



Legislation Details (With Text)

File #: 44265 **Version:** 1 **Name:** Updating lead water service line requirements & penalty

Type: Ordinance **Status:** Passed

File created: 8/30/2016 **In control:** WATER UTILITY BOARD

On agenda: 2/7/2017 **Final action:** 2/7/2017

Enactment date: 2/21/2017 **Enactment #:** ORD-17-00013

Title: Amending Sec. 13.18 and Sec. 1.08(3)(a) of the Madison General Ordinances to update the lead water service line requirements and penalty.

Sponsors: David Ahrens, Sheri Carter

Indexes:

Code sections:

Attachments: 1. Body

| Date | Ver. | Action By | Action | Result |
|------------|------|---|---|--------|
| 2/7/2017 | 1 | COMMON COUNCIL | Adopt | Pass |
| 1/31/2017 | 1 | WATER UTILITY BOARD | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER | Pass |
| 12/8/2016 | 1 | BOARD OF HEALTH FOR MADISON AND DANE COUNTY | Return to Lead with the Recommendation for Approval | Pass |
| 10/24/2016 | 1 | BOARD OF ESTIMATES (ended 4/2017) | Return to Lead with the Recommendation for Approval | Pass |
| 9/6/2016 | 1 | WATER UTILITY BOARD | Referred | |
| 9/6/2016 | 1 | WATER UTILITY BOARD | Referred | |
| 9/6/2016 | 1 | COMMON COUNCIL | Refer | Pass |
| 8/30/2016 | 1 | Attorney's Office/Approval Group | Referred for Introduction | |

Fiscal Note

The estimated reimburseable rebate costs detailed in this proposed ordinance are budgeted at \$5,000 in the Water Utility's adopted 2016 operating budget. The proposed amendment of Sec.13.18 and Sec3 1.08(3)(a) of the Madison General Ordinances increases the maximum reimbursable rebate amount from \$1,000 to \$1,500. An increase in annual program expense is not anticipated from this modification, however, annual reevaluation of program costs will provide for adjustments to future year's budgets as necessary.

Title

Amending Sec. 13.18 and Sec. 1.08(3)(a) of the Madison General Ordinances to update the lead water service line requirements and penalty.

Body

DRAFTER'S ANALYSIS: In 2000, the City entered into a consent order (2000-COEE-001) with the Wisconsin Department of Natural Resources (WDNR) that required the City to implement a lead water service line replacement program, which program is set forth in Section 13.18, MGO. This consent order was amended in 2010 (2000-COEE-001-A), giving the City until January 1, 2012 to complete the replacement of City-side lead water service lines. Under the amended consent order, the City was required to have private lead water service lines discovered after January 1, 2012 replaced within twelve-months of discovery.

The City's lead water service line replacement program has been very successful and in December, 2012 WDNR closed out the consent order. Based upon the City's own actions and the enforcement of Sec. 13.18,

all City owned and most privately owned lead water service lines have been replaced. However, there remain two classes of privately owned lead water service lines in the City: properties where the lead water service line was discovered more than twelve months ago and have not yet been replaced or removed; and properties where the lead water service line has either been discovered in the last twelve months or has not yet been discovered.

This ordinance updates the lead water service line replacement ordinance to eliminate the phasing and inspection language no longer relevant. Instead, the amended ordinance sets forth the two remaining classes of properties still subject to the replacement requirement: those whose lead water service line was discovered more than twelve months ago and remain in service; and those that have been discovered during the last twelve months or have yet to be discovered.

In addition, as part of this update to the ordinance, the reimbursement rebate is being increased from \$1,000 to \$1,500. This change is being done to better reflect the current costs private property owners are incurring to replace lead water service lines.

Additionally, the bond schedule for violating this ordinance is being updated to give the Water Utility additional enforcement tools, short of pursuing a long form civil judgment, to address non-compliant properties.

Finally, this ordinance will have an effective date of November 1, 2016.

The Common Council of the City of Madison do hereby ordain as follows:
Please see "Body" in Attachments.