

COMMITTEE OF THE WHOLE MEETING

The Common Council of the City of Ashland will meet as the Committee of the Whole on **January 12, 2021** immediately following the City Council meeting which begins at **5:30 PM** .

The following items will be considered:

1. Roll Call
2. Council President's Report
3. Administrator's Report
4. Approval of Agenda
5. Discussion Items
 - A. **Discussion and Possible Action Regarding a Mandatory Lead Service Line Replacement Ordinance** (*Public Works*)
6. Adjournment

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NOTE: Upon reasonable notice, the City of Ashland will accommodate the needs of disabled individuals or individuals with limited English proficiency through auxiliary aids or services. For additional information or to request this service, contact Denise Oliphant at 715-682-7071 (not a TDD telephone number) or FAX: 715-682-7048

SUBJECT: Discussion and Possible Action Regarding a Mandatory Lead Service Line Replacement Ordinance (*Public Works*)

RECOMMENDATION: Direct Staff to Develop a Proposed Ordinance

DEPARTMENT OF ORIGIN: Public Works

CLEARANCES: City Administrator
Public Works Director

EXHIBITS: 1. EXAMPLE- Eau Claire City Ordinance

SUMMARY STATEMENT:

Since 2016, the City's participation in the Safe Drinking Water Private Lead Service Replacement Program (SDWLP) has resulted in the replacement of 253 private lead service laterals (LSLs) throughout the City. However, as shown below, the number of properties served annually have decreased in recent years due to a number of factors including a decrease in eligible properties and the structure of the current program that requires specific action from the property owner. This decrease has been observed despite the fact the SDWLP provides LSL replacement at no cost to the property owner.

City projects resulting in the replacement of water distribution mains represent a significant opportunity to increase participation in the SDWLP as one criteria for eligibility is the presence of a lead free connection from the water main to the shut off valve (ie curbstop), which is owned by the City. Many existing water mains in the City do not have lead free connections but all new water mains are constructed to modern standards providing lead free connections.

In addition, significant efficiencies are gained when private LSLs can be replaced in coordination with the water distribution main.

The City's LSL coordinator has communicated extensively with SDWLP staff with the WI Department of Natural Resources (DNR) and identified other WI communities that require, by ordinance, the replacement of private LSLs in coordination with municipal projects. City staff is proposing that Council review and potentially approve an ordinance to mandate replacement of private LSLs in coordination with municipal projects if and when SDWLP grant funds are available.

Properties served	65	103	51	34	253
Total cost per property (with Admin expense)	\$2831.79	\$2242.46	\$2075.67	\$2217.82	\$2356.94

EXAMPLE: City of Eau Claire (excerpt from ordinance)

14.04.110 Lead Service Line Replacement. A. Purpose. The city council finds it in the public interest and for the protection of public health, safety, and welfare to establish a comprehensive program for removing and replacing all lead service lines within and connected to the city's water service. Lead service lines have the potential to leach lead into drinking water; in particular, the disturbance or reconnection to an existing lead service line may increase lead levels in drinking water. The city's water service is an interconnected system and lead in any service line is a potential contaminant throughout the system. There is no safe level of exposure to lead and lead in drinking water has been determined to cause health problems in young children, pregnant women and their unborn children, and is also potentially harmful to adults.

B. Definitions. The following definitions shall apply to this section, in addition to those terms defined in Section 14.04.020 of this Chapter:

1. Customer-side service line. The property owner's water service line, from the outlet of the curb stop to the inlet of the customer's water meter.

2. Eligible lead service line. A customer-side water service line that contains lead, for which the service lateral or main has already been replaced, or is in the process of being replaced.

3. Lead service line. A water service line constructed of lead. This term includes the customer-side service line, mains, and service laterals.

4. Property. Real property as defined in Wis. Stats. s. 70.03.

5. Property owner. A person or legal entity having a possessory interest, legal or equitable, in property which shall include an estate, trust or lien.

6. Plumbing contractor. A person, firm, corporation or other entity licensed by the state of Wisconsin to perform plumbing work in the city.

C. Connection prohibited. No person shall connect a customer-side lead service line to a nonlead service lateral.

D. Lead service line replacement requirement. All eligible lead service lines connected to city water service shall be replaced with water service laterals made of material approved by the city, at the property owner's expense or through available financial assistance for customer-side lead service line replacements, in accordance with the requirements of this section.

E. Identification of lead service lines. For city projects involving water mains or replacement of service laterals, property owners affected by the city project shall be notified in writing at least 30 days prior to commencement of construction. The director of community services or her or his designee shall inspect all connections to the mains for the presence of lead prior to, if possible, or at the time that the mains are to be reconstructed and if unable to gain access for inspection, may pursue an inspection warrant or any other steps necessary to conduct the inspection, and shall collect the cost therefor from the property owner, including by imposition of a special charge.

F. Customer-side lead service line replacements.

1. In the event that a customer-side service line is found to contain lead, the director of community services or her or his designee shall immediately notify the property owner, in writing, of that fact, whether it is an eligible lead service line, and available funding options. The director of community services or her or his designee shall further provide information to the affected property owner regarding an effective flush of all water lines within the affected property. The affected property owner shall provide proof of arrangements for replacement of the eligible lead service line to the director of community services or her or his designee within 30 days of the date of the notification letter.

2. Replacement of eligible lead service lines shall be completed either in conjunction with the replacement of the city's side of the water service during a utility replacement project, or if the city's side has already been replaced, shall be replaced within 90 days of notice to the property owner of the presence of lead.

G. Financial assistance for customer-side lead service line replacements.

1. Customers may apply for financial assistance for lead service line replacement

through any available grant source, including those funds provided through the State of Wisconsin's Safe Drinking Water Loan Program.

2. The city may provide financial assistance for customer-side lead service line replacements in the form of grants, loans, or other funding sources. Funds shall be paid directly to the plumbing contractor on behalf of the property owner. The total amount of the funds provided shall not exceed the actual cost of replacement of the customer-side lead service line.

H. Penalty. Failure to commence work on the replacement of the customer-side lead service line when required pursuant to this ordinance, or for such work to be completed within a reasonable time after commencement of the work, may result in a citation to the property owner of at least sixty dollars and no more than five hundred dollars for each day of the violation, together with the costs of prosecution. (Ord. 7357, 2020).

306-1 (Eau Claire 6/2020)