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MEMO

TO: Dan Koski, Director of Public Infrastructure
FROM: Robert Michaelson, Water Systems Manager
CC: Troy Adams, General Manager; Don Duenkel, Senior Operations Manager
DATE: January 4, 2022
RE: Proposed Ordinance Changes – Lead Service Lines

Please allow this memo to identify some recommended changes to the City of Manitowoc Code of Ordinances, particularly related to the replacement of lead service lines.

In the City of Manitowoc, the water service is entirely owned by the property owner. Of the ~15,000 active water services in the City, approximately 4,200 are comprised of lead and/or galvanized iron. Lead and galvanized iron was used predominantly before the mid-1950's.

At this time, lead service lines are not illegal. Since the 1990's, MPU does add a corrosion inhibitor to the water supply to inhibit the lead from leaching into the water supply; this reduces the risk of lead in the drinking water. However, since 2015, there is a great national movement to remove lead from drinking water systems. Federal and State funding programs to assist property owners to replace their lead service line have been made available, and MPU has successfully coordinated over \$1.5 million in assistance since 2017. This funding is available to all property owners who have a lead service line; the funding can only be used for the home portion (from the curb stop to the meter). The cost of replacing the street portion (watermain to the curb stop) is the responsibility of the property owner.

The current municipal code contains language that requires the full replacement of lead service lines for the following:

- A leaking lead or galvanized water service cannot be repaired; it must be replaced by the property owner.
- When the watermain is replaced in the street, MPU will replace the street portion of the water service and bill the property owner.
- A partial lead or galvanized water service replacement is not permitted. The entire water service must be replaced by the property owner.

MPU and the City have recognized a potential gap in the effort to replace lead service lines. Since there is no requirement to replace lead service lines prior to repaving or other street maintenance, it is not uncommon for a newly paved street to be excavated by a property owner electing to voluntarily replace their lead service line. This results in a perception that City street maintenance projects are not scheduled or prioritized properly. For this and other aesthetic reasons, it would be best to cause all lead service lines to be replaced prior to the repaving or resealing of City streets.

Therefore, it is recommended that the City of Manitowoc Code of Ordinance Section 17.090 be revised as detailed on the following pages. Key revisions include creating two new sections related specifically to lead service lines, and requiring the replacement of lead service lines when repairing/replacing sewer laterals, nearby utility excavation, repaving/rehabilitating streets, or removing trees.

With this change, it is anticipated that an additional 100-200 lead service lines would need to be replaced by the property owner each year in conjunction with street paving and/or utility work. The estimated cost of replacing the street portion of a lead service line is \$4000-6000. This will result in a total annual expense of approximately \$400,000-1,200,000 to affected property owners with lead service lines. Note that MPU does offer the MPU Lead Service Line (LSL) Loan Program. This allows a property owner to apply for a loan to pay for their lead service line expenses in the street. The MPU LSL Loan provides up to \$6000 over a term of 10 years at 2.5% interest; payments are made on the MPU water utility bill. This MPU LSL Loan would be available for LSL replacements due to street paving and/or utility work.

I understand that these ordinance changes will be presented to the City's Public Infrastructure Committee meeting on January 5, 2022. Feel free to contact me with any questions, thanks.

AN ORDINANCE repealing and recreating parts of Section 17.090 of the Manitowoc Municipal Code regulating lead service lateral replacement.

WHEREAS, the consumption of lead in drinking water and from other environmental sources has been determined to cause health problems; and

WHEREAS, the Mayor and Common Council of the City of Manitowoc find it in the public interest to revise an ongoing program for replacing lead and galvanized service lines connected to the municipal water distribution system; and

WHEREAS, galvanized steel service lines are also a health concern due to lead in coatings and the accretion of lead particles if the galvanized line was ever connected to a lead service line; and

WHEREAS, the Manitowoc Public Utilities maintains WDNR-approved water treatment practices intended to minimize lead leaching into drinking water from lead and galvanized service lines that were installed during the first half of the twentieth century and earlier; and

WHEREAS, property owners can also take steps to further reduce risks, such as using point-of-use devices designed to further reduce lead levels, if present; and

WHEREAS, given the widespread and large number of lead and galvanized service lines installed throughout the City's history, replacement is expected to take place over many years; and

WHEREAS, construction activities exposing lead service lines can disturb the pipe and can release lead into drinking water; and

WHEREAS, there is benefit to replace lead service lines as-needed or coincident with another construction project such as main replacement, street paving, or other disturbances; and

WHEREAS, pursuant to § 62.11(5), Wis. Stats., the Common Council has the management and control of the city property, finances, highways, navigable waters, and the public service, and shall have power to act for the government and good order of the city, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its powers by license, regulation, suppression, borrowing of money, tax levy, appropriation, fine, imprisonment, confiscation, and other necessary or convenient means.

THEREFORE, THE COMMON COUNCIL OF THE CITY OF MANITOWOC DO ORDAIN AS FOLLOWS:

<TRACKED CHANGES>

17.090 Additional Requirements.

(1) Service Pipe Minimum Size. The minimum size of a water service pipe shall be three-quarters of an inch ID. 3/4".

(2) Water Heaters, Water Softeners – Installation – Registration – Inspection – Fee.

(a) Permit Required. See definition of plumbing, MMC 17.010; also Wis. Stat. § 145.01(10)(a) through (e).

(b) Supply Pipe. Every gas water heater shall be provided with an adequate gas supply pipe. No such supply pipe shall have a diameter less than the inlet pipe of the heater, and all such supply pipes shall be provided with a shut-off valve.

(c) Vent Pipe. Every gas water heater shall have an entirely separate and independent vent pipe of adequate size (except when connected to a chimney) extended vertically, or nearly so, through the roof and shall have a suitable anti-down draft hood, cowl, or cap attachment, approved by the Plumbing Inspector, and must be furnished and installed by or provided for by the person, firm or corporation installing the heater, and no damper shall be installed in such vent pipe.

(d) Installation of Vent Pipe. Every gas water heater vent pipe shall be constructed and installed in a safe, secure, and workmanlike manner so as not to be a fire hazard to the building in any way or a menace to the health of the occupants.

(e) Basement Floor Drains. All basements shall have installed therein, in the manner prescribed by State code, at least one floor drain, the outlet of which shall be connected to a sanitary sewer.

(f) Outside Water Meters Required. Outside registers for the purpose of obtaining water meter readings shall be required:

1. For any water meter installed after December 15, 1977; or
2. Where any type of remodeling is commenced after December 15, 1977, for which a plumbing permit is required.

(3) Water Services and Private Water Mains Construction Materials. Water service laterals and private water mains from the public water main in the street to the curb stop and up to the building control valve shall be of ductile iron, PVC, PE or of Type K copper materials, as set forth in Wis. Adm. Code SPS Chapter 384.

~~Existing lead and galvanized iron water service laterals shall be replaced with water service laterals made of suitable material and at the property owner's expense.~~

~~Replacement shall be completed either before or in conjunction with the next watermain project in the area of the affected property.~~

~~When it appears that any portion of a lead or galvanized iron water service has failed, it shall be fully replaced with ductile iron, PVC, PE or of Type K copper.~~

~~Partial replacements of lead or galvanized iron water services are not permitted. Should any part of a lead or galvanized water service be replaced, all lead or galvanized iron shall be replaced between the watermain and building control valve at the property owner's expense.~~

~~On a watermain replacement project, the utility will replace the water service from the watermain to the curb stop (street portion), at the property owner's expense.~~

~~Homeowners are required to replace a lead or galvanized iron water service from curb stop to the home's building control valve when the utility is replacing the street portion on a water main replacement project. MPU personnel shall oversee this replacement and furnish a report to the City plumbing inspector.~~

Commented [RM1]: Move to a new section for Lead Service Lines.

(4) Identification of lead and galvanized service lines.

The water utility shall create and maintain a record of the location of all identified lead and galvanized service lines in the city. This includes information from plumbing records and field observations. Upon notice from the utility, any person or entity who owns, manages, or otherwise exercises control over a property connected to the distribution system shall allow the utility to inspect the service line to determine the service line material as authorized by Wis. Stats. § 196.171.

Commented [RM2]: New section

(5) Lead and galvanized service line replacement requirement. All existing lead and galvanized service lines connected to the water distribution system, when replaced, shall be replaced with water service lines constructed of materials as authorized in this section.

On all watermain replacement projects or other projects that would directly affect lead or galvanized water service lines, all lead and galvanized service lines shall be replaced in their entirety. Other projects that could affect lead or galvanized water lines includes repairing/replacing sewer laterals, nearby utility excavation, repaving/rehabilitating streets, or removing trees.

When notified of the requirement to replace a lead or galvanized water service line due to a project, the property owner may replace the water service prior to the project with their own contractor/plumber at their expense. Otherwise, the utility or the city will replace the water service from the watermain to the curb stop (street portion), at the property owner's expense.

Repairs or reconnections of lead or galvanized iron water services shall not be allowed. When it appears that any portion of a lead or galvanized iron water service has failed, it shall be fully replaced with materials as authorized in this section.

Partial replacements of lead or galvanized iron water services are not permitted. Should any part of a lead or galvanized water service be replaced, all lead or galvanized iron between the watermain and building control valve shall be replaced at the property owner's expense.

When any lead service lines within the street or municipal right-of-way (street portion) is replaced under orders from the Wisconsin Department of Natural Resources or the United States Environmental Protection Agency, the abutting property owner receiving water service shall replace any remaining lead or galvanized water service material in order to become compliant with Wis. Admin. Code § SPS 382.22(2)(b), or other applicable statutes, ordinances, rules, or regulations of the city or of the State of Wisconsin.

Any property tested by the utility in accordance with Wisconsin Department of Natural Resources lead and copper monitoring that exceeds the lead level established by the Environmental Protection Agency's lead and copper rule, will be required to replace the lead or galvanized service line in one hundred twenty (120) days.

Authority to discontinue service: As an alternative to any other methods provided for obtaining compliance with the requirements of this Code regarding the replacement of lead or galvanized service lines, the utility may, no sooner than 30 days after the giving of notice of the need to replace, discontinue water service to such property served by the lead or galvanized service line, after reasonable notice by the utility.

Commented [RM3]: New section