

# **POLICY ON LEAKS UP TO OWNER AND REPLACEMENT OF LEAD WATER SERVICE PIPES**

## TABLE OF CONTENTS

I.	POLICY STATEMENT	1
II.	RESPONSIBILITIES	1
	A.    Operations	1
	B.    Contractor Services	1
	C.    Account Services	1
	D.    Finance	1
	E.    Property Owner	1
III.	GENERAL GUIDELINES	2
	A.    Eligible Property	2
	B.    Leaks Up To Owner	2
	C.    Lead Domestic Service Pipe Replacement	2
IV.	OPERATING PROCEDURES	3
	A.    Leaks Up To Owner	3
	B.    Lead Domestic Service Pipe Replacement	4
	C.    Billing and Payment	4
V.	CUSTOMER CHARGES	4
VI.	LEAD REMOVAL INCENTIVE PROGRAM	5
VII.	EFFECTIVE DATE OF POLICY	5
VIII.	ATTACHMENTS	5
	Definitions	5
	Exhibits	5

## **POLICY ON LEAKS UP TO OWNER AND REPLACEMENT OF LEAD WATER SERVICE PIPES**

- I. POLICY STATEMENT:** The purpose of this Policy is to give owners of one to three family residential buildings in the City of Boston the option of having leaks on domestic water service pipes that are the responsibility of an owner to maintain repaired by the Commission and allow them also the option of having the Commission replace lead service pipes (non-leaking) on a competitive cost basis. The work under this Policy may be performed by either the Commission's own work force or the Commission's contractor as determined solely by the Commission. This will enhance the Commission's ability to ensure the following (1) all such work is of a superior quality; (2) the work is performed on a timely basis; (3) the occurrence of un-metered water is kept to a minimum; (4) the removal of lead from the water distribution system is expedited; and (5) the burden for property owners to procure contractor services for such work is minimized.
- II. RESPONSIBILITIES:** Responsibility for compliance with this Policy is designated as follows:
- A. Operations Division: The Chief Operations Officer, or a designee of the Chief Operations Officer, shall monitor the compliance of this Policy ensuring that work is performed in accordance with all applicable rules, regulations, and specifications pertaining to such work.
  - B. Contractor: The Contractor performing work for the Commission under this Policy shall do so in accordance with the contract agreement with the Commission including all terms, conditions, and specifications incorporated therein.
  - C. Account Services: The Account Services Department in the Administration Division under the general direction of the Chief Administrative Officer and under the direct supervision of the Director of Account Services shall execute a Collection Agreement with the Property Owner and monitor compliance with the Agreement taking appropriate action if the Collection Agreement is broken.
  - D. Finance: The Billing and Adjustments Unit of the Finance Division under the general direction of the Chief Financial Officer and under the direct supervision of the Deputy Director of Finance shall bill the Property Owner for the cost of the work performed under this Policy.
  - E. Property Owner: The property owner shall be responsible for complying with the Commission's Water Use Regulations, Sewer Use Regulations, Billing, Termination and Appeal Regulations and abide by the terms of the Collection Agreement under this Policy.

### III. GENERAL GUIDELINES

- A. Eligible Property: Except as otherwise provided, work under this Policy will be carried out by the Commission. Only the following property will be eligible for inclusion under this Policy:
- Any building with an active water and sewer account and being serviced by a domestic water service pipe of two inches (2") diameter and under;
  - Property where the account is current; and
  - Property where replacement of the domestic water service pipe will be of no more than ordinary difficulty or expense. In this latter regard, the determination of the Director of Operations shall be final.

Property, which meets these criteria, will be called the "Eligible Property" or "Property" and the customer owning the property will be called the "Eligible Property Owner" or "Owner".

Nothing in this Policy shall in any way affect the powers and duties of the Boston Water and Sewer Commission or the responsibilities of any property owner, including an Eligible Property Owner, under the "Regulations Governing the Use of the Water Distribution Facilities of the Boston Water and Sewer Commission" (Water Use Regulations), or the "Billing, Termination and Appeal Regulations" (BT&As).

- B. Leaks Up To Owner: Upon determination that a leak exists on that portion of a domestic water service pipe which is the responsibility of a owner to maintain, as defined in Article III Section 2 of the Water Use Regulations, the Commission shall follow procedures outlined in the Commission's Billing, Termination and Appeal Regulations (Section 6.6) in notifying the owner of the need to repair the water service pipe. After inspection of the property by Commission personnel, the Commission shall make a determination whether the property is Eligible Property under this Policy.

If the property is Eligible Property, the Commission shall give the Eligible Property Owner the option of either having the work performed privately or having the Commission perform the work, in either case, at the expense of the Eligible Property Owner.

- C. Lead Domestic Service Pipe Replacement: In cases where the Commission replaces lead service pipes from the main to the property line and discovers a lead service pipe on an Owner's Eligible Property, the Commission shall inform the Eligible Property Owner of the existence of the lead service pipe on their property and that at the Owner's option, the Commission will replace the lead service pipe with a copper pipe at the expense of the Eligible Property Owner. Nothing in this Policy will prohibit the Eligible Property Owner from having the lead pipe replacement work performed privately. Lead pipes replaced privately will not be eligible for the incentive under Section VI below.

IV. **OPERATING PROCEDURES:** This policy cannot realistically deal with every detail of this important topic. It shall be the responsibility of the Operations Division to promulgate specific procedures or protocols necessary to carry out this policy in good faith. No procedure or protocol shall change the clear intent of the various provisions of this policy.

A. **Leaks Up To Owner:** If the domestic water service pipe leaking on the property is made of lead, and the Boston Water and Sewer Commission is contracted by the owner to perform repairs, the entire water service must be replaced from the main to the meter inside the basement. The portion of the water service pipe that extends from the property line to the inside of the basement would be replaced at the expense of the Eligible Property Owner. Where the water service pipe is copper, the Commission may, at its own discretion, choose to repair only the portion of the pipe that is leaking or replace the entire water service. In either case, the Commission shall inform the Eligible Property Owner of the intended repair method.

As a condition of performing the work, the Commission must obtain from the Eligible Property Owner, in writing, on a form approved by the Commission, waiver of any and all liability for damage which may result from installation of the new service pipe, either inside or outside the house, and the execution of a collection agreement setting forth the terms of payment to the Commission of the cost of repair. The Commission will only be obligated to fill any excavations with clean fill, topped with a layer of approximately 2 inches of loam to grade. The Commission will not be obligated to replace any grass, sod, shrubbery, walkways or pavement which may be damaged or disturbed during the normal course of the excavation and repair work.

As a further condition of performing the work, the Commission will relocate all meters to the foundation wall inside the basement behind a working ball or gate valve closest to the property line. The Eligible Property Owner must ensure that the electrical ground wire and clamp on the service pipe is in good repair. In addition, any internal build-out or furnishings impeding said meter installation must be removed and replaced by the Eligible Property Owner at the Owner's expense. Any internal retrofit of plumbing which is required to install the meter at the foundation wall will be performed by the Commission at an additional expense to the Eligible Property Owner. The Eligible Property Owner, however, may elect to have his or her own plumber perform the work at the Eligible Property Owner's expense.

Whether the Eligible Property Owner has the Commission perform the work or not, the Commission may, at its sole discretion, perform an inspection to verify that the repair has been made and will ensure that the account is read, the meter is tagged and sealed, and a remote reading device is installed. The Commission recognizes that time is of the essence in repairing leaks which are the responsibility of the Eligible Property Owner. Nothing in this Policy shall be construed or used to extend the time period required by the Commission for the Owner to repair such a leak.

---

- B. **Lead Domestic Service Pipe Replacement:** If the Eligible Property Owner accepts the Commission's offer to replace the lead domestic water service pipe, the Commission will replace the lead domestic service pipe, from the property line to the meter inside the basement. The Commission will ensure that the meter is read, sealed and tagged and that a remote reading device is installed. The Commission will also replace that portion of the lead domestic water service pipe owned by the Commission from the water main to the property line at the Commission's own expense.

All conditions relating to the repair of Leaks Up to Owner in Section III are incorporated into this Section, including limitation of the Commission's liability, ensuring that an actual read is taken on the meter, filling excavations with clean fill, topped with a layer of approximately 2 inches of loam to grade, installation of a remote reading device, and conditions concerning the relocation of a tagged and sealed meter to the basement wall when the Commission deems that this is necessary. When relocating a meter is required, the Commission will offer to perform the necessary plumbing work at cost under the same terms and conditions as in Section III.

- C. **Billing and Payment:** The Commission shall inform the Eligible Property Owner of the price to be charged for the Commission to perform the work, and shall inform the Eligible Property Owner that the cost of the work will appear on the Eligible Property Owner's water and sewer bill. The Eligible Property Owner may pay for the cost of the work in a lump sum up front or pay in accordance with a collection agreement established with the Commission within 48 months of the cost appearing on the bill. If the Eligible Property Owner is current in all water and sewer payments and if the cost of the work is paid in accordance with a collection agreement within 48 months of the cost appearing on the bill, then any delinquency charge associated with the work performed under this Policy will be abated. No delinquency charge associated with water and sewer costs will be abated under any circumstance. The Commission will inform the Owner that the cost of service will be a lien on the property, and that if the charge incurred under this Policy is not paid within 48 months, the Commission may exercise its statutory right to collect the amount owed by terminating service and/or taking title to the property.

- V. **CUSTOMER CHARGES:** The cost to be charged to the Eligible Property Owner for the Commission to perform work under this Policy shall be based on the "Annual LUTO/Lead Replacement Price" as defined herein. Annually, (or another established time interval), the Commission will publicly advertise for bids for contractor services to repair emergency leaks and/or replace lead pipes on domestic water services under this Policy. The price(s) contained in the awarded Contractor's bid shall be deemed the "Annual LUTO/Lead Replacement Price" for work under this Policy. Regardless of whether the work is performed by the Commission or the Commission's Contractor, the cost to be charged to the Eligible Property Owner for the work shall be as determined by the Annual LUTO/Lead Replacement Price. All conditions relating to billing and payment for the cost of work under this Policy shall be as described herein in Section IV.

**VI. LEAD REMOVAL INCENTIVE PROGRAM:** Eligible Property Owners who participate in the Commission's Lead Replacement Program will not have to endure the full financial burden that can result from the replacement of a lead domestic water service pipe. BWSC will credit the Eligible Property Owner up to a maximum of \$2,000.00 towards the costs for the Commission to replace a lead domestic water service pipe. In order to be eligible for the credit up to \$2,000.00, the Eligible Property Owner must contract with the Commission for the lead pipe replacement work. All conditions relating to billing and payment for the cost of work under this Policy shall be as described herein in Section IV.

**VII. EFFECTIVE DATE OF POLICY**

This Policy is effective as of July 1, 2004. Policy approved and adopted by the Commissioners at a meeting of the Board on June 16, 2004. This Policy was amended and adopted by vote of the Commissioners on March 23, 2016. This Policy shall become effective on the date indicated and shall remain in effect until amended or superseded by a vote of the Commissioners of the Boston Water and Sewer Commission.

**VIII. ATTACHMENTS:**

A. Definitions:

1. **Leak Up To Owner:** A leak up to owner (LUTO) is any water service pipe leak determined by the Commission to be located on private property between the property line and inside the foundation wall and as further defined in the Commission's Water Use Regulations.
2. **Lead Service Pipe Replacement:** The replacement of a domestic, lead water service pipe from the property line to inside the foundation wall.
3. **Annual LUTO/Lead Replacement Price:** The cost charged to Eligible Property Owners for the Commission or the Commission's Contractor to perform work under the Policy. The cost shall be based upon price(s) contained in the annually awarded Contractor's bid for contractor services to repair emergency leaks and/or replace lead pipes on domestic water services.

B. Exhibits:

1. Investigation Form
2. Agreement