

BOC Meeting Date  
3/18/2020**Requesting Agency**

Public Works

**Commission Districts Affected**

1, 2

**Requested Action** *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Request approval of a Memorandum of Agreement ("MOA") between Fulton County, Georgia, on behalf of the Department of Public Works, and the Metropolitan North Georgia Water Planning District (MNGWPD) for continued participation in the District-wide Multi-family High Efficiency (HET) Toilet Rebate Program administered by the MNGWPD and pursuant to the requirements of the MNGWPD's Water Resource Management Plan in the amount of \$50,000.00 for one year effective upon execution. The County Attorney is authorized to approve the MOA as to form and to make modifications thereto prior to execution.

**Requirement for Board Action** *(Cite specific Board policy, statute or code requirement)*

O.C.G.A. § 12-5-572 established the MNGWPD and charged it with addressing comprehensive water resource management planning from a regional perspective through policies, plans and intergovernmental coordination.

**Is this Item related to a Strategic Priority Area?** *(If yes, note strategic priority area below)*

Yes                      Health and Human Services

**Is this a purchasing item?**

No

**Summary & Background***(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)***Scope of Work:**

The Department of Public Works recommends the approval of a Memorandum of Agreement (MOA) to continue participation in the MNGWPD's Multi-family High Efficiency Toilet (HET) Rebate Program as outlined in the MNGWPD's Water Resource Management Plan. The program applies to multi-family homes (e.g. apartments, townhomes, and condominiums) built prior to 1993 and is administered by the MNGWPD similar to the single-family toilet rebate program.

In June 2010, Georgia adopted new standards to require more efficient plumbing fixtures with the Water Stewardship Bill. Starting in July 2012 high efficiency toilets (HETs) that use no more than 1.28 gallons of water per flush are required to be installed in residences. Additionally, the MNGWPD's Water Supply and Water Conservation Plan requires the implementation of a strategy to distribute, install, or provide incentives to replace higher flow fixtures in multi-family properties built in or prior to 1993.

The Multi-family High Efficiency Toilet (HET) Rebate Program provides \$50 and \$75 rebates to the

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

owners of townhomes, condominiums, and apartment dwellings that replace existing high-water-use toilets with 1.28-gallons-per-flush (gpf) or less EPA WaterSense certified. The maximum rebate amount allowed is \$7,500.00. The program is administered by MNGWPD and includes a post-inspection component conducted by the MNGWPD.

On April 10, 2019, the Board of Commissioners approved the second Memorandum of Agreement with the MNGWPD (Board Item # 19-0256) allowing for Fulton County's participation in the District-wide multi-family toilet retrofit program. Under the 2019 MOA, Fulton County rebated 100 toilets, expended \$8,175 in total program costs, and realized estimated daily water savings of over 2,939 gallons. The 2020 MOA represents the third year Fulton County participated in this program.

**Community Impact:**

Since the start of the program, Fulton County has issued 100 rebates totaling \$8,175 and has saved an estimated 2,939 gallons per day in water in water usage for the County. Continued participation in the Program would allow Public Works the ability to provide customers with incentives to encourage water conservation and assist in meeting the MNGWPD's goal of 11% reduction in per capita water usage by 2030.

**Department Recommendation:**

The Department of Public Works recommends approval of a MOA for the continued participation in the District-wide Toilet Retrofit program for Multi-Use residences with the MNGWPD.

**Project Implications:**

The implementation of a program to replace older, inefficient toilets with WaterSense labeled high efficiency toilets in single- and multi-family home is a requirement of the MNGWPD Water Resource Management Plan. Failure to participate in the program could potentially impact Fulton County's ability to meet the MNGWPD's goal of 11% reduction in per capita water usage by 2030.

**Community Issues/Concerns:**

The Department of Public Works is not aware of any issues/concerns raised by the community.

**Department Issues/Concerns:**

The Department of Public Works does not have any issues or concerns with the agreement.

**History of BOC Agenda Item:**

Yes. Item no. 18-0106 2/21/2018; Item no. 19-0256 4/10/2019

**Contract & Compliance Information**

*(Provide Contractor and Subcontractor details.)*

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

**# 20-0213**

<b>Solicitation Information</b>	<b>NON-MFBE</b>	<b>MBE</b>	<b>FBE</b>	<b>TOTAL</b>
No. Bid Notices Sent:				
No. Bids Received:				
<b>Total Contract Value</b>	.			
<b>Total M/FBE Values</b>	.			
<b>Total Prime Value</b>	.			
<b>Fiscal Impact / Funding Source</b> <i>(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)</i> 201-540-5401-1160: Water & Sewer Revenue Fund, Public Works, Professional Services \$50,000.00				
<b>Exhibits Attached</b> <i>(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)</i> Exhibit 1 - Memorandum of Agreement Exhibit 2: MNGWPD Water Resource Management Plan, WSWC-6: Toilet Replacement Program				
<b>Source of Additional Information</b> <i>(Type Name, Title, Agency and Phone)</i> Corlette Banks , Environmental Program Manager, Public Works, 404-612-8097				

<b>Agency Director Approval</b>		<b>County Manager's Approval</b>
<b>Typed Name and Title</b>	<b>Phone</b>	
<b>Signature</b>	<b>Date</b>	

Revised 03/12/09 (Previous versions are obsolete)

Continued

**Procurement****Contract Attached:**  
Yes**Previous Contracts:**  
Yes**Solicitation Number:**  
.N/A**Submitting Agency:**  
Public Works**Staff Contact:**  
Corlette Banks**Contact Phone:**  
404-612-8097**Description:** Memorandum of Agreement between Fulton County and the Metropolitan North Georgia Water Planning District (MNGWPD).**FINANCIAL SUMMARY****Total Contract Value:**

Original Approved Amount: .  
 Previous Adjustments: .  
 This Request: \$.50,000.00  
 TOTAL: \$.50,000.00

**MBE/FBE Participation:**

Amount: . %: .  
 Amount: . %: .  
 Amount: . %: .  
 Amount: . %: .

**Grant Information Summary:**

Amount Requested: . ☐ Cash  
 Match Required: . ☐ In-Kind  
 Start Date: . ☐ Approval to Award  
 End Date: . ☐ Apply & Accept  
 Match Account \$: .

**Funding Line 1:**

201-540-5401-1160

**Funding Line 2:**

.

**Funding Line 3:**

.

**Funding Line 4:**

.

**KEY CONTRACT TERMS****Start Date:**

.upon approval

**End Date:**

One year from approval

**Cost Adjustment:**

.

**Renewal/Extension Terms:**

.

**ROUTING & APPROVALS**

(Do not edit below this line)

X	Originating Department:	Clark, David	Date: 3/8/2020
X	County Attorney:	Stewart, Denval	Date: 3/8/2020
.	Purchasing/Contract Compliance:	.	Date: .
X	Finance/Budget Analyst/Grants Admin:	Freeman, Ashley	Date: 2/13/2020
.	Grants Management:	.	Date: .
X	County Manager:	Anderson, Dick	Date: 3/9/2020

**MEMORANDUM OF AGREEMENT  
PARTICIPATION IN THE DISTRICT'S MULTI-FAMILY TOILET REBATE  
PROGRAM**

THIS AGREEMENT is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between \_\_\_\_\_ (hereinafter referred to as the "Utility") and the Metropolitan North Georgia Water Planning District (hereinafter referred to as the "District").

WITNESSETH:

WHEREAS, the Utility is responsible for developing and implementing a water conservation program within its service area,

WHEREAS, the District will coordinate and manage a District-wide Multi-Family Toilet Rebate Program ("the Program") for certain multi-family residential customers by providing administrative services as stated in Duties of the District, and

WHEREAS, the Utility desires to participate in the District-wide Program, and

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, and for other good and valuable consideration, the parties hereto agree as follows:

1. Duties of the Utilities

- a. Follows the administrative procedures developed by the District for the management of the Program.
- b. Receives weekly notifications from the District of rebates to be processed and issue rebate credits to customers in a timely manner.
- c. Upon receipt of notification by the District of a customer's eligibility for the toilet rebate, the Utility will respond to the District within 5 business days with notification of acceptance or rejection of each eligible customer and the reason for rejection.
- d. Answers customer questions about the status of their rebate credits (once their confirmation letters have been received).
- e. Agrees to pay District the administrative charge for each application approved for rebate.
- f. Promotes the Program through a link on the Utility's website, bill inserts, mailers, and/or other forms of communication.
- g. On site verification of toilet installation is optional, but would be the responsibility of the Utility.

2. Duties of the District

- a. Provides administrative services to process pre-approvals, rebate applications, and post-installation verification, which includes a virtual inspection of select toilets at each customer location when technically feasible.

- b. Maintains a website, pre-approval and application forms, and reporting database for utilities.
- c. Maintains a telephone number and email address for customer questions about the Program and processing applications.
- d. Makes available applications to multi-family residential customers only.
- e. Receives rebate application from customer and verifies eligibility. To be eligible, applicants must at a minimum (i) own or represent the owners of a multi-family residential building (no institutional or commercial buildings) on a master meter and built prior to 1994, (ii) plan to install a tank-type toilet (not flush-valve toilets), (iii) be current on their water bill, (iv) be applying to replace at least 30 toilets but not more than \_\_\_\_\_, and (v) obtain preapproval, install the new toilets, and schedule post-installation verification within a 90-day period.
- f. Inspect and approve new toilets in a post-installation virtual inspection with customer.
- g. Notifies the Utility of rebate amount to credit customer.
- h. Sends a confirmation/rejection letter to each customer.
- i. Provides management reports for Utilities to access on a regular basis.
- j. Invoices the Utility for the per-application administrative charges.
- k. Maintains billing accounts and financial records for three years after the completion of this Agreement and provide periodic status updates to the Utilities.

3. Costs Paid by Utility

The Utility hereby agrees to provide funding of \$ \_\_\_\_\_ for this Program for the term of the Agreement unless the Agreement is terminated at which time the Utility would fund any applications that have been approved by the District and Utility prior to termination. Funding is the total amount allocated by the Utility for rebate and administrative charges for the term of this Agreement. In the event the Utility meets the previously stated funding amount prior to the expiration of this Agreement, the Utility is no longer obligated to provide rebates or administrative charges. The Utility further agrees that the District will only process rebates for WaterSense high-efficiency toilets (HET) or ultra-high efficiency toilets (UHET). Each rebate will have a maximum face value of \$50 for HETs and \$75 for UHETs. Additionally, the Utility agrees that an administrative charge of \$400 for rebate applications covering 30 to 90 toilets and \$675 for rebate applications covering 91 or more toilets.

4. Payment Method

Utility will pay administrative charges to the District through periodic billings. Rebates will be issued by the Utility to participating Utility customers until the allotted rebate amount for the Utility is exhausted. The Utility may add additional funding at any time during their Program participation by amending this Agreement.

5. Term

This Agreement shall become effective as of the date first written above and shall continue in full force and effect until \_\_\_\_\_. Either party may terminate this Agreement without cause by providing the other party written notice sixty (60) days prior to termination. This Agreement may be amended upon agreement of the parties. In the event of such termination, the Utility shall be obligated to pay all issued rebates and administrative charges associated with rebates approved prior to such termination.

IN WITNESS WHEREOF, the parties have hereto executed this Agreement as of the date first above written.

\_\_\_\_\_  
Tonya R. Grier  
Fulton County  
Interim Clerk to the Commission

\_\_\_\_\_  
Robert L. Pitts, Chair  
Fulton County  
Board of Commission

By: \_\_\_\_\_,  
Title: Chairperson  
METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT



## ACTION ITEM

## WSWC-6: TOILET REPLACEMENT PROGRAM

Intent	Responsible Party	In Coordination With
To reduce indoor water use and speed the conversion of older, inefficient toilets toward WaterSense labeled high-efficiency toilets in single- and multi-family homes.	Local Water Provider	Local Government Local Wastewater Provider
<b>Points of Integration</b> This measure should result in decreased water demands, as well as decreased wastewater flows.		

**Action Item:** Implement a program to replace older, inefficient toilets with WaterSense labeled high-efficiency toilets in single- and multi-family homes.

**Sub-Tasks:** Each local water provider shall:

1. Establish a program to replace 3.5 gpf or greater toilets in single- and multi-family homes constructed prior to 1994 with high-efficiency WaterSense labeled toilets.
2. Provide information on opportunities to recycle any toilet being discarded pursuant to the toilet replacement program by linking to the Metro Water District website or other local resources.

**Description:** Single- and multi-family homes built prior to 1994 may contain inefficient toilets. While new toilets meet high efficiency standards, the replacement of older, inefficient toilets is needed to address existing stock and reduce indoor water use.

**Implementation Guidance:** Before the 1950s, new toilets typically used 7 gpf. By the end of the 1960s, new toilets typically used 5.5 gpf; in the 1980s, new toilets typically used 3.5 gpf. The federal Energy Policy Act of 1992 required all new toilets use no more than 1.6 gpf by 1994. In 2010 the Georgia Water Stewardship Act required that local governments adopt or amend local ordinances to require, among other things, that all new construction, on or after July 1, 2012, use WaterSense labeled toilets. WaterSense is a voluntary program of the EPA designed to identify and promote water efficient products and practices. WaterSense labeled toilets are independently certified to meet rigorous criteria for both performance and efficiency.

This Action Item calls for a program to replace toilets in single and multifamily homes constructed prior to 1994 with WaterSense labeled toilets. As of the date of this Plan, the WaterSense efficiency criteria is 1.28 gpf or less for toilets, and in the future, the WaterSense label may become more stringent. If a more stringent criterion is adopted, it will apply as of the date of its adoption for the purposes of this Plan.

The toilet replacement program must specifically address toilet replacement rather than provide toilet retrofit devices. Examples of acceptable toilet replacement programs include the following:

- Rebate incentive program: Customer receives a water bill credit, cash or voucher to offset the cost of a new WaterSense labeled toilet to be installed in a pre-1994 single- or multi-family home.
- Direct install program: Customer exchanges a toilet from pre-1994 single- or multi-family homes for a WaterSense labeled toilet with discounted installation through the local water provider.
- Other: Local water providers may create their own programs as long as the program actually results in the replacement of toilets in pre-1994 single- and multi-family homes. These programs may take a

variety of forms, including but not limited to on-bill financing programs for toilet replacements and programs requiring that toilets using 3.5 gpf or more be replaced as a condition of a customer establishing water service.

If a local water provider chooses to have a single replacement program covering both single and multi-family homes, funds may be made available on a first come, first served basis.

Due to the high value of rebate programs for multi-family homes, it is recommended that the local water provider include an inspection element in any multi-family rebate program to prevent possible fraud. This can be done through a physical inspection or by reviewing billing data post-installation.

The local water provider should provide information on available toilet recycling opportunities. There are recycling facilities in the region that will recycle crushed porcelain for various uses, such as a concrete aggregate or bathroom tile. Many homeowners may not be aware of recycling options when replacing a toilet.

**Considerations for Enhanced Implementation:** The optional considerations for enhanced implementation include the following:

- Add an additional requirement that program participants provide documentation or other proof that the replaced toilet uses 3.5 gpf or more, such as requiring a section on the rebate application form for the customer to record the gallons per flush of the old toilet or including a customer self-certification.
- Encourage customers to purchase WaterSense labeled ultra-high-efficiency toilets that use 1.1 gpf or less through a tiered rebate incentive with a higher rebate tier for toilets meeting these standards.
- Limit rebates to only WaterSense labeled ultra-high-efficiency toilets that use 1.1 gpf and discontinue rebates on 1.28 gpf toilets.
- Low-income and disadvantaged customers often live in pre-1994 single- and multi-family homes and spend a greater percentage of their income on utility bills. These customers may experience financial difficulties participating in a rebate incentive program if they cannot afford to purchase the new plumbing fixture before the rebate money is received. A voucher or direct install program for customers with a lower household income would encourage indoor water efficiency in pre-1994 single- and multi-family homes. As an example, the City of Atlanta's Care and Conserve program provides payment assistance to qualified customers.
- Local water providers may also consider placing toilet recycling containers at other local government buildings. The City of Atlanta provides free toilet recycling to its residential water customers at the Center for Hard to Recycle Materials. Gwinnett County Water Resources offers free toilet recycling to its residential customers by providing a recycling container for old toilets at its building. Gwinnett County Water Resources covers the cost of transporting the container to a local recycler. This free service is promoted to customers participating in the toilet replacement program and has kept hundreds of tons of porcelain from the landfill.
- Require recycling for all toilets replaced through the multi-family toilet replacement program. Some local water providers require the customer to agree to transport the used porcelain toilets to an approved recycler within the Metro Water District area. The customer must provide documentation from the recycler that the toilets were disposed properly before the rebate credit will be issued to the account.

**Opportunities for Technical Assistance:** The Metro Water District's Technical Assistance Program may provide support for implementation of this Action Item through the following types of activities:

- Administering a regional rebate program for single-family homes
- Creating and administering a regional rebate program for multi-family homes
- Offering a regional program for low-income and disadvantaged customers using grant funding
- Developing a regional list of toilet recycling facilities



**Resources:**

- EPA, WaterSense Toilets, information page, <https://www3.epa.gov/watersense/products/toilets.html>
- Cobb County, toilet recycling information (see Item No. 16), [https://cobbcounty.org/index.php?option=com\\_content&view=article&id=3445&Itemid=1544](https://cobbcounty.org/index.php?option=com_content&view=article&id=3445&Itemid=1544)
- MaP Testing Premium Ultra-High-Efficiency Toilet page, <http://www.map-testing.com/content/info/menu/map-premium.html>