

AGENDA

NEENAH WATER UTILITY REGULAR WATER COMMISSION MEETING

**Monday, February 21, 2022
4:30 P.M.**

Council Chambers – City Hall

NOTICE IS HEREBY GIVEN, pursuant to the requirements of Wis. Stats. Sec. 19.84, that a majority of the Neenah Common Council may be present at this meeting. Common Council members may be present to gather information about a subject over which they have decision making responsibility. This constitutes a meeting of the Neenah Common Council and must be noticed as such. The Council will not take any formal action at this meeting.

1. Approve Regular Meeting Minutes for January 17, 2022 (Attachment)
2. Approve the Invoices for January 2022 (Attachment)
3. Appearances
4. Old Business/New Business
 - A. Request to Approve Draft Private Well Regulation Ordinance, Approve Draft Cross-Connection Control Ordinance, and Repeal Cross Connections Prohibited Ordinance (Attachment)
 - B. Request to Update Private Well Permit Fee (Attachment)
 - C. Request to Award Contract 1-22W Removal and Disposal of Lime Sludge (Attachment)
 - D. Director's Report (Attachment)
 - E. Any Other Business That May Legally Come Before the Commission
 - F. Adjournment

*In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Neenah will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If you need assistance, or reasonable accommodation in participating in this meeting or event due to a disability as defined under the ADA, please call the **Water Utility Administrative Assistant at 920-886-6180** or the **City's ADA Coordinator at (920) 886-6106** or e-mail attorney@ci.Neenah.wi.us at least 48 hours prior to the scheduled meeting or event to request an accommodation.*

**MINUTES OF THE NEENAH WATER WORKS COMMISSION
AND
STORM WATER CITIZEN ADVISORY BOARD MEETING**
Regular Meeting – January 17, 2022
Council Chambers – City Hall

Present: President Kaufert; Commissioners: Schmeichel, Boyette, Bauman, and Lang; Director Mach and Public Works Engineer Kummerow

Excused: None.

President Kaufert called the meeting to order at 4:30 p.m.

Approve Regular Meeting Minutes for December 20, 2021 – Following discussion, **M.S.C. Schmeichel/Bauman to approve the December 20, 2021 Regular Meeting Minutes.** All voting aye.

Commissioner Boyette arrived at the meeting at 4:35 p.m.

Approve the Invoices for December 2021 – Commissioners questioned charges from Fabick Cat, Home Depot, and Tri-City Glass & Door. Director Mach explained that the charge from Fabick is for the parts and labor to replace the voltage regulator on the generator. This component failed and needed to be replaced immediately. The space heaters from Home Depot are for keeping certain areas and components of the plant warm during the coldest months. Tri-City Glass & Door replaced one of the windows on the backhoe. A component failed on the backhoe and struck this window. This window is made of safety glass and stayed in one piece, despite the damage.

Following discussion, **M.S.C. Bauman/Schmeichel to approve the December 2021 invoices.** All voting aye.

Appearances – None.

Old Business/New Business

Request to Approve Draft Private Well Regulation Ordinance – Director Mach presented the memo and draft ordinance to the Commission. Commissioners requested a re-write of the *Purpose* statement and a citation of the applicable DNR code for authority to implement and maintain the program. In addition, Commissioners were concerned that the ordinance was too restrictive in that it only allowed the wells to be used for non-potable purposes. Director Mach explained that the entire city is within an arsenic advisory area and wells in this area are known for producing levels far in exceedance of the state and federal limit of 10 ppb. We do not want people drinking well water or using it for watering gardens. This ordinance is intended to allow for watering lawns, washing cars, etc. In addition, wells that are improperly abandoned or unused are known conduits for groundwater contamination. The Utility has a duty and is legally required to protect source waters of the State – including groundwater – even if we are a surface water plant. Commissioners were concerned that there was no chance of remediation before a well permit is revoked due to contamination. Director Mach indicated he can review that section with City Attorney Westbrook.

Following discussion, **M.S.C. Schmeichel/Boyette to table approval of the Draft Private Well Regulation Ordinance and request to update the Private Well Permit Fee until after requested edits are completed.** All voting aye.

**Waterworks Commission and Storm Water Citizen Advisory Board Regular Meeting Minutes
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Request to Replace Water Main on Apple Blossom Drive from Tullar Road to Primrose Lane in Conjunction with Contracted Work in 2022 – Director Mach presented a memo detailing the work to be completed in the 2022 CIP. The water main will be replaced on streets intersecting Apple Blossom Drive. During projects, the Utility incorporates the cost of stubbing water mains out of intersections. In essence, all intersection water mains and appurtenances are replaced. This process drastically minimizes the chance that the intersection will be disturbed after construction is complete due to a main break or valve leak. After all intersections are stubbed out, there will be approximately 200 feet of existing water main remaining between each intersection. The Utility has started seeing degradation on the eastern section of Apple Blossom as recently as late 2021 and staff are confident that the water main is in poor shape. In order to minimize the cost, staff are suggesting that this replacement be incorporated into the 2022 CIP project along with adjoining streets. The estimated cost to replace 1,180 feet of main is \$120,000 and staff believe this cost will fit into the budgeted amount for the contract. Public Works staff would like to incorporate the resurfacing of Apple Blossom if the water main replacement work is completed and Common Council approves a budget amendment to the 2022 CIP.

Following discussion, **M.S.C. Schmeichel/Bauman to approve replacing the water main on Apple Blossom Drive from Tullar Road to Primrose Lane in conjunction with contracted Work in 2022, contingent upon Common Council approval to resurface Apple Blossom Drive as an amendment to the 2022 CIP.** All voting aye.

Storm Water Report – Public Works Engineer Kummerow reported on the progress at the Harrison Street Pond. The current excavation depth is between 10 to 15 feet. He noted that the City has confirmed that the sunset on the \$150,000 DNR construction grant has been extended through 2022.

Following discussion, **M.S.C. Boyette/Lang to accept the Storm Water Report and place on file.** All voting aye.

Director's Report –

1. Water Loss Report – Staff have found and repaired three substantial leaks in the last two weeks.
2. Jeff Borree, Water Plant Operator, is retiring effective February 8th, 2022. Jeff was a long-time employee that was a great asset to the Water Utility and his knowledge and capability will be missed. Everyone at Neenah Water wishes Jeff a very happy and healthy retirement. Staff have begun the process of advertising and filling the position.
3. Private lead service line replacement funding update – Water Utility staff are working with City staff to apply for funding. The goal is to provide 100% principal forgiveness for private lead service lines up to a cost of \$4,000 each. The intention of the program is to provide a mix of contracted work and spot replacements.
4. Billing system update – Click2Gov is slated to be online and accessible to the public later this month. A bill stuffer will be sent to customers explaining the process of how to get signed-up.

**Waterworks Commission and Storm Water Citizen Advisory Board Regular Meeting Minutes
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5. Solar installation update – After one month, the array has generated 472 kWh.
6. Lagoon / lagoon road update – The lagoon dredging contract is out for bid. Staff are noticing degradation of the lagoon road on the north loop. Repairs may be necessary.
7. The next regular Water Commission Meeting is scheduled for February 21, 2022.

Following discussion, **M.S.C. Lang/Boyette to accept the Director's Report and place on file.** All voting aye.

Any Other Business That May Legally Come Before the Commission – Commission Boyette noted that the cost to replace some private lead service lines were unusually expensive in 2021. Director Mach explained that there were unusual circumstances present this year, including services that terminated inside cabinets or extraordinarily long service lines. The typical methods of replacement were unfeasible in these cases and boring in new services was the only option for replacement.

Adjournment – **M.S.C. Schmeichel/Boyette to adjourn at 5:55 p.m.** All voting aye.

Respectfully submitted,



Anthony L. Mach
Director, Neenah Water Utility

WATER UTILITY CASH ACTIVITY
January 2022
Estimate (Pre-Audit 2021)

Cash Balance January 1, 2022		\$2,094,910
Cash Receipts		
Water Collection Receipts	526,792	
Other Water Receipts	14,350	
		<u>541,141</u>
Cash Distributions		
Check Register	119,391	
P-Card Register	22,669	
Investment Purchase	258,008	
Disbursements to the City	<u>151,228</u>	
		<u>551,296</u>
Cash Balance January 31, 2022		<u>\$2,084,755</u>

JAN DISBURSEMENTS TO THE CITY

Payroll		\$104,169
Payroll Benefits		41,261
Utility Bills		1,134
Vehicle Fuel and Fluids		1,350
Vehicle Maintenance		294
Postage		185
IS/GIS Services		<u>2,835</u>
Total Disbursements to the City		<u>\$151,228</u>

REPLACEMENT FUND RESERVES AS OF JANUARY 2022

Sludge Lagoon		\$2,176,747
Vehicles		221,084
Painting Towers		403,995
Painting Hydrants		54,500
GAC Media Replacement		530,000
Pump Rehab		<u>20,000</u>
Total Replacement Fund Reserves		<u>\$3,406,326</u>

VENDOR NAME	CHECK #	CHECK DATE	TRANS INV#	CODE	ACCOUNT NUMBER	DESCRIPTION	TRANSACTION AMOUNT
BROOKS TRACTOR INC	53657	01/06/2022	D96774	AP	400-0401-770-9290	BUCKET TEETH PINS	71.32
	53657	01/06/2022	D96813	AP	400-0401-770-9290	BACKHOE WINDOW REPLACEMENT	269.02
CHECK TOTAL -							340.34
CTW CORPORATION	53659	01/06/2022	40258	AP	400-0000-207-0480	REBUILD VERTICAL TURBINE PUMPS	52,184.00
	CHECK TOTAL -						
GRAYMONT WESTERN LIME INC	53665	01/06/2022	178825RI	AP	400-0401-770-6410	HYDRATED LIME	3,094.40
	53665	01/06/2022	179116RI	AP	400-0401-770-6410	HYDRATED LIME	3,140.80
CHECK TOTAL -							6,235.20
MICHELS	53675	01/06/2022	424600	AP	400-0402-770-6780	BACKFILL	137.04
	53675	01/06/2022	424222	AP	400-0402-770-6730	BACKFILL	280.01
CHECK TOTAL -							417.05
SYNERGY ENVIRONMENTAL LAB INC	53690	01/06/2022	E40219	AP	400-0402-770-6510	LAB TESTS	752.00
	CHECK TOTAL -						
GRAEF	53716	01/13/2022	118811	AP	400-0401-770-6650	2022 INFINITE GIS SUBSCRIPTION	6,569.00
	CHECK TOTAL -						
KRUEGER TRUE VALUE	53726	01/13/2022	136965	AP	400-0402-770-6520	ACID	62.94
	53726	01/13/2022	137126	AP	400-0402-770-6780	STOCK BOLTS, NUTS, PAINT	61.92
	53726	01/13/2022	137135	AP	400-0402-770-6780	SHOP SUPPLIES	28.48
	53726	01/13/2022	137300	AP	400-0000-207-0455	NEW FENCE PARTS	48.59
	53726	01/13/2022	137393	AP	400-0402-770-6780	HOSE FITTING	6.29
	53726	01/13/2022	137422	AP	400-0402-770-6520	MAINT TOOLS, GLUE	102.01
	53726	01/13/2022	137502	AP	400-0402-770-6780	ELECTRICAL TAPE	4.95
	53726	01/13/2022	137603	AP	400-0402-770-6520	V-BELT	13.49
CHECK TOTAL -							328.67
LEE'S CONTRACTING/FABRICATING	53732	01/13/2022	23481	AP	400-0402-770-6510	BOLLARD REINFORCEMENTS	980.00
	CHECK TOTAL -						
POLYDYNE INC	53743	01/13/2022	1604340	AP	400-0401-770-6410	C-308P POLYMER	7,681.20
	53743	01/13/2022	1604340	AP	400-0401-770-6410	SURCHARGE	268.84
CHECK TOTAL -							7,950.04
WE ENERGIES	53762	01/13/2022	70068362	AP	400-0401-770-6230	PUMPING - ELECTRIC NOV-DEC	10,427.83

VENDOR NAME	CHECK #	CHECK DATE	TRANS		ACCOUNT NUMBER	DESCRIPTION	TRANSACTION AMOUNT
			INV#	CODE			
	53762	01/13/2022	70068362	AP	400-0401-770-6260	PUMPING - HEAT NOV-DEC	2,409.45
	53762	01/13/2022	70068362	AP	400-0401-770-6420	WATER TREATMENT - HEAT NOV-DEC	6,283.85
	53762	01/13/2022	70068362	AP	400-0401-770-6430	WATER TREATMENT-ELECTRIC NOV-DEC	4,010.70
	53762	01/13/2022	70068362	AP	400-0401-770-6610	WATER TOWER - ELECTRIC NOV-DEC	526.85
	53762	01/13/2022	70068362	AP	400-0401-770-6630	METER SERVICE - ELECTRIC & HEAT NOV-DEC	342.28
	53762	01/13/2022	70068362	AP	400-0401-770-6650	DIST - ELECTRIC & HEAT NOV-DEC	2,227.91
						CHECK TOTAL -	26,228.87
WISCONSIN EMERGENCY MANAGEMENT	53771	01/13/2022	227136	AP	400-0401-770-6430	WHOPPERS TIER II FEE	730.00
						CHECK TOTAL -	730.00
CITIES & VILLAGES MUTUAL INS C	53813	01/27/2022	WC221028	AP	400-0401-770-9250	1ST QTR WORKERS COMP PREMIUM	7,566.00
	53813	01/27/2022	APD22303	AP	400-0401-770-9240	AUTO LIABILITY INSURANCE	1,626.00
	53813	01/27/2022	BM224332	AP	400-0401-770-9240	BOILER & MACHINERY INS	2,167.76
						CHECK TOTAL -	11,359.76
DIVERSIFIED BENEFIT SERVICES I	53815	01/27/2022	345642	AP	400-0401-770-9260	JAN SERV - FLEX SPENDING	20.00
	53815	01/27/2022	345642	AP	400-0401-770-9260	2022 FLEX-SPENDING SET-UP SERVICES	15.00
	53815	01/27/2022	344410	AP	400-0401-770-9260	JAN HRA PLUS	74.80
	53815	01/27/2022	344410	AP	400-0401-770-9260	HRA RENEWAL/SET-UP	39.10
						CHECK TOTAL -	148.90
GRAYMONT WESTERN LIME INC	53821	01/27/2022	179974RI	AP	400-0401-770-6410	HYDRATED LIME	3,586.68
						CHECK TOTAL -	3,586.68
WATER REFUND VENDOR	53822	01/27/2022	00002297	AP	400-0000-307-0000	OVERPD FINAL ACCOUNT 000005300	200.00
						CHECK TOTAL -	200.00
MICHELS	53829	01/27/2022	424930	AP	400-0402-770-6730	BACKFILL	142.61
						CHECK TOTAL -	142.61
WATER REFUND VENDOR	53834	01/27/2022	00001967	AP	400-0000-303-0000	OVERPD FINAL ACCOUNT 000012390	237.00
						CHECK TOTAL -	237.00

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VENDOR NAME	CHECK #	CHECK DATE	TRANS INV#	CODE	ACCOUNT NUMBER	DESCRIPTION	TRANSACTION AMOUNT
WESTWOOD INFRASTRUCTURE	53838	01/27/2022	32201000	AP	400-0402-770-6520	LAGOON SURVEY SERV 11/28-12/31	1,001.00
						=====	
						CHECK TOTAL -	1,001.00
						=====	
						GRAND TOTAL -	119,391.12

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VENDOR NAME	CHECK #	CHECK DATE	T INV#	RANS CODE	ACCOUNT NUMBER	DESCRIPTION	TRANSACTION AMOUNT
U S BANK	395	1/31/2022	1/12/2022	AP	400-0401-770-6430	TDS METROCOM NOV TDS PHONE	80.69
	395	1/31/2022	1/12/2022	AP	400-0401-770-6630	TDS METROCOM NOV TDS PHONE	3.84
	395	1/31/2022	1/12/2022	AP	400-0401-770-6650	TDS METROCOM NOV TDS PHONE	38.43
	395	1/31/2022	1/12/2022	AP	400-0401-770-9030	TDS METROCOM NOV TDS PHONE	7.09
	395	1/31/2022	1/12/2022	AP	400-0401-770-9210	TDS METROCOM NOV TDS PHONE	9.46
	395	1/31/2022	1/12/2022	AP	400-0401-770-6430	TDS METROCOM DEC TDS PHONE	71.81
	395	1/31/2022	1/12/2022	AP	400-0401-770-6630	TDS METROCOM DEC TDS PHONE	3.42
	395	1/31/2022	1/12/2022	AP	400-0401-770-6650	TDS METROCOM DEC TDS PHONE	34.19
	395	1/31/2022	1/12/2022	AP	400-0401-770-9030	TDS METROCOM DEC TDS PHONE	7.09
	395	1/31/2022	1/12/2022	AP	400-0401-770-9210	TDS METROCOM DEC TDS PHONE	9.46
						CHECK TOTAL -	265.48
U S BANK	398	1/12/2022	1/12/2022	AP	400-0401-770-6420	THE UPS STORE 2376 LAB SHIPPING	11.22
	398	1/12/2022	1/12/2022	AP	400-0401-770-6430	MORTON SAFETY, LLC GLOVES/FIRST AID	156.48
					CHECK TOTAL -	167.70	
U S BANK	399	1/31/2022	1/25/2022	AP	400-0401-770-6260	U.S. CELLULAR AIRTIME 11/22-12/21	17.95
	399	1/31/2022	1/25/2022	AP	400-0401-770-6430	U.S. CELLULAR AIRTIME 11/22-12/21	17.94
	399	1/31/2022	1/25/2022	AP	400-0401-770-6620	U.S. CELLULAR AIRTIME 11/22-12/21	98.65
	399	1/31/2022	1/25/2022	AP	400-0401-770-6630	U.S. CELLULAR AIRTIME 11/22-12/21	19.33
	399	1/31/2022	1/25/2022	AP	400-0401-770-6650	U.S. CELLULAR AIRTIME 11/22-12/21	98.60
	399	1/31/2022	1/25/2022	AP	400-0401-770-9020	U.S. CELLULAR AIRTIME 11/22-12/21	19.32
	399	1/31/2022	1/25/2022	AP	400-0401-770-6630	U.S. CELLULAR AIRTIME 11/22-12/21	21.00
	399	1/31/2022	1/25/2022	AP	400-0401-770-6650	U.S. CELLULAR AIRTIME 11/22-12/21	20.99
						CHECK TOTAL -	313.78
U S BANK	401	1/31/2022	1/25/2022	AP	400-0000-303-0000	4TE*CULLIGAN WATER CONDIT DEC LAB WATER	44.50
	401	1/31/2022	1/25/2022	AP	400-0000-303-0000	WI STATE HYGIENE LAB DEC LAB TEST	26.00

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	401	1/31/2022	1/25/2022	AP	400-0402-770-6520	RIESTERER AND SCHNELL INC SHEAR PINS	9.72
	401	1/31/2022	1/25/2022	AP	400-0402-770-6510	AMERICAN OVERHEAD DOOR DOOR CLOSER	349.00
	401	1/31/2022	1/25/2022	AP	400-0401-770-6410	HAWKINS INC LPC-4	2,160.18
	401	1/31/2022	1/25/2022	AP	400-0401-770-6410	HAWKINS INC ENVIRONMENTAL FEE	10.00
	401	1/31/2022	1/25/2022	AP	400-0401-770-6410	HAWKINS INC AMMONIA	446.48
	401	1/31/2022	1/25/2022	AP	400-0401-770-6410	HAWKINS INC HYDROFLUOSILICIC ACID	1,339.80
	401	1/31/2022	1/25/2022	AP	400-0402-770-6520	WM SUPERCENTER #2986 TP/PAPER PLATES/KLEENEX	81.50
	401	1/31/2022	1/25/2022	AP	400-0402-770-6520	GUENTHER SUPPLY, INC. CHECK VALVE	97.01
	401	1/31/2022	1/25/2022	AP	400-0401-770-6410	AIRGAS USA, LLC CARBON DIOXIDE	2,354.25
	401	1/31/2022	1/25/2022	AP	400-0401-770-6420	USA BLUE BOOK LAB REAGENTS	744.79
	401	1/31/2022	1/25/2022	AP	400-0401-770-9270	OPC*WISCONSIN RURAL WTR EXAM REVIEW CLASS	200.00
	401	1/31/2022	1/25/2022	AP	400-0401-770-9270	OPC MSC*SERVICE FEE 024 PROCESS FEE REVIEW CLASS	7.30
	401	1/31/2022	1/25/2022	AP	400-0402-770-6780	FASTENAL COMPANY 01WIAPP NUTS AND BOLTS	211.85
	401	1/31/2022	1/25/2022	AP	400-0402-770-6780	SQ *KLINK HYDRAULICS COUPLINGS FOR VAC TRAILER	168.36
	401	1/31/2022	1/25/2022	AP	400-0402-770-6780	FASTENAL COMPANY 01WIAPP NUTS AND BOLTS	227.88
	401	1/31/2022	1/25/2022	AP	400-0401-770-6430	AWWA.ORG AWWA MEMBERSHIP MACH	259.00
	401	1/31/2022	1/25/2022	AP	400-0401-770-6430	JOHNSON CONTROLS FIRE FIRE ALARM INSPECTION	576.06
	401	1/31/2022	1/25/2022	AP	400-0402-770-6520	EBAY O*20-08171-56104 PAEL METER	210.70
						=====	
						CHECK TOTAL -	9,524.38
U S BANK	397	12/31/2021	1/12/2022	AP	400-0401-770-9270	EAGLE GRAPHICS LLC CLOTHING/EMPLOYEE ANNIV R	14.00
	397	12/31/2021	1/12/2022	AP	400-0401-770-6410	KEMIRA WATER SOLUTIONS FERRIC SULFATE	4,682.16
	397	12/31/2021	1/12/2022	AP	400-0402-770-6520	FLEET FARM 100 HVAC MOTOR	309.99
	397	12/31/2021	1/12/2022	AP	400-0401-770-6410	MILPORT ENTERPRISES INC SODIUM HYPOCHLORITE	3,998.86
	397	12/31/2021	1/12/2022	AP	400-0401-770-6410	HAWKINS INC LPC-4	1,854.87
	397	12/31/2021	1/12/2022	AP	400-0401-770-6410	HAWKINS INC ENVIORNMENTAL FEE	10.00

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	397	12/31/2021	1/12/2022	AP	400-0401-770-6430	CINTAS CORP TREATMENT MATS/MOPS	51.98
	397	12/31/2021	1/12/2022	AP	400-0401-770-6650	CINTAS CORP DISTRIBUTION MATS/MOPS	51.98
	397	12/31/2021	1/12/2022	AP	400-0402-770-6510	IN *SES GROUP, INC. BOILER CHECKS/MAINTENANCE	1,015.00
	397	12/31/2021	1/12/2022	AP	400-0401-770-6420	A O SMITH WATER TREATMENT LAB TEST	18.00
	397	12/31/2021	1/12/2022	AP	400-0401-770-6420	BADGER LABORATORIES INC LAB TEST	48.00
	397	12/31/2021	1/12/2022	AP	400-0402-770-6730	FERGUSON ENT VALVE BOX TOOL	342.75
						=====	
					CHECK TOTAL -		12,397.59
						=====	
					GRAND TOTAL -		22,668.93

*** END OF REPORT ***

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Neenah Water Utility

211 Walnut St. PO Box 426 Neenah, WI 54957-0426

Office: (920) 886-6182 Cell: (920) 858-6300

Email: amach@ci.neenah.wi.us

Anthony L. Mach

Director of Neenah Water Utility

MEMORANDUM

DATE: January 31, 2022
TO: Waterworks Commission
FROM: Anthony L. Mach
RE: Approval of the Draft Cross-Connection Control Ordinance and Repeal of the Cross Connections Prohibited Ordinance

Please find enclosed the Draft Cross-Connection Control Ordinance and the request to repeal the Cross Connections Prohibited Ordinance. The current *Cross-Connection Control* ordinance (Sec. 17-27) as it exists does not adequately define a cross connection, required inspection frequencies, duties of the Utility, duties of the property owner, and containment. The current *Cross Connections Prohibited* ordinance (Sec. 21-133) should be repealed in its entirety as it incorrectly prohibits cross connections and contains redundant language.

Staff recommend approving the Draft Cross-Connection Control ordinance (Sec. 17-27) and repeal of the Cross Connections Prohibited Ordinance (Sec 21-133) and recommending said ordinance changes to the Common Council for codification.



Neenah Water Utility

211 Walnut St. PO Box 426 Neenah, WI 54957-0426

Office: (920) 886-6182 Cell: (920) 858-6300

Email: amach@ci.neenah.wi.us

Anthony L. Mach

Director of Neenah Water Utility

MEMORANDUM

DATE: January 31, 2022
TO: Waterworks Commission
FROM: Anthony L. Mach
RE: Approval of Draft Private Well Regulation Ordinance

Please find enclosed the second draft of the Private Well Regulation ordinance. The current *Well abandonment* ordinance (Sec. 21-134) is outdated as Neenah Water Utility has been in charge of maintaining the private well program and enforcing the provisions of NR812 for nearly five years.

Staff recommend approving the Draft Private Well Regulation ordinance (revised Sec. 21-134) and recommending said ordinance to the Common Council for codification.



AN ORDINANCE: By Waterworks Commission
Re: Repealing Neenah Municipal Code, Sec. 21-133
and Amending Neenah Municipal Code, Sec. 17-27
Cross-connection Control and Sec. 21-134 Well
Abandonment.

ORDINANCE NO. 2022-02

Introduced: _____

Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 21-133 of the Code of Ordinances of the City of Neenah is repealed in its entirety.

~~Sec. 21-133. -- Cross connections prohibited.~~

- ~~(a) A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.~~
- ~~(b) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the City Plumbing Inspector and by the State agency having jurisdiction.~~
- ~~(c) It shall be the duty of the City Plumbing Inspector to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Plumbing Inspector and as approved by the Wisconsin Department of Natural Resources.~~
- ~~(d) Upon presentation of credentials, the representative of the City Inspection Department shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Wis. Stats. § 66.0119. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.~~
- ~~(e) The City Water Department is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this article exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the~~

~~public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Wis. Stats. ch. 68, except as provided by law or ordinance. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this article.~~

~~(f) If it is determined by the Plumbing Inspector that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the City Clerk and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Wis. Stats. ch. 68, within ten days of such emergency discontinuance.~~

Section 2. Section 17-27 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 17-27. - Cross-connection control.

(a) *Purpose.* In order to protect the water supply system, the water supplier for every municipal water system shall develop and implement a comprehensive cross connection control program for the elimination of all existing unprotected cross-connections and prevention of all future un-protected cross connections to the last flowing tap or end-use device pursuant to Wis. Admin. Code. § NR 811.15. ~~The purpose of this section is to protect the potable drinking water supply from the possibility of contamination by isolating such contaminants that could backflow into the potable water system; and to promote the elimination or control of existing or potential cross-connections between the potable water system and a non-potable system; and to provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination of the potable drinking water supply.~~

(b) *Definitions.*

Assembly. A testable backflow preventer which is registered with the State of Wisconsin. Examples of common assemblies include a reduced pressure principle backflow preventer (RPZ), double-check valve assembly (DC), and a pressure vacuum breaker (PVB).

Backflow. The undesirable reversal of flow into a potable water distribution system as a result of a cross-connection.

Back-siphonage. The siphoning of contaminants from a non-potable source into a potable source which can occur due to a loss of pressure in the municipal water system such as during a fire emergency, a water main break, or a system repair.

Backpressure. The forcing of contaminants into a potable source when a source of pressure, such as a boiler, creates a water pressure greater than the pressure supplied from the municipal water system.

Backflow preventer. prevention device. An assembly, device, or method ~~or means~~ designed to prevent backflow. ~~Assemblies may include an air-gap, reduced pressure principle backflow preventer, double-check valve, vacuum breaker, and other assemblies.~~

Contamination. An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality of the potable water system and/or creates a health hazard.

Cross-connection. A connection between any part of the potable water system and any other environment containing any substances (gases, liquids, or solids) that may contaminate the potable water system.

Device. A non-testable backflow preventer. Examples of common devices include an atmospheric vacuum breaker (AVB), dual check valve with intermediate vent, and a handheld shower backflow preventer.

Method. A means of protecting a cross-connection without using an assembly or device. The most common *method* is an air-gap.

Neenah Water Utility (the "Utility"). A division of the City of Neenah. ~~Department of Public Works and Utilities.~~

Non-potable water. Water that is not safe for human consumption.

Potable water. Water that is safe for human consumption as determined by the public health authority having jurisdiction.

- (c) *Unprotected* ~~Cross-connections prohibited.~~ No person, firm, or corporation shall establish, ~~or~~ permit to be established, or maintain ~~or permit to be maintained~~ any *unprotected* cross-connection. No interconnection shall be established whereby non-potable water, or potable water from a private, auxiliary, or emergency water supply may enter the City *potable municipal* water supply or distribution system.; ~~unless such private, auxiliary, or emergency supply and the method of connection and the use of such supply shall have been approved by the Director of Public Works and Utilities and by the Wisconsin Department of Natural Resources in accordance with NR 810.15(2).~~ No interconnection shall be established or maintained between a private well supply and the City municipal water supply.
- (d) *Inspections.* It shall be the duty of the Utility to cause inspections to be made of all properties served by the public water system. *Residential single-family and duplex Properties with one-inch water meters or smaller, serviced by the Utility,* properties shall be inspected on a ten-year interval. In lieu of a full cross-connection control inspection, the Utility may elect to perform a partial inspection and provide educational materials regarding the hazards of cross connections during the survey and a minimum of once every three years. Commercial properties of similar or lesser risk to residential properties may follow the same schedule as residential properties if, in the opinion of the Utility Director or Utility Distribution Manager, the property can be classified as low hazard. All other properties shall be inspected a minimum of once every two years, beginning on January 1 of every *odd numbered year.* ~~on a two-year interval.~~ The Utility may, but is not required to, perform the cross-connection inspections of ~~the~~ any properties *within the City.* If, in the opinion of the Utility, the Utility is not able to perform the inspection, the property owner must, at their own expense, have their *property plumbing* inspected for cross-connections. All inspections shall include examining and documenting every device, assembly, and method present which is used to control cross connections, any corrections which have been made in order to bring the building into compliance, and a compliance statement which certifies that the plumbing meets all cross connection control requirements of the State of Wisconsin Plumbing Code. ~~The Utility shall charge fees equal to the reconnection fees in the Utility Rate File as approved by the Public Service Commission of Wisconsin for on-premises follow-up visits by Utility personnel for re-inspection due to customer noncompliance and for after-hours inspections and re-inspections.~~
- (e) *Right of entry.* Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Utility, for cross-connections. If entry is refused, such representatives shall obtain a special inspection warrant under Wis. Stats. ch. 66.0119. ~~The Utility shall charge the property owner a fee for refusal to allow entry to examine the property. The fee shall be equal to the reconnection fees in the Utility Rate File as approved by the Public Service Commission of Wisconsin.~~ Upon request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agent any pertinent information regarding the piping system on the property.
- (f) *Authority to discontinue service.* The Utility may discontinue water service to any property wherein any connection in violation of this section exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply. Water service may be discontinued after reasonable notice. ~~and opportunity for hearing under Wis. Stats. ch. 68. Except as provided in subsection (g) of this section.~~ The owner, lessee, or occupant shall have an opportunity for a hearing under Wis. Stats. ch. 68 within ten days of disputing such discontinuance. Such hearing shall be before the City of Neenah Waterworks Commission and shall conform to all existing due process requirements. Water service to such properties shall not be restored until ~~the~~ all *unprotected cross-connections(s)* have ~~has~~ been eliminated or ~~a~~ *appropriate backflow preventers have prevention device approved by the Utility has* been installed in compliance with the provisions of this section. The Utility shall charge a reconnection fee as included in the rate file approved by the Public Service Commission of Wisconsin for the reconnection of the water service.

- (g) *Emergency discontinuance of service.* If it is determined by the Utility that a **hazardous** cross-connection or an emergency endangers public health, safety, or welfare and requires immediate action, water service **may shall** be immediately discontinued. The owner, lessee, or occupant shall have an opportunity for a hearing under Wis. Stats. ch. 68 within ten days of **disputing** such emergency discontinuance. Such hearing shall be before the City of Neenah Water Commission and shall conform to all existing due process requirements. **Water service to such properties shall not be restored until all unprotected cross-connections have been eliminated or appropriate backflow preventers have been installed in compliance with the provisions of this section.** The Utility shall charge a reconnection fee as included in the rate file approved by the Public Service Commission of Wisconsin for the reconnection of the water service.
- (h) *Owner responsibility.* The property owner shall be responsible for the elimination of or the protection ~~from~~ of all cross-connections on their premises. The owner shall, at their expense, have installed, maintained, and tested any and all backflow preventers on their premises in compliance with Wis. Admin. Code § NR 810.15, and § SPS 382. The property owner shall have corrected any malfunction revealed by periodic testing of any backflow prevention **device assembly** on their premises. The property owner shall inform the **Utility** of any proposed or modified cross-connections and also any existing cross-connections that are not protected by an approved backflow prevention device. The property owner shall not install a by-pass around any backflow prevention **device** unless there is **a** backflow prevention **device** of the same type on the by-pass. Property owners who cannot shut down operation for testing of ~~the any~~ backflow prevention **device assemblies** must supply **any additional devices assemblies** necessary to allow the testing to occur. ~~In the event the property owner installs plumbing upstream of the backflow prevention device, such plumbing must have its own backflow prevention device.~~ The property owner shall follow the protection practices described in the latest edition of ~~the American Water Works Association publication AWWA M14 entitled "Recommended Practices For Backflow Prevention and Cross-connection Control",~~ Wis. Admin. Code SPS 382 unless the ~~u~~Utility requires or authorizes other means of protecting the public water system.
- ~~(i) *Additional protection.* In the case of a premises having (a) internal cross-connections that cannot be permanently corrected or controlled, (b) intricate plumbing and piping arrangements, or (c) where entry to all portions of the premises is not accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention device in the water service line. In the case of any premises where there is any material dangerous to health, or any toxic substance, that is handled in such a manner that, in the opinion of the Utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved backflow prevention device.~~
- (i) *Containment.* Per Wis. Admin. Code SPS 382.14(3)(c), sewerage treatment facilities, marinas, wharfs, and docks are required to have a reduced pressure principle backflow preventer (RPZ) installed at the water service point of entry. The installation of a *containment assembly* in the water service point shall not alleviate the requirement to provide cross connection control for the connection of each plumbing fixture, piece of equipment, appliance or other piping system.
- (j) *Other regulatory codes.* Wis. Admin. Code SPS 382.41 is hereby adopted, except any penalty provisions. Wis. Admin. Code NR 810.15 is hereby adopted.

Section 3. Section 21-134 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 21-134. ~~Well abandonment.~~ Private well regulation.

- (a) *Purpose.* ~~To prevent contamination of ground water and to protect public health, safety and welfare, all unused, unsafe or noncomplying wells or wells, which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system shall be properly abandoned.~~ Pursuant to Wis. Admin. Code § NR 810.16, water suppliers shall implement a program

for the regulation of wells which are not part of the municipal water system and are located on premises served by the municipal water system. Regulation is required to prevent unused, unsafe, and noncomplying wells from acting as vertical conduits for aquifer contamination or as sources of unsafe water that could enter the public water system through cross connections.

- (b) *Applicability.* This article applies to all wells located within the corporate limits of the City.
- (c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Neenah Water Utility (the "Utility"). A division of the City of Neenah.

Noncomplying means a well or pump installation, which does not comply with the current and most recent provisions of Wis. Admin. Code NR ch. 812 and other applicable State standards.

Well permit cycle means the five calendar year cycle beginning on October 31 of the calendar year 2022 and ending October 31 of the calendar year 2027. Subsequent cycles shall begin and end five years after these dates, respectively. All new permits obtained within any well permit cycle expire at the end of the cycle. Permit renewals obtained at any time between January 1 and October 31 of the end of the cycle year shall be valid until the end of the following cycle.

Well permit fee is the fee for a private well permit established by the Neenah Waterworks Commission.

Pump installation means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

Unsafe means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances which exceed the standards of Wis. Admin. Code NR chs. 140 and 809 or for which a health advisory has been issued by the Department of Natural Resources.

Unused means a well or pump installation that is abandoned, not in use on a regular basis, or one which does not have a functional pumping system.

Well abandonment means the filling and sealing of a well according to Wis. Admin. Code NR ch. 812.

- (d) *Abandonment required.* All wells located on premises capable of being serviced by the municipal water system shall be abandoned in accordance with the terms of this article and Wis. Admin. Code NR ch. 812 by September 1, 1992, or no later than one year from the date of connection to the municipal water system, or no later than one year from the date of discovery or construction of a well, whichever occurs last, unless a well operation license permit has been obtained by the well owner from the City Utility.
- (e) *Well operation license permit and renewals.* The City Utility may grant a license permit to a private well owner to operate a well for a period not to exceed five years, providing all the conditions of this section are met. ~~An owner may request a well operation license by submitting information verifying that the conditions of this section are met.~~ Inspection, testing, and certification that the well and pump installation meets all the conditions of this section shall be done completed by a State of Wisconsin licensed well driller or pump installer at the applicant's expense. License Permit applications and renewals shall be made on forms provided by the City Utility. Each well located on a property is required to have a separate permit. The well operation permit is transferrable in the event the property is sold. Upon sale or transference of a property, the new owner is required to contact the Utility and update owner information for the permit within 90 days.

The following conditions shall be met for issuance or renewal of a well operation license permit:

- (1) The well and pump installation meets or are is upgraded to meet the current requirements of Wis. Admin. Code NR ch. 812. A completed NR 812 Compliance Report (Form 3300-305) must be submitted to the Utility.

- (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two samplings taken a minimum of two weeks apart and tested for any presence of total coliform bacteria and E.coli at a certified laboratory. Reasonable accommodations can be requested in order to allow time for remediation of a well that fails bacteriological testing. ~~No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.~~
- (3) There are no cross connections between the well and pump installation and the municipal water system.
- (4) The well and pump installation is operable and in present use for non-potable purposes only.
- (5) No water or any other substances from any private well are allowed to discharge into any conveyance or drain leading directly or indirectly into a public sewer unless properly metered and authorized in writing by the sewer utility.
- (6) The well permit fee accompanies the fully completed well operation permit application or renewal.
- (7) All required documentation and the well permit fee must be received and processed by the Utility.

The process of renewing a valid well operation permit must be completed between January 1 and October 31 of the end of the well permit cycle. Failure to request a renewal of a valid well operation permit within this period will result in expiration of the permit at the end of the cycle, and the issuance of a notice of violation by the Utility.

Any well operation permit issued in accordance with the provisions of this section shall be revoked immediately by the Utility upon notice to the Utility that any of the following have occurred:

- (1) The owner of the well has refused access to a property for testing or inspection; or has failed to follow an order of the Utility in regard to testing or inspection.
- (2) Any cross connection between the well and pump installation and the municipal water system is created or discovered.
- (3) Any discharge to the public sewer without metering and prior authorization of the sewer utility is discovered.

(f) *Abandonment.*

- (1) All wells abandoned under the jurisdiction of this article or rule shall be abandoned by a licensed well driller or pump installer according to the procedures and methods in Wis. Admin. Code NR ch. 812. All debris, pump, piping, unsealed liners and any other obstructions, which may interfere with sealing operations shall be removed prior to abandonment.
- ~~(2) The owner of the well or the owner's agent shall obtain a well abandonment permit before abandonment is started. The Plumbing Inspector shall be notified at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Plumbing Inspector.~~
- ~~(3)~~(2) An abandonment report form, The Utility shall be notified within 30 days after submission of the completed well filling and sealing report to supplied by the Department of Natural Resources., shall be submitted by the well owner to the Plumbing Inspector and the Department of Natural Resources within ten days of the completion of the well abandonment.

- (g) *Enforcement and penalties.* In addition to any forfeitures imposed under Section 1-720 of this Municipal Code, if any person fails to comply with a well abandonment order for more than ~~ten~~ 20 days after receiving written notice of a violation, the City Utility reserves the right to discontinue municipal water service for noncompliance. Reconnection of municipal water service will only be

completed after any required inspections are complete and the penalties and reconnection charges are paid. In addition, the Utility may cause the well abandonment to be performed and the expense charged as a special tax against the property. Forced well abandonment may occur no sooner than 30 days after the giving of notice and an opportunity for hearing before the Waterworks Commission under Wis. Stats ch. 68.

Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 4. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Moved by: _____

Dean R. Kaufert, Mayor

Adopted: _____

Attest:

Approved: _____

Published: _____

Charlotte K. Nagel, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney Adam J. Westbrook
211 Walnut Street
Neenah, WI 54956
State Bar No. 1098561



Neenah Water Utility

211 Walnut St. PO Box 426 Neenah, WI 54957-0426

Office: (920) 886-6182 Cell: (920) 858-6300

Email: amach@ci.neenah.wi.us

Anthony L. Mach

Director of Neenah Water Utility

MEMORANDUM

DATE: December 1, 2021
TO: Waterworks Commission
FROM: Anthony L. Mach
RE: Request to Update Private Well Permit Fee

Staff have reviewed the existing fee for permitting a private well within the City in order to make sure the fee adequately covers the cost of mailing, administration, record-keeping, and enforcement. The current fee is \$25 per permit. Increasing the fee to \$50 per permit will allow the Utility to better recoup costs to maintain this program.

Staff recommend increasing the private well permit fee from \$25 to \$50.



Neenah Water Utility

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Email: amach@ci.neenah.wi.us

Anthony L. Mach

Director of Neenah Water Utility

MEMORANDUM

DATE: February 16, 2022

TO: Waterworks Commission

FROM: Anthony L. Mach

RE: Award Contract 1-22W Removal and Disposal of Lime Sludge

Every one to three years we have a contractor clean out one of the lime sludge lagoons. In 2022, that work is scheduled again. We advertised and had a few companies look at the project on QuestCDN. In the end we had four qualified bids: Darrin Stingle Trucking & Excavating LLC, United Liquid Waste Recycling Inc., Calnin & Goss Inc., Advanced Construction Inc. There was one non-qualified bid and one no-bid as well. The apparent low bid is for \$14.50 per cubic yard from Calnin & Goss, Inc. Based upon an estimate of 29,700 cubic yards, the total cost is estimated to be \$430,650.00.

The Commission has set aside for funds sludge lagoon dredging. As of January 2022, that account has \$2,176,747 available.

Staff recommends awarding Contract 1-22W Removal and Disposal of Lime Sludge to Calnin & Goss, Inc. for \$14.50 per cubic yard.

NEENAH WATER UTILITY

BID TABULATION: Contract 1-22W Removal and Disposal of Lime Sludge

DATE: February 15, 2022 - 12:00 P.M.

NAME	Address	UNIT PRICE	TOTAL BID
Synagro	435 Williams Court, Suite 100 Baltimore, MD 21220		No Bid
Darrin Stingle Trucking & Excavating LLC.	W4632 Stingle Rd. Black Creek, WI 54106	\$28.87	\$857,439.00
United Liquid Waste Recycling Inc.	715 Morgan St. Clyman, WI 53016	\$27.00	\$801,900.00
Calnin & Goss Inc.	505 W Edgewood Dr. Appleton, WI 54913	\$14.50	\$430,650.00
Advanced Construction Inc.	2141 Woodale Ave. Green Bay, WI 54313	\$20.98	\$623,106.00

** Award of contract contingent upon approval at February 2022 Water Commission Meeting.

**Director's Report
February 21, 2022**

1. Water Loss Report.
2. Private lead service line replacement funding update.
3. Solar installation update.
4. The next regular Waterworks Commission meeting is scheduled for March 21, 2022.
5. A short Waterworks Commission meeting will be needed later this week to approve the awarding of Contract 1-22.

**NEENAH WATER UTILITY
PRODUCTION/UNBILLED WATER REPORT**

**THREE MONTH TOTALS
(1000 GALLONS)**

USAGE PERIOD	RAW WATER	FINISHED WATER	BILLED WATER	WATER LOSS ACCOUNTED	WATER LOSS UNACCOUNTED	% WATER LOSS UNACCOUNTED
CURRENT THREE MONTHS (Oct, Nov, Dec)	290,760	284,290	206,592	9,105	68,593	24.13%
MOST RECENT THREE MONTHS (Sep, Oct, Nov)	295,920	289,570	228,250	9,563	51,757	17.87%
1 YEAR AGO (Oct, Nov, Dec)	269,730	262,370	229,290	11,266	21,814	8.31%

NOTES:

Raw water is the total amount of raw water withdrawn from Lake Winnebago / Fox River during the indicated period.

Finished water is the total amount of water entering the distribution system during the indicated period

Billed water is the total usage during the indicated period.

Water loss accounted includes internal plant usage, estimated loss from known main breaks and service leaks, and hydrant flushing.

Water loss unaccounted is calculated by subtracting the billed water and water loss accounted from the finished water.

**DAILY AVERAGE
(MGD)**

USAGE PERIOD	RAW WATER	FINISHED WATER
Dec, 2021	3.16	3.07
Nov, 2021	3.10	3.04
Nov, 2020	2.83	2.76