



Date: November 2, 2016

To: Board of Public Works

From: Tim Gosz, Water Utility Manager
Melanie Krause, General Manager

RE: Lead Water Service Lateral Replacement Ordinance

PROGRAM APPROVED BY THE COMMISSION

Menasha Utilities has been awarded up to \$300,000 from the Safe Drinking Water Program for the replacement of customer owned lead services. Those customers wishing to replace their lead service will have the work done by a qualified contractor (a list will be provided by the Utility) and submit a reimbursement/rebate request to the Utility with a copy of the invoice. The turnaround for this can be fairly quick given we cut checks weekly. These funds need to be spent within 3 years (this was extended since originally at 2 years) from the closing date.

Menasha Utilities will rebate property owners fifty percent (50%) of the cost to replace the owner's portion of the lead service up to \$ 1,000. If the Homeowner qualifies for energy assistance based on family income Menasha Utilities will rebate seventy five percent (75%) of the cost to replace the owner's portion of the lead service up to \$1,500. It is estimated based on this program we could replace 250 lead services with the funding that we receive.

Qualifying Income based on Energy Assistance: (numbers were updated for 2016-2017)

HOUSEHOLD SIZE	ONE MONTH	THREE MONTH	ANNUAL INCOME
1	\$2,181	\$6,544	\$26,174
2	\$2,852	\$8,557	\$34,228
3	\$3,524	\$10,571	\$42,282
4	\$4,195	\$12,584	\$50,336
5	\$4,866	\$14,597	\$58,389
6	\$5,537	\$16,611	\$66,443
7	\$5,663	\$16,988	\$67,953
8	\$5,789	\$17,366	\$69,463

The Utility submitted a notice of intent in October to the Safe Drinking Water Program to be considered for an additional \$300,000 for the 2017-2018 funding cycle.

PLAN

Notify the 457 homeowners on streets where we already replaced our portion of the lead service to make them aware of the program. In addition, notify all homeowners on streets where we are replacing main in 2017 (listed below) and inspect these sections of main to confirm the number of lead services.

- Railroad Street (Garfield to Madison) – Estimate 3 lead services
- Manitowoc Street – Estimate 6 lead services
- Center Street – Estimate 1 lead service
- Second Street – Estimate 21 lead services
- Walnut Street – Estimate 3 lead services

The Utility estimates there are up to 1,500 lead services in Menasha and plans to inspect in 2017 to confirm this number to better understand the location and focus of the main and lead replacements. The estimated cost to replace a service depends on the length of the service and can range in cost from \$800 - \$2,500.

RENTAL PROPERTIES

In reviewing the mains that we plan to replace in 2017-2018 and those services along those streets it is estimated that 22% of them are rental properties. On the streets where we have replaced our portion of the lead service we estimate 21% of the services are rentals. We do not know how many of services are lead and rentals but this would be the maximum amount and this will also be confirmed when we do our inspection in 2017.

OTHER OPTIONS

The Water Utility explored various options over the past couple years and they do not have the ability statutorily to offer a loan program, deferred payment program or to fund any portion of the program from ratepayer funds. The Water Utility is regulated by the Public Service Commission and can only pay for their portion of the lead service from the main to the curb stop.

The Utility will look to create a committee to continue to explore other future funding sources for this program given the importance of removing the lead from our system.

ORDINANCE PROPOSED TO THE COUNCIL

The ordinance would require that all Menasha customers with lead service lines on their private property to replace their portion of the service at the same time the Utility replaced their section with the main replacement. The reason for the ordinance is because lead in the drinking water can cause a variety of adverse health effects and babies and children are especially vulnerable. Lead is not found in our source water but from the plumbing materials installed until the early 1950's.

The Utility would have no objection to a sunset date on the ordinance or if it is based on the availability of funding from the Safe Drinking Water program or other grants.

AN ORDINANCE CREATING PRIVATE LEAD WATER SERVICE LATERAL
REPLACEMENT REQUIREMENT

Introduced by Alderman Krautkramer.

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Amend by Creating Title , Chapter , SEC. of the Code of Ordinances of the City of Menasha, Wisconsin as follows:

Title –

CHAPTER

WHEREAS, the Utility Commission has requested and recommended the Common Council adopt the attached ordinance mandating the replacement of private water service laterals containing lead at the time city water mains are replaced in order to protect health and safety and to meet state and federal water quality requirements;

Sec. 1 **WATER SERVICE LATERALS.** Every water service lateral connected to the Utility shall be made of suitable material as determined by the Power and Light Commission.

Sec. 2 **LEAD WATER SERVICE REPLACEMENT PROGRAM.**

(1) Intent and Purpose. The Common Council of the City of Menasha finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead water service laterals in use within both the Menasha Utilities Water system (Utility) and in private systems and to that end declares the purposes of this ordinance to be as follows:

- (a) To ensure the water quality at every tap of Utility customers meets the water quality standards specified under the Federal Safe Drinking Water Act;
- (b) To reduce the lead in City drinking water to meet Environmental Protection Agency (EPA) standards and ideally to reduce lead contaminant level to zero in City drinking water for the health of City residents;
- (c) To eliminate the constriction of water flow caused by mineral rich surface water flowing through lead water service pipes and the consequent buildup of mineral deposits inside lead pipes; and
- (d) To meet the Wisconsin Department of Natural Resource (WDNR) requirements for local compliance with the Lead and Copper Rule (see 56FR6460; 40 CFR part 141.80-141.90 and Chapter NR 809.541-809.55 Wisconsin Administrative Code).

(2) Owner to Replace Lead Service. Existing lead water service laterals connected to the Utility shall be replaced with water service laterals made of suitable material and at the owner's expense. Replacement shall be completed either before or in conjunction with the next water main project in the area of the affected property.

- (a) Affected property owners may contract with a licensed contractor to complete the replacement. If the property owner selects this option, the

lead water service lateral shall be replaced before the Utility replaces the main or during construction; or,

- (b) If available, affected property owners may have the Utility contractors complete the replacement.

1. The Utility may, as part of any water main project, add an alternative to the Utility's contract requesting unit bid prices for the calculation of the cost for private lead water service lateral replacement. This will include removing the entire lateral from the main to the inside of the house and replacing all lead piping with suitable material.

2. If available and should the property owner select this option, the property owner will be charged the entire cost of the removal and replacement. In addition, all restoration will be the responsibility of the property owner (for example, top soil, concrete, steps, asphalt, bushes, and porches).

(3) WATER SYSTEM RECONSTRUCTION.

(a) Notification to Property Owners. Property owners in the project area will be notified, in writing, of capital improvement projects involving public water mains. The notification shall be at least 30 days prior to commencement of the water main construction.

(b) Inspection Required. The Water Utility Manager or his/her designee shall inspect all private connections to the public water mains for the presence of lead prior to, if possible, or at the time that the Utility system is to be reconstructed and if unable to gain access for inspection, may pursue an inspection warrant.

(c) In the event that a private water service lateral is found to contain lead the Water Utility Manager or his/her designee shall immediately notify the owner, in writing, by US Mail, of that fact along with information about the City's Lead Water Service Lateral Replacement Program.

1. The affected property owner shall provide proof of arrangements for replacement of the lead water service lateral to the Water Utility Manager or his/her designee within 30 days of the date of the notification letter.

Sec. 3

AUTHORITY TO DISCONTINUE SERVICE. As an alternative to any other methods for obtaining compliance with the requirements of this Municipal Code regarding replacement of illegal private water laterals, the Utility may, as provided in Water Utility Operating Rules approved by the Wisconsin Public Service Commission, discontinue water service to such property served by illegal private water service lateral after reasonable notice and an opportunity for hearing before the Menasha Utility Commission.

SECTION 2: EFFECTIVE DATE. The effective date of this ordinance shall be January 1, 2017

Passed and approved this day of , 2016.

ATTEST:

Donald Merkes, Mayor

Deborah A. Galeazzi, City Clerk