



## Village of Dundee Lead Service Line Replacement Policy

### Introduction

In 2018, Michigan adopted revised lead and copper rules to protect public health in the State by reducing lead exposure through drinking water. The updated rules reduce the “lead Action Level”, revise water sampling protocols, require a materials inventory at certain intervals, and require the replacement of all lead service lines (LSLs) at a rate averaging 5% per year, not to exceed 20 years total for replacement of all service lines. Partial lead service line replacement is no longer permitted, except in case of an emergency repair, and the full lead service line must be replaced at the expense of the water supply. The new rules apply to all service lines in the water supply system, including any portion of a service line that is privately owned.

### Policy goals:

1. To provide for a governance policy that defines the following:
  - a. **Water Service Line** – the pipe from the discharge corporation fitting attached to the public water supply main to the customer premises plumbing or to the building plumbing at the first shut-off valve inside the building or 18 inches inside the building, whichever is shorter.
  - b. **Public Side Water Service Line** – the portion of the water service line from the discharge of the corporation fitting attached to the public water supply main to the discharge of the curb stop.
  - c. **Private Side Water Service Line** – the portion of the water service line from the discharge of the curb stop to the customer premises plumbing or to the building plumbing at the first shut-off valve inside the building or 18 inches inside the building, whichever is shorter.
  - d. **Lead Service Line (LSL)** – any portion of the existing water service line that is made of lead, or any portion of the water service made of galvanized steel that is or ever was downstream of a lead pipe.

- e. **Lead service line materials inventory** – description of water meter upgrade program, records management (GIS, other databases), frequency of updates, and required completion date for a verified inventory.
  - f. **Lead service line replacement schedule** – the replacement of private lead service lines will primarily be determined around current projects as articulated in the five-year capital plan, road improvement plan, water main improvement plan, and other determinations to meet replacement requirements set by the State of Michigan.
    - i. Replacement/easement agreement
    - ii. Resident opt-in policy
    - iii. Notice requirements
    - iv. Provisional/emergency replacement whenever a leak or failure has been discovered on either privately-owned property or portions of the publicly-owned Village of Dundee Water Supply System
2. To provide a definition for the funding requirements and methodology for the Dundee Water Department to fund the replacement of privately-owned portions of lead water service lines and aggressive replacement of publicly-owned lead water service lines as required by the Michigan revised lead and copper rules.
- a. Funding source
  - b. Notice requirements
  - c. Loan terms and conditions

## **Lead Service Line Replacement Governance Policy**

### **Section 1: Lead Service Line Materials Inventory**

In 2019, the Village began inventorying and replacing water service lines on a case by case basis. The Village of Dundee Water Department has also conducted visual verifications of private service line materials connected to the water meter for the majority of properties connected to the Village of Dundee Water Supply.

### **Section 2: Lead Service Line Replacement Protocols**

The Village of Dundee Water Department shall, at its cost and at no cost to the property owner, replace the private side water service line or any lead service line whenever:

1. A leak or failure has been discovered on either the privately-owned or publicly-owned portion of the water service line; or
2. When any portion of the public side water service line is replaced as part of a planned LSL Replacement Program or an emergency basis. Planned LSL replacements shall be prioritized based on other scheduled or budgeted infrastructure improvements.

If a non-Village project creates a disturbance of an existing lead service line, the party creating the disturbance shall be responsible for the replacement and permitting of the full lead service line and its costs.

#### Repair or Reconnection Prohibited

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

#### Notice Requirements

1. Within 30 days of determining a water service line contains lead, the water supply shall provide the owner or occupant of the premise with a written notification of the service line material content. The notification will include information on steps one can take to reduce their exposure to lead in drinking water.
2. Leak or emergency replacement: In the event of a lead water service line leak or failure or an emergency replacement of the Village of Dundee owned portion of the lead water service line, the Village Manager or his/her designee shall promptly provide written notice to the property owner of the replacement requirement and the property owner shall sign and provide the Village with a water service line replacement agreement as hereinafter provided for the privately owned portion of the lead water service line before replacement can begin.
3. Planned replacement: In the event of a planned replacement as part of the "Lead Service Line Verification and Replacement" project by the Village of Dundee, the Village Manager or his/her designee shall provide at least 5 days written notice prior to the

commencement of the planned replacement and the property owner shall sign and provide the Village with a water service line replacement agreement as hereinafter provided for the privately-owned portion of the lead water service line before replacement can begin.

### **Water Service Line Replacement Agreement**

Before a privately-owned lead water service line can be replaced, the property owner shall sign a water service line replacement agreement form provided by the Village that includes, in addition to other terms and conditions, the following:

- Acknowledgment of ownership of the property being served by the lead water service line, and
- Permit of temporary access to the Village or its contractor(s) to inspect and replace the privately-owned lead water service line and any related testing, flushing, and adjustments during any contractor guarantee period, and
- Acknowledgment that the property owner shall retain full ownership, maintenance, repair, and replacement for that portion of the privately-owned service line and related appurtenances not replaced, and
- Acknowledgment that the property owner shall assume ownership of the water service line that replaces the privately-owned lead water service line and be fully responsible for its ownership and, after the expiration of any guarantee period, its maintenance, repair, and replacement.
- Acknowledgement and agreement to hold the Village harmless and free from any claims or liability for damage done in performance of the water service line replacement work.

### **Failure to sign Water Service Line Replacement Agreement**

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

- The Village may, upon notice to the property owner, discontinue water service if the Village determines there is an imminent threat to the health, safety, or welfare of the public.

- The Village Manager may request that the Village Attorney or special counsel apply for and obtain an appropriate court-issued order authorizing replacement in accordance with the terms in the water service replacement agreement.
- The Village may take such other measures as permitted at law.
- The Village shall maintain a record of customers that fail to grant access to the interior of the premise. If access is denied, the record shall include date of the denial, to whom the denial was communicated, and the denial itself in writing. If the customer does not respond to requests for access, the record shall include the dates when and manner by which access was requested by and whom it was requested.

## **Funding Policy**

### Replacement Requirement

The Dundee Water Department shall, at its cost and at no cost to the property owner, replace the Private Side portion of a Water Service Line if lead material is verified:

1. Whenever a leak or failure has been discovered on either the public portion of the water infrastructure or the private portion of the lead service line.
2. As part of a planned replacement project as articulated in this implementation governance policy.

Funding Source: Village of Dundee Water Fund

## WATER SERVICE LINE REPLACEMENT AGREEMENT

PURPOSE - The purpose of this Agreement is to set forth the terms and conditions pursuant to which the Village of Dundee (the "Village") will provide a new water service line to the undersigned owner's property located at \_\_\_\_\_.

The existing lead and/or galvanized previously connected to lead private water service line will be disconnected and replaced with a new copper or plastic private water service line to accomplish a full non-lead service line replacement from the water meter to the water main.

This Agreement assumes that a contract has been awarded by the Village for the work to be performed under this Agreement.

CONSIDERATION - Each party agrees that the promises made by the other party and the benefits to be derived from their execution are full and sufficient consideration for entering into this Agreement.

### THE VILLAGE WILL – (the Village or its contractor(s) will):

1. do a pre-inspection of the water service line as it enters inside the building and connects to the meter to determine if the meter setting is correct and if the meter should be replaced. If necessary, either or both of these items will be corrected/replaced at no cost to the undersigned owner of the property and building (the "Owner");
2. have a new copper or plastic private water service line constructed at Village expense, from the curb box in the public right-of-way to the water meter on the Owner's property including the meter setting and any necessary connections to reset the water meter. The existing private service line will be disconnected and capped off inside the building and in the public right-of-way;
3. restore the Owner's property disturbed by construction, including seeding of grass areas on the property and restore the interior portions of the building on the property disturbed by such work;

4. require the contractor doing the work to provide adequate insurance to protect the Owner against any loss that may result from damage caused by negligent construction operations on the Owner's property, and require the contractor to provide the Village with proof of such coverage; and

5. warrant to the Owner that any work done shall be free from defects in material and workmanship for a period of one year from its completion.

THE OWNER/TENANT WILL – (the Owner promises to):

1. confirm that the Owner(s) is the only owner or owners of the above referenced property;

2. permit temporary access and right of entry to and upon the above-referenced property to the Village and the Village's designated contractor(s) to perform a pre-inspection as described above, to enable construction and testing of the new private water service line including the flushing of interior and exterior faucets and to enable any needed adjustments, maintenance, or repairs during the guarantee period;

3. Provide for a clear work area for the Contractor to perform the work;

4. Agree to schedule the work to be performed during the Village's allowable work times of Monday – Saturday, 8 am to 6 pm.

5. assume full responsibility for the maintenance, repair, and replacement of the private part of the water service line, located on the above-referenced property, after expiration of the guarantee period. After the end of the guarantee period of one year, the responsibility of each party (Village and the Owner) shall be as shown on the diagram below; and

6. hold the Village harmless and free from any claim or liability for damage done in performance of the water service line replacement work.

7.

MISCELLANEOUS TERM: The responsibility of the maintenance, repair, and replacement of the water service located in the public right-of-way will be pursuant to Village of Dundee Water Use Ordinances, including its adopted water service line replacement policy, as amended.

Signed by Owner(s) the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Owner – Signature

\_\_\_\_\_  
Owner – Signature

\_\_\_\_\_  
Owner – Print Name

\_\_\_\_\_  
Owner – Print Name

\_\_\_\_\_  
Land Contract Holder(s)

\_\_\_\_\_  
Owner – Email Address

\_\_\_\_\_  
Owner – Phone Number

\_\_\_\_\_  
Tenant Email Address

\_\_\_\_\_  
Tenant – Phone Number

\_\_\_\_\_  
Parcel ID Number

Signed by Village the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Village Manager or Designee – Signature

\_\_\_\_\_  
Village Manager or Designee – Print Name