

AGENDA ITEM
September 6, 2022

Subject: Lead Ban Policy

Department: Administration

The purpose of this Ordinance is to ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and to protect City residents from lead contamination in the City's public drinking water system and their own private plumbing systems.

Manager Notes:

- During the MoDNR Water System inspection in August 2022, it was discovered the City never formally adopted a Lead Ban Policy.
- Ordinance language is provided by the Missouri Rural Water Association and reviewed by the Legal department.

BILL NO. 2022-071

ORDINANCE NO.

A GENERAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI, AMENDING CHAPTER 36 OF THE CODE OF THE CITY OF NEVADA, MISSOURI, BY APPROVING AND ADOPTING A LEAD BAN FOR PUBLIC AND PRIVATE DRINKING WATER

WHEREAS, the City of Nevada owns and operates a water distribution and treatment system to serve the citizens of Nevada; and

WHEREAS, lead in public and private drinking water can be detrimental to the health and safety of those ingesting it; and

WHEREAS, the health and safety of the residents of the City of Nevada, Missouri is of primary concern; and

WHEREAS, the City of Nevada desires to amend Chapter 36 as reflected below regarding the regulation of lead in public and private drinking water systems.;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, MISSOURI, AS FOLLOWS:

Section 1. Chapter 36 of the Code of the City of Nevada, Missouri is hereby amended by adding Article IV Lead Ban Policy, as follows:

ARTICLE IV - LEAD BAN POLICY

Sec. 36-19 - Purpose

- (a) To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and
- (b) To protect city residents from lead contamination in the city's public drinking water system and their own private plumbing systems.
- (c) This ordinance shall apply to all premises served by the public drinking water system of the city of Nevada, Missouri.

Sec. 36-20 - Policy

- (a) This ordinance will be reasonably interpreted by the water purveyor. It is the purveyor's intent to ban the use of lead-based material in the construction or modification of the city's drinking water system or private plumbing connected to the city system. The cooperation of all consumers is required to implement the lead ban.

(b) If in the judgment of the water purveyor or his authorized representative, lead-based materials have been used in new construction or modifications after January 1, 1989, due notice shall be given to the consumer. The consumer shall immediately comply by having the lead base materials removed from the plumbing system and replaced with lead-free materials. If the lead base materials are not removed from the plumbing system, the water purveyor shall have the right to discontinue water service to the premises.

Sec. 36-21 - Definition

(a) The following definitions shall apply in the interpretation and enforcement of this ordinance.

- 1) "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system;
- 2) "Lead base materials" means any material containing lead in excess of the quantities specified in Section 36-21. (a). 3;
- 3) "Lead-free" means:

A. In General.

1. When used with respect to solder and flux, refers to solders and flux containing not more than 0.2 percent (0.2%) lead; and
2. When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than 0.25 percent (0.25%) lead.

B. Calculation

The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with paragraph (a) (2). For lead content of

materials that are provided as a range, the maximum content of the range shall be used.

- 4) "Public drinking water system" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Missouri Department of Natural Resources; and
- 5) "Water purveyor" means the owner, operator, or individual in responsible charge of a public water system.
- 6) "Exemptions"
 - A. pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for non-potable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or
 - B. toilets, bidets, urinals, fill valves, flush-o-meter valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

Sec. 36-22 - Lead Banned from Drinking Water Plumbing

- (a) No water service connection shall be installed or maintained to any premises where lead base materials were used in new construction or modifications of the drinking water plumbing after January 1, 1989.
- (b) If a premise is found to be in violation of Section III. A., water service shall be discontinued until such time that the drinking water plumbing is lead-free.

Section 2. This ordinance will be in full force and effect upon its passage and approval.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Nevada, Missouri, this _____ day of September, 2022.

CITY OF NEVADA, MISSOURI

(SEAL)

By: _____
George Knox, Mayor

Attest:

Stephanie M. Martin, City Clerk

CERTIFICATION

I, Stephanie M. Martin the undersigned Clerk of the City of Nevada, Missouri, hereby certify that the above and foregoing Ordinance is a true and correct copy of the Ordinance adopted by the City Council of the City of Nevada, Missouri, as the same appears of record in my office and that the same has not been amended or repealed as of the _____ day of September 2022.

(SEAL)

Stephanie M. Martin, City Clerk