



OFFICIAL NOTICE AND AGENDA
of a meeting of a City Board, Commission, Department
Committee, Agency, Corporation, Quasi-Municipal
Corporation, or Sub-unit thereof.

A Meeting of Wausau Water Works Commission will be held in the
Council Chambers, 1st Floor City Hall, Wausau, WI 54403 at 1:30 p.m. on
Tuesday, November 7th, 2023.

Members: Katie Rosenberg (President), Dawn Herbst, Jim Force, Joe Gehin, John Robinson

AGENDA

1. Approve Minutes of October 10th & 17th 2023 Meeting.
2. Director's Report on Utility Operations
 - Drinking Water Facility Construction Update
 - Wastewater Facility Construction Update
 - Wastewater Treatment Plant continues discharging quality effluent
 - Wastewater Lab Technician resigned- advertising position after HR reviews job description
 - Wastewater- 2023 Cured-In Place (CIPP) commenced
 - Wastewater- Class A Dryer/Biosolids Inspection meeting scheduled
 - Wastewater- 48th Ave Sanitary Interceptor replacement commenced
 - Brooks and Lindman attended 57th Annual Wisconsin Wastewater Operators Association (WWOA) Conference
3. Discussion and Possible Action Approving an Ordinance Amendment for Mandatory Lead Service Line Replacement.

Adjourn.

**Next meeting scheduled for December 5th at 1:30 P.M.*

Signed by: /s/ Katie Rosenberg, Mayor
Presiding Officer or Designee

THIS NOTICE POSTED AT CITY HALL AND EMAILED TO CITY PAGES AND DAILY HERALD: November 6th, 2023 at 7:30 a.m.

This meeting is being held in person. Members of the public who do not wish to appear in person may view the meeting live over the internet, cable TV, Channel 981, and a video is available in its entirety and can be accessed at <https://tinyurl.com/wausaucitycouncil>. Any person wishing to offer public comment not appearing in person may e-mail gina.vang@ci.wausau.wi.us with "Water Commission Public Comment" in the subject line prior to the meeting start. All public comment, either by email or in person, will be limited to items on the agenda at this time. The messages related to agenda items received prior to the start of the meeting will be provided to the Chair.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of Wausau will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call the ADA Coordinator at (715) 261-6622 or ADAServices@ci.wausau.wi.us to discuss your accessibility needs. We ask your request be provided a minimum of 72 hours before the scheduled event or meeting. If a request is made less than 72 hours before the event the City of Wausau will make a good faith effort to accommodate your request.



Minutes of October 10, 2023

Members present: President Rosenberg, Commissioner Robinson.

Others present: Eric Lindman, Scott Boers, Ben Brooks, Anne Jacobson, Tegan Troutner, James Henderson, Dan Kerntop, Shawn Kerachsky/CIP, Sean Agid/CIP, Pete Littleton/CIP, Tonia Westphal/Clark Dietz.

Via WebEx: Commission Gehin, Monica Dvorak, Susan Wojtkiewicz/Donohue.

This meeting did not take place as a quorum of the committee was not present.



Minutes of October 17, 2023

A meeting of the Wausau Water Works Commission was called to order at 11:30 a.m. in City Hall on Tuesday, October 17th, 2023. In compliance with Wisconsin Statutes, this meeting was posted and receipted for by the Wausau Daily Herald on October 13th, 2023.

Members Present: President Rosenberg, Commissioners Herbst, Robinson, Force, Gehin
Others Present: Eric Lindman, Scott Boers, Ben Brooks, Tegan Troutner, James Henderson
WebEx: Monica Dvorak, Susan Wojtkiewicz/ Donohue, Sean Agid/ CIP, Shawn Kerachsky/ CIP, Pete Littleton/ CIP.

1) Approve Minutes of September 5th 2023 Meeting.

Herbst motioned to approve minutes. Seconded by Gehin.
Motion Carried 5-0.

2) Director's Report on Utility Operations.

Lindman began with the asset management. We've been working with IT and the County to possibly get one software for Asset Management. The Utility feels that City Works is the best option for us as it is compatible with Workday, the HR/Finance software, and does everything we would need within public works and the utility. There would be two procurement components: purchase of the software and then hiring a firm for the work/integration of assets into the software. The final step once all for the assets are uploaded into the software there would need to be an integration of the software into Workday. The utility was budgeted in 2023 to procure asset management software and begin implementation. City would be moving forward with City Works Software and start working on a contract and scope of services with them and also using cooperative purchasing to hire a firm to integrate our assets into the software and the software into Workday.

Robinson questioned if we were going to buy or just lease the equipment because sometimes with a lease, they stop providing support so it would be wise to get a commitment on supporting it. With the integration, would we be able to utilize that for the LSL project to categorize the material type?

Lindman replied it would be ongoing 3-5 year renewable contract, there is no cost at this time available but we want to see what other municipalities are doing. The integration would be in asset management, the material types are in our ESRI program with GIS, we won't be doing horizontal assets immediately, it would be a couple years before we are able to do that.

Rosenberg stated the County wants this and we're still talking through what the needs are.

Gehin questioned if we were required by DNR or PSC to have this in place?

Lindman replied we are required to track certain operations and maintenance done on an annual basis. I think City Works would do a great job.

Boers replied a lot of this is trying to keep up with our PM's and maintenance, we have

about 3,000 items to keep track of at the plant and only 3 techs.

Lindman stated another thing is the organization and reclassifications, Finance and I have reached out to Ehlers to prepare financial information on this as requested, once we have all the information put together, there will be a request to have a joint HR/Commission Meeting, you'll probably see some request on availability coming up in the next couple of weeks.

Gehin questioned if the Granular Activated Carbon was before or after the resin bank?

Boers replied the Carbon is after the Ion Exchange currently. The process piping for the GAC has been designed so that this could be reversed in the future if needed.

Robinson questioned if the carbon is after the resin, we are changing out the resin for adsorption of PFAS, the resin in place was for TOC and other issues, would the fact that it's first in line compromise its ability to remove other materials of concern in the resin? Would the resin remove PFAS or are we modifying the resin? The resin can adsorb X amount of material, do we know that the resin's assimilative capabilities will not be impacted by PFAS to negatively impact the TOC? Were we looking at a resin changeout of 20 years?

Boers replied, the ion exchange will remove the TOC making the carbon more efficient for PFAS removal. It won't be overworking the carbon by removing the TOC ahead of it. There will be some PFAS removal by the resin as there is now. As expected, once the PFAS builds up on the resin it starts sluffing off as that last 22.7 parts per trillion number showed that we had, it will be captured in the carbon. It is not expected to compromise that the resin or reduce its efficiency. 6 resin vessels were changed out as of last Friday. The cost was included on bid in the project a little over a million dollars. Disposal has not been done yet, we are storing the extracted resin onsite and looking into it.

Force questioned if we would continue to replace resin once the carbon vessels are in place? It would still last 15-20 years even though there would be some PFAS loading on the Ion exchange? How about the disposal options?

Boers replied we are not intending to continuously change out the resin but there is one more resin change out bid in our contract for construction, after that, the resin is anticipated to go 15-20 years for TOC removal and then PFAS removed from the carbon system on the tail end of the plant. We have sent new resin (not used yet) to State Lab of Hygiene, they will artificially place PFAS on that resin and see if they could remove it. If they figure out how they will remove PFAS from the resin, they will send samples down and tell us how much PFAS is in the resin.

Rosenberg replied that the governor sent out an RFP to communities to host hazardous waste landfill, this will be a continuous conversation. We did as a city sign on to environmental justice resolution so we won't just put it in a spot where it becomes hazardous to the people.

Robinson questioned if we could capture PFAS off the resin, would we be able to reuse that ion exchange in the future?

Boers replied we won't know that I'm not aware of a good process to do that yet but the first step is to find out how much PFAS is in there and what could be done.

Lindman stated EPA is also doing some testing for us and will be doing some bench testing on some of that used resin as well.

Gehin stated the water quality is beautiful right now.

Director's Report Placed on File.

3) Discussion on Proposed Ordinance for Mandatory Lead Service Line Replacement.

Rosenberg began this is for discussion.

Lindman stated this was brought forward a couple of years ago, the ordinance is intertwined in this, the PSC requires a mandatory ordinance in place to use user rates to pay back any loan. In this ordinance, situations are written into ordinances, we are not giving mandated deadlines we know there is a cost burden to the homeowners, we wanted to have this discussion

with explanation and have been working with legal staff and other municipalities that have this in place already. Is this something you want brought back for action? All Commissioners nodded in agreement.

Force questioned if we had a deadline on this?

Lindman replied we are one of the participants in the EPA accelerator program, we have an engineering firm drafting the PSC application for using user rates before end of year but it's not on a hard deadline. Lead Service Line is focusing on just the private side for the 2024 season, as we move forward, if it becomes necessary to use user rates to pay back loans, is the commission and city going to commit to no cost to the homeowner and where that funding is coming from?

Robinson questioned if we know what the cost to the homeowner would be? It would be better if we had the cost or better estimate as we prepare to enter the contract for the acceleration to get better numbers.

Rosenberg replied about \$10k.

Lindman replied we anticipate shorter lines so hopefully less than that, they are giving us a cost per site as a performance incentive. We anticipate less than \$10k on the private side.

Force questioned how many lines were replaced on Grant St between 6th and 7th St and the cost for the private line?

Boers replied it came in lower at \$3100 to \$3200 per line and there were only a handful on Grant that needed changeout.

Gehin questioned item 4 on mineral rich groundwater flowing through the lead/galvanized pipes is not fair to say after we had treatment. I did not see build up in the lead, but I see the buildup in the galvanized.

Force wanted to make sure that the mandated ordinance does not require change out until the street public side is changed as it could be some time. Is there a discussion between contractor and homeowner to what type of boring or trenching would be done.

Lindman replied as October 2024, we would be required for the whole thing to be changed and not partial replacements anymore. It could be reversed too, if the homeowner decides to replace their side, we will have to replace our side too. As we get into this 5-year timeframe, we would get to those properties. Is the city funding 100% private as well as public side, if we don't have the principal forgiveness where is the additional funding coming from? There would be a lot of upfront communication and the contractor and homeowner would have the discussions. Is this something you want us to evaluate and bring back next month to move forward? A good rule of thumb would be \$4,500 to \$5,000 on the private side. Are you looking for private and public side cost or total cost or year to year basis cost as it depends on the funding and principal forgiveness that's based on funding annually.

Robinson replied all of the above, how do we sequence it and the universe of the cost for both the public and private side costs, annual impact, and what that means and ballpark figures.

No Action Taken.

4) Discussion and Possible Action Approving an Agreement with Westrum Leak Detection for Leak Surveys in Years 2025, 2027, and 2029.

Boers stated this is for an approval for agreement with Westrum, they've been doing this for 25 years, knows our system, finds leaks and works well with our staff and pricing is comparable with other companies that do the same work.

Gehin motioned to approve this agreement with Westrum Leak Detection for years 2025, 2027, and 2029. Seconded by Force.

Motion Carried 5-0.

5) Discussion and Possible Action on Sole Source Request for Well 3 Rehabilitation and

Cleaning.

Boers stated the paperwork and sole source was completed but never got a chance to come to Commission for approval. The cost quoted was the same as the price of repair in 2017. The Well hit a wall and was losing production fast, we were able to get them in to do this and now the work is completed. The original quote was over \$30k. They finished the initial work but the results weren't satisfactory, we asked them to do another round of chemical treatment. The well is now fully functional with good pumping capacity. We have an outstanding bill. Because of the PFAS, the plan to keep Well 3 running and just aerate it and discharge to the river is no longer an option; this well will need to continue to be run and the water treated and until the EPA decides it can be shut down.

Gehin motioned to approve the Sole Source Request for Well 3 Rehabilitation and Cleaning. Seconded by Herbst.

Motion Carried 5-0.

6) Discussion and Possible Action Approving Ongoing Sole Source Request for Lab Testing Services through Northern Lakes Services, Inc. (NLS).

Boers stated this a request to get rid of the continued need for an RFP and extra paperwork. Some labs we have used are specialized and some are competitive in their testing pricing, but after you add in the shipping and bottles they become more expensive and less convenient. We have a good working relationship with Northern Lakes Service, we worked out a nice delivery system where we could overnight in-between facilities simplifying the delivery method of the samples. It would be helpful to get this approved.

Herbst questioned the cost?

Boers replied we do about \$150k a year, it's budgeted but reduces the amount we go out for RFP's or requiring samples.

Gehin motioned to approve the ongoing sole source request for lab testing services through Northern Lakes Services, Inc. Seconded by Robinson.

Motion Carried 5-0.

7) Discussion on Utility Financial Strategies and Key Performance Indexes.

Dvorok stated this is not ready yet.

Rosenberg replied we will skip for now and maybe have it ready next time.

No Action Taken.

8) Discussion and Possible Action Approving a Contract with Community Infrastructure Partners (CIP) for Lead Service Line Replacements.

Lindman began this is the contract for LSL 5-year replacement, legal reviewed but had comments to discuss with CIP's Attorney but this is the concept moving forward for this project. If the commission would approve this subject to legal final review discussion and clarification.

Troutner reviewed certain clauses and issues for discussion within the contract that needed to be reviewed and discussed. See YouTube video for Wausau Water Works Commission Meeting 10/17/2023.

Robinson motioned to approve entering a contract with CIP subject to legal review and approval with authorized official signing off on it upon a resolution. Seconded by Herbst.

Motion Carried 5-0.

9) Discussion and Possible Action Approving a Reimbursement Resolution for the Clean Water Fund for the Wastewater Treatment Facility Headworks Project.

Lindman began this is our application to DNR for our headworks screening improvements project seeking principal forgiveness for this project. This allows us to use the grant and loan funds to reimburse us for work done ahead of the funding allocated to the city.

Force questioned if we were adding influent screen if they were not part of the design.

Brooks replied this was part of the initial project design but for cost saving measures it was decided not to proceed with the work. We are venturing into this project to take care of the headworks that should've been done as part of the project.

Lindman replied we have screens but issues with the building prevent us from being able to properly maintain and clean the screens. The city approved \$800k funding with ARPA but this will not cover the total project so we have applied for possible DNR grant funding. We haven't seen the funding allocation yet.

Robinson questioned if this was done already or contingent upon funding?

Brooks replied work has not been done, some engineering done to help out with the applications but there were plans and specs submitted to DNR and we were able to alter those plans to resubmit revisions. We are altering the headworks and redesigning it to get the screens up from the basement and there will be new step screens installed. The ones in place are aged. It will not impact our influent quality. It will capture more solids and larger debris.

Gehin motioned to approve a reimbursement resolution for the Clean Water Fund for the Wastewater Treatment Facility Headworks Project. Seconded by Herbst.

Motion Carried 5-0.

10) Adjourn.

Robinson motioned to adjourn. Seconded by Force.

Motion Carried 5-0.

Link to view meeting in its entirety: <https://tinyurl.com/wausaucitycouncil>

Gina Vang, Recording Secretary

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MEMORANDUM

TO: President Rosenberg
Commissioner Herbst
Commissioner Force
Commissioner Gehin
Commissioner Robinson

FROM: Eric Lindman, P.E.
Director of Public Works & Utilities

SUBJECT: Director's Report – November 2023

- Position Reclassifications and new positions – Ehler's is reviewing our current proposed changes and reviewing possible budget impacts. Once this is complete a joint HR/Commission meeting will be scheduled to discuss both of these options moving forward. We are going on year six since the last wage study was completed for the City. The handbook says a wage study should be completed every five years so serious consideration should be made to complete a wage study in 2024 and it should be a custom wage study for the utility with proper comparisons.

WATER DIVISION

1. Drinking Water Treatment Facility Update: See attached.

WASTEWATER DIVISION

1. Wastewater Facility Construction Update: See attached.
2. The Wastewater Treatment Plant continues to discharge a quality effluent. Optimization throughout the plant continues to ensure a quality effluent is being discharged.
3. **Wastewater Lab Technician:** Tyler Wagner's last day was October 31, 2023. Thank you for your three years of hard work and dedication Tyler. Advertising for the vacant position will commence once HR has reviewed and approved changes to the existing job description.

4. The 2023 Cured-In-Place (CIPP) project for Flieth Street and Imm Street commenced October 30, 2023 and will be completed by the middle of December, 2023.
5. A Class A Dryer/Biosolids Inspection meeting has been scheduled for November 16, 2023 with the WDNR, Donohue Engineers and Wastewater Treatment Staff. WDNR will determine at this time if all Class A requirements have been met and biosolids are stored in their appropriate outfall locations.
6. 48th Avenue Sanitary Interceptor replacement project commenced on October 16, 2023. 937 feet of new 24” ductile gravity main pipe is replacing the existing 15” pipe. Project is well under way with all new pipe being installed with a projected completion date of November 30, 2023.
7. Ben Brooks and Eric Lindman attended the 57th Annual Wisconsin Wastewater Operators Association (WWOA), Conference in Wisconsin Dells the week of October 23, 2023. Technical presentations consisted of Wastewater Treatment Technologies, Water Quality Monitoring/Analysis, Regulatory updates, Succession Planning, Case Studies and Best Practices, and Other Relevant Topics. Ben Brooks co-presented along with Bill Marten from Donohue, and discussed recent facility upgrades and the optimization of biological nutrient removal for enhanced treatment.



11/02/2023

Drinking Water Treatment Facility Update:

Construction of the Granular Activated Carbon PFAS treatment system continues. The contractor has completed changeout of the Anion Exchange resin. The contractor has completed temporary construction facilities including access road and construction staging. They have rerouted the underground utilities to the Sanitary Lift Station to allow construction of the PFAS treatment building. The contractor has excavated and placed structural backfill and is currently constructing the PFAS Treatment Building footings and foundation walls. Numerous concrete pours have taken place over the past several weeks.

The contractor has determined that there are additional costs beyond their previous estimate to accelerate the construction schedule, making the accelerated construction schedule cost prohibitive. They will not be advancing a change order for accelerated schedule as previously discussed. The construction schedule will remain as planned in the contract documents.

The construction team continues working on reviewing equipment and building materials submittals and is providing on-site engineering services.

The project team is working with WDNR on Safe Drinking Water Loan Program funding. We anticipate that the Anion Exchange resin changeout will be funded through SDWLP State Fiscal Year 23 and the GAC treatment system will be funded through State Fiscal Year 24. Both projects will receive Emerging Contaminants funds through the Bipartisan Infrastructure Law (BIL). Donohue will be working with City staff, financial consultants and WDNR to provide loan closing documentation and schedule the loan closings.



Susan Wojtkiewicz, PE (WI, MN)

m 715 790 6624

d 952 920 1815

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Project Status Report



Wastewater Treatment Facility Improvements Project – Engineer During Construction

City of Wausau, Wisconsin

Donohue Project Number 13229

Period | September 10, 2023 – October 7, 2023

Invoice 76

Engineer Activities This Period

- Construction administration services related to the remaining project close-out efforts associated processing work changes to the contract, and contractor monthly payment requests.
- Prepared and submitted Clean Water Fund disbursement request and provided CWF administration.
- The Engineer’s application engineering staff continues to fine tune the various systems as unit process systems are being operated.
- Final Change Order 28 for Contractor review has been drafted.
- Majority of final Certificates of Substantial Completion for those process systems that the Owner has begun to operate have been provided to the Contractor, with the last in Owner’s court to sign.
- Continue to verify completed punch list items.
- Continued to assist Owner with WDNR Class A biosolids approval.

Engineer Near-Term Activities

- As the project proceeds to closure, the engineer will continue to provide construction administration services including processing final change order, reviewing contractor payment requests, and providing on-site engineering services as needed.
- Review punch list items as they are completed by the Contractor.
- Preparation of CWF closeout documentation.

Project Status Report

Wastewater Treatment Facility Improvements Project – Engineer During Construction

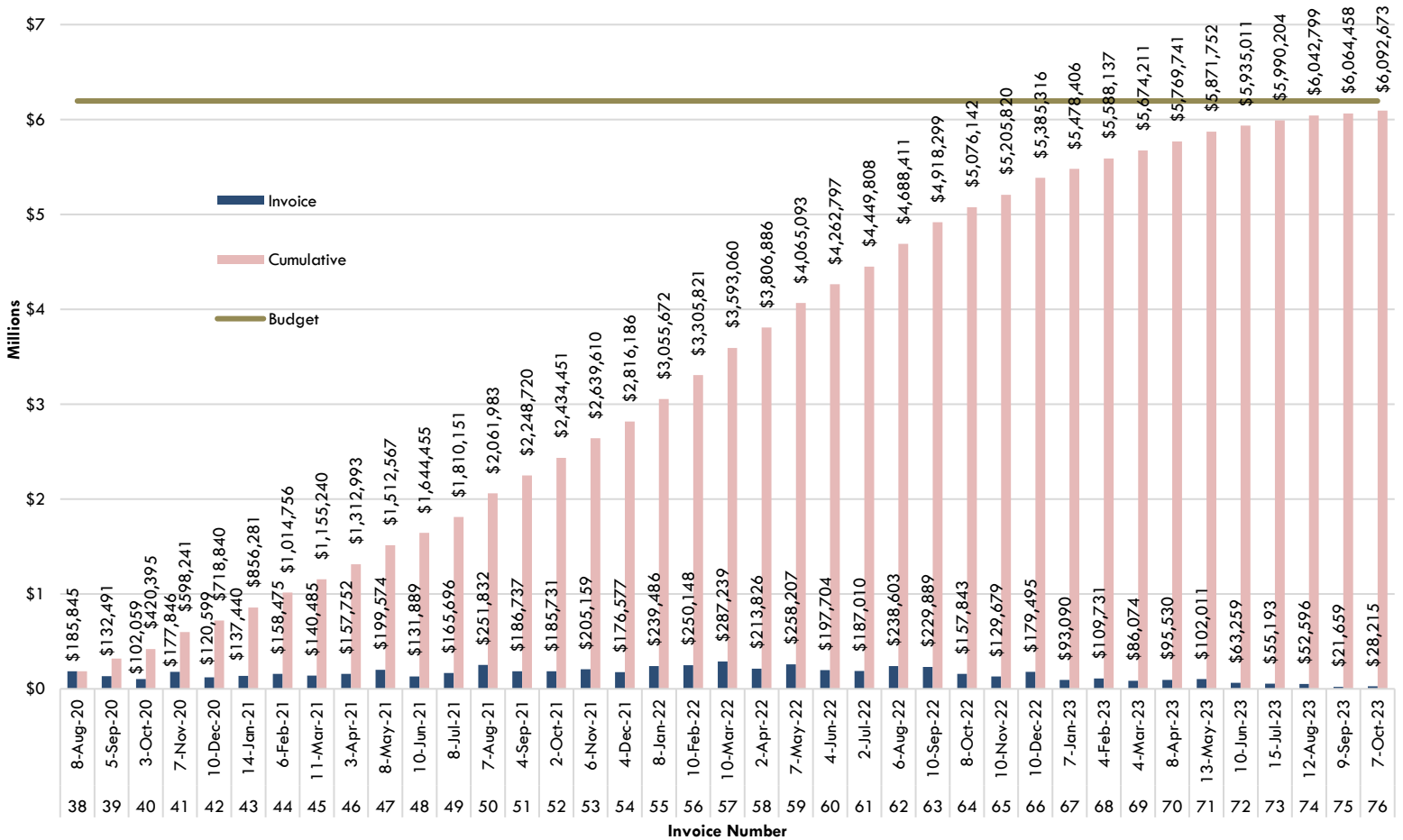
City of Wausau, Wisconsin

Donohue Project Number 13229

Period | September 10, 2023 – October 7, 2023
Invoice 76

Project Related Budget Snapshot

Construction Engineering Budget



Project Status Report

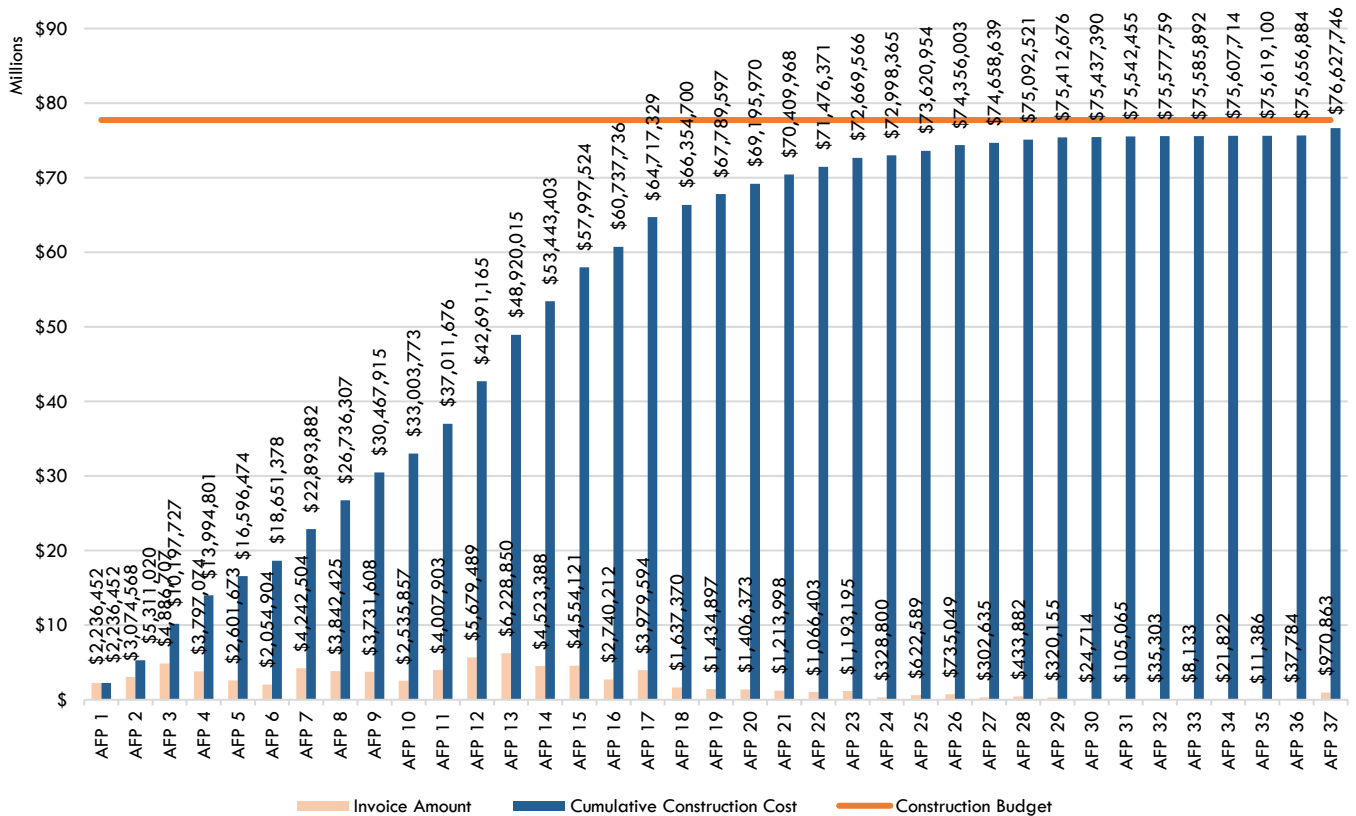
Wastewater Treatment Facility Improvements Project – Engineer During Construction

City of Wausau, Wisconsin

Donohue Project Number 13229

Period | September 10, 2023 – October 7, 2023
Invoice 76

Construction Budget: Pay Applications Approved by Engineer



Project Status Report

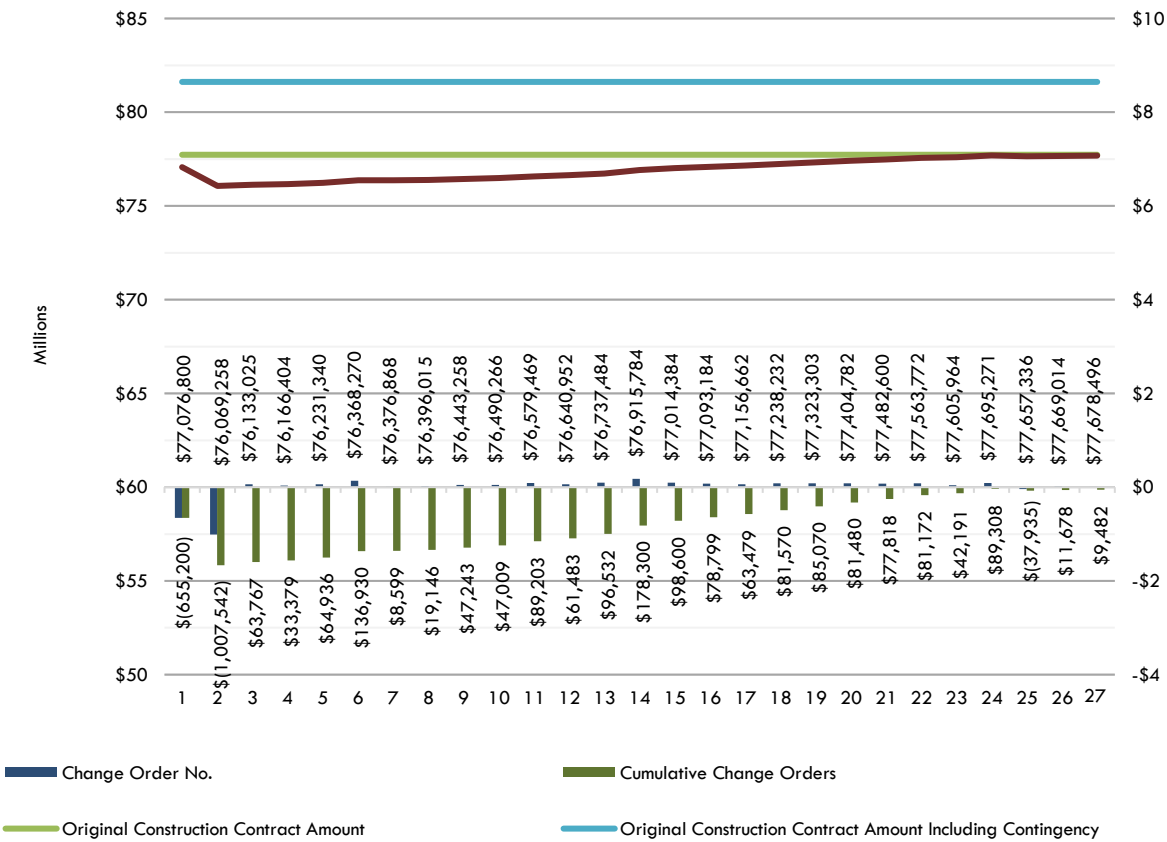
Wastewater Treatment Facility Improvements Project – Engineer During Construction

City of Wausau, Wisconsin

Donohue Project Number 13229

Period | September 10, 2023 – October 7, 2023
Invoice 76

Overall Project Budget



Budget Notes:

1. No budget issues at this time.

Remarks

1. Construction is complete except for punch list corrective work; therefore, construction photographs are no longer beneficial to document project progress.

INVOICE



3311 Weeden Creek Road
Sheboygan, WI 53081
Phone: 920-208-0296
www.donohue-associates.com

Invoice To:

City of Wausau
Attn: Ben Brooks
407 Grant Street
Wausau, WI 54403

Invoice Date:

October 12, 2023

Donohue Project No.:

13229

Invoice No:

13229-76

Project Manager:

Mike Gerbitz

Terms:

Net 30 Days

Billing Period:

09/10/23 - 10/07/23

Project Description:

Wastewater Facilities Plan & Design

Your Authorization:

Engineering Services Agreement, Signed 03/29/17
Amendment No. 1, Signed 06/28/18
Amendment No. 2, Signed 03/05/19
Amendment No. 3, Signed 01/27/20
Amendment No. 4, Signed 05/07/20
Permit Review Fees Payment Request, 02/27/20

Compensation:

Time and Expense	\$	129,220.00
Time and Expense	\$	984,565.00
Time and Expense	\$	3,323,900.00
Time and Expense	\$	4,351,831.00
Time and Expense	\$	1,843,325.00
Permit Review Fees	\$	12,534.50
Total	\$	10,645,375.50

Billing Summary:

Total Charges to Date	\$	10,543,907.52
Charges Previously Billed	\$	10,515,693.02
Current Charges	\$	28,214.50

Summary of Current Charges

Labor (136.0 hours)	\$	26,717.50
Reimbursable Expenses	\$	323.00
Permit Review Fees	\$	-
Subconsultants	\$	1,174.00
Total	\$	28,214.50

Current Charges Due	\$	28,214.50
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Please Remit to:

Donohue & Associates, Inc.
3311 Weeden Creek Road
Sheboygan, WI 53081
Phone: 920-208-0296
Fax: 920-208-0402

Aged Receivables

<u>Current</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>91 - 120 days</u>	<u>≥120 days</u>
\$28,214.50	\$21,658.73	\$52,595.35	\$0.00	\$10,240.73

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF THE WAUSAU WATERWORKS COMMISSION

Creating Chapter 13.66 Lead and galvanized water service line replacement, Section 13.66.010 Intent and purpose, Section 13.66.020 Authorization, Section 13.66.030 Rules of construction and definitions, Section 13.66.040 Survey and self-inspections, Section 13.66.050 Partial or full service line material replacement; water utility or customer side, Section 13.66.060 Replacement priority, Section 13.66.070 Application and Scheduling, Section 13.66.080 Financing of replacement, Section 13.66.090 Exceptions, Section 13.66.100 Prohibitions, Section 13.66.110 Severability, Section 13.66.120 Penalties.

Committee Action: Pending

Ordinance Number:

Fiscal Impact: \$25,000,000 (estimated over 5-years for public side replacement)

File Number:

Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Section 1. That Chapter 13.66 Lead and galvanized water service line replacement is hereby created and made up of the following Sections outlined below.

Section 2. That Section 13.66.010 Intent and purpose is hereby created to read as follows:

13.66.010 Intent and purpose.

Lead and galvanized service lines pose a threat to the public health based on the potential for leeching of lead into drinking water. The Common Council of the City of Wausau therefore finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead and galvanized pipe water service lines in use within the Wausau Water Utility system, and to that end, declares the purposes of this chapter to be as follows:

- (1) Continue to ensure that the water quality at every tap of Wausau Water Utility customers meets the water quality standards specified under the Federal Safe Drinking Water Act;

- (2) Continue to reduce the lead in City drinking water to meet EPA standards in City drinking water for the health of City residents;
- (3) Continue to meet the WDNR requirements for local compliance with the EPA's Lead and Copper Rule;
- (4) Continue to affect the replacement of all high-risk lead and galvanized service lines within five years of their discovery and the replacement of all remaining lead and galvanized pipe water service lines in use in the City within seven years; and
- (5) Limit costs by setting a service replacement schedule when federal, state, or local funding is available.

Section 3. That Section 13.66.020 Authorization is hereby created to read as follows:

13.66.020 Authorization.

This chapter is enacted pursuant to Wis. Stats. §§ 62.11(5), 281.12(5), 66.0627(8), and 196.372, and as mandated by 42 USC 300g of the Federal Safe Drinking Water Act, enforced by the EPA and the WDNR.

Section 4. That Section 13.66.030 Rules of construction and definitions is hereby created to read as follows:

13.66.030 Rules of construction and definitions.

This section and all rules and orders promulgated under this section shall be liberally construed so that the purposes enumerated in Section 13.66.010 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 chapter:

Childcare facility means any state-licensed or county-certified childcare facility including, but not limited to, licensed family childcare, licensed group centers, licensed day camps, certified school-age programs and Head State programs.

City means City of Wausau.

Confirmed water sample test means a tap water analysis, completed after a prior analysis that indicated lead levels at the EPA action level, and conducted in accordance with the Lead and Copper Rule, with Wis. Admin. Code § N 809.547, and with instructions provided by the Water Utility.

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 behind the curb on public property.

EPA means the U.S. Environmental Protection Agency.

EPA action level means a concentration of 10 or more parts per billion (PPB) of lead as measured at a customer's tap.

Federal Safe Drinking Water Act as codified as 42 USC §§ 300f - 300j-26.

Director means the Director of Public Works and Utilities.

High risk lead service means a lead and/or galvanized customer-side water service line identified in Section 13.66.050 and any lead and/or galvanized customer-side water service line where a confirmed water sample test of a customer's tap water reveals a lead concentration at or above the EPA action level.

Lead and Copper Rule means the rule created by the EPA and adopted by the WDNR in response to the passage of the Safe Drinking Water Act, which provides maximum containment 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 and galvanized service line replacement and public education. The rule may be found in 56 FR 26460, 40 CFR 141.80—141.90, and Wis. Admin. Code §§ NR 809.541 through 809.55.

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

PPB means parts per billion.

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

Service replacement schedule means the schedule adopted by the Wausau Waterworks Commission for the replacement of lead and galvanized customer-side water service lines based on community resources; on availability of licensed plumbers and Water Utility resources to complete service line replacements; on physical location of properties with lead and/or galvanized customer-side water service lines; and on availability of federal, state, or local funding. Based on the above factors, customers will be assigned a time period within the schedule for replacing their lead and/or galvanized customer-side water service line. In no case shall a customer on this schedule have less than 30 days from the date of notification pursuant to Section 13.66.060 for the replacement of any lead and galvanized customer-side water service line.

WDNR means the Wisconsin Department of Natural Resources.

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

Section 5. That Section 13.66.040 Survey and self-inspections is hereby created to read as follows:

13.66.040 Survey and self-inspections.

Upon notice from the Water Utility, any person who owns, manages or otherwise exercises control over a property within the Wausau Water Utility system shall allow the Water Utility to inspect the customer-side water service line or have the customer-side water service line inspected by a licensed plumber or other representative as authorized by the Director of Public Works and

Utilities to determine whether the service line is lead, copper, cast iron, galvanized steel, plastic or other material.

Section 6. That Section 13.66.050 Partial or full-service line material replacement; water utility or customer side is hereby created to read as follows:

13.66.050 Partial or full-service line material replacement; water utility or customer side.

- (a) All of the following service line material combinations are subject to partial or full replacement with copper, and/or plastic service lines under this division as identified:

SERVICE LINE MATERIAL REPLACEMENT

Water Utility-Side	Customer-Side	Side Requiring Replacement
Lead	Lead	Both
Lead	Galvanized	Both
Lead	Copper	Water utility only
Lead	Plastic	Water utility only
Copper	Lead	Customer only
Copper	Galvanized	Customer only
Copper	Copper	Neither
Copper	Plastic	Neither
Plastic	Lead	Customer only
Plastic	Galvanized	Customer only
Plastic	Copper	Neither
Plastic	Plastic	Neither
Galvanized	Galvanized	Both
Galvanized	Copper	Water utility only
Galvanized	Plastic	Water utility only
Galvanized	Lead	Both

No other service line material combinations have been identified which require replacement under this division.

- (b) All lead and galvanized water service lines must be replaced regardless of whether on the Water Utility-side or the customer-side. If either a customer-side or Water Utility-side lead or galvanized water service line is connected to each other, both lines must be replaced at the time the Water Utility or the customer is replacing its side of the lead or galvanized water service line. As of the effective date of the ordinance from which this Chapter is derived, no lead or galvanized service line will be allowed to connect to a Water Utility line once replaced.

Section 7. That Section 13.66.060 Replacement priority is hereby created to read as follows:

13.66.060 Replacement priority.

- (a) Owners, managers or persons otherwise exercising control over properties within the Wausau Water Utility system with customer-side lead and/or galvanized water service lines shall be required to replace the customer-side water service lines according to the order of priority as outlined in the lead service line replacement plan and based on the replacement schedule established by the Wausau Waterworks Commission.

- (b) Notwithstanding the schedules set forth herein and any limitations on funding sources which may be made available to either the Water Utility or the customer, all customer-side water service lines identified herein shall be replaced no later than seven years after the commencement of this program.

Section 8. That Section 13.66.070 Application and Scheduling is hereby created to read as follows:

13.66.070 Application and Scheduling.

Replacement of customer-side lead and/or galvanized pipes that are connected to a Water Utility-side lead and/or galvanized line must be completed at the time the Water Utility-side service line is replaced. Scheduling of all such replacements for customer-side lead and/or galvanized pipes must be coordinated between the homeowner's contractor and the Water Utility within 30 days of receipt of notice that the Water Utility-side water service lines are scheduled to be replaced. 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 customer-side lead and/or galvanized water service lines. Additional time to schedule the customer-side lead and/or galvanized pipe replacement may be granted by the Director of the Water Utility for good cause.

If the Water Utility determines that a customer-side service line is constructed of lead and notifies the property owner in writing, the property owner must make arrangements described above to replace the lead service line within 36 months. Additional time to schedule the replacement may be granted by the Director of the Water Utility for good cause.

Section 9. That Section 13.66.080 Financing of replacement is hereby created to read as follows:

13.66.080 Financing of replacement.

In the event funding is made available for this purpose through any means, an eligible property owner may apply to the City and/or Water Utility for financing of any portion of the cost of replacing a lead and/or galvanized customer-side water service line under the terms of such financing program. Disputes regarding eligibility for financing may be appealed to the Wausau Waterworks Commission, unless otherwise noted in the funding program. As a condition of receiving any available financing from the City and/or Water Utility, the property owner must provide adequate documentation demonstrating that the contractor and/or plumber completing the

work anticipated hereunder is properly certified and/or licensed by the State of Wisconsin and/or the City, as appropriate.

Section 10. That Section 13.66.090 Exceptions is hereby created to read as follows:

13.66.090 Exceptions.

- (a) The Water Utility may modify the inspection requirement set forth under 13.66.040 if the customer so requests and demonstrates a compelling need.
- (b) Upon the demonstration of a compelling need, the owner of a single-family dwelling or a business to which the public has no access to tap water and with no more than five employees, may request a change of schedule or an extension of time for compliance with Sections 13.66.050 through 13.66.070.
- (c) Guidelines for the consideration of requests under subsections (a) and (b) of this section will be established by the Wausau Waterworks Commission.
- (d) Compliance deadlines will be calculated on a calendar year basis but may be deferred during the months of December through March on the basis of weather constraints.

Section 11. That Section 13.66.100 Prohibitions is hereby created to read as follows:

13.66.100 Prohibitions.

It shall be unlawful for any person to fail to comply with the applicable lead and/or galvanized customer-side water service line replacement requirements as set forth herein or to violate any other provision of this chapter.

Section 12. That Section 13.66.110 Severability is hereby created to read as follows:

13.66.110 Severability.

If any section or portion of this chapter is for any reason determined to be invalid or unconstitutional by the decision of a court of competent jurisdiction, that section or portion shall be deemed severable and shall not affect the validity of the remaining sections or portions of this chapter.

Section 13. That Section 13.66.120 Penalties is hereby created to read as follows:

13.66.120 Penalties.

Any person who violates any provision of this chapter may be subject to a forfeiture of no less than \$50.00 and no more than \$1,000.00. Each day a violation continues may be considered a separate offense.

Section 14. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 15. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:

Approved:

Published:

Attest:

Approved:

Katie Rosenberg, Mayor

Attest:

Mary Goede, Deputy Clerk