sincerely,



Paula Brown, P.E.
Public Works Director



Julie Smitherman
Water Conservation Specialist

