

Legistar File No. 90990 Body

DRAFTER'S ANALYSIS: This ordinance updates the City's Lead Water Service Line Replacement Ordinance consistent with recent updates to the US Environmental Protection Agency's 2020 Lead and Copper Rule Revisions and the 2024 Lead and Copper Rule Improvements. Under the updated federal requirements, which are applicable to the City and which will also eventually be incorporated into the State Department of Natural Resources administrative regulations, the City is required to inventory all water service lines within its service territory, including certain galvanized service lines that are or were downstream of lead service lines or lead status unknown service lines. Any remaining lead or galvanized requiring replacement services will need to be replaced. When the City conducted its extensive replacement of utility-side lead service lines between 2000 and 2011, such galvanized lines were not identified or replaced as that was not required at the time. This amended ordinance incorporates the updated requirements of the Lead and Copper Rule to ensure that the City remains in compliance with EPA requirements.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 13.18 entitled "Lead Water Service Line Replacement" of the Madison General Ordinances is amended as follows:

"13.18 LEAD AND GALVANIZED WATER SERVICE LINE REPORTING AND REPLACEMENT."

- (1) Intent and Purpose. The Common Council of the City of Madison finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead pipe and galvanized requiring replacement water service lines in use within the Madison Water Utility system and to that end declares the purposes of this ordinance to be as follows:
 - (a) to ensure that the water quality at every tap of Madison Water Utility customers meets the water quality standards specified under the Federal Safe Drinking Water Act and the Federal Lead and Copper Rule; and
 - (b) to reduce the lead in City drinking water to meet EPA standards and ideally to a lead contaminant level of zero in City drinking water for the health of City residents; and
 - (c) to eliminate the constriction of water flow caused by mineral rich ground water flowing through lead water service pipes and the consequent buildup of mineral deposits inside lead pipes; and
 - (d) to meet the WDNR requirements for local compliance with the federal Lead and Copper Rule.
- (2) Rules of Construction and Definitions. This ordinance and all rules and orders promulgated under this ordinance shall be liberally construed so that the purposes enumerated in Subsection (1) 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 section:

"City" means City of Madison.

"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 eight feet into the street right-of-way from a private property line.

"EPA" means the U.S. Environmental Protection Agency.

"Federal Safe Drinking Water Act" means 42 U.S.C.A. Sec. 300f-300j-26.

"Galvanized Requiring Replacement" or "GRR" has the meaning provided in 40 CFR part 141.2, and is a galvanized service line that currently is or ever was downstream of a lead service line; or is currently downstream of a lead status unknown service line.

"Galvanized Service Line" or "Galvanized" has the meaning provided in 40 CFR part 141.2, and is a service line made of iron or steel dipped in zinc to prevent corrosion.

"General Manager" means the Water Utility General Manager.

"Lead and Copper Rule" means the rules created, revised and updated by the EPA and adopted by the WDNR in response to the passage of the Safe Drinking Water Act, which provides maximum contaminant 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 service line inventories and replacement, and public education. The rules may be found in 56 FR 26460, 86 FR 4198, 89 FR 86418, 40 CFR parts 141.80—141.903, and Wis. Adm. Code chs. NR 809.541—NR 809.55.

"Lead Status Unknown Service Line" has the meaning provided in 40 CFR part 141.2, and is a service line whose pipe material has not been demonstrated to be a lead service line, galvanized requiring replacement service line, or a non-lead service line.

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

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

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

"WDNR" means the Wisconsin Department of Natural Resources.

(3) Authorization. This ordinance is enacted pursuant to Wis. Stats. §§ 62.11(5) and 281.12(5), and as mandated by 42 U.S.C. Sec. 300g, of the Federal Safe Drinking Water Act and the Lead and Copper Rule, enforced by the EPA and the WDNR.

(4) Survey and Self Inspections.

(a) Upon notice from the Water Utility that a property within the Madison Water Utility service area has a lead status unknown service line, any person who owns, manages or otherwise exercises control over the property shall inspect the customer-side water service line or have the customer-side water service line inspected by a licensed plumber to determine the material of the service line (lead, copper, cast iron, galvanized steel, plastic, etc.).

(b) Upon inspection, the property owner, manager or person exercising control over the property shall submit to the Water Utility on a form provided by the Water Utility a statement attesting to the type of customer-side water service line in use

on the property. If the customer-side water service line is lead or galvanized pipe the property owner, manager or person exercising control over the property shall provide additional information as requested by the Water Utility about the residence, business or property and its water use.

(c) The statement required under Subsection (4)(b), based on a proper inspection, shall be due within 30 days of notification by the Water Utility. Notification shall be by first class mailing to the property owner's address as recorded in the City Assessor's Office. It is the sole responsibility of the person who owns, manages, or otherwise exercises control over the property to maintain a current mailing address with the City Assessor's Office.

(45) **Lead or GRR Service Line Replacement.** Owners, managers or persons otherwise exercising control over properties within the Madison Water Utility system with lead or GRR customer-side water service lines in use shall replace the lead or GRR customer-side water service lines according to the following schedules:

- (a) All lead or GRR customer-side water service lines discovered prior to November 1, 2015 January 1, 2026 shall be replaced immediately or pursuant to a previously identified schedule.
- (b) All lead or GRR customer-side water service lines discovered on or after November 1, 2015 January 1, 2026 shall have no longer than one-year from discovery to be replaced.

(56) **Application and Scheduling.**
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 lead or GRR customer-side water service line.

(67) **Financing of Replacement.**

- (a) The Water Utility may, contingent on availability of funding, administer a lead service replacement reimbursement program. Upon application to the Water Utility, owners, managers or persons otherwise exercising control over properties with lead or GRR customer-side water service lines who replaced such lines after November 1, 2016 January 1, 2026, in accordance with applicable Utility rules, guidelines and schedules, and who have complied with all of the provisions of this ordinance will be eligible for a reimbursement payment not to exceed fifty percent (50%) of the cost of replacement of any lead or GRR customer-side water service line in use, up to a maximum of \$3,000 for each service line replaced. Application for reimbursement must include, as documentation of replacement and cost, a payment receipt from a licensed plumber for replacing the lead or GRR customer-side water service line at the subject property. Application must be made within ninety (90) days of the completion of work. Disputes regarding eligibility for reimbursement may be appealed to the Water Utility Board.
- (b) An eligible property owner, as defined in Section 4.082(2), Madison General Ordinances, may apply to the City for financing of any portion of the cost of replacing a lead or GRR customer-side water service line that is not reimbursed under Subsection (67)(a). If approved, the amount financed shall be a special charge against the owner and treated as such in accordance with the provisions of Section 4.082 and 4.09, Madison General Ordinances. Applications for

financing of costs for replacing lead or GRR customer-side water service lines must include documentation of the eligibility criteria contained in Section 4.082(2), Madison General Ordinances, and of the cost of replacing the water service lines.

(78) Prohibitions.

- (a) It shall be unlawful for any person to file a false statement under Subsection (4)(b).
- (ab) It shall be unlawful for any person to fail to comply with the applicable lead or GRR customer-side water service line replacement requirements as set forth in Subsection (45).
- (bc) It shall be unlawful for any person to violate any other provision of this ordinance.

(89) Penalties.

- (a) Any person who violates any provision of this ordinance may be subject to a forfeiture of no less than fifty dollars (\$50) and no more than one thousand dollars (\$1,000).
- (b) Each day a violation continues may be considered a separate offense."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating and amending therein the following:

<u>Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit *</u>
Lead <u>and GRR</u> water service line replacement	13.18	\$100, 1 st \$250, 2 nd \$500, 3 rd & sub."