**Section 611.1354 Lead Service Line Replacement**

a) Suppliers That Must Replace Lead Service Lines

1) If the results from tap samples the supplier took under Section 611.1356(d)(2) exceed the lead action level after the supplier installs corrosion control or source water treatment (whichever sampling occurs later), the supplier must recommence replacing lead service lines under subsection (b).

2) If a supplier violates Section 611.1351 or 611.1353 by failing to install source water or corrosion control treatment, the Agency may issue a SEP requiring the supplier to begin lead service line replacement under this Section after the date when Section 611.1356(d)(2) required the supplier to conduct monitoring.

b) Annually Replacing Lead Service Lines

1) Initiating a Lead Service Line Replacement Program

A) A supplier that subsection (a) requires to begin replacing lead service lines must annually replace at least seven percent of the initial number of lead service lines in its distribution system.

B) The initial number of lead service lines in a distribution system is the number of lead lines in place when the supplier begins its replacement program.

C) The supplier must identify the initial number of lead service lines in its distribution system, indicating the portions of the system the supplier owns, based on a materials evaluation, including the evaluation Section 611.1356(a) requires and relevant legal authorities (e.g., contracts, local ordinances, etc.) regarding the portion the supplier owns.

D) The first year of lead service line replacement must begin on the first day after the end of the monitoring period during which the supplier exceeded the action level under subsection (a).

E) If the supplier must monitor annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the supplier took the sample exceeding the action level.

F) If the Agency establishes an alternative monitoring period in a SEP, the end of the monitoring period is the last day of that period.

2) Resuming a Lead Service Line Replacement Program after Cessation

A) A supplier resuming after ceasing its lead service line replacement program, as subsection (f) allows, must update its remaining lead service lines inventory to include the sites the supplier previously determined did not require replacement under subsection (c).

B) The supplier must divide its updated remaining lead service lines inventory by the number of remaining years in the program to determine the number of lines that the supplier must replace each year. (Seven percent lead service line replacement is based on a 15-year replacement program, so that, for example, a supplier resuming lead service line replacement after previously conducting two years of replacement would divide its updated inventory by 13.)

C) For a supplier completing a 15-year lead service line replacement program, the Agency must issue a SEP determining a schedule for replacing or retesting lines under the completed program that the supplier previously tested, whenever the supplier re-exceeds the action level.

c) Service Lines Not Needing Replacement. A supplier is not required to replace any individual lead service line for which the lead concentrations in all tap samples taken under Section 611.1356(b)(3) are less than or equal to the lead action level (0.015 mg/L).

d) A water supplier must replace that portion of the lead service line that it owns. If the supplier does not own the entire lead service line, the supplier must notify the owner of the line, or the owner’s authorized agent, that the supplier will replace the portion of the service line that it owns and offer to replace the owner’s portion of the line at the owner’s expense. A supplier needs not bear the cost of replacing the privately-owned portion of the service line, nor needs the supplier replace the privately-owned portion of the service line if the owner chooses not to pay the cost of replacing that portion of the line or if State, local, or common law precludes replacing the privately-owned portion of the line. A water supplier that does not replace the entire length of the service line also must complete certain tasks:

1) Notice Prior to Beginning Work

A) At least 45 days prior to beginning partial replacement of a lead service line, the water supplier must notify the residents of all buildings the line serves explaining that the residents may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead.

B) The Agency may issue a SEP allowing the water supplier to provide notice under the previous sentence less than 45 days before beginning partial lead service line replacement if the Agency determines that the replacement is together with emergency repairs.

C) The supplier must also inform the residents the line serves that the supplier will, at the supplier’s expense, collect a representative sample of the water from the partially replaced service line for analysis of lead content, as Section 611.1356(b)(3) requires, within 72 hours after partially replacing the service line. The supplier must collect the sample and report the results of the analysis to the owner and the residents the line serves within three business days after receiving the results.

D) Mailed notices post-marked within three business days after the supplier receives the results are timely.

2) The water supplier must provide the information subsection (d)(1) requires to the residents of individual dwellings by mail or by other methods the Agency approved in a SEP. If the service line serves multi-family dwellings, the Agency must allow the water supplier to post the information at a conspicuous location.

e) Agency Determining a Shorter Replacement Schedule

1) The Agency must issue a SEP requiring a supplier to replace lead service lines on a shorter schedule than this Section otherwise requires if the Agency determines, taking into account the number of lead service lines in the system, that the supplier’s shorter replacement schedule is feasible.

2) The Agency must notify the supplier of its finding under subsection (e)(1) within six months after monitoring triggers the supplier into beginning lead service line replacement under subsection (a).

f) Ceasing Service Line Replacement

1) Any supplier may cease replacing lead service lines whenever the supplier fulfills both two conditions:

A) First-draw tap samples the supplier collected under Section 611.1356(b)(2) meet the lead action level during each of two consecutive six-month monitoring periods; and

B) The supplier submitted those results to the Agency.

2) If any of the supplier’s first-draw tap samples later exceeds the lead action level, the supplier must resume replacing lead service lines under subsection (b)(2).

g) To demonstrate that it complies with subsections (a) through (d), a supplier must report to the Agency the information Section 611.1360(e) specifies.

BOARD NOTE: This Section corresponds with Section 611.1354 and derives from 40 CFR 141.84 (2020).

(Source: Added at 47 Ill. Reg. 16486, effective November 2, 2023)