



# Lehigh County Authority

## **RULES AND REGULATIONS**

**FOR**

**WATER SERVICE**

Effective: 14 July 2014

*Appendix A – Lead Service Line Replacement Policy – Added March 25, 2024*

## ***SERVING YOUR WATER NEEDS***

Lehigh County Authority welcomes the opportunity to serve you and accepts the responsibility of providing quality water at economical prices.

Our professional staff offers prompt, courteous service, 24 hours each day, 7 days per week, with a full-time customer service representative available Monday through Friday, 8:15 am to 4:45 pm to answer your questions. For customers within the City of Allentown, inquiries should be directed to our customer service representative by telephone at 610-437-7515 or by email at [cityservice@lehighcountyauthority.org](mailto:cityservice@lehighcountyauthority.org). After-hour emergencies may be reported by calling 610-477-7515. For all other customers, the customer service telephone number is 610-398-1444, and in case of emergency, 610- 398-2503.

To help us better serve you, please be aware of the water facilities on your property and ensure that they are maintained and accessible. These include such facilities as a water meter, backflow-prevention assembly, shutoff valve and curb box - all more thoroughly described in this document. Of course, hydrants can be equally important water service facilities and should be easily accessible at all times.

Your efforts to keep your facilities in good working order, and to avoid leaks through dripping faucets, leaking toilets and the like, can help to hold down the cost of your water service.

The Authority appreciates the opportunity to serve you and will strive to continually improve the quality of your water service.

Should you want more information about LCA and our operations, please call us at either 398-2503 or 398-1444. Meanwhile...

**Use all the water you need - WASTE NONE!**

**RULES AND REGULATIONS  
FOR  
WATER SERVICE**

**1. DEFINITIONS**

Except where context indicates otherwise, the following meanings shall apply when used in these Rules and Regulations regardless of whether the first letter of the word is upper case or lower case.

- a. Applicant: A person who applies for service.
- b. Authority: Lehigh County Authority.
- c. Authority's Service Line: The lateral pipe, including the tee or tap in the main, from the main to a point at or near the property line, and the curb stop and curb box.
- d. Backflow: Water or other substances in the customer's facility flowing back into the Authority system.
- e. Backflow-Prevention Assembly: The assembly installed on the customer's service line to prevent backflow.
- f. Capital Recovery Charges: The up-front charges, set forth in the Authority's Schedule of Rates and Charges, including Connection, Customer Facility and Tapping Fees, and Assessments.
- g. Connection Fee: The fee established in §3.m herein which is based on the cost of connecting to the Authority water line and extending the Authority's Service Line to the property line.
- h. Cross-Connection: Any actual or potential connection between the Authority's system and a system containing a source or potential source of contamination or pollution.
- i. Curb Box: A structure which permits access to the curb stop.
- j. Curb Stop: A shutoff valve placed on a service line generally at the property line.
- k. Customer: Any person who receives service from the Authority.
- l. Customer Facilities Fee: The fee established in §3.m herein reflecting the Authority's cost of providing and/or installing a Meter and backflow-prevention assembly and/or Customer's Service Line.

- m. Customer's Service Line: The pipe from the customer-side of the curb stop to the meter setting.
- n. Extension of Service: Providing facilities which connect the system to one or more premises not previously connected.
- o. Lien Administration Fee: The fee established in §3.p herein representing the Authority's administrative costs as a result of a customer failing to make timely payment, thus requiring a municipal lien to be filed.
- p. Main: An Authority-owned pipeline suitable for the connection of a service line.
- q. Main Extension: Extension of service requiring additional water main construction.
- r. Meter: A device for measuring the quantity of water used.
- s. Meter Inspection Fee: A fee, established in the Authority's Commercial/Industrial Water Meter and Fire Protection System Installation Policy and set forth in the Authority's Schedule of Water Rates and Charges, for each inspection of the meter setting and fire protection piping in commercial/industrial installations.
- t. Meter Setting: The location of the meter and components, including shutoff valves and any meter bypass.
- u. Meter Test Fee: A fee established in §3.k herein charged for performance of a special test to determine the accuracy of a meter.
- v. Non-sufficient Funds (NSF) Fee: A fee charged if a customer's check is returned by the bank for insufficient funds, closed account or other such reasons, established herein and set forth in the Authority's Schedule of Water Rates and Charges.
- w. Person: An individual, partnership, company, corporation, school, association, corporate political body, joint ownership, or any other entity capable of functioning in the context used herein.
- x. Plan Review Deposit: A fee to reimburse the Authority for engineering, legal, administrative and other justifiable expenses incurred in the review of preliminary or final plans submitted for new service.
- y. Plan Review Fee: A fee to reimburse the Authority for engineering, legal, administrative and other related expenses incurred in the review of Sketch Plans submitted for new service.

- z. Premises: The property, building or other site to which service is furnished, comprising, but not limited to the following:
- (1) a residential building under one roof occupied by one person or family; or
  - (2) a nonresidential building or combined residential/non-residential building under one roof occupied by more than one person; or
  - (3) each combination of buildings owned by one person, or leased and occupied by one person, and served by a single service line on a single lot; or
  - (4) each side of a double house, a townhouse, a condominium unit, a mobile home site or an apartment, having an individual service line; or
  - (5) a complex of buildings, including mobile homes, which are connected to a water system not owned by the Authority, but which water system is connected to and served by the Authority System through a single connection.
  - (6) such other situations as the Authority shall deem applicable.
- aa. Property Owner: The person in whose name the property is deeded.
- bb. Schedule of Rates and Charges: The adopted Authority rates and charges for service.
- cc. Service: (1) Furnishing or readiness to furnish water for any purpose, including the extinguishment of fires, and/or (2) any installation or improvement or change in the service line or the system facilities, at the customer's request or as required by the Authority, and/or (3) any Authority activities related thereto.
- dd. Service Initiation Fee: A fee, set forth in the Schedule of Water Rates and Charges, to defray the labor and administrative costs associated with the establishment of a new water account.
- ee. Service Line: The pipeline comprised of the Authority's service line and the customer's service line.
- ff. Service Restoration Charge: A charge established in §3.n herein for restoring service to a premises which has had service terminated or discontinued.
- gg. Site Visit Charge: A charge, established in §3.i herein and set forth in the Schedule of Water Rates and Charges, for Authority personnel to visit a customer's property with a termination notice.
- hh. Site Revisitation Charge: A charge established in §3.q. herein and set forth in the Schedule of Water Rates and Charges, to recover the Authority's costs for a return visit due to inadequate preparation or follow through by the party requesting the appointment.

- ii. Specifications for Water System Construction: The Authority's published specifications which outline methods of installation, materials, and testing and disinfection requirements.
- jj. System: The Authority's water supply, transmission and distribution facilities, in whole or in part.
- kk. Tapping Fee: A fee by a new customer, contributing its fair share of the Authority's cost of constructing the existing System which was available for the new customer's connection and use.
- ll. Tenant: A person who leases or rents premises.

## 2. APPLICATION FOR SERVICE

- a. General: Owners of premises abutting existing mains may obtain service by filing an application, obtaining a construction permit, submitting plumbing and site development plans for review, paying all applicable fees and charges and fulfilling all other requirements of the Authority. Owners of premises requiring a water main extension from the Authority System to serve the premises must also comply with the terms established in Section 7.
- b. Application and Contract: An applicant shall complete the appropriate Authority water service form. Upon approval by the Authority, this application shall constitute the contract between the Authority and the customer. In situations where an application has not been completed, the provision of service to a property by the Authority shall constitute the contractual relationship between the Authority and the customer. The contract shall be subject to the provisions of these Rules and Regulations.
- c. Separate Application for Each Premises: Any person who desires service at more than one premises must make separate application for each premises.
- d. Tenant as Applicant: A tenant may make application for service, provided the application is cosigned by the property owner. In cosigning, the property owner agrees to guarantee the payment of all bills rendered to that tenant; however, the property owner will be held liable for payment regardless of cosignature. Where private fire service is rendered to a multiple-tenant premises, such bills for fire service shall be billed to the property owner.
- e. Change in Occupancy Requires New Application: A new application must be made upon any change in ownership of a property, in tenancy where the tenant is the applicant, or in use. Similarly, a customer moving from one premises to another within the Authority's system must make a new application for service.

- f. Standby Service: Any applicant desiring service intended to supplement a source of supply other than the Authority's shall state so on the application form.
- g. Water for Temporary Use: An applicant who wishes to use water for temporary purposes shall indicate which of the following methods of obtaining water shall be employed:
  - (1) Installation of a temporary service line from an approved main and abandonment of that service line (remove the tap and plug the main) upon termination of service.
  - (2) Connection to an installed permanent service line.
  - (3) Hauling of water from an Authority-approved source.

If method (1) or (2) is used, metered service will be required. The Authority will supply and install a meter after the posting of a deposit equal to the replacement cost of the meter plus the estimated cost of meter installation and removal. The customer shall protect the meter from loss or damage. The deposit, less any Authority cost, will be refunded to the customer upon return of the meter in good condition and after payment of the final bill. Bills will be calculated in accordance with the Authority's Schedule of Rates and Charges. In the case of a lost or damaged meter, a bill for the applicable time period shall be based, solely at the Authority's discretion, on either (1) ten times the minimum charge for that size meter or (2) the Authority-estimated consumption.

If method (3) is used, a letter authorizing the customer to remove water from the designated location, together with an explanation and instructions, will be issued by the Authority. Fire hydrants may not be used to supply temporary service, unless they are specifically designated in writing for such use. Bills will be calculated on the basis of the quantity of water used, charged at the highest priced unit rate in the Authority's Schedule of Rates and Charges.

Water for temporary use will not be subject to Capital Recovery Charges.

- h. Construction Permit: Owners of premises abutting existing mains and connecting to the System without requiring a main extension to either serve the premises or comply with these Rules and Regulations, shall apply for and comply with a Construction Permit from the Authority. The connection of one single-family residential dwelling shall be exempt from the construction permit requirement.
- i. Plan Review for Service: Whenever new service is requested the applicant shall submit plans acceptable to the Authority showing how that service will be provided. The Authority may waive this requirement if it determines that the plans will be of minimal value. The applicant shall complete a plan review application and pay the applicable fees and charges before review of the plans.

With the plan review application, the applicant shall pay either a non-refundable Plan Review Fee when a sketch plan is submitted or a Plan Review Deposit when either a preliminary or final plan is submitted. The amount of the Plan Review Fee or Plan Review Deposit, as set forth in the Authority's Schedule of Rates and Charges, shall be based upon whether the plan submitted is for a land development, small subdivision (less than twenty lots), or large subdivision (twenty lots or greater).

The Plan Review Deposit shall be used by the Authority for recovery of engineering, legal, administrative and other related expenses incurred in the review of the plans submitted. Payment for such review shall be based on the actual costs incurred. Each deposit account will be reviewed on a biweekly basis during periods of activity. An additional deposit will be required before the review will continue if the balance is deemed by the Authority to be insufficient to complete review. Any unspent funds will be refunded to the applicant without interest within forty-five days following review completion or plan withdrawal. When a municipality permits the applicant to omit the sketch plan phase of a plan review and the Authority determines during the preliminary or final plan review that it is not feasible for it to serve the premises, the Authority will refund the difference between the Plan Review Deposit and the Plan Review Fee to the applicant.

### **3. FEES AND CHARGES; PAYMENT AND COLLECTION**

- a. General: This section establishes and discusses fees and charges applying to water service by the Authority. While there are additional Authority fees and charges included in other Authority policies, the terms for payment and collection established in this Section apply to all Authority rates, fees and charges, unless different terms are specified elsewhere for a particular fee or charge.
- b. Charges for Water Service: Charges for service shall be in accordance with the Authority Schedule of Rates and Charges. Each premises shall be billed separately.

If the Authority permits more than one service line to serve a property, and if a single premises is served, the metered usage through all service lines shall be totaled and a single volume billing calculation made.

- c. Service Initiation Fee: A non-refundable fee, set forth in the Schedule of Water Rates and Charges, due prior to initiation of a new water service account for a premises. This fee is established to defray the labor and administrative costs associated with the establishment of the new account.
- d. Billing Period: Unless otherwise agreed to at the time of connection to the Authority system, customers served by meters sized  $\frac{5}{8}$ -inch through one-inch shall be billed quarterly. Unless otherwise agreed to at the time of connection to the Authority system, customers with meters larger than one-inch shall be billed monthly.



- e. Fractional Bills: Fractional bills shall be prorated to the nearest day, on the basis of thirty-day months and ninety-one day quarters.
- f. Estimated Bills: Bills shall be estimated by the Authority in cases where the meter is unable to be read, where the meter is out of service during a billing period, or where water has been used which does not pass through a meter.
- g. Due Dates: All bills shall be due and payable on the due date as indicated on the original bill. For purposes of determining timely payment, the Authority will use the payment receipt date.

If a bill is not paid by the due date, the bill together with a five (5) percent late payment charge, shall be owing and a past due notice will be issued.

- h. Returned Check: If a customer's check is returned by the bank for insufficient funds, closed account or other such reasons, the customer's account will be treated as though no payment was received as of that date and a NSF Fee will be added to that customer's account.
- i. Termination: If the bill remains unpaid 23 additional days after the due date another late payment charge of five (5) percent of the bill will be added. Also at this time a warning notice shall be issued by regular mail to the last address given the Authority for billing purposes. This notice will specify the day on or after which service will be discontinued if payment is not received and the availability of a dispute resolution procedure.

If the entire amount due is not paid within an additional 15 days after the date of the warning notice nor has the customer filed a dispute under the procedure detailed in §3.1 below, the Authority may then discontinue service. Instituting and following the dispute resolution and/or termination procedures shall not preclude the Authority from pursuing other legal options to collect the delinquency. Additional termination notices may be issued by phone or in person, but are not required, and the Authority's inability to contact a customer by phone or in person will not cause the termination to be canceled.

If a termination site visit is conducted prior to service termination, the customer will be assessed a Site Visit Charge even if service is not terminated. At the time of a termination site visit, the customer must pay the initial bill, late payment charges and the Site Visit Charge or service will be terminated. Personal checks will be accepted. Authority personnel cannot make change when performing a site visit; therefore, any overpayment will be credited to the customer's account.

Service will not be terminated on Fridays or the day before an LCA-observed holiday. After service has been terminated for non-payment, a Restoration Charge, along with all outstanding service charges, late payment charges, Site Visit Charges and penalties shall be paid before service will be reinstated.

In situations where the charges for water service to a premises are being paid by a landlord rather than the tenant, the termination procedure will follow the provisions of Pennsylvania's Utility Service Tenants Rights Act.

If the bill remains unpaid beyond 38 days after the due date, a monthly Penalty will be applied in the amount of 1½ percent of the outstanding principal amount.

- j. Failure to Receive Bill: Failure to receive a bill shall not exempt any customer from the obligation to pay the bill by its due date.
- k. Questions Regarding Billings: Any customer doubting the accuracy of the meter or meter reading shall bring or mail the bill, together with an explanatory note, preferably at least 10 days prior to its due date to the office of the Authority for investigation. The Authority, upon receipt, will then check the billing in question and either confirm the original billing or issue a corrected bill. Where special tests are requested, or in the case of the correction of a billing error, the due date will be adjusted by the time required to check and reissue the bill.

When a customer doubts the accuracy of a meter and requests a special test, the Authority shall perform such test upon payment of a Meter Test Fee set forth in the Authority's Schedule of Rates and Charges. If results of such test indicate that the meter registers more than four percent higher than the actual amount, the fee shall be refunded and an appropriate adjustment made in the customer's billing; otherwise, the fee will be retained by the Authority.

- l. Dispute Resolution: Except as covered in §3k above, if a customer disputes a bill, payment shall still be made in full by the due date; however, the customer may make this payment under protest by including a letter with the payment indicating such and detailing the reason for the disagreement or presenting the dispute in person to the customer service representative at the Authority's office.

Should the customer not be satisfied with the handling of this dispute by the customer service representative or that person's supervisors, then a request should be made for a hearing with Authority Board of Directors for review of the dispute. This hearing shall be held prior to termination, if applicable.

Thereafter, if the customer wishes to pursue the billing dispute, the customer must deliver to the customer service representative a written statement, under oath or affirmation, describing the details of the dispute and further declaring that the written statement is not being executed for the purpose of delay. After receiving this statement, the Authority will not terminate service until the claim has been judicially determined; however, the customer shall continue to pay all billings under protest thereafter, until judicial resolution, into an escrow account to be established by the Authority for this purpose. If after ninety days the customer has not instituted judicial proceedings to resolve the suit and continued to make payment of all billings, the

Authority may begin the termination proceedings at the warning notice stage, as set out in §3.i above, with the customer having waived its ability to file a dispute on the same issues.

- m. Customer Relief from Collections Procedures under Unusual Circumstances: Except as outlined in §§3.k and l above, customers may request relief from the Authority's bill collection's procedures, including imposition of late payment charges and termination of water service. The Authority will establish administrative procedures to respond to such requests in a uniform manner on any circumstances that may warrant such relief.
- n. Capital Recovery Charges: The up-front charges at the rates set forth in the Schedule of Water Rates and Charges, including Connection, Customer Facilities and Tapping Fees.
  - i) Connection Fee: A capital recovery fee charged for each new Service which shall be based on the cost of connecting to the System, inspecting the Customer Service Line, and installing and/or inspecting the Authority Service Line.
  - ii) Customer Facilities Fee: A fee reflecting the Authority's cost of providing the meter and backflow-prevention assembly, as well as installing the meter, for new services. The fee can also include, at the customer's option and based on actual cost, installation of the backflow-prevention assembly and customer's service line by the Authority.
  - iii) Tapping Fee: A fee by a new customer contributing its fair share of the Authority's cost of constructing the existing System which was available for the new customer's connection and use.
- o. Service Restoration Charge: A charge, set forth in the Authority's Schedule of Rates and Charges, shall be made for restoring any service which has been discontinued because of a delinquent account, for violation of these Rules and Regulations, or where a customer has requested a temporary discontinuance of service. This charge shall have two components - one for situations where the customer requests service to be restored during business hours and a larger amount, to reflect overtime costs, if the request is for restoration after business hours and on weekends. Once service is terminated, the customer must pay the initial bill, penalties, the Site Visit Charge and the Service Restoration Charge before service will be restored. Payment must be made by cash, money order or certified check. Authority personnel cannot make change when performing a service restoration visit; therefore, any overpayment will be credited to the customer's account.
- p. Security Deposits: The Authority may require a security deposit before commencement of service or resumption of service after termination. Such deposit will be 1.5 times the estimated water bill for one billing period. This deposit will not be applied to billing delinquencies and will be refunded after one year of prompt payment of bills for service.

- q. Lien Administration Fee: A fee, set forth in the Authority's Schedule of Rates and Charges, shall be charged whenever a municipal lien is filed as a result of that customer failing to make timely payment. This fee represents the Authority's administrative costs involved with this process and shall be charged in addition to any lien filing, service and any other fees charged by the appropriate government offices to process the lien.
- r. Site Revisitation Charge: A charge set forth in the Schedule of Water Rates and Charges, for a return visit by the Authority to perform work or conduct an inspection when the originally scheduled appointment is unable to be completed due to inadequate preparation or follow through by the party requesting the appointment. The Charge will be assessed to the party requesting the appointment.

#### 4. CONDITIONS OF WATER SERVICE

- a. All Service Metered: Except as noted or allowed herein, all service shall be provided utilizing meters with outside registers, with a separate meter for each premises.
- b. No Service Except to Customer Premises: No customer shall, by means of hoses or otherwise, provide service to premises other than those covered in his application.
- c. Authority Service Line: The Authority's service line shall run perpendicular to the distribution main and directly toward the building. The curb stop shall be located at or near the property line, approximately 2 feet behind the curb, if established, and at a minimum depth of 4 feet below final grade. The Authority is responsible for maintenance of its service line. The Authority may, solely at its option, provide a single service line for more than one premises, with branch and individual curb stops for each premises.
- d. Customer's Service Line: The customer shall construct his service line to Authority standards, from the curb stop to the meter setting. There shall be no tee or branch in the customer's service line. The customer is responsible for maintenance of his service line. Where utility ground wires are attached to the customer's service line, they shall be attached on the street side of the meter. *See Appendix A for special exceptions related to the Authority's Lead Service Line Replacement Program.*
- e. Pressure Control: Where the customer considers prevailing pressures to be higher than desirable, he may at his own expense install a pressure control valve after the backflow-prevention assembly. The customer shall be responsible for the maintenance of any such valve. Where the customer considers prevailing pressures to be lower than desirable, he may at his own expense install a pressure boosting system after the backflow-prevention assembly. The customer shall be responsible for the maintenance of any such system. Under certain circumstances the Authority may require that a pressure control valve or pressure boosting system be installed upon connection to the

Authority System by a developer or home owner. Thereafter, however, the customer shall be responsible for the maintenance of such facilities.

- f. Operation of Valves: No person, except Authority personnel, shall operate curb stops or any main line valves, except with the written permission of the Authority.
- g. Leakage or Waste: No person shall allow water waste by unrepaired leaks or by willful action. Use of all water passing through a meter shall be charged at the regular rate, and no allowance will be made for excessive consumption due to leakage or waste on the customer's premises.
- h. Cross-connections: No cross-connections will be permitted.
- i. Backflow Prevention: A backflow-prevention assembly shall be installed on all service lines.
- j. Special Uses: No device or use having an adverse effect on the water system or service shall be permitted.
- k. Vacation of Premises: Service shall be terminated as of the date stipulated in a written notice by the customer for the vacation of the premises.
- l. Water Conservation Fixtures: The Delaware River Basin Commission requires all municipalities to adopt minimum water-conservation plumbing codes. For service within a municipality which has not adopted such a code, the applicant for water service to a building constructed after 1 October 1992 shall provide certification, in a form acceptable to the Authority, of compliance with the then-current water conservation performance standards for plumbing fixtures and fittings of the Delaware River Basin Commission.
- m. Abandonment of Service: The property owner or developer shall be responsible for the abandonment and all associated costs, including street restoration, of any unused Authority's water service line when required by the Authority. Conditions that typically require the abandonment of an unused water service line are (1) whenever a new building is erected on the site where there is an existing water service line (typically where an old building existed) and it is desired to change the size and/or the location of the water service line; (2) construction on multiple lots or any change to existing platting that results in an unused water service line; and (3) any other conditions that are deemed applicable by the Authority.

The water service line shall be disconnected at the water main and the water service line connection at the main shall be plugged, capped or protected as directed by the Authority. The removal of the curb-box and/or valve box shall also be required. The Authority reserves the right to include other methodologies in the abandonment depending on the circumstances.

Before the abandonment of a water service line the property owner, developer or their contractor shall make application to the Authority and obtain an Authority construction permit; or when applicable enter into a Developer's Water System Agreement. The property owner shall also obtain any other permits that may be required by the municipality in which the work is being performed, such as when a Pennsylvania Department of Transportation (PennDOT) Highway Occupancy Permit will be required for work within PennDOT right-of-way.

The property owner/developer shall warrant the work for an 18-month period from the date of acceptance by the Authority.

## 5. METERS

- a. Cost and Ownership: The cost of all meters shall be borne by the applicant. Meters two inches and smaller shall be provided by the Authority upon payment of the meter component. Meters larger than two inches shall be furnished by the applicant, subject to Authority specifications, approval, inspection and inspection cost (including the Meter Inspection Fee), all as established in the Authority's Commercial/Industrial Water Meter and Fire Protection System Installation Policy. Upon commencement of service, the meter shall automatically become the property of the Authority.
- b. Size and Type: Size and type of meters shall be determined by the Authority.
- c. Meter Setting: The applicant shall provide a suitable meter setting at his/her cost and shall maintain it.
- d. Installation of Meters: All meter installations shall be made in accordance with the Authority's meter installation policies. The Authority will install all meters two inches and smaller upon payment of the applicable parts of the Customer's Facilities Fee. If the meter installation cannot be completed due to deficiencies within the home, inaccessibility of the curbside, or a service line pressure test failure, a charge in the amount established in the Authority's Residential Water Meter Installation Policy shall be charged to the property owner, or contractor who scheduled the meter installation. Larger meters shall be installed by the applicant. The installation of the meter will constitute commencement of service for billing purposes.
- e. Location: Meters shall be located, as approved by the Authority, to provide for flow measurement at the earliest practicable point within the customer's premises.
- f. Sealing: Meters, inlet couplings and by-pass valves shall be sealed by the Authority, and no one, except Authority personnel, shall disturb or tamper with such seals.
- g. Protection and Accessibility: The customer shall provide access to and be responsible for protecting the meter and readout against damage from freezing, hot water or other cause. Any such damage to the meter shall be repaired at the customer's expense.

- h. Normal Maintenance and Testing: The Authority shall be responsible for normal maintenance of meters and for such routine testing as it deems proper.

## 6. BACKFLOW-PREVENTION ASSEMBLY

All installations, maintenance and operation shall be in accordance with the Authority's Backflow Prevention/Cross-Connection Control by Containment Policy.

- a. Cost and Ownership: All new and existing non-residential customers shall install a backflow-prevention assembly approved by the Authority. The cost of furnishing and installation of the assembly shall be the customer's responsibility. The customer shall retain ownership of the assembly. A means of providing for thermal expansion shall also be included.

All new residential customers shall install a backflow-prevention assembly, which will be supplied by the Authority after payment of the applicable parts of the Customer Facilities Fee. The device will be installed directly after the meter and in a configuration specified and approved by the Authority. The device will remain the property of the Authority. A thermal expansion tank shall be installed by the customer before a water meter is installed.

All existing residential customers shall have a backflow-prevention assembly installed and supplied by the Authority, on a schedule to be determined by the Authority and at no cost to the customer. The device will remain the property of the Authority. The Authority highly recommends the installation of a thermal expansion tank by the customer.

- b. Normal Maintenance and Testing: Non-residential customers will be responsible for periodic testing and maintenance of the devices as required by the Authority.

The Authority will be responsible for periodic testing and maintenance of the residential devices.

## 7. EXTENSION OF SERVICE

- a. Service Extensions on Existing Main: Where new service is requested for a premises abutting existing mains, but the existing mains do not extend in or along the entire length of any public roads crossing or adjoining the subject property, the owner shall make application, submit plumbing and site development plans for review, and enter into a developer's water system agreement with the Authority to extend the mains in accordance with the terms of the Authority's Main Extension Policy, as well as pay all applicable fees and charges and fulfill all other pertinent requirements of the Authority.

- b. Main Extension Constructed by Customer: Where new service requires a main extension, the customer shall make application, submit plumbing and site development plans for review, enter into a developer's water system agreement with the Authority, pay all applicable fees and charges, and fulfill all other pertinent requirements of the Authority. Extensions will be in accordance with the terms of the Authority's Main Extension Policy.
- c. Main Extension Constructed by Authority: Where new service is provided by a main extension constructed by the Authority, the customer may obtain service by filing an application, submitting plumbing and site development plans for review, paying applicable fees and charges and fulfilling all other pertinent requirements of the Authority. Assessment, if applicable, shall be established in accordance with the terms of the Authority's assessment policy.

## 8. FIRE PROTECTION

- a. Public Fire Hydrants: When a municipality desires the installation of a fire hydrant in the system, it shall make application to the Authority. The installation shall be made at no cost to the municipality. The municipality shall be responsible for payment for public fire protection service in accordance with the prevailing Authority Schedule of Rates and Charges.
- b. Change in Hydrant Location: When a municipality desires that the location of a fire hydrant be changed, it shall make application for such change. The change shall be made by the Authority at the expense of the municipality.
- c. Hydrant Usage: A fire hydrant may be used without the Authority's permission for the extinguishing of fires. Street and sewer flushing, fire department practice or other non-emergency shall be permitted at designated hydrants and shall be subject to the Authority's written approval and designation of hydrant(s) to be used.
- d. Private Fire Service: When a customer desires private fire protection service, plans showing the fire protection service connection to the system shall first be approved by the Authority. The customer shall be responsible for the installation and all costs required to provide such service to the premises. The customer shall be responsible for payment for private fire protection service in accordance with the Authority Schedule of Rates and Charges. If line size is the determining factor for payment, the size shall be based on the size of the backflow-prevention assembly or, if before the assembly, the line size at the first fire service connection.
- e. Private Fire Service Usage: A customer's private fire protection service line shall only be used for the extinguishing of fires or testing of the protection system.
- f. Private Fire Service Backflow Prevention and Monitoring: A backflow-prevention assembly with metered by-pass shall be required on all private fire service lines in



accordance with the Authority's Backflow Prevention/Cross-Connection Control Policy. The customer shall own the backflow-prevention assembly and shall be responsible for periodic maintenance and testing. The meter on the by-pass shall be provided by the Authority upon payment of the applicable fee by the customer. The Authority shall retain ownership of the by-pass meter, and shall be responsible for maintenance and testing.

All metered or estimated usage for a purpose other than the actual extinguishing of fires will be charged in accordance with the Authority Schedule of Rates and Charges. In addition, the customer shall be responsible for locating and discontinuing any usage of water from the private fire service line other than for fire protection purposes.

## 9. VIOLATIONS AND PENALTIES

Unauthorized use and/or operation of the system is a prohibited activity, subject to the Authority penalties as set forth below. The application of these penalties shall in no way effect the enforceability of pertinent government statutes, ordinances or regulations for the same offenses.

- a. Fire Hydrant Use: For unauthorized use of fire hydrants, all wrenches, hoses and other equipment may be confiscated and a charge of \$50 per incident may be levied against the responsible party.
- b. Unauthorized Connections: For unauthorized connections, a charge of \$50 per day may be levied against the responsible party.
- c. Unauthorized Water Use: For unauthorized use of water for any purpose, including the violation of any drought restrictions adopted by the Authority, a charge of \$50 per day may be levied against the responsible party.
- d. Meter Tampering: Where any meter seal has been broken, a charge for all consequential costs may be levied. In addition, a bill based, solely at the Authority's discretion, on either (1) ten times the minimum charge for that size meter or (2) the estimated consumption for the billing period may also be issued.
- e. Unauthorized Operation of Authority's System: Where unauthorized operation of valves, curb stops, etc., has occurred, the responsible party may be charged \$200 per incident.
- f. Supplemental Charges and Actions: The Authority reserves the right to charge against the responsible party any and all expenses incurred in exposing, correcting and/or litigating any violations, as well as any damages suffered by the Authority or other parties as a result of the action.

The right to prosecute any person who shall have committed an unlawful act as a result of any violations is preserved.

## 10. MISCELLANEOUS

- a. Amendments: The Authority reserves the right to amend these Rules and Regulations.
- b. Access to Premises: Any authorized employee of the Authority, upon presentation of credentials, shall have access at all reasonable hours to any premises supplied with water, for the purpose of reading, changing or repairing meters, making inspections and securing such information relative to service as may be deemed necessary by the Authority.
- c. Curtailment or Termination of Service: The Authority may terminate service, as set forth in §3, for violation of these Rules and Regulations or for the nonpayment of charges owed to the Authority by a customer when due. In the event of an emergency, the Authority reserves the right to discontinue service with or without prior notification. In the event of a general water shortage, such as could be occasioned by a drought, the Authority reserves the right to require the curtailment of water usage by customers generally and to discontinue service to any customer failing to cooperate in such curtailment, such as that referred to in the Authority's Water Management Plan or Emergency Management Plan.
- d. Waiver: The Authority retains the right to waive provisions of these Rules and Regulations, solely at its discretion. The waiver of a provision in one circumstance does not obligate the Authority to waive the same provision under the same or similar circumstances at another time; and further the act of waiving a provision one time shall not be interpreted to compromise the Authority's position in applying that provision at any time before or after such waiver.
- e. City Division; Additional Provisions: The Authority began operation of the water system in the City of Allentown as of 8 August 2013 pursuant to the Allentown Water and Sewer Utility Concession and Lease Agreement dated 1 May 2013 (the "Concession Agreement"). This portion of the Authority's system is now referred to as the Authority's City Division versus its other systems being the Suburban Division. The Concession Agreement and accompanying documents, including appropriate City of Allentown Ordinances, may contain provisions applicable to City Division customers that differ from those in these Rules & Regulations. It is the intent to eventually amend the Rules & Regulations to reflect these additional requirements, but that process has not been completed yet. These Rules & Regulations shall apply to City Division customers to the fullest extent possible without conflicting with Concession Agreement requirements that have not yet been incorporated herein. The Authority reserves the right to apply and enforce such Concession Agreement requirements against its customers in the City Division even when not stated in these Rules & Regulations.



# Lehigh County Authority

## **RULES & REGULATIONS FOR WATER SERVICE - APPENDIX A**

### **LEAD SERVICE LINE REPLACEMENT POLICY**

Adopted  
March 25, 2024

## **INTRODUCTION**

This Lead Service Line Replacement Policy (“Policy”) has been developed to support efforts by Lehigh County Authority (“the Authority”) to reduce the amount of lead in the Authority’s water distribution systems, mitigate customers’ risk of lead exposure through water consumption, and comply with current and future state and federal regulations related to lead in drinking water. However, the responsibility for maintenance of certain components of water distributions systems is shared between the Authority and the owners of the properties served. Therefore, this Policy seeks to clarify the Authority’s position and plans related to the removal of lead service lines from these systems.

## **BACKGROUND**

Lead is a common metal found in the environment and has been used in a variety of products throughout history including the production of plumbing materials, paints, and many other household products. The health effects of lead exposure have been studied extensively, and it is well understood that lead can cause damage to the brain and kidneys, especially in infants, young children, and pregnant women. While lead is often not found in public drinking water sources, such as water drawn from wells, springs and rivers, lead can be found in customers’ tap water if lead pipes and other plumbing fixtures that contain lead exist in the property. Lead enters a customer’s tap water by leaching from those pipes and plumbing fixtures as the water travels through them.

In 2019, the U.S. Environment Protection Agency (“EPA”) began revising regulations related to lead in drinking water, with which all water utilities must comply. A key provision in the updated regulations is a requirement for lead service lines to be removed from public water distribution systems. This effort will be difficult and costly to implement for both the Authority and its customers. Some portions of the service lines are owned by the property owner directly. However, replacing only the publicly owned portion of a lead service line can increase the health risk for consumers, and EPA has indicated that all portions of the lead service lines must be removed regardless of ownership. As a result, this Policy provides the framework by which the Authority will replace lead service lines encountered within its water distribution systems, to support a program to meet primary goals of regulatory compliance, public health protection, and sound financial management.

## **DEFINITIONS**

The following definitions are excerpted from the Authority’s Rules & Regulations for Water Service, restated below for convenience:

**Authority’s Service Line:** The lateral pipe, including the tee or tap in the main, from the main to a point at or near the property line, and the curb stop and curb box.

**Curb Box:** A structure which permits access to the curb stop.

Curb Stop: A shutoff valve placed on a service line generally at the property line.

Customer: Any person who receives service from the Authority.

Customer's Service Line: The pipe from the customer-side of the curb stop to the meter setting.

Meter: A device for measuring the quantity of water used.

Meter Setting: The location of the meter and components, including shutoff valves and any meter bypass.

Premises: The property, building or other site to which service is furnished, comprising, but not limited to the following:

- a residential building under one roof occupied by one person or family; or
- a nonresidential building or combined residential/non-residential building under one roof occupied by more than one person; or
- each combination of buildings owned by one person, or leased and occupied by one person, and served by a single service line on a single lot; or
- each side of a double house, a townhouse, a condominium unit, a mobile home site or an apartment, having an individual service line; or
- a complex of buildings, including mobile homes, which are connected to a water system not owned by the Authority, but which water system is connected to and served by the Authority System through a single connection.
- such other situations as the Authority shall deem applicable.

Property Owner: The person in whose name the property is deeded.

Service Line: The pipeline comprised of the Authority's Service Line and the Customer's Service Line.

System: The Authority's water supply, transmission and distribution facilities, in whole or in part.

Tenant: A person who leases or rents premises.

Other definitions pertaining to this Policy are listed below:

Customer Agreement: An agreement between the Authority and the Property Owner detailing the terms and conditions by which the Authority will replace a Customer Service Line.

Grant Funds: Funding provided to the Authority or directly to an Authority customer by another agency for purposes of completing a project, with no expectation of repayment from the Authority or the Authority's customer.

Lead Service Line: Any portion of a Service Line, including the Authority's Service Line or the Customer's Service Line, that meets the EPA definition of requiring replacement under a lead service line replacement program. This may include Service Lines composed of lead material or galvanized steel in certain circumstances, or other circumstances as determined by EPA. For purposes of this Policy, any such Service Line shall be referred to as a Lead Service Line ("LSL").

LSL Replacement Program: The Authority's overall effort to remove LSLs from the System, which will primarily occur in the following circumstances:

Emergency LSL Replacement - LSLs replaced when encountered during System maintenance, including but not limited to emergency repairs and water main breaks.

LSL Replacement Project - Projects planned for the sole purpose of replacing LSLs in the System.

Water Main Replacement - LSLs replaced through the course of an associated water main replacement project, when Service Lines are already uncovered for purposes of connecting them to a new water main.

Full LSL Replacement: Complete removal and replacement of an LSL in a manner that meets EPA's definition of a satisfactory LSL replacement. This may include either the Authority Service Line, the Customer Service Line, or both, as determined by the pipe material.

Notice: Any form of communication attempted by the Authority to gain access to replace a Customer Service Line for purposes of the LSL Replacement Program.

Partial LSL Replacement: Replacement of only a portion of the LSL. This may occur in circumstances where the Authority has been unable to gain access to replace a portion of the LSL. Partial LSL Replacements are undesirable due to increased health risks to customers served by such Service Lines, and should be avoided when possible, in accordance with EPA regulations.

Public Funds: Funding derived from Authority revenues, including bonds or other loans secured by Authority revenues.

Risk Mitigation Measures: Steps taken by the Authority to reduce a customer's risk of lead exposure following a Full LSL Replacement or Partial LSL Replacement. Such measures are required by EPA and defined in more detail by the Pennsylvania Department of Environmental Protection.

## POLICY

The Authority is committed to the removal of all known Lead Service Lines within the System. To achieve this goal, the Authority is also committed to the following:

1. Pursuit of Grant Funds to the extent possible to reduce the rate impact of the LSL Replacement Program. This may include grants to be awarded to the Authority for implementation of any portion of the LSL Replacement Program, or grants awarded to an individual customer to assist with replacement of a Customer Service Line that meets the definition of requiring replacement.
2. Use of Public Funds to implement the LSL Replacement Program, in circumstances where Grant Funds are not available.
3. Use of Public Funds to complete Full LSL Replacement, when needed to avoid Partial LSL Replacement.
4. Provision of adequate Notice to affected customers, who will be provided with the opportunity to participate in the LSL Replacement Program. Such Notice will be provided to Property Owners as well as Tenants.
5. Execution of a Customer Agreement in advance of the Authority completing replacement of a Customer Service Line as part of the LSL Replacement Program. Absence of an executed Customer Agreement may result in a Partial LSL Replacement, which the Authority will find acceptable so long as adequate Notice has been provided.
6. Implementation of Risk Mitigation Measures in circumstances as required to reduce lead exposure and associated health risks for any Authority customer.
7. Prioritization of the LSL Replacement Program activities based on public health risk, most efficient use of Grant Funds and Public Funds, and socio-economic factors.

This Policy shall be implemented in conjunction with the Authority's routine System maintenance, capital planning, project reporting, rate-setting, and capital financing practices.