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LOUISIANA ENVIRONMENT AND FLOOD CONTROL

New Orleans road work could raise lead levels in your water, officials warn

1 Updated on July 12, 2017 at 9:38 AM
Posted on July 12, 2017 at 9:27 AM



The city of New Orleans and the Sewerage & Water Board are warning residents to prepare for elevated lead levels in their water as crews begin road improvement projects across the city. The road work has the potential to unearth older lead water service pipes, which will need to be replaced. (Photo "Faucet" by Kamil Kaczor licensed via Flickr under CC BY 2.0)

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By **Jennifer Larino**, jlario@nola.com,
NOLA.com | The Times-Picayune

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New Orleans has nearly \$1.8 billion in street improvements in the pipeline in coming years. The result, hopefully, will be smoother, better draining roadways for dozens of neighborhoods where dodging potholes has evolved into a grudging art form. The work could also unearth another aspect of the city's aging infrastructure in desperate need of repair -- undiscovered lead water service lines.

The New Orleans Sewerage and Water Board and Mayor Mitch Landrieu's office are notifying residents citywide of the possibility of temporary elevated lead levels in drinking water as crews begin to dig up roads in coming months. The work, which has started in earnest in Lakeview and ramps up citywide headed into fall, affects a number of neighborhoods including New Orleans East, Gentilly, the Lower Ninth Ward and the Audubon area Uptown.



Lakeview road repairs to begin early next month

The repairs mark the first FEMA-funded construction project in the city's \$2.4 billion Capital Improvement Plan.

Cedric Grant, executive director of the Sewerage & Water Board, said the possibility of finding old lead service pipes exists any time there is road work in New Orleans. A ban on lead pipes was not written into building code until the late 1980s, and it is impossible to know exactly where all the remaining pipes are buried today, he said.

Grant framed the FEMA-funded roadwork projects falling under the city's five-year Capital Improvement Plan as an opportunity to lift the hood of the city's water system and make widespread improvements. His agency continues to test water to ensure it is lead-free when it leaves city treatment plants, but he encouraged residents to take steps to protect themselves and stay informed, including taking advantage of free lead testing offered by the city.

"We're trying to determine what the extent of this is citywide. We're focused with this capital program on about 400 miles of streets citywide," Grant said. "We'll get a pretty good idea once we start digging up these streets."

Is there lead in New Orleans water?

Cities nationwide started to move away from lead water pipes as early as the 1920s as the public learned more about their toxicity. However, they were not officially banned from use until 1986.

Corroding lead water lines can cause the toxic metal to enter the water supply, a process accelerated in areas where the water has high acidity or low mineral content.

Lead concerns were rekindled in 2014 when more than 100,000 residents in Flint, Mich. were exposed to high-levels of lead in the drinking water. The city of Flint had switched its water source and failed to sufficiently treat the water, causing lead to begin leeching from the old pipes into the drinking supply.

Here in New Orleans, where much of the housing stock and water supply system pre-dates 1987, the Sewerage & Water Board treats drinking water with an additive approved by the National Sanitation Foundation that helps prevent lead from getting into water. The agency also tests for lead in daily quality control tests completed in its labs and publishes an annual water quality report.

"We ensure that the water coming out of the plant and into the distribution and main pipe system is lead free," Grant said. "We treat it extensively in the plant, but we also provide corrosion control."

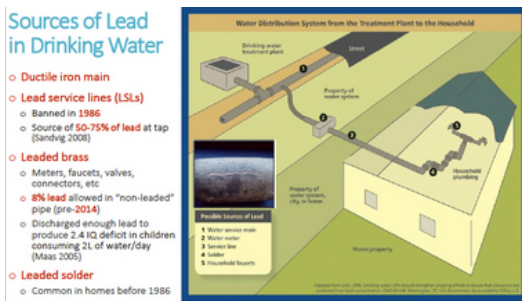
The Environmental Protection Agency also requires the city to complete citywide lead testing once every three years. EPA rules require that no more than 10 percent of 50 homes tested have lead levels at or above 15 parts per billion.

The last official EPA sampling was completed in November 2016. Grant said more than 100 tests were completed at sites across the city and all the tests fell below the EPA threshold. (The East Bank of Orleans Parish had an average count of 7ppb and the West Bank an average of 2ppb.)

Still, some researchers worry the EPA requirements are too lax.

Research released in April 2016 by Adrienne Katner, an assistant professor of environmental and occupational health at Louisiana State University's Health Sciences Center, showed as much as 9 percent of 1,005 homes randomly tested in New Orleans had lead levels in drinking water of 10ppb or greater.

Katner told NOLA.com | The Times-Picayune that no level of lead in water should be acceptable, but under EPA rules "up to 10 percent of the sites are allowed to have any level of lead whatsoever."



Some N.O. homes test too high for lead: researcher

Standards allow 10 percent of homes to test above action levels, which could mean dozens are at risk of lead poisoning, scientist says

How do I know if my home is at risk?

Despite treatment, lead contamination is still a possibility in New Orleans. By the time drinking water leaves your tap, it has woven through a system of dozens, if not hundreds, of water supply pipes, including service pipes that are on private property.

Those private lines are the ones that remain the biggest mystery to the city. Grant noted the Sewerage & Water Board can replace all the lead pipes its finds on public property, but not those underneath private property. He said homeowners and others who want lead water pipes on their property to be replaced will need to hire their own contractor to complete the work.

Road work can enhance that risk. City lines are often disconnected and reconnected with a homeowner's pipe system. That can dislodge deposits that have prevented lead from leeching into water in the homeowner's pipe. Lead can be released into the water for months after a reconnection is completed.

Sarah McLaughlin Porteous, the director of the city's Special Projects & Strategic Engagement Office, said the S&WB and the city will be notifying affected property owners and renters of the possibility of elevated lead levels before each road project begins, through the city's RoadWork NOLA email newsletter, inserts in water bills, and during community meetings, which will be held at the start of each project.

Click [here](#) to sign up for RoadWork NOLA emails and [here](#) to see a full list of upcoming projects.

Grant said the S&WB will also be going door-to-door with flyers to notify property owners in areas where lead water supply pipes are found during road work.

Porteous said about half of the more than 200 projects included in the Capital Improvement Plan are likely to have some form of water, sewer and drainage work.

"This is really going to be all across the city," she said. "In some way or another every neighborhood is going to be touched."

How can I protect my home?

Grant encouraged all residents concerned about lead in their water to take advantage of lead testing offered by the S&WB.

The service is free, though it does require a wait. Homeowners are sent a sample kit and must fill collection bottles with samples of tap water. The samples are sent to the Louisiana Department of Health and Hospitals for testing, which must return results in 30 days or fewer.

Residents can request a test by calling 504-865-0420 [📞](#).

The S&WB also recommends property owners in affected road work areas take the following measures:

- **Flush the faucets in your home** with cold water for at least 5 minutes before using or drinking tap water. The S&WB recommends flushing faucets before using the water for at least a month after road work in the area.
- **Use cold tap water for eating and drinking.** Hot water is more likely to contain higher levels of lead. Run water until it is as cold as it can get, especially when drinking, cooking and making baby formula.
- **Clean faucet aerators regularly.** The aerator is the piece at the end of the faucet, where water runs through.
- **Buy water filters certified by NSF International**, a product testing, inspection and certification organization. Most NSF-approved filters must be installed directly into the plumbing or in a refrigerator water filtration system, though select manual pour-through pitcher filters are available. [Click here to see a full list of NSF-certified water filters and their model numbers.](#)
- **Have a licensed plumber inspect your water service line.**

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[Manage My Account](https://myaccount.denverwater.org)
(<https://myaccount.denverwater.org>)

Customer Care:
[303-893-2444](tel:303-893-2444) (tel:303-893-2444)

Lead Service Lines

Our goal: Get lead service lines out of our community

Property owners are [responsible \(/residential/services-and-information/homeowner-responsibility\)](/residential/services-and-information/homeowner-responsibility) for service lines, but Denver Water supports recommendations by the American Water Works Association and the National Drinking Water Advisory Council that utilities create plans for removing all lead service lines in their systems, with a shared responsibility among regulatory agencies, governments, utilities and customers.


If you have a lead service line, the best way to remove lead from water is to replace that line with copper in full, from the water main into your home.

Loans for replacing lead service lines

Replacing a lead service line can be a financial challenge, so Denver Water has partnered in 2017 with [Denver Urban Renewal Authority \(http://renewdenver.org/\)](http://renewdenver.org/) (DURA) to provide financing to replace these lines.



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Under the program, which is serving as a trial for a potential wider-scale program in the future, DURA issues loans with interest rates of zero to 2 percent and repayment periods of 5 to 15 years, based on income. Eligibility requirements include owning a single-family home or duplex in the City and County of Denver or a Total Service distributor. Contact DURA at 303-534-3872  to learn more.

Not sure whether your service line is made of lead?

Denver Water does not have these records, because property owners [own the lines \(/residential/services-and-information/homeowner-responsibility\)](#). If your home was built and water tap installed before 1951, your line may contain lead. For help finding this information, call Denver Water at 303-893-2444 . You can also hire a plumber to check your service line's material.

When Denver Water finds a lead service line

Currently, when we encounter a lead service line in the course of certain planned construction projects such as [pipe replacement \(/project-updates/pipe-replacement\)](#), we replace that line entirely with copper. To protect residents' health, we provide important [post-replacement instructions \(/sites/default/files/lead-line-replacement-handout.pdf\)](#).

[Print](#)

Customer Care

303-893-2444 (tel:303-893-2444)

Emergencies

303-628-6801 (tel:303-628-6801)



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[Employee Self-Service \(https://dmzprdps01.denverwater.org/psp/BENEFITS/?cmd=login&languageCd=ENG\)](https://dmzprdps01.denverwater.org/psp/BENEFITS/?cmd=login&languageCd=ENG)

[Engineering Standards \(/contractors/construction-information/engineering-standards\)](/contractors/construction-information/engineering-standards)

[Investor/Financial Info \(/about-us/investor-relations\)](/about-us/investor-relations)

[Operating Rules \(/about-us/how-we-operate/operating-rules\)](/about-us/how-we-operate/operating-rules)

News on TAP



'Don't be afraid to get dirty,' retiree advises

(<https://denverwatertap.org/2017/08/04/dont-afraid-get-dirty-retiree-advises/>)



Now that's what we call quality

(<https://denverwatertap.org/2017/08/03/now-thats-call-quality/>)



Cheesman Dam: Happy trout, reliable water supply

(<https://denverwatertap.org/2017/08/03/cheesman-dam-happy-trout-reliable-water-supply/>)

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**Madison
Water Utility**

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Water Quality Testing (/water/water-quality/water-quality-testing) /

Lead & Copper In Water (/water/water-quality/water-quality-testing/lead-copper-in-water)

Share 7

Lead & Copper In Water

Madison's ground water supply does not contain significant amounts of naturally occurring lead or copper. The naturally corrosive nature of water, however, can dissolve or corrode lead and copper through contact with water service lines, interior pipes and plumbing fixtures.

Replacing Lead Services



Madison was the first major city in the country to launch a full Lead Service Replacement Program (<http://www.cityofmadison.com/water/blog/epa-seeks-details-of-madisons-lead-service-replacement-program>). Since 2001, Madison Water Utility has worked to replace all known lead water service lines in the city -- more than 8,000 in all -- with much safer copper.

Although the successful 11-year program has largely been completed, lead services are still occasionally discovered, usually when a property changes hands. If you have a lead water service, you may be eligible to receive a rebate covering half the cost of replacement up to \$1,500. Call our general administrative number at (608) 266-4651 [📞](tel:6082664651) for more information, or email water@madisonwater.org [↗](http://madisonwater.org/) (<http://madisonwater.org/>).

Lead can also be found in interior pipes and some plumbing fixtures. If you don't know whether your tap water contains lead, you should have the water tested by a certified lab. Proper sampling is required to obtain a valid result. (Note: A single test for lead level in drinking water may not be representative of the level at all times or of the average level over time.)

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
You can contact the one of the following certified laboratories to get lead sampling procedure information:


- **State Lab of Hygiene**, 2601 Agriculture Drive, Madison, WI 53707, Call (608) 224-6202 
- **Public Health-Madison & Dane County**, 210 Martin Luther King, Jr. Blvd., Madison, WI 53709, call (608) 266-4821 

Find out more about how to identify lead water pipes and steps you can take to make your water safer. (<http://www.cityofmadison.com/water/water-quality/lead-service-replacement-program/lead-in-water-what-you-should-know>)

Lead & Copper Rule Compliance Sampling

Based on our most recent lead & copper test results, Madison Water Utility has been placed on **reduced monitoring** (testing every three years instead of every year) for lead and copper. This schedule will require monitoring for lead and copper at 50 instead of 100 homes. The next round of sampling will take place in 2017.

- 2014 Monitoring Results *PDF*  (</sites/default/files/city-of-madison/water/documents/CuPb%20Monitoring%202014.pdf>)
- 2011 Monitoring Results *PDF*  (</sites/default/files/city-of-madison/water/documents/2011Monitoring.FullYearResults.pdf>)
- 2011 Summary *PDF*  (</sites/default/files/city-of-madison/water/documents/2011Monitoring.FullYearSummary.pdf>)

The report, Lead and Copper Rule Compliance Sampling *PDF*  (</sites/default/files/city-of-madison/water/documents/2010LCRSamplingACfinal.pdf>), chronicles the utility's efforts to better understand and control lead leaching from pipes, solder, and plumbing fixtures that contain lead-based alloys. It also highlights the importance of uni-directional flushing to reduce manganese scales that can adsorb and concentrate lead in water mains. The report details the lead and copper monitoring plans for 2010 and 2011.

Water Quality (</water/water-quality>)

Water Quality at My Address (<http://www.cityofmadison.com/water/waterquality/mywells.cfm>)

Annual Drinking Water Quality Report (</water/water-quality/annual-drinking-water-quality-report>)

Water Main Flushing Program (</water/water-quality/water-main-flushing-program>)

Water Quality Testing (</water/water-quality/water-quality-testing>)

Private Wells (</water/water-quality/private-wells>)

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Programs for Lead Line Replacement

Lead

Overview

Checking Your Home for Lead

What Can I Do If I Have Lead Pipes?

» Programs for Lead Line Replacement

Lead Testing in Philadelphia

Lead FAQ

There are programs for customers who wish to remove lead service lines, including a zero-interest loan and free replacement during water main replacement.

Replacing a Lead Service Line

To address concerns about household lead service lines, the Philadelphia Water Department offers several new programs to assist customers.

Homeowner Emergency Loan Program (HELP)

The Philadelphia Water Department offers a zero-interest loan for customers interested in replacing a lead service line. See our fact sheet for more information about how the Homeowner Emergency Loan Program (HELP) may be used to replace your lead service line.

Private Contractors

Customers can also contact any licensed and insured plumber and request an estimate for replacing lead service lines and other sources of lead in plumbing. Please note that prices vary according to a number of factors, including how far your home's water meter is from the City water main.

Free Removal During Water Main Replacement

The Philadelphia Water Department (PWD) will offer to replace any lead service line from the City's water main all the way to the customer's meter when we are replacing the water main on your block. PWD will notify residents by letter several months before work is scheduled to begin.

Make Removing Lead Pipes a Part of Creating a Lead-Free Home

Finding and replacing lead plumbing should be considered as a part of removing all lead from your home. This can be expensive, but removing lead permanently is the safest option. The Philadelphia Water Department is committed to helping customers remove lead pipes.

According to the Philadelphia Dept. of Public Health, identifying and addressing the most common sources of lead, including old paint, dust and dirt containing lead will have the biggest impact for homeowners interested in reducing the risk of lead exposure.

Cases of elevated blood lead levels related to water have not been identified by the **Philadelphia Dept. of Public Health**.

Customer Resources

Daily flushing tips

Spanish translation
Portuguese translation

How to check for lead pipes

Spanish translation
Portuguese translation

Community Presentation on Lead in Drinking Water

November City Council
Testimony - New Lead Bill

How Can I Get My Water Tested?

Philadelphia Water will conduct free lead tests for customers. If you believe you have lead plumbing in your home and would like to have someone check your water, call our hotline at 215-685-6300 to schedule an appointment.

Maintaining Household Plumbing



Meeting Lead Standards

Philadelphia's water quality continues to meet all State and Federal standards. Philadelphia Water successfully passed the most recent round of water quality testing for lead at customers' taps. [Learn more and see the results of those tests here.](#)

Water

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EDF Health

Fourteen communities set goal of replacing more than 240,000 lead pipes and 19 take important steps forward

By [Tom Neltner](#) | Published: August 7, 2017

[Tom Neltner, J.D.](#), Chemicals Policy Director **and** *[Sam Lovell](#)*, **Project Specialist**

An estimated [6 to 10 million homes in the US](#) still get their water from aging lead service lines (LSLs) – the lead pipes connecting the water main under the street to homes and other buildings. As the primary source of lead in drinking water, [eliminating LSLs is essential](#) to protecting public health and responding to community concerns.

Communities across the country are taking on the challenges posed by LSLs. EDF considers it important to recognize those leaders who are taking action. In a [past blog](#), we highlighted the work of the [Lead Service Line Replacement Collaborative](#) and its 25 members, including EDF, in developing a toolkit to help communities accelerate replacement of LSLs. Additionally, the American Water Works Association – the main organization for drinking water professionals – deserves recognition for its [declaration that LSLs need to be eliminated](#).

Through our review of publicly available information, [EDF identified](#):

- 14 communities that have publicly set a goal of eliminating LSLs in their jurisdiction – which collectively represents more than 240,000 LSLs. Setting a goal of full replacement is a critical step in the process—while clearly much work remains to ensure that LSLs are safely replaced.
- 19 other communities that are taking important steps to replace LSLs, but may not yet be ready or willing to set a public goal of full replacement.

The tally of communities is likely not comprehensive; we anticipate adding to each as more communities take action. We encourage users to fill out [this survey](#) if they know of a community LSL replacement program we have missed or not adequately described.

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Set Goal of Full LSL Replacement:

- Ann Arbor, MI
- Cincinnati, OH
- Denver, CO
- Detroit, MI
- Eau Claire, WI
- Flint, MI
- Green Bay, WI
- Platteville, WI
- Pueblo, CO
- Tacoma, WA
- Two Rivers, WI
- York, PA
- Quincy, MA
- Waterloo, WI

Taking Steps on Replacing LSLs:

- Boston, MA
- East Chicago, IN
- Fond du Lac, WI
- Galesburg, IL
- Grand Rapids, MI
- Janesville, WI
- Kewaunee, WI
- Lake Mills, WI
- Malden, MA
- Manitowoc, WI
- Marshfield, WI
- Menasha, WI
- Milwaukee, WI
- Oshkosh, WI
- Philadelphia, PA
- Pittsburgh, PA
- Racine, WI
- Sheboygan, WI
- Washington, DC

LSL replacement programs vary dramatically; no town or city in the country is identical. We describe each of the programs using [a framework](#) to highlight progress in four areas:

1. Replacing the full pipe, rather than a partial replacement that can make matters worse;
2. Providing economical and equitable replacement options;
3. Developing a robust, public inventory; and
4. Providing guidance to property owners.

Developing and implementing an LSL replacement program is a complicated process, made challenging by many factors that include: service line ownership, the cost of replacement, and inconsistent recordkeeping of service line material. Many communities have found creative and innovative solutions to deal with these challenges and others are working to develop solutions.

By recognizing and describing the efforts of these communities, EDF hopes both to highlight progress made at the local level on LSL replacement and provide a resource for other communities interested in getting the lead out of their water systems.

[Learn more about each community and additional background on LSL replacement.](#)

Environmental Loans (EL) Private Lead Service Line (LSL) Replacement Funding Program

The Wisconsin DNR established a two-year program (SFY 2017 and SFY 2018) to assist disadvantaged municipalities replace lead service lines on private property for projects that result in full lead service line (LSL) replacements. Funding for LSL replacement on private property is in the form of [Principal Forgiveness \(PF\)](#), which means no debt is incurred on behalf of the municipality for these funds.

- [Private LSL Program background](#)
- [Implementation tools for municipalities in the LSL program](#)
- [Additional resources on lead service lines](#)
- [Contact information](#)

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Private Lead Service Line (LSL) Program background

- [LSL program description](#)
- [Concerns about lead and partial lead service line replacements](#)
- [Lead pipe waste management](#)

LSL program description

The SDWLP Intended Use Plans (IUPs) provide a description of the Private LSL Replacement Funding Program. Funding for this program is only available for SFY 2017 and SFY 2018, and projects must result in full lead service line replacements. Municipalities have three years from the date of their loan closing to expend funds for the LSL program.

The program is intended to assist individuals in disadvantaged municipalities since user rates cannot be used to replace the private portion of the lead service line. The program policies are established with participation from the Wisconsin Departments of Natural Resources (DNR) and Administration (DOA) and the Wisconsin Public Service Commission (PSC) to ensure each respective agency's requirements are met.

SFY 2017 projects

The 38 municipalities that submitted applications for SFY 2017 funding must [close](#) their principal forgiveness "loans" by June 28, 2017.

- [SFY 2017 LSL Funding List \[PDF\]](#) (08/09/16).

The SFY 2017 awards are allocated based on municipal population once the municipality meets the program criteria, including eligibility and deadlines, as follows:

- \$1,000,000 for municipalities with population $\geq 500,000$
- \$500,000 for municipalities with population $< 500,000$ and $\geq 50,000$
- \$300,000 for municipalities with population $< 50,000$

SFY 2018 projects

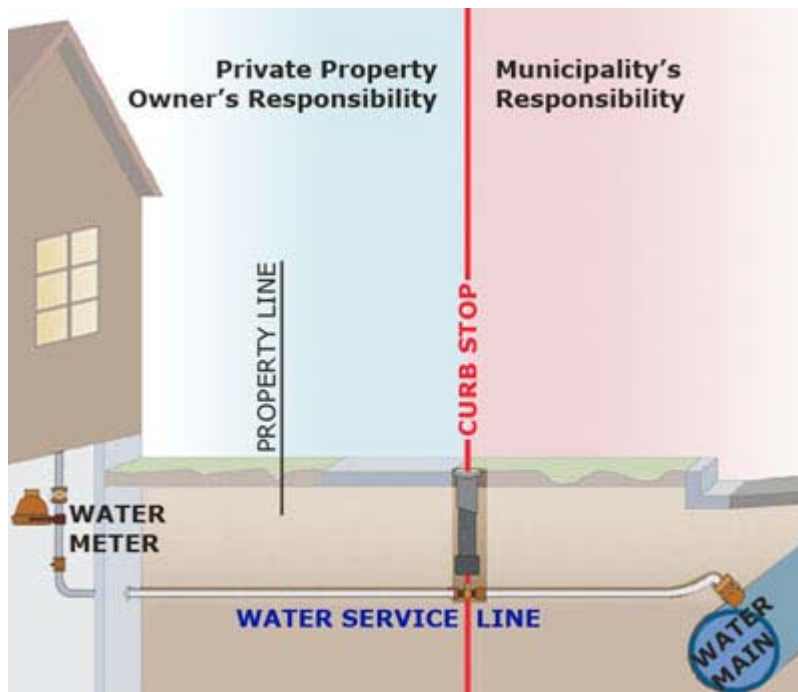
The 41 municipalities eligible to submit an [application](#) for SFY 2018 funding are listed in the Project Priority List (PPL) and must submit a complete application by June 30, 2017 to receive private LSL replacement funding from this program. Municipalities will need to document the number and location of the private LSL replacements for which they are requesting funding in their SFY 2018 application. Specific application requirements for SFY 2018 LSL project applications will be defined in the near future. Please check back for updates.

- [SFY 2018 LSL Received Intents to Apply \(ITAs\) List \[PDF\]](#) (03/01/17).
- [SFY 2018 Safe Drinking Water Loan Program \(SDWLP\) Project Priority List \(PPL\) \[PDF\]](#) (01/24/17).

Funding caps will be established in the SFY 2018 SDWLP Intended Use Plan (IUP), anticipated to be published in April, 2017. A Funding List will be published after the applications are reviewed for eligibility and completeness.

Concerns about lead and partial lead service line replacements

New national research on lead in drinking water has raised concerns within DNR regarding the potential for increased lead levels when partial LSL replacement occurs. The Department is advising that municipalities replace lead service lines in their entirety – partially replacing lead service lines can increase lead levels in homes. Visit the Wisconsin DNR Drinking & Groundwater Program's [Drinking Water & Lead](#) Web page for more information on lead in drinking water.



The private property owner is responsible for the service line from the curb stop to the home (this includes all plumbing except for the water meter inside the property). The municipality is responsible for the service line from the water main to the curb stop.

Lead pipe waste management

What to do with the lead pipes after they are removed from service:

The Department recommends lead pipe materials removed from water services be managed through reclamation rather than disposal. A provision in ch. NR 661.02(3)(c), Wis. Admin. Code allows for management of what would otherwise be waste scrap metal to be managed as a solid waste provided the scrap metal is reclaimed.

Municipalities are encouraged to carefully evaluate scrap dealers who might take this waste to ensure the lead pipe materials will be properly recycled. Recycled lead can be put back into use through lead-acid batteries, lead shielding, and other valuable uses.

If a municipality chooses to dispose of the lead materials, it will be necessary to characterize the waste to determine if it exhibits a hazardous characteristic for lead. Lead pipe materials would likely fail TCLP for lead and would then need to be managed as a hazardous waste. Lead pipe materials determined to be nonhazardous could be disposed of in a solid waste landfill.

Waste determinations

For more information on waste determinations, please contact [Ed Lynch](#), Section chief of [Hazardous Waste Prevention and Management](#), or contact your [DNR Regional hazardous waste management specialist](#).

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Implementation tools for municipalities in the LSL program

Read the [list of Considerations for Setting up a Private Lead Service Line \(LSL\) Replacement Program \[PDF\]](#). This list of considerations is meant as guidance for municipalities that are deciding how to establish their own private LSL replacement program.

- [Municipal program & contracting options](#)
- [Cost eligibility & project eligibility](#)
- [Plans and specifications](#)
- [Authorized representative resolution](#)
- [Federal requirements](#)
- [Forms](#)
- [Closing](#)

Municipal program & contracting options

Municipalities have options for how they establish a private LSL replacement program, with the understanding that the LSL PF can only be used for the cost of replacing private LSLs which result in the *full replacement of the lead service line for that property*.

Private LSL replacements can be done:

- to make prior partial service line replacements "full";
- as planned road and public watermain replacements occur;
- at licensed daycare centers and pre-K-12 schools.

Private LSL replacement can be accomplished through a municipal contract or through a municipal program where the homeowners contract directly with a plumber/contractor from a prequalified list. View the [Type of Contracting \[PDF\]](#) table for contracting options and the associated requirements.

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Note: The Department of Safety and Professional Services (DSPS) licenses plumbers and enforces the state plumbing codes.

Municipal program with prequalified list of plumbers

Under this option the municipality issues a Request for Qualifications (RFQ) in order to prequalify plumbers/contractors for participation in the private LSL replacement program (see [Prequalification Considerations \[PDF\]](#)). Homeowners contract directly with a plumber from the prequalified list and then are either reimbursed by the municipality or the municipality can pay the plumber directly on the homeowner's behalf.

Federal Davis-Bacon wage rates *may not be required* when the homeowner contracts directly with the prequalified plumber, even if the municipality pays the plumber directly. Applicability depends on property ownership or the type of firm performing the work. For further guidance, please see [Davis-Bacon Applicability in the Private LSL Replacement Program \[PDF\]](#).

Municipal Programs are the most requested option so far under the private LSL replacement program. Municipalities are developing their own criteria for the programs, including:

- Funds distribution based on the age of the children in the home;
- Funds distribution based on household income;
- Fully-funded private LSL replacement;
- Cost-shared private LSL replacement;
- Funds made available through a revolving loan program;
- Voluntary homeowner participation; and
- Mandatory homeowner participation.

Municipal contract

Under this option the municipality bids out the private LSL replacement work through their normal municipal contracting process. All costs are paid directly by the municipality who coordinates the timing of the private LSL replacement with the homeowner.

Federal Davis-Bacon wage rates *are required* when the municipality directly contracts for the work. For further guidance, please see [Complying with Davis-Bacon and Related Acts \(DBRA\) \[PDF\]](#).

Cost eligibility & project eligibility

The private LSL replacement program can be used for costs associated with private homes, K-12 schools, and licensed day care centers. It does not cover costs for replacing private lead service lines to commercial and business properties, except in instances where a building contains both a business and a residence. All associated costs for private LSL replacement are eligible for funding, including: investigative costs, engineering costs (prorated if part of a larger project), easements, force account, etc.

The public portion of the service line is eligible for regular SDWLP program funding (loans and, if applicable, regular principal forgiveness). Funds cannot be used to replace interior plumbing and/or fixtures containing lead (for funding option, see [CDBG Housing Program](#)).

In addition to lead service lines, the private LSL replacement program can fund the cost of removing lead goosenecks and galvanized service lines that have been served by lead lines/pipes in the past. A "gooseneck" is a short segment of pipe (under the street) that connects the water main to the service line. These all can contribute to elevated lead levels in the water.

Plans and specifications

For most situations, the submittal of [plans and specifications](#) to the DNR for private service line replacements is not required.

The Department of Safety and Professional Services (DSPS) has indicated that private residential lines are not reviewable projects under their regulations; *however, any private LSL replacements would be required to meet applicable local, state (DSPS), or federal codes*. The DSPS licenses plumbers and enforces the state plumbing codes.

Authorized representative resolution

An [authorized representative resolution \[PDF\]](#) is required so the Department knows the applicant has the authority from the municipality to seek funding for this program. This resolution should accompany the application submittal.

Note: a [reimbursement resolution](#) is not required for a PF-only application.

Federal requirements

Private Lead Service Line (LSL) Replacement projects are federally funded; therefore, federal requirements apply:

- Davis-Bacon Wage Rates (see [Davis-Bacon Applicability in the Private LSL Replacement Program \[PDF\]](#)).
- Disadvantaged Business Enterprise (DBE) Solicitation (see [Federal Requirements for Private LSL Replacement Projects \[PDF\]](#)).
- Environmental Review (see [Environmental Review Guide for the SDWLP \[PDF\]](#)).
- Use of American Iron and Steel (UAIS) (see [Federal Requirements for Private LSL Replacement Projects \[PDF\]](#)).

Municipalities anticipating submitting a SFY 2018 application for funding are encouraged to initiate the Environmental Review process as soon as possible, to help expedite the awarding of funds to their project.

Forms

The following forms are part of the private LSL replacement program:

- [LSL Addendum for SDWLP Financial Assistance Application \[PDF\]](#).
- [SDWLP Financial Assistance Application \[PDF\]](#) (Form 8700-262).
 - Note: Only pages 1-4 are required.
- [SDWLP Environmental Review \[PDF\]](#) (Form 8700-365).
 - Note: Use Form 8700-365 instead of Form 8700-367 (SDWLP Private LSL Replacement Preliminary Environmental Review Worksheet).
- [Request for Disbursement for Private LSL Financial Assistance Program \[PDF\]](#) (Form 8700-366).

Note: June 30, 2017 was the application deadline for SFY 2018 LSL projects.

Closing

[Closing Your LSL Loan \[PDF\]](#) is guidance for municipalities that submitted applications for SFY 2017 funding and must close their LSL projects by June 28, 2017.

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Additional resources on lead service lines

Sample municipal documents

The following documents were distributed to municipalities participating in [July 2016 informational meetings](#):

- [Leak Up To Owner/ Lead Pipe Replacement Agreement \[Word\]](#) Boston Water and Sewer Commission 2012
- [Statement Regarding Water Service Line \[Word\]](#) Madison Water Utility (survey form)
- [Application for Reimbursement of Cost for LSL Replacement \[PDF\]](#) Madison Water Utility (reimbursement request form)
- [Application for Lead Replacement \[PDF\]](#) Madison Water Utility (owner/plumber contract form)
- [Check List: Procedures for Replacing Property Owner Lead Water Service \[PDF\]](#) Madison Water Utility 2008
- [Madison Ordinance \[PDF\]](#)
- [Kewaunee Ordinance \[PDF\]](#)

Toolkit from the Lead Service Line Replacement (LSLR) Collaborative

The LSLR Collaborative released a new toolkit for utilities, public health officials, and local leaders to tackle lead pipes in their community. The [online toolkit \[exit DNR\]](#) includes a roadmap for getting started; suggested practices to identify and remove lead service lines in a safe, equitable, and cost-effective manner; policies that federal and state leaders could adopt to support local efforts; and links to additional resources that may be helpful when developing local programs.

Strategies to obtain customer approval

The document, [Strategies to Obtain Customer Acceptance of Complete Lead Service Line Replacement \[PDF exit DNR\]](#), presents an approach to obtain customer approval for replacement of the lead service line on their property. It focuses on key elements of proven utility programs for readers to consider when developing their own local cost-efficient program. This document summarizes the regulatory requirements of the Lead and Copper Rule as it pertains to lead service line replacement. (Produced by the American Water Works Association (AWWA).)

Community Development Block Grant (CDBG) Housing Program

The Department of Administration (DOA) CDBG Housing Program will work with qualifying homeowners to assess hazards in their homes, including lead service lines.

Index
Schedule JAM-r5

The 0% interest loan would cover the costs for addressing all hazards, not just lead lines. Repayment on the loan is deferred until the home is sold or no longer the homeowner's primary residence. Visit DOA's [CDBG Housing Program \[exit DNR\]](#) webpage for more information.

Archived resources & materials

E-Bulletin articles

Read about the LSL program in [E-Bulletin](#) newsletters.

Webinar: LSL funding basics

The Wisconsin DNR hosted and recorded a public webinar on 6/8/2016 about [SDWLP LSL funding basics \[VIDEO Length 44:25\]](#). It includes a 15-minute presentation followed by 30 minutes of a panel answering questions. View LSL slide show [handout \[PDF\]](#).

Frequently asked questions (FAQ)

The Private LSL Replacement Program [Frequently Asked Questions \(FAQ\) \[PDF\]](#) addresses many issues relating to the Private Lead Service Line Replacement Funding Program and projects.

[Prequalification Considerations \[PDF\]](#) addresses questions about the prequalified list of plumbers and the municipal Request for Qualifications (RFQ) from licensed plumbers/utility contractors interested in participating in the private LSL replacement program.

July 2016 informational meetings

Read the [Summary of private Lead Service Line \(LSL\) municipality meetings \[PDF\]](#) held during July of 2016. DNR presented, with participation from PSC, information about the private LSL replacement funding program to municipalities. The following documents were distributed to participating municipalities:

- [Federal Requirements \[PDF\]](#) Pertaining to Private Lead Service Line (LSL) Replacement Projects
- [Lead Service Lines and Drinking Water - Best Management Practices \(BMPs\) \[PDF\]](#)

- [Environmental Review Requirements for LSL Projects \[PDF\]](#) funded by the Safe Drinking Water Loan Program (SDWLP)
- [Strategies to Obtain Customer Acceptance of Complete Lead Service Line Replacement \[PDF exit DNR\]](#) American Water Works Association (AWWA)

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Contact information

Direct questions about the private Lead Service Line (LSL) replacement funding program to:

[Becky Scott](#)

Financial assistance specialist, EL section

Bureau of CFA


608-267-7584 

or

[Robin Schmidt](#)

Section chief, EL section

Bureau of CFA


608-266-3915 

Direct questions about the Safe Drinking Water Loan Program (SDWLP) to:

[Nicole Mathews](#)

Safe Drinking Water Loan Program (SDWLP) specialist

EL section, Bureau of CFA

608-266-0849 

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Last revised: Friday July 07 2017

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held March 2, 2017

Commissioners Present:

Gladys M. Brown, Chairman
Andrew G. Place, Vice Chairman
John F. Coleman, Jr.
Robert F. Powelson, Statement
David W. Sweet

Petition of The York Water Company for an Expedited
Order Authorizing Limited Waivers of Certain Tariff
Provisions and Granting Accounting Approval to Record
Costs of Certain Customer-Owned Service Line
Replacements to the Company's Service Account

P-2016-2577404

ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) is the Recommended Decision of Administrative Law Judge (ALJ) Elizabeth H. Barnes recommending approval of a Joint Settlement Petition (Settlement) of all parties to a case filed by the York Water Company ("York Water" or "Company"). The Settlement seeks expedited approval of two issues: (1) a waiver of the portion of York Water's tariff that does not allow the Company to bear the costs associated with the replacement of customer-owned lines and (2) approval to record the associated costs as a regulatory asset to be amortized over a reasonable period as determined in the next base rate case.

As a water company subject to the Lead and Copper Rule (LCR) at 25 Pa. Code §§ 109.1101 through 109.1108, York Water must conduct periodic monitoring of the

drinking water at consumer taps to determine the concentration of lead in the drinking water. The Company's most recent results for this test exceeded the lead action level set in the LCR. Consequently, the Pennsylvania Department of Environmental Protection (DEP) issued a Consent Order and Agreement (CO&A) requiring the Company to take specific action to reduce lead levels at customer taps.¹

To that end, York Water filed a Petition for an Expedited Order Authorizing Limited Waivers of Certain Tariff Provisions and Granting Accounting Approval to Record Cost of Certain Customer-Owned Service Line Replacements to the Company's Services Account (Petition) on November 28, 2016. Specifically, York Water sought limited waivers of York Water Tariff Water – Pa. P.U.C. No 14, Supplement No. 68, Fourth Revised Page No. 10, Tariff Rule 3.4, which provides that customers are responsible for the installation, maintenance, and replacement of customer-owned service lines. York Water initially sought limited waivers of these tariff provisions in order to replace customer-owned lead service lines concurrent with its planned replacement of 1,660 Company-owned lead service lines over the next 4 years. Additionally, the Company requested an extended waiver of its tariff rule to replace customer-owned lead service lines when discovered, regardless of the material used for the Company-owned service line. York Water initially requested permission to capitalize these costs and an Order granting the waivers by December 22, 2016.

On December 19, 2016, the Commission's Bureau of Investigation and Enforcement (I&E) filed an Answer requesting discovery and an evidentiary hearing. On December 19, 2016, the Office of Consumer Advocate (OCA) filed an Answer, which generally supported the Petition but also expressed some reservations.

¹ *In the Matter of: The York Water Company: Violations of the Pennsylvania Safe Drinking Water Act and Regulations*, PWSID No. 7670100, City of York, York County. *See also*, Stipulations of Fact, Exhibit B

On January 12, 2017, a prehearing conference was held and on January 23, 2017, the Company, OCA, and I&E (collectively, (“Joint Petitioners”)) filed the Settlement petition. Joint Petitioners also requested that ALJ Barnes certify the record to the Commission without issuing a decision in order to expedite the approval of the settlement on or before January 26, 2017. On January 26, 2017, a Secretarial Letter was issued by the Commission denying the request for certification of the record without a decision from the presiding officer and directing ALJ Barnes to prepare a Recommended Decision regarding the Joint Petition as expeditiously as possible. On February 6, 2017, ALJ Barnes issued the Recommended Decision approving the Petition as modified by the Settlement.

Background

York Water is a public utility engaged in the business of supplying water and wastewater services to approximately 66,100 customers in York and Adams Counties, Pennsylvania. In September 2016, York Water completed its triennial water sampling required by the Environmental Protection Agency. The Company’s tests concluded that 6 of the 50 buildings tested had samples greater than 15 parts per billion of lead. Consequently, York Water is presently subject to a CO&A with the DEP that requires the Company to take specific action to reduce lead levels at customer taps.² Pursuant to this CO&A, York Water plans to expeditiously replace the 1,660 Company-owned service lines known to be constructed of lead.

The York Water tariff divides ownership of service lines that deliver water to a customer’s premises into two parts: one part is Company-owned and the other is customer-owned. The Company-owned line extends from the water main to the curb stop and curb box. The customer-owned line extends from the curb stop and curb box to the

² Consent Order and Agreement entered into on December 23, 2016.

premises. Under the existing York Water tariff, it is the customer's responsibility to own and maintain the customer-owned line.

The current York Water tariff does not permit the utility to replace a customer-owned service line at the Company's initial cost. Rule 3.4 of the tariff provides that "[e]ach Customer's Service Line shall be installed . . . by or on behalf of such Customer at his expense." Rule 3.4, Supp. No. 68 to Water Pa. P.U.C. No. 14, Fourth Revised Page No. 10.

Replacing the Company-owned lead lines addresses only part of the problem. Customer-owned lead lines also need to be replaced. Under York Water's existing tariff, replacement of customer-owned lead lines would depend upon each customer assuming the burden and full expense of the replacement. Rather than rely upon customers to replace their lead service lines, which would result in a haphazard approach, York Water proposes to assume that responsibility at its initial expense. While performing the replacement of the Company-owned lead service lines, York Water proposes to simultaneously replace the customer-owned portions of the lead service lines as they are discovered. In instances where the customer-owned lead service line is connected to a Company-owned non-lead service line, York Water would still replace customer-owned lead service lines, as they are discovered. York Water proposes to pay up to the Company's average contracted cost for replacing a customer-owned lead service.

Under the terms of the Settlement, the waiver allowing the Company to assume the initial cost of replacing customer-owned lines would not extend to line repair/replacement for reasons other than the presence of lead. The Settlement also addresses limitations on later replacements. Finally, the Settlement addresses the rate treatment of York Water's initial expense and requires the Company to record the costs as a regulatory asset, to be recovered in future base rate proceedings.

The ALJ recommended granting York Water's Petition, as modified by the Settlement. Specifically, the ALJ recommended granting a limited two-phase waiver from compliance with its Tariff Rule 3.4: (1) a four-year waiver involving the replacement, at the Company's initial cost, of lead customer-owned service lines discovered when the Company replaces its own lead service (Phase 1) and (2) a nine year waiver involving the annual replacement of customer-owned lead service lines as they are discovered (Phase 2).

Discussion

In light of the gravity of the situation, York Water requested, and the settling parties agreed to, a waiver of Tariff Rule 3.4. Historically, the Commission has granted tariff waivers in very limited circumstances.³ Considering the important role of utility tariffs, waiving such provisions is generally disfavored as a matter of law and policy. Tariffs set forth in writing the rules and provisions by which a utility operates so as to provide the utility and the public with a transparent understanding of a utility's obligation to provide non-discriminatory service.⁴ As such, it is more appropriate for York Water to make the changes agreed upon in the Joint Settlement Petition through a tariff revision.

³ See *Petition of Peoples Natural Gas Co., LLC for Approval of Limited Waivers of Certain Tariff Rules Related to Customer Service Line Replacement*, Docket Nos. P-2013-2346161, *et al.* 2013 Pa. PUC LEXIS 543, at 95-97 (Order Entered May 23, 2013); *Petition of Columbia Gas of Pennsylvania, Inc. for Limited Waivers of Certain Tariff Rules Related to Customer Service Line Replacement*, Docket No. P-000724337, 2008 Pa. PUC LEXIS 344, at 9 (Order Entered May 19, 2008).

⁴ A public utility may not charge a rate other than the rates set forth in its tariff. 66 Pa. C.S. 1303A tariff is a set of operating rules imposed by the Commission that each public utility must follow in order to provide service to its customers. *PPL Electric Utilities Corp. v Pa. PUC*, 912 A.2d 386 (Pa. Cmwlth. 2006). Each public utility must file a copy of its tariff with the Commission setting forth its rates, services, rules, regulations and practices so that the public may inspect its contents. 66 Pa. C.S. 1302; 52 Pa.Code 53.25. The Commission has no authority to allow a public utility to deviate from its tariff even where the Commission concludes it is in the public interest. *Philadelphia Suburban Water Co. v. Pa PUC*, 808 A.2d 1044 (2002); Public utility tariffs must be applied consistent with their language. Public utility tariffs have the force and effect of law and are binding on the public utility and its customers. *Pennsylvania Electric Co. v Pa PUC*, 663 A.2d 281 (Pa. Cmwlth. 1995); Tariff provisions previously approved by the Commission are prima facie reasonable. *Zucker v. Pa PUC*, 437 A.2d 1067 (Pa.Cmwlth. 1981)

This case needs to move forward, as York Water is already gearing up for construction to ameliorate a problem of the utmost importance to its customers. Further, the proposed course of action by York Water coordinates the replacement of Company-owned and adjoining customer-owned service lines. As such, delay of customer-owned line replacements can result in a delay of Company-owned replacements, unnecessarily stalling the actions necessary under the CO&A and potentially harming the health and safety of York Water's customers. The efficiency of this approach minimizes total costs, thereby providing better service to York Water customers, particularly to those who might find the total cost of replacing the customer-owned line to be burdensome or too expensive a task to undertake independently. Additionally, a "partial lead service line replacement" may not significantly reduce the lead level at the customer's tap, but may temporarily increase lead at the customer's tap due to disturbing the customer-owned service line during the partial replacement.⁵

Accordingly, in order to delay this matter no longer, the Joint Petition for Settlement will be treated as a petition for approval to file a tariff supplement, and will be approved as such.⁶ York Water shall file a tariff supplement that reflects the terms of the Settlement, including sunset dates consistent with the parties agreed upon waiver expiration timelines, within seven days of entry of this Order. Once filed, the amended tariff will be effective upon three days' notice, which will give the Commission and the Joint Petitioners an opportunity to ensure that the proposed tariff is consistent with the Settlement.

In the meantime, recognizing the pressing health and safety issue at hand, as well as the delay that has ensued in addressing this case of first impression, we will grant York Water a temporary waiver of Tariff Rule 3.4. This waiver will expire upon the effective

⁵ See, Stipulations of Fact, Item 67.

⁶ The Joint Settlement Petition already includes all of the necessary agreements among the litigating parties, so there is no prejudice in treating the Joint Petition as a petition for approval to file a tariff supplement.

date of the tariff supplement required by this Order. The Commission has, in narrow circumstances, issued such time-limited waivers, and doing so here is necessary to allow York Water to begin work replacing customer-owned lead service lines immediately in the context of a DEP-issued consent order.⁷ **THEREFORE,**

IT IS ORDERED:

1. That the Petition of The York Water Company for an Expedited Order Authorizing Limited Waivers of Certain Tariff Provisions and Granting Accounting Approval to Record Cost of Certain Customer-Owned Service Line Replacements to the Company's Service Account, as modified by the Joint Petition for Settlement and this Order, shall be treated as a petition for approval to file a tariff supplement.

2. That the Petition of The York Water Company for an Expedited Order Authorizing Limited Waivers of Certain Tariff Provisions and Granting Accounting Approval to Record Cost of Certain Customer-Owned Service Line Replacements to the Company's Service Account, as modified by the Joint Petition for Settlement in the nature of a petition for approval to file a tariff supplement and this Order, is approved.

3. That The York Water Company is granted a temporary waiver of Tariff Rule 3.4, which will expire upon the effective date of the tariff supplement required in Ordering Paragraph 4.

4. That The York Water Company is required to file a tariff supplement consistent with the Joint Petition for Settlement and the Commission's final Order in this

⁷ *Joint Application of West Penn Power Company and Airco Carbon Division, BOC Group, Inc., for Temporary Waiver of Maximum Electrical Demand Provisions of Utility Tariff for Temporary Provision of Electric Service to Airco Carbon Division, BOC Group, Inc.'s St. Marys, Pennsylvania Facility*, Docket No. A-111250F009, 1987 Pa. PUC LEXIS 319; 63 Pa. PUC 557 (Order Entered April 16, 1987).

matter within seven (7) days of entry of this Order, and which will be effective upon three (3) days' notice.

5. That The York Water Company will serve its tariff supplement on the Joint Petitioners, who will have three (3) days to object to the tariff as inconsistent with the Joint Petition for Settlement and the Commission's final Order.

6. That The York Water Company be permitted to book costs related to customer-owned lead service line replacements to a regulatory asset account.

7. That The York Water Company shall provide to the Joint Petitioners and to the Commission an annual report on the number of Company-owned service lines replaced, and the cost of replacements, broken down by customer rate class (i.e., residential, commercial, industrial).

8. That The York Water Company shall provide to the Joint Petitioners and to the Commission an annual accounting of the cost of the tap water billing credit provided pursuant to paragraphs 3(a)(i)(c) and (b)(iii) of the Consent Order And Agreement with the DEP dated December 23, 2016, attached as Exhibit A to the Settlement.

9. That The York Water Company shall provide the Joint Petitioners with a copy of the evaluation of its corrosion control treatment system that it is required to perform under paragraph 3(f) of the Consent Order and Agreement with DEP.

10. That The York Water Company shall search for opportunities for low or no cost funding of the cost of replacement of lead customer-owned services, including grants and loans. Any grants obtained for payment of replacement of lead customer-owned services shall be booked to the regulatory asset account, as an offset to costs. The York Water Company shall include information regarding any funding it receives in its annual

line replacement report provided to the Joint Petitioners and Commission. If no funding is available, The York Water Company shall include any evidence of attempts to obtain said funding.

11. That The York Water Company shall undertake appropriate customer outreach efforts to advise customers to check their services for the possibility of lead. Upon receipt of a customer report of a customer-owned lead service line, The York Water Company will dispatch The York Water Company personnel to check the report and, if appropriate, to offer a kit for the customer to take a water sample that will then be tested for lead by The York Water Company. If the result of The York Water Company's inspection confirms a customer-owned lead service line, then The York Water Company shall proceed with replacement as described in the Joint Petition for Settlement. The York Water Company shall report on its outreach efforts and results to the Joint Petitioners and the Commission every six months.

12. That the Bureau of Technical Utility Services shall monitor The York Water Company's annual reporting in conjunction with the Joint Petition for Settlement, as modified by this Order.

13. That this docket be marked closed.

BY THE COMMISSION,

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: March 2, 2017

ORDER ENTERED: March 8, 2017