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1 AMENDMENT TO SENATE BILL 3080

2 AMENDMENT NO. _____. Amend Senate Bill 3080 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Community Water System Lead Removal Act.

6 Section 5. Definitions. As used in this Act:

7 "Community water system" has the meaning provided in 35
8 Ill. Adm. Code 611.101.

9 "Department" means the Department of Public Health.

10 Section 10. Asset management plans; lead service line
11 removal.

12 (a) Except as provided in subsection (b), within 2 years of
13 the effective date of this Act, each community water system in
14 Illinois shall implement an asset management plan designed to
15 inspect, maintain, repair, and renew infrastructure consistent

1 with the standards adopted by the American Water Works
2 Association or another industry-wide accepted standard. The
3 asset management plan shall be submitted to the Department for
4 approval. The asset management plan shall include a plan to
5 remove all known lead service lines, both publicly owned and
6 privately owned. The asset management plan shall include:

7 (1) an engineering study;

8 (2) estimated costs;

9 (3) a financing plan;

10 (4) a feasibility and affordability plan;

11 (5) a plan for prioritizing high-risk areas;

12 (6) a proposed schedule for replacements that includes
13 annual benchmarks; and

14 (7) measures to encourage diversity in hiring in the
15 workforce required to implement the plan, if feasible.

16 Each community water system may take into account its
17 circumstances in considering a timeline and strategy to remove
18 lead services lines, however, the Department may reject an
19 asset management plan that has an unreasonable timeline. The
20 Department may consider the number of lead service lines, the
21 economic condition of the area the community water supply
22 serves, and any other factors when determining reasonableness.
23 Each community water system may make its own determination as
24 to how its lead service line removal plan shall be financed.

25 The asset management plan, including an updated lead
26 removal strategy, shall be updated and submitted to the

1 Department every 3 years. The update shall include all progress
2 made since the previous filing period.

3 The Department shall create a website that permits the
4 electronic submission of an asset management plan required
5 under this Section. The lack of a website shall not negate the
6 requirement for a community water system to submit an asset
7 management plan.

8 (b) A community water system may submit a water
9 distribution system material inventory developed in accordance
10 with Section 17.11 to meet the asset management plan
11 requirements of subsection (a).

12 Section 15. The Department of Commerce and Economic
13 Opportunity Law of the Civil Administrative Code of Illinois is
14 amended by adding Section 605-870 as follows:

15 (20 ILCS 605/605-870 new)

16 Sec. 605-870. Low-Income Water Assistance Program.

17 (a) The Department shall by rule establish a comprehensive
18 low-income water assistance policy and program that
19 incorporates financial assistance and includes, but is not
20 limited to, water efficiency or water quality projects, or
21 other measures to ensure that residents have access to
22 affordable and clean water. The policy and program shall not
23 jeopardize the ability of public utilities and other entities
24 to receive just compensation for providing services. The

1 resources applied in achieving the policy and program shall be
2 coordinated and efficiently used through the integration of
3 public programs and through the targeting of assistance. The
4 Department shall use all appropriate and available means to
5 fund this program and, to the extent possible, identify and use
6 sources of funding that complement State tax revenues.

7 (b) Any person who is a resident of the State and whose
8 household income is not greater than an amount determined
9 annually by the Department may apply for assistance under this
10 Section in accordance with rules adopted by the Department. In
11 setting the annual eligibility level, the Department shall
12 consider the amount of available funding and may not set a
13 limit higher than 150% of the poverty guidelines updated
14 periodically in the Federal Register by the U.S. Department of
15 Health and Human Services under the authority of 42 U.S.C.
16 9902(2).

17 (c) Applicants who qualify for assistance under subsection
18 (b) shall, subject to appropriation from the General Assembly
19 and subject to availability of funds to the Department, receive
20 assistance as provided by this Section. The Department, upon
21 receipt of moneys authorized under this Section for assistance,
22 shall commit funds for each qualified applicant in an amount
23 determined by the Department. In determining the amounts of
24 assistance to be provided to or on behalf of a qualified
25 applicant, the Department shall ensure that the highest amounts
26 of assistance go to households with the greatest water costs in

1 relation to household income. The Department shall include
2 factors such as water costs, household size, household income,
3 and region of the State when determining individual household
4 benefits. In adopting rules for the administration of this
5 Section, the Department shall ensure that a minimum of 1/3 of
6 funds are available for benefits to eligible households with
7 the lowest incomes and that elderly households, households with
8 persons with disabilities, and households with children under 6
9 years of age are offered a priority application period.

10 (d) Application materials for the program shall be made
11 available in multiple languages.

12 (e) The Department may adopt any rules necessary to
13 implement the policy and program under this Section.

14 Section 20. The Public Utilities Act is amended by changing
15 Section 8-306 as follows:

16 (220 ILCS 5/8-306)

17 Sec. 8-306. Special provisions relating to water and sewer
18 utilities.

19 (a) No later than 120 days after the effective date of this
20 amendatory Act of the 94th General Assembly, the Commission
21 shall prepare, make available to customers upon request, and
22 post on its Internet web site information concerning the
23 service obligations of water and sewer utilities and remedies
24 that a customer may pursue for a violation of the customer's

1 rights. The information shall specifically address the rights
2 of a customer of a water or sewer utility in the following
3 situations:

4 (1) The customer's water meter is replaced.

5 (2) The customer's bill increases by more than 50%
6 within one billing period.

7 (3) The customer's water service is terminated.

8 (4) The customer wishes to complain after receiving a
9 termination of service notice.

10 (5) The customer is unable to make payment on a billing
11 statement.

12 (6) A rate is filed, including without limitation a
13 surcharge or annual reconciliation filing, that will
14 increase the amount billed to the customer.

15 (7) The customer is billed for services provided prior
16 to the date covered by the billing statement.

17 (8) The customer is due to receive a credit.

18 Each billing statement issued by a water or sewer utility
19 shall include an Internet web site address where the customer
20 can view the information required under this subsection (a) and
21 a telephone number that the customer may call to request a copy
22 of the information.

23 (a-5) Each billing statement issued by a water or sewer
24 utility shall include:

25 (1) all fixed charges;

26 (2) all volumetric charges; and

1 (3) the total number of gallons used since the last
2 billing period.

3 If a bill is not calculated based upon volumetric use, then
4 the method for calculating the bill must be described on the
5 bill.

6 (b) A water or sewer utility may discontinue service only
7 after it has mailed or delivered by other means a written
8 notice of discontinuance substantially in the form of Appendix
9 A of 83 Ill. Adm. Code 280. The notice must include the
10 Internet web site address where the customer can view the
11 information required under subsection (a) and a telephone
12 number that the customer may call to request a copy of the
13 information. Any notice required to be delivered or mailed to a
14 customer prior to discontinuance of service shall be delivered
15 or mailed separately from any bill. Service shall not be
16 discontinued until at least 5 days after delivery or 8 days
17 after the mailing of this notice. Service shall not be
18 discontinued and shall be restored if discontinued for the
19 reason which is the subject of a dispute or complaint during
20 the pendency of informal or formal complaint procedures of the
21 Illinois Commerce Commission under 83 Ill. Adm. Code 280.160 or
22 280.170, where the customer has complied with those rules.
23 Service shall not be discontinued and shall be restored if
24 discontinued where a customer has established a deferred
25 payment agreement pursuant to 83 Ill. Adm. Code 280.110 and has
26 not defaulted on such agreement. Residential customers who are

1 indebted to a utility for past due utility service shall have
2 the opportunity to make arrangements with the utility to retire
3 the debt by periodic payments, referred to as a deferred
4 payment agreement, unless this customer has failed to make
5 payment under such a plan during the past 12 months. The terms
6 and conditions of a reasonable deferred payment agreement shall
7 be determined by the utility after consideration of the
8 following factors, based upon information available from
9 current utility records or provided by the customer or
10 applicant:

- 11 (1) size of the past due account;
- 12 (2) customer or applicant's ability to pay;
- 13 (3) customer or applicant's payment history;
- 14 (4) reason for the outstanding indebtedness; and
- 15 (5) any other relevant factors relating to the
16 circumstances of the customer or applicant's service.

17 A residential customer shall pay a maximum of one-fourth of the
18 amount past due and owing at the time of entering into the
19 deferred payment agreement, and the water or sewer utility
20 shall allow a minimum of 2 months from the date of the
21 agreement and a maximum of 12 months for payment to be made
22 under a deferred payment agreement. Late payment charges may be
23 assessed against the amount owing that is the subject of a
24 deferred payment agreement.

25 (b-5) A water or sewer utility may not charge more than \$50
26 for reconnecting service.

1 (c) A water or sewer utility shall provide notice as
2 required by subsection (a) of Section 9-201 after the filing of
3 each information sheet under a purchased water surcharge,
4 purchased sewage treatment surcharge, or qualifying
5 infrastructure plant surcharge. The utility also shall post
6 notice of the filing in accordance with the requirements of 83
7 Ill. Adm. Code 255. Unless filed as part of a general rate
8 increase, notice of the filing of a purchased water surcharge
9 rider, purchased sewage treatment surcharge rider, or
10 qualifying infrastructure plant surcharge rider also shall be
11 given in the manner required by this subsection (c) for the
12 filing of information sheets.

13 (d) Commission rules pertaining to formal and informal
14 complaints against public utilities shall apply with full and
15 equal force to water and sewer utilities and their customers,
16 including provisions of 83 Ill. Adm. Code 280.170, and the
17 Commission shall respond to each complaint by providing the
18 consumer with a copy of the utility's response to the complaint
19 and a copy of the Commission's review of the complaint and its
20 findings. The Commission shall also provide the consumer with
21 all available options for recourse.

22 (e) Any refund shown on the billing statement of a customer
23 of a water or sewer utility must be itemized and must state if
24 the refund is an adjustment or credit.

25 (f) Water service for building construction purposes. At
26 the request of any municipality or township within the service

1 area of a public utility that provides water service to
2 customers within the municipality or township, a public utility
3 must (1) require all water service used for building
4 construction purposes to be measured by meter and subject to
5 approved rates and charges for metered water service and (2)
6 prohibit the unauthorized use of water taken from hydrants or
7 service lines installed at construction sites.

8 (g) Water meters.

9 (1) Periodic testing. Unless otherwise approved by the
10 Commission, each service water meter shall be periodically
11 inspected and tested in accordance with the schedule
12 specified in 83 Ill. Adm. Code 600.340, or more frequently
13 as the results may warrant, to insure that the meter
14 accuracy is maintained within the limits set out in 83 Ill.
15 Adm. Code 600.310.

16 (2) Meter tests requested by customer.

17 (A) Each utility furnishing metered water service
18 shall, without charge, test the accuracy of any meter
19 upon request by the customer served by such meter,
20 provided that the meter in question has not been tested
21 by the utility or by the Commission within 2 years
22 previous to such request. The customer or his or her
23 representatives shall have the privilege of witnessing
24 the test at the option of the customer. A written
25 report, giving the results of the test, shall be made
26 to the customer.

1 (B) When a meter that has been in service less than
2 2 years since its last test is found to be accurate
3 within the limits specified in 83 Ill. Adm. Code
4 600.310, the customer shall pay a fee to the utility
5 not to exceed the amounts specified in 83 Ill. Adm.
6 Code 600.350(b). Fees for testing meters not included
7 in this Section or so located that the cost will be out
8 of proportion to the fee specified will be determined
9 by the Commission upon receipt of a complete
10 description of the case.

11 (3) Commission referee tests. Upon written application
12 to the Commission by any customer, a test will be made of
13 the customer's meter by a representative of the Commission.
14 For such a test, a fee as provided for in subsection (g) (2)
15 shall accompany the application. If the meter is found to
16 be registering more than 1.5% fast on the average when
17 tested as prescribed in 83 Ill. Adm. Code 600.310, the
18 utility shall refund to the customer the amount of the fee.
19 The utility shall in no way disturb the meter after a
20 customer has made an application for a referee test until
21 authority to do so is given by the Commission or the
22 customer in writing.

23 (h) Water and sewer utilities; low usage. Each public
24 utility that provides water and sewer service must establish a
25 unit sewer rate, subject to review by the Commission, that
26 applies only to those customers who use less than 1,000 gallons

1 of water in any billing period.

2 (i) Water and sewer utilities; separate meters. Each public
3 utility that provides water and sewer service must offer
4 separate rates for water and sewer service to any commercial or
5 residential customer who uses separate meters to measure each
6 of those services. In order for the separate rate to apply, a
7 combination of meters must be used to measure the amount of
8 water that reaches the sewer system and the amount of water
9 that does not reach the sewer system.

10 (j) Each water or sewer public utility must disclose on
11 each billing statement any amount billed that is for service
12 provided prior to the date covered by the billing statement.
13 The disclosure must include the dates for which the prior
14 service is being billed. Each billing statement that includes
15 an amount billed for service provided prior to the date covered
16 by the billing statement must disclose the dates for which that
17 amount is billed and must include a copy of the document
18 created under subsection (a) and a statement of current
19 Commission rules concerning unbilled or misbilled service.

20 (k) When the customer is due a refund resulting from
21 payment of an overcharge, the utility shall credit the customer
22 in the amount of overpayment with interest from the date of
23 overpayment by the customer. The rate for interest shall be at
24 the appropriate rate determined by the Commission under 83 Ill.
25 Adm. Code 280.70.

26 (l) Water and sewer public utilities; subcontractors. The

1 Commission shall adopt rules for water and sewer public
2 utilities to provide notice to the customers of the proper kind
3 of identification that a subcontractor must present to the
4 customer, to prohibit a subcontractor from soliciting or
5 receiving payment of any kind for any service provided by the
6 water or sewer public utility or the subcontractor, and to
7 establish sanctions for violations.

8 (m) Water and sewer public utilities; unaccounted-for
9 water. By December 31, 2006, each water public utility shall
10 file tariffs with the Commission to establish the maximum
11 percentage of unaccounted-for water that would be considered in
12 the determination of any rates or surcharges. The rates or
13 surcharges approved for a water public utility shall not
14 include charges for unaccounted-for water in excess of this
15 maximum percentage without well-documented support and
16 justification for the Commission to consider in any request to
17 recover charges in excess of the tariffed maximum percentage.

18 (n) Rate increases; public forums. When any public utility
19 providing water or sewer service proposes a general rate
20 increase, in addition to other notice requirements, the water
21 or sewer public utility must notify its customers of their
22 right to request a public forum. A customer or group of
23 customers must make written request to the Commission for a
24 public forum and must also provide written notification of the
25 request to the customer's municipal or, for unincorporated
26 areas, township government. The Commission, at its discretion,

1 may schedule the public forum. If it is determined that public
2 forums are required for multiple municipalities or townships,
3 the Commission shall schedule these public forums, in locations
4 within approximately 45 minutes drive time of the
5 municipalities or townships for which the public forums have
6 been scheduled. The public utility must provide advance notice
7 of 30 days for each public forum to the governing bodies of
8 those units of local government affected by the increase. The
9 day of each public forum shall be selected so as to encourage
10 the greatest public participation. Each public forum will begin
11 at 7:00 p.m. Reports and comments made during or as a result of
12 each public forum must be made available to the hearing
13 officials and reviewed when drafting a recommended or tentative
14 decision, finding or order pursuant to Section 10-111 of this
15 Act.

16 (o) Upon request by a water utility, the Commission may
17 allow a water utility to establish a customer assistance
18 program that:

19 (1) uses State or federal infrastructure funds; or

20 (2) provides financial relief to residential customers
21 who qualify for income-related assistance.

22 A customer assistance program established under this
23 subsection that affects rates and charges for service is not
24 discriminatory for purposes of this Act or any other law
25 regulating rates and charges for service. In considering
26 whether to approve a water utility's proposed customer

1 assistance program, the Commission shall determine that a
2 customer assistance program established under this subsection
3 is in the public interest.

4 The Commission shall adopt rules to implement this
5 subsection. These rules shall require customer assistance
6 programs under this subsection to coordinate with utility
7 energy efficiency programs and the Illinois Home
8 Weatherization Assistance Program for the purpose of informing
9 eligible customers of additional resources that may help the
10 customer conserve water.

11 (p) An entity subject to the federal Safe Drinking Water
12 Act and the federal Clean Water Act that serves or provides
13 water or sewer services to a population of more than 2,000 but
14 less than 1,000,000 shall conduct a cost of service study every
15 5 years. The study shall include all revenue recovered from
16 water or sewer bills, and the percentage of the cost of service
17 used for water or sewer capital investment. The study shall be
18 submitted to the Environmental Protection Agency and published
19 on the Agency's website.

20 (Source: P.A. 94-950, eff. 6-27-06.)

21 Section 25. The Environmental Protection Act is amended by
22 changing Section 17.11 as follows:

23 (415 ILCS 5/17.11)

24 Sec. 17.11. Lead in drinking water notifications and

1 inventories.

2 (a) The purpose of this Section is to require the owners
3 and operators of community water systems to (i) create a
4 comprehensive lead service line inventory; and (ii) provide
5 notice to occupants of potentially affected residences of
6 construction or repair work on water mains, lead service lines,
7 or water meters.

8 (b) For the purposes of this Section:

9 "Community water system" has the meaning provided in 35
10 Ill. Adm. Code 611.101.

11 "Potentially affected residence" means any residence
12 where water service is or may be temporarily interrupted or
13 shut off by or on behalf of an owner or operator of a
14 community water system because construction or repair work
15 is to be performed by or on behalf of the owner or operator
16 of a community water system on or affecting a water main,
17 service line, or water meter.

18 "Small system" has the meaning provided in 35 Ill. Adm.
19 Code 611.350.

20 (c) The owner or operator of each community water system in
21 the State shall develop a water distribution system material
22 inventory that shall be submitted in written or electronic form
23 to the Agency on an annual basis commencing on April 15, 2018
24 and continuing on each April 15 thereafter until the water
25 distribution system material inventory is completed. In
26 addition to meeting the requirements for water distribution

1 system material inventories that are mandated by the United
2 States Environmental Protection Agency, each water
3 distribution system material inventory shall identify:

4 (1) the total number of service lines within or
5 connected to the distribution system, including privately
6 owned service lines;

7 (2) the number of all known lead service lines within
8 or connected to the distribution system, including
9 privately owned lead service lines; and

10 (3) the number of the lead service lines that were
11 added to the inventory after the previous year's
12 submission.

13 Nothing in this subsection shall be construed to require
14 that service lines be unearthed.

15 (d) Beginning on January 1, 2018, when conducting routine
16 inspections of community water systems as required under this
17 Act, the Agency may conduct a separate audit to identify
18 progress that the community water system has made toward
19 completing the water distribution system material inventories
20 required under subsection (c) of this Section.

21 (e) The owner or operator of the community water system
22 shall provide notice of construction or repair work on a water
23 main service line, or water meter in accordance with the
24 following requirements:

25 (1) At least 14 days prior to beginning planned work to
26 repair or replace any water mains or lead service lines,

1 the owner or operator of a community water system shall
2 notify, through an individual written notice, each
3 potentially affected residence of the planned work. In
4 cases where a community water system must perform
5 construction or repair work on an emergency basis or where
6 such work is not scheduled at least 14 days prior to work
7 taking place, the community water system shall notify each
8 potentially affected residence as soon as reasonably
9 possible. When work is to repair or replace a water meter,
10 the notification shall be provided at the time the work is
11 initiated.

12 (2) Such notification shall include, at a minimum:

13 (A) a warning that the work may result in sediment,
14 possibly containing lead, in the residence's water
15 supply; and

16 (B) information concerning best practices for
17 preventing the consumption of any lead in drinking
18 water, including a recommendation to flush water lines
19 during and after the completion of the repair or
20 replacement work and to clean faucet aerator screens;
21 and

22 (C) information regarding the dangers of lead in
23 young children.

24 (3) To the extent that the owner or operator of a
25 community water system serves a significant proportion of
26 non-English speaking consumers, the notification must

1 contain information in the appropriate languages regarding
2 the importance of the notice, and it must contain a
3 telephone number or address where a person served may
4 contact the owner or operator of the community water system
5 to obtain a translated copy of the notification or to
6 request assistance in the appropriate language.

7 (4) Notwithstanding anything to the contrary set forth
8 in this Section, to the extent that (a) notification is
9 required for the entire community served by a community
10 water system, (b) notification is required for
11 construction or repairs occurring on an emergency basis, or
12 (c) the community water system is a small system,
13 publication notification, through a local media, social
14 media or other similar means, may be utilized in lieu of an
15 individual written notification.

16 (5) If an owner or operator is required to provide an
17 individual written notification to a residence that is a
18 multidwelling building, posting a written notification on
19 the primary entrance way to the building shall be
20 sufficient.

21 (6) The notification requirements in this subsection
22 (e) do not apply to work performed on water mains that are
23 used to transmit treated water between community water
24 systems and have no service connections.

25 (7) The owner or operator of a community water system
26 may seek a full or partial waiver of the requirements of

1 this subsection from the Agency if (i) the community water
2 system was originally constructed without lead, (ii) the
3 residential structures were constructed under local
4 building codes that categorically prohibited lead
5 construction materials or the owner or operator of a
6 community water system certifies that any residential
7 structures requiring notification were constructed without
8 lead, and (iii) no lead sediment is likely to be present
9 within the community water system or residential
10 structures. The owner or operator of a community water
11 system may seek a time-limited or permanent waiver.

12 (8) The owner and operator of a community water system
13 shall not be required to comply with this subsection (e) to
14 the extent that the corresponding water distribution
15 system material inventory has been completed that
16 demonstrates the water distribution system does not
17 contain any lead.

18 (f) Each community water system shall make every reasonable
19 effort to identify all lead service lines in accordance with
20 this Section within 3 years of the effective date of this
21 amendatory Act of the 100th General Assembly.

22 (Source: P.A. 99-922, eff. 1-17-17.)".