

REQUEST FOR BOARD ACTION

AGENDA ITEM: 5.41



Engineering & Public Works Department

SUBJECT: Lead Service Line Replacement Policy

MEETING DATE: Ordinance Introduction – August 27, 2024
Ordinance Approval – September 10, 2024

FROM: Brigitte Berger-Raish, P.E., Director of Engineering and Public Works
Erik Hallgren, Assistant Village Manager

BUDGET IMPACT: Total Program Cost Estimate: \$50.7 million

Recommended Motion

Move to introduce and subsequently adopt Ordinance #2024-O-64 adopting a 100% Village-funded Lead Service Line Replacement Policy and technical changes to the Village Code related to lead service lines.

Background

The Village of Wilmette is in full compliance with all State and Federal regulations governing the control of lead and copper within public drinking water supplies. The Lead Service Line Replacement and Notification Act signed into law in 2022 requires that all lead service lines be replaced in Illinois. Based on the current water service line inventory, Wilmette is expected to have approximately 2,200 service lines that must be replaced by 2044.

Since the inception of the Act, the Village Board or its Committees have met eight times to discuss the current and future impacts on Wilmette.

- The first Municipal Services (MSC) meeting was July 14, 2022 to receive an overview of the new law including its requirements for material inventory, replacement plan considerations, and the potential financial impact. Staff also provided an initial plan for compliance including the interim replacement guidelines, public education, and the monitoring of future regulations.
- The second MSC meeting was January 23, 2024 to receive an update on the status of the program including the materials inventory, interim replacement guidelines, and a draft plan. The Village's consultant, Baxter & Woodman, provided a more in-depth review of the draft LSLRP including a review of funding considerations, project costs, an accelerated replacement option, and other replacement considerations.
- The third MSC meeting was May 7, 2024 at which the committee members made several recommendations related to the funding sources and program timing.
- These initial recommendations were presented to the Village Board on May 14, 2024 and included an overview of the overall LSLRP and committee discussions. At this meeting, the Village Board directed the Finance Committee to review financial impact of the project.

- The first Finance Committee meeting was June 24, 2024 to receive the findings of the MSC and review the financial impact of both the short-term and long-term LSLRP. The Finance Committee requested a financial sensitivity analysis on interest rates and program duration.
- The second Finance Committee meeting was on July 9, 2024 and continued the review of the short-term and long-term LSLRP. Based upon their review the Finance Committee provided guidance, concurred with the MSC recommendations, and made several recommendations.
- These final recommendations were presented to the Village Board on July 23, 2024 and included an overview of the overall LSLRP and committee discussions.
- Ordinance #2024-O-64 was introduced and presented to the Village Board on August 27, 2024.

Discussion

The combined guidance from both committees was included in the Lead Service Line Replacement Program Policy Document and includes the following components:

- **Program Timing**
 - Accelerated lead replacement program in conjunction with road program for 2025 and 2026
 - Flexibility for 10-year replacement cycle in IEPA Project Plan (aligned with proposed federal EPA replacement requirements)
 - Continuous Review – request MSC to evaluate replacement cycle once final federal and state plans are final
- **Program Funding**
 - *Funding Share*
 - Village will fund 100% of lead service line replacements (requirement to be eligible for 0% IEPA loans)
 - *Short-Term*
 - Utilization of ARPA funds, grant funds, and water fund reserves (in that order) to fund accelerated program
 - *Long-Term*
 - Pursuit of 30-Year 0% IEPA Loans

Section 26-103 of the Wilmette Village Code requires technical amendments to adopt the Lead Service Line Replacement Program Policy Document with are included in Ordinance #2024-O-64.

Budget Impact

The total lead service line replacement program is estimated to cost \$50.7 million to replace an estimated 2,200 service lines. The accelerated replacement program will be included in the 2025-2034 Capital Improvement Program (CIP).

Attachment

1. Ordinance #2024-O-64 An Ordinance making technical amendments to the water service requirements and adoption of the Lead Service Line Replacement Policy.
2. Exhibit A – Lead Service Line Replacement Program Policy Document
3. Presentation of Lead Service Line Program

ORDINANCE NO. 2024-O-64

AN ORDINANCE ADOPTING A 100% VILLAGE-FUNDED LEAD SERVICE LINE REPLACEMENT POLICY AND TECHNICAL CHANGES TO THE VILLAGE CODE RELATED TO LEAD SERVICE LINES

WHEREAS, the Village of Wilmette, Cook County, Illinois (the “Village”) is a home rule municipal corporation as provided in Article VII, Section 6 of the 1970 Constitution of the State of Illinois and, pursuant to said constitutional authority, may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, pursuant to Illinois Lead Service Line Replacement and Notification Act (“Act”), all lead service lines for water service (“lead service lines”) in the Village must be replaced by 2044; and

WHEREAS, pursuant to Section 26-103 of the Wilmette Village Code, all water service pipes extending from the water main to the premises shall be installed at the cost of the property owner; and

WHEREAS, the Illinois Environmental Protection Agency (“IEPA”) has offered the Village a 0% interest loan, subject to the Village paying for the entire cost of the replacement; and

WHEREAS, the Village has adopted a policy whereby the Village will fund the replacement of lead service lines for all properties within the Village; and

WHEREAS, certain technical changes to Section 26-103 of the Wilmette Village Code are necessary to ensure the adopted policy is given its intended effect; and

WHEREAS, the Village Board finds that the provisions of this Ordinance promote the health, safety and welfare of the public;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Wilmette, Cook County, Illinois:

SECTION 1: The foregoing findings and recitals are hereby made a part of this Ordinance and are incorporated by reference as if set forth verbatim herein.

SECTION 2: The Wilmette Village Code, as amended, is further amended in Chapter 26 “Sewer and Water Facilities,” Article V “Water Service Requirements,” Section 26-103, “Owner’s costs; supervision by deleting the text in the manner shown in strikethrough type below and by inserting such new text in the manner shown in underlined bold type below of said Section 26-103 shall hereafter read as follows:

Sec. 26-103. - Owner's cost; supervision.

All water service pipes from the mains to the premises to be served shall be installed by a licensed plumber and at the cost of the owner of the property or the applicant for the service. The installation shall be made under the supervision of the Village Engineer or designee.

Notwithstanding the above, the cost to replace a lead service line within the Village shall be borne by the Village pursuant to the Village Policy on the Lead Service Line Replacement Program.

SECTION 3: The Village Policy on the Lead Service Line Replacement Program attached as Exhibit A is hereby adopted and shall remain in full force and effect until otherwise altered or rescinded by the Village Board.

SECTION 4: Codifier’s Authority. The Village’s codifier is authorized and hereby directed, to adjust section and paragraph numbering as may be necessary to render this ordinance consistent with the numbering of the Village Code.

SECTION 5: This Ordinance shall be in full force and effect from its passage, approval and publication as provided by law.

PASSED by the President and Board of Trustees of the Village of Wilmette, Illinois, on the **10th** day of **September 2024** according to the following roll call vote:

AYES: _____

NAYS:

ABSTAIN:

ABSENT:

Clerk of the Village of Wilmette, IL

APPROVED by the President of the Village of Wilmette, Illinois, this **10th** day of **September**
2024.

President of the Village of Wilmette, IL

ATTEST:

Clerk of the Village of Wilmette, IL

Published in Pamphlet Form on September 11, 2024