

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF THE WAUSAU WATERWORKS COMMISSION

Creating Chapter 13.66 Lead and galvanized water service line replacement, Section 13.66.010 Intent and purpose, Section 13.66.020 Authorization, Section 13.66.030 Rules of construction and definitions, Section 13.66.040 Survey and self-inspections, Section 13.66.050 Partial or full service line material replacement; water utility or customer side, Section 13.66.060 Replacement priority, Section 13.66.070 Application and Scheduling, Section 13.66.080 Financing of replacement, Section 13.66.090 Exceptions, Section 13.66.100 Prohibitions, Section 13.66.110 Severability, Section 13.66.120 Penalties.

Committee Action: Pending

Ordinance Number:

Fiscal Impact:

File Number:

Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Section 1. That Chapter 13.66 Lead and galvanized water service line replacement is hereby created and made up of the following Sections outlined below.

Section 2. That Section 13.66.010 Intent and purpose is hereby created to read as follows:

13.66.010 Intent and purpose.

Lead and galvanized service lines pose a threat to the public health based on the potential for leeching of lead into drinking water. The Common Council of the City of Wausau therefore finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead and galvanized pipe water service lines in use within the Wausau Water Utility system, and to that end, declares the purposes of this chapter to be as follows:

- (1) Continue to ensure that the water quality at every tap of Wausau Water Utility customers meets the water quality standards specified under the Federal Safe Drinking Water Act;

- (2) Continue to reduce the lead in City drinking water to meet EPA standards in City drinking water for the health of City residents;
- (3) Continue to meet the WDNR requirements for local compliance with the EPA's Lead and Copper Rule;
- (4) Continue to eliminate the constriction of water flow caused by mineral rich ground water flowing through lead and galvanized water service pipes and the consequent buildup of mineral deposits inside lead and galvanized pipes; and
- (5) Continue to affect the replacement of all high-risk lead and galvanized service lines within one year of their discovery and the replacement of all remaining lead and galvanized pipe water service lines in use in the City within fifteen years.

Section 3. That Section 13.66.020 Authorization is hereby created to read as follows:

13.66.020 Authorization.

This chapter is enacted pursuant to Wis. Stats. §§ 62.11(5) and 281.12(5), and as mandated by 42 USC 300g of the Federal Safe Drinking Water Act, enforced by the EPA and the WDNR.

Section 4. That Section 13.66.030 Rules of construction and definitions is hereby created to read as follows:

13.66.030 Rules of construction and definitions.

This section and all rules and orders promulgated under this section shall be liberally construed so that the purposes enumerated in Section 13.66.010 may be accomplished. Words and phrases shall be construed and understood according to their common and usual meaning unless the contrary is clearly indicated. Within this chapter:

Childcare facility means any state-licensed or county-certified childcare facility including, but not limited to, licensed family childcare, licensed group centers, licensed day camps, certified school-age programs and Head State programs.

City means City of Wausau

Confirmed water sample test means a tap water analysis, completed after a prior analysis that indicated lead levels at the EPA action level, and conducted in accordance with the Lead and Copper Rule, with Wis. Admin. Code § N 809.547, and with instructions provided by the Water Utility.

Customer-side water service line means the water conduit pipe running from the customer's meter to the curb stop which is the Water Utility shut-off valve usually located behind the curb on public property.

EPA means the U.S. Environmental Protection Agency.

EPA action level means a concentration of 15 or more parts per billion (PPB) of lead as measured at a customer's tap.

Federal Safe Drinking Water Act means 42 USC 300f—300j-26

Director means the Director of Public Works and Utilities.

High risk lead service means a lead and/or galvanized customer-side water service line identified in Section 13.66.050 and any lead and/or galvanized customer-side water service line where a confirmed water sample test of a customer's tap water reveals a lead concentration at or above the EPA action level.

Lead and Copper Rule means the rule created by the EPA and adopted by the WDNR in response to the passage of the Safe Drinking Water Act, which provides maximum containment level goals and national primary drinking water regulations (NPDWR) for controlling lead and copper in drinking water. NPDWR regarding approved treatment techniques include corrosion control treatment, source water treatment, lead and galvanized service line replacement and public education. The rule may be found in 56 FR 26460, 40 CFR 141.80—141.90, and Wis. Admin. Code §§ NR 809.541 through 809.55.

Licensed plumber means a person, firm, corporation or other entity licensed to perform plumbing work in the City by the State of Wisconsin.

PPB means parts per billion.

Property means any possessory interest, legal or equitable, in real property, including an estate, trust, or lien, and any buildings, structures and improvements thereon.

Service replacement schedule means the schedule adopted by the Wausau Waterworks Commission for the replacement of lead and galvanized customer-side water service lines based on community resources, on availability of licensed plumbers and Water Utility resources to complete service line replacements, and on physical location of properties with lead and/or galvanized customer-side water service lines. Based on the above factors, customers will be assigned a time period within the schedule for replacing their lead and/or galvanized customer-side water service line. In no case shall a customer on this schedule have less than 30 days from the date of notification pursuant to Section 13.66.060 for the replacement of any lead and galvanized customer-side water service line.

WDNR means the Wisconsin Department of Natural Resources.

Water Utility means the City of Wausau public water utility system, also known as Wausau Water Utility.

Section 5. That Section 13.66.040 Survey and self-inspections is hereby created to read as follows:

13.66.040 Survey and self-inspections.

Upon notice from the Water Utility, any person who owns, manages or otherwise exercises control over a property within the Wausau Water Utility system shall allow the Water Utility to inspect the customer-side water service line or have the customer-side water service line inspected

by a licensed plumber to determine whether the service line is lead, copper, cast iron, galvanized steel, plastic or other material.

Section 6. That Section 13.66.050 Partial or full-service line material replacement; water utility or customer side is hereby created to read as follows:

13.66.050 Partial or full-service line material replacement; water utility or customer side.

- (a) All of the following service line material combinations are subject to partial or full replacement with copper, and/or plastic service lines under this division as identified:

SERVICE LINE MATERIAL REPLACEMENT

Water Utility-Side	Customer-Side	Side Requiring Replacement
Lead	Lead	Both
Lead	Galvanized	Both
Lead	Copper	Water utility only
Lead	Plastic	Water utility only
Copper	Lead	Customer only
Copper	Galvanized	Customer only
Copper	Copper	Neither
Copper	Plastic	Neither
Plastic	Lead	Customer only
Plastic	Galvanized	Customer only
Plastic	Copper	Neither
Plastic	Plastic	Neither
Galvanized	Galvanized	Both
Galvanized	Copper	Water utility only
Galvanized	Plastic	Water utility only
Galvanized	Lead	Both

No other service line material combinations have been identified which require replacement under this division.

- (b) All lead and galvanized water service lines must be replaced regardless of whether on the Water Utility-side or the customer-side. If a customer-side lead or galvanized water service line is connected to a Water Utility-side lead or galvanized water service line, both lines must be replaced at the time the Water Utility is replacing its side of the lead or galvanized water service line. As of the effective date of the ordinance from which this Chapter is derived, no lead or galvanized service line will be allowed to connect to a Water Utility line once replaced.

Section 7. That Section 13.66.060 Replacement priority is hereby created to read as follows:

13.66.060 Replacement priority.

- (a) Owners, managers or persons otherwise exercising control over properties within the Wausau Water Utility system with customer-side lead and/or galvanized water service lines shall be required to replace the customer-side water service lines according to the following order of priority and based on the replacement schedule established by the Wausau Waterworks Commission:
- (1) Schools or childcare facilities.
 - (2) Properties at which a confirmed water sample test at the tap shows lead concentration at 15 PPB or more.
 - (3) Properties where more than 20 people regularly have access to drinking water during any eight-hour period.
 - (4) Properties where the Water Utility is replacing its side of the lead and/or galvanized water service line to the property.
 - (5) All other properties not covered in subsections (a)(1) through (4) of this section.
- (b) Notwithstanding the schedules set forth herein and any limitations on funding sources which may be made available to either the Water Utility or the customer, all customer-side water service lines identified herein shall be replaced no later than 15 years after the commencement of this program.

Section 8. That Section 13.66.070 Application and Scheduling is hereby created to read as follows:

13.66.070 Application and Scheduling.

Replacement of customer-side lead and/or galvanized pipes that are connected to a Water Utility-side lead and/or galvanized line must be completed at the time the Water Utility-side service line is replaced. Scheduling of all such replacements for customer-side lead and/or galvanized pipes must be coordinated between the homeowner's contractor and the Water Utility within 30 days of receipt of notice that the Water Utility-side water service lines are scheduled to be replaced. Owners, managers or persons otherwise exercising control over properties shall obtain from and submit to the Water Utility, in accordance with its service rules, an Application for Water Service which states an intention to replace the customer-side lead and/or galvanized water service lines. Additional time to schedule the customer-side lead and/or galvanized pipe replacement may be granted by the Director of the Water Utility for good cause.

Section 9. That Section 13.66.080 Financing of replacement is hereby created to read as follows:

13.66.080 Financing of replacement.

In the event funding is made available for this purpose through any means, an eligible property owner may apply to the City and/or Water Utility for financing of any portion of the cost of replacing a lead and/or galvanized customer-side water service line under the terms of such

financing program. Disputes regarding eligibility for financing may be appealed to the Wausau Waterworks Commission, unless otherwise noted in the funding program. As a condition of receiving any available financing from the City and/or Water Utility, the property owner must provide adequate documentation demonstrating that the contractor and/or plumber completing the work anticipated hereunder is properly certified and/or licensed by the State of Wisconsin and/or the City, as appropriate.

Section 10. That Section 13.66.090 Exceptions is hereby created to read as follows:

13.66.090 Exceptions.

- (a) The Water Utility may modify the inspection requirement set forth under 13.66.040 if the customer so requests and demonstrates a compelling need.
- (b) Upon the demonstration of a compelling need, the owner of a single-family dwelling or a business to which the public has no access to tap water and with no more than five employees, may request a change of schedule or an extension of time for compliance with Sections 13.66.050 through 13.66.070.
- (c) Guidelines for the consideration of requests under subsections (a) and (b) of this section will be established by the Wausau Waterworks Commission.
- (d) Compliance deadlines will be calculated on a calendar year basis but may be deferred during the months of December through March on the basis of weather constraints.

Section 11. That Section 13.66.100 Prohibitions is hereby created to read as follows:

13.66.100 Prohibitions.

It shall be unlawful for any person to fail to comply with the applicable lead and/or galvanized customer-side water service line replacement requirements as set forth herein or to violate any other provision of this chapter.

Section 12. That Section 13.66.110 Severability is hereby created to read as follows:

13.66.110 Severability.

If any section or portion of this chapter is for any reason determined to be invalid or unconstitutional by the decision of a court of competent jurisdiction, that section or portion shall be deemed severable and shall not affect the validity of the remaining sections or portions of this chapter.

Section 13. That Section 13.66.120 Penalties is hereby created to read as follows:

13.66.120 Penalties.

Any person who violates any provision of this chapter may be subject to a forfeiture of no less than \$50.00 and no more than \$1,000.00. Each day a violation continues may be considered a separate offense.

Section 14. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 15. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:

Approved:

Published:

Attest:

Approved:

Katie Rosenberg, Mayor

Attest:

Mary Goede, Deputy Clerk