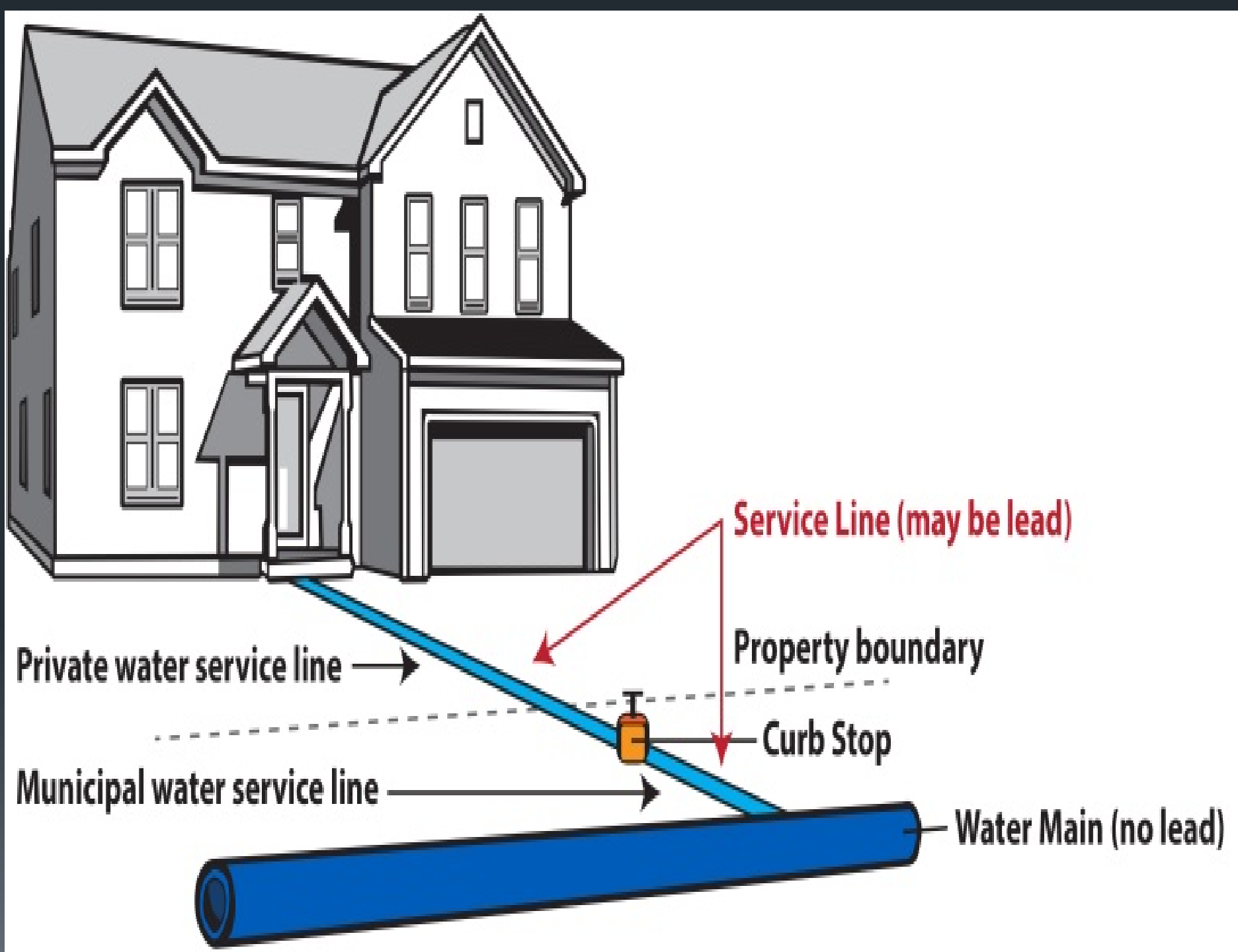


City of Fond du Lac City Council  
**Proposed Lead Water  
Services Ordinance**

January 25, 2017

- The Situation
- 3 Options
- The Program
- The Alternative
- Future Considerations
- Questions/Discussion



# The Situation

1. Lead presents a significant and permanent health hazard
2. Lead can leach from older service lines and interior fixtures into drinking water
3. Recent studies shown that partial replacement of lead service lines (LSLs) significantly elevates lead exposure for a number of years.

# The Situation (con't)

4. Our lead program is currently in compliance, so changes are voluntary
5. The EPA is planning to issue a rule in 2017 that would prohibit partial LSL replacement, to be implemented as soon as 2019
6. FdL rec'd a \$300k Safe Drinking Water Loan (SDWL) for 2017, and qualifies for principal forgiveness.
7. Have been invited to apply for '18, but competition is tougher, and our ranking isn't high

# 3 Options

- Do nothing
  - Simplest, and perfectly legal
  - But doesn't address risk to residents
  - . . . Doesn't take advantage of \$300k "grant"
- Mandatory Private LSL Replacement
- Voluntary Private LSL Replacement

# The Program

## Big Picture

- We recommend *mandating* full LSL replacement when appropriate
  - Would be done by ordinance
  - Would apply when the public LSL replaced through annual street project or because of water leak
  - SDWL could be used to provide City cost share, assess owner's share over time
  - Similar to Milwaukee, Madison, Kewaunee approaches

# The Program

## Annual Project Process

- Notify owners 45 days prior to project starting
- Do records show water service is lead?
- Allow owners to verify mat'l in basement
- Allow owners to join City contract for private LSL replacement
- City inspectors verify mat'l at property line as project underway; updates owner
- Private LSL replacement in conjunction w/ public work (but separate contractor)

# The Program

## The Timing

- If Council supports an ordinance, now is the best time. . . .
  - Private LSL replacement should be done at same time as public (separate contract)
  - Street contract start ~ mid-April
  - LSL contract start ~ May 1<sup>st</sup>
  - Assmn't public hearing/final resolution Apr 12<sup>th</sup>
  - Bid opening Mar 28<sup>th</sup>
  - Preliminary assmn't to Council Mar 8<sup>th</sup>, to Plan Commission Feb 13<sup>th</sup>



# The Program

## Water Break Process

- If a water break is found anywhere on a water service. . .
- Confirm mat'l. If contains lead. . .
- Notify owner of req't to replace; invite to participate in assessment and cost share program, if available
- Complete entire LSL replacement together, public side by crew, private side by contractor

# The Program

## The Money

- Statewide cost estimates = \$3,000 average for private LSL replacement
- \$300k available for City cost share
  - 152 homes ('17 project), 66 homes ('18 project), ~20 emergency or voluntary LSL repairs = 238 homes
  - City would establish maximum amount of subsidy, based on loan/grant funding and the number of participants.
  - In this scenario, \$1,260 City share (reimbursed by SDWL), \$1,740 owner share (assessed, has up to five years to pay back, General Fund balance initial source)

# The Program

## Misc Notes

- Only homes (1-4 units) that use City contract eligible for cost-share program
- Homes that have had the public LSL replaced in the past may elect to participate for private LSL.
- 6-month extension possible for extenuating circumstances; owner would need to purchase filter and to agree to take other steps to reduce exposure.
- If owner doesn't agree or respond, citations could start as soon as public LSL is replaced
- No schools have lead services; two daycares might, and may elect to participate in the program.
- Most commercial properties do not have lead services, and not eligible for SDWL funding.

# The Alternative

- Valid reasons to not mandate private LSL replacement
  - Hardship on affected residents
  - Fund balance (i.e. all taxpayers) fronting money for private share
  - Expectations for a City cost share in the future (even without grants or loans)
  - Enforcement challenges
  - Future changes or funding might make this simpler or less expensive—wait and see?

# The Alternative (con't)

- Could make this a *voluntary* program
  - Educate/encourage homes in '17 & '18 street projects to replace private LSL when public replaced.
  - Notify homes with private LSL (w/ public side replaced already) about cost share program
  - Invite homes with a break in an LSL to participate, have the full LSL replaced.
  - Use Water Fund to purchase filters for homes with known LSLs (regardless of ordinance).
  - Still pursue ordinance, prepare for likely EPA rule change.
  - Similar to Eau Claire, Sheboygan programs
- Concern that voluntary program could be grossly underused, SDWL funding left on the table

# Future Considerations

- Monitor other communities' programs and ordinances for good ideas
- Monitor progress w/ EPA rule change and implementation schedule
- See whether administration change may affect this program
- Monitor WDNR changes/adaptation
- Research and apply for future State/ Federal funding to aid our program



# Questions/Discussion?