


# CITY OF GRAND RAPIDS ADMINISTRATIVE POLICY

NUMBER: 17-01	DATE: March 28, 2017
REVISIONS: 7/31/2019	
ISSUED BY: City Manager	SIGNED: 

## **SUBJECT: Replacement of Privately-owned Lead Water Service Line**

**PURPOSE:** To provide for the replacement of privately-owned portion of a lead water service line (i) whenever a leak or failure has been discovered on either the privately owned or Water Supply System (“WSS”) owned portion of the service or (ii) when any portion of the WSS owned lead water service line is replaced on either a planned or emergency basis.

## **INTRODUCTION:**

A review of scientific and professional resource materials supports the conclusion that partial lead water service line replacement of the publicly owned portion could cause harm that may not occur if there were a full lead water service line replacement.

A September 2011 cover letter to the United States Environmental Protection Agency (“EPA”) Administrator accompanying a report of the Drinking Water Committee of EPA’s Science Advisory Board states in part: “The weight of evidence indicates that partial lead water service line replacement often causes tap water lead levels to increase significantly for a period of days to weeks, or even several months.” The letter further states that full lead water service line replacement “appears generally effective in reliably achieving long-term reductions in drinking water lead levels, unlike partial lead water service line replacement” and, in summary, states that “the Science Advisory Board found that available information is broadly suggestive that partial lead water service line replacement may pose a risk to the population, due to the short-term elevations in drinking water lead concentrations.”

In 2018, the State of Michigan adopted Michigan Administrative Code Rule 604f, i.e. R325.10604f, entitled “Treatment techniques for lead and copper” pursuant to the Safe Drinking Water Act, Act 399 of Public Acts of Michigan of 1976, as amended (“Act 399”). Rule 604f requires a reduction in the threshold of allowable lead in water to 12 parts per billion by 2025. Water supplies with lead service lines, regardless of lead action level values, must replace all lead service lines at an average rate of five percent per year, not

to exceed 20 years, or in accordance with an alternate schedule incorporated into an asset management plan, and approved by the MDEQ. Partial lead service line replacement is no longer permitted, except in case of an emergency repair and the full lead service line must be replaced at the expense of the water supply. The new rules apply to residential and commercial owned lead water service line.

Since all potable water provided through the WSS is potentially capable of human consumption, all privately-owned water service lines, whether they are for residential, commercial, industrial or government use, shall be replaced in accordance with this policy. Such replacement shall be accomplished for general public health and safety purposes.

This Administrative Policy is used pursuant to Section 2.23, Management of Water System, of Article 2, Water System Use, of Chapter 26, City Water System of Title II, Utilities and Services, of the Code of Ordinances of the City.

**DEFINITIONS:**

“Eligible lead water service line” means all privately-owned water service lines, whether they are for residential, commercial, industrial or government use, since all potable water provided through the WSS is potentially capable of human consumption.

“Lead water service line” means either a service line which is made of lead, or any lead pigtail, lead gooseneck or other lead fitting that is connected to the service line, or both.

“Privately-owned portion of a lead water service line” means the section of lead water service piping from the outlet joint of the curb stop to customer site piping or building plumbing at the first shut-off valve inside the building or 18 inches inside the building.

Water Supply System (“WSS”) means the water utility operated by the City of Grand Rapids, including its retail partner communities.

“WSS owned portion of a lead water service line” means the section of lead water service piping from the discharge of the corporation fitting on the water main to, but not including, the outlet joint of the curb stop.

**REPLACEMENT REQUIREMENT:**

The City’s WSS shall, at its cost and at no cost to the property owner, replace the privately owned portion of a lead water service line whenever:

- a. a leak or failure has been discovered on either the privately owned or WSS portion of the service line; or
- b. when any portion of the WSS owned portion of the service line is replaced on either a planned or an emergency basis.

In the event that a non-WSS project creates a disturbance of an existing lead service line, the party creating the disturbance shall be responsible for the replacement of the full lead service line and its costs.

## **REPAIR OR RECONNECTION PROHIBITED.**

Repair of an existing lead water service line, or reconnection of a privately-owned lead water service line to the WSS is prohibited by Michigan Administrative Code Rule 604f, i.e.R325.10604f, entitled "Treatment techniques for lead and copper" promulgated pursuant to Public Act 399 (Safe Drinking Water Act), as amended.

## **EXCEPTION.**

The City Manager or his/her designee may grant a temporary exception to the replacement requirement or the repair or reconnection prohibition if he/she determines that doing so will not create an imminent threat to the health, safety or welfare of the public.

## **NOTICE.**

**Leak or Emergency Replacement.** In the event of a lead water service line leak or failure or an emergency replacement of the WSS owned portion of the lead water service line, the City Manager or his/her designee shall promptly provide written notice to the property owner of the replacement requirement and the property owner shall sign and provide the City with a water service line replacement agreement as hereinafter provided for the privately owned portion of the lead water service line before replacement can begin.

**Planned Replacement.** In the event of a planned replacement of a WSS owned portion of a lead water service line, the City Manager and/or his/her designee shall provide at least 30 days written notice prior to the commencement of the planned replacement and the property owner shall sign and provide the City with a water service line replacement agreement as hereinafter provided for the privately owned portion of the lead water service line before replacement can begin.

## **WATER SERVICE LINE REPLACEMENT AGREEMENT.**

Before a privately owned lead water service line can be replaced the property owner shall sign and provide the City with a water service line replacement agreement on a form provided by the City (a) acknowledging to ownership of the property being served by the lead water service line, (b) permitting access to the City or its contractor to replace the privately owned lead water service line and any related testing and adjustments during any contractor guarantee period, (c) retaining full ownership, maintenance, repair and replacement for that portion of the privately owned service line and related appurtenances not replaced, and (d) agreeing to assume ownership of the water service line that replaces the privately owned lead water service line and be fully responsible for its ownership and, after the expiration of any guarantee period, its maintenance, repair and replacement.

## **FAILURE TO SIGN WATER SERVICE LINE REPLACEMENT AGREEMENT.**

If the City Manager or his/her designee has determined, in accordance with this Administrative Policy, to replace a privately owned lead water service line and the property owner of such dwelling has declined or failed to respond to requests to sign a

water service replacement agreement, (a) the City may, upon notice to the property owner, discontinue water service if the City determines there is an imminent threat to the health, safety or welfare of the public or (b) the City Manager may request that the City Attorney or special counsel apply for and obtain an appropriate court-issued order authorizing replacement in accordance with the terms in the water service replacement agreement.