



Sen. Heather A. Steans

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1 AMENDMENT TO HOUSE BILL 3035

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3035 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Lead  
5 Service Line Replacement and Notification Act.

6 Section 5. Purpose. The purpose of this Act is to: (1)  
7 require the owners and operators of community water supplies to  
8 develop, implement, and maintain a comprehensive water service  
9 line material inventory and a comprehensive lead service line  
10 replacement plan, provide notice to occupants of potentially  
11 affected buildings before any construction or repair work on  
12 water mains or lead service lines, and to request access to  
13 potentially affected buildings before replacing lead service  
14 lines; and (2) to prohibit partial lead service line  
15 replacements.

1 Section 10. Definitions. As used in this Act, unless the  
2 context otherwise clearly requires:

3 "Agency" means the Illinois Environmental Protection  
4 Agency.

5 "Board" means the Illinois Pollution Control Board.

6 "Community water supply" has the meaning ascribed to it in  
7 Section 3.145 of the Environmental Protection Act.

8 "Department" means the Illinois Department of Public  
9 Health.

10 "Emergency repair" means any unscheduled water main, water  
11 service, or water valve repair or replacement that results from  
12 failure or accident.

13 "Lead service line" means a service line made of lead or a  
14 service line connected to a lead pigtail, lead gooseneck, or  
15 other lead fitting.

16 "Material inventory" means a water service line material  
17 inventory developed by a community water supply pursuant to  
18 this Act.

19 "Non-community water supply" has the meaning ascribed to it  
20 in Section 3.145 of the Environmental Protection Act.

21 "NSF/ANSI Standard" means a water treatment standard  
22 developed by NSF International.

23 "Partial lead service line replacement" means replacement  
24 of only a portion of a lead service line.

25 "Potentially affected building" means any building that is  
26 provided water service through a service line that is either a

1 lead service line or a suspected lead service line.

2 "Public water supply" has the meaning ascribed to it in  
3 Section 3.365 of the Environmental Protection Act.

4 "Service line" means the piping, tubing, and necessary  
5 appurtenances acting as a conduit from the water main or source  
6 of potable water supply to the building plumbing at the first  
7 shut-off valve or 18 inches inside the building, whichever is  
8 shorter.

9 "Suspected lead service line" means a line that a community  
10 water supply finds more likely than not to be made of lead  
11 after completing the activities under paragraphs (2) and (5) of  
12 subsection (d) of Section 15.

13 "Small system" means a community water supply that  
14 regularly serves water to 3,300 or fewer persons.

15 Section 15. Material inventories.

16 (a) The owner or operator of each community water supply  
17 shall:

18 (1) develop an initial material inventory and submit  
19 the material inventory electronically to the Agency by  
20 April 15, 2020;

21 (2) update its material inventory and submit the  
22 updated material inventory electronically to the Agency by  
23 April 15, 2021, and each April 15 thereafter, until the  
24 owner or operator has substantially completed an inventory  
25 of all service lines in its distribution system; and

1           (3) after the Agency has initially reviewed and  
2 approved the community water supply's substantially  
3 complete material inventory, and so long as the community  
4 water supply continues to have lead water services, update  
5 its material inventory and electronically submit its  
6 revised material inventory to the Agency by April 15 of  
7 every third year after the Agency's initial review and  
8 approval.

9           A community water supply is not required to submit a  
10 material inventory to the Agency if the community water supply  
11 has completed its lead service line replacement plan or if it  
12 does not contain lead service lines.

13           (b) The Agency shall review each material inventory  
14 submitted to it under this Section. If the Agency determines  
15 that the community water supply is making substantial progress  
16 toward characterizing the materials of all service lines  
17 connected to its distribution system, with a priority on  
18 identifying all lead service lines connected to its  
19 distribution system, then the Agency shall approve the material  
20 inventory.

21           (c) Each material inventory prepared for a community water  
22 supply shall identify:

23           (1) the total number of service lines connected to the  
24 community water supply's distribution system;

25           (2) the materials of construction of each service line  
26 connected to the community water supply's distribution

1 system;

2 (3) the number of suspected lead service lines that  
3 were newly identified in the material inventory for the  
4 community water supply after the community water supply  
5 last submitted a service line inventory to the Agency; and

6 (4) the number of suspected or known lead service lines  
7 that were replaced after the community water supply last  
8 submitted a service line inventory to the Agency, and the  
9 material of the service line that replaced each lead  
10 service line.

11 When identifying the materials of construction under  
12 paragraph (2) of this subsection, the owner or operator of the  
13 community water supply shall identify the type of construction  
14 material used on the customer's side of the curb box or meter  
15 or other line of demarcation and the community water supply's  
16 side of the curb box or meter or other line of demarcation.

17 (d) In substantially completing its material inventory,  
18 the owner or operator of each community water supply shall:

19 (1) prioritize inspections of high-risk areas  
20 identified by the community water supply and inspections of  
21 high-risk facilities, such as preschools, day care  
22 centers, day care homes, group day care homes, parks,  
23 playgrounds, hospitals, and clinics, and confirm service  
24 line materials in those areas and at those facilities;

25 (2) review historical documentation, such as  
26 construction logs or cards, as-built drawings, purchase

1 orders, and subdivision plans, to determine service line  
2 material construction;

3 (3) when conducting distribution system maintenance,  
4 visually inspect service lines and document materials of  
5 construction;

6 (4) identify any time period when the service lines  
7 being connected to its distribution system were primarily  
8 lead service lines, if such a time period is known or  
9 suspected; and

10 (5) discuss service line repair and installation with  
11 its employees, contractors, plumbers, other workers who  
12 worked on service lines connected to its distribution  
13 system, or all of the above.

14 (e) The owner or operator of each community water supply  
15 shall maintain records of persons who refuse to grant access to  
16 the interior of a building for purposes of identifying the  
17 materials of construction of a service line. If a community  
18 water supply has been denied access to the interior of a  
19 building for that reason, then the community water supply may  
20 identify the service line as a suspected lead service line.

21 (f) If a community water supply identifies a lead service  
22 line connected to a building, the owner or operator of the  
23 community water supply shall notify the owner of the building  
24 and all occupants of the building of the existence of the lead  
25 service line within 15 days after identifying the lead service  
26 line, or as soon as is reasonably possible thereafter.

1 (g) Nothing in this Section shall be construed to require  
2 service lines to be unearthed for the sole purpose of  
3 inventorying.

4 (h) An owner or operator of a community water supply has no  
5 duty to include in the material inventory required under this  
6 Section information about service lines that are physically  
7 disconnected from a water main in its distribution system.

8 (i) When conducting engineering evaluations of community  
9 water supplies, the Agency may conduct a separate audit to  
10 identify progress that the community water supply has made  
11 toward completing the material inventory required under this  
12 Act.

13 (j) The owner or operator of each community water supply  
14 shall post on its website a copy of the material inventory most  
15 recently approved by the Agency or shall request that the  
16 Agency post a copy of that material inventory on the Agency's  
17 website.

18 (k) The Agency shall determine if substantial progress or  
19 substantial completion of material inventories has been made.  
20 The Agency shall give primary consideration to the impact of  
21 lead on public health when making these determinations,  
22 especially with respect to high-risk areas.

23 Section 20. Lead service line replacement plans.

24 (a) Every owner or operator of a community water supply  
25 that has known or suspected lead service lines shall:

1 (1) create a plan to:

2 (A) replace each lead service line connected to its  
3 distribution system;

4 (B) replace each galvanized service line connected  
5 to its distribution system, if the galvanized service  
6 line is or was connected downstream to lead piping;

7 (C) determine the materials of construction of  
8 suspected lead service lines and service lines of  
9 unknown materials; and

10 (D) propose a timeline for review and regular  
11 revisions of the lead service line replacement plan;  
12 and

13 (2) electronically submit, by April 15, 2021, its lead  
14 service line replacement plan to the Agency for approval;  
15 and

16 (3) post on its website a copy of the plan most  
17 recently approved by the Agency or request that the Agency  
18 post a copy of that plan on the Agency's website.

19 (b) Each plan required under subsection (a) shall include  
20 the following:

21 (1) the name and identification number of the community  
22 water supply;

23 (2) the total number of service lines connected to the  
24 distribution system of the community water supply;

25 (3) the total number of suspected lead service lines  
26 connected to the distribution system of the community water



1 supply;

2 (4) the total number of known lead service lines  
3 connected to the distribution system of the community water  
4 supply;

5 (5) the total number of lead service lines connected to  
6 the distribution system of the community water supply that  
7 have been replaced each year beginning in 2018;

8 (6) a proposed lead service line replacement schedule  
9 that includes one-year, 5-year, and 10-year goals;

10 (7) the estimated total number of remaining years until  
11 all known lead service lines have been replaced or  
12 suspected lead service lines have been determined to be  
13 made of materials other than lead, and the estimated year  
14 in which lead service line replacement will be complete;

15 (8) an analysis of costs and financing options for  
16 replacing the lead service lines connected to the community  
17 water supply's distribution system, which shall include,  
18 but shall not be limited to:

19 (A) a detailed accounting of costs associated with  
20 replacing lead service lines and galvanized lines that  
21 are or were connected downstream to lead piping;

22 (B) measures to address affordability and prevent  
23 service shut-offs for customers or ratepayers; and

24 (C) consideration of different scenarios for  
25 structuring payments between the utility and its  
26 customers over time; and

1           (9) a feasibility and affordability plan that  
2 includes, but is not limited to, information on how the  
3 community water supply intends to fund or finance lead  
4 service line replacement, in different situations, such as  
5 those situations including, but not limited to, where the  
6 community water supply pays for:

7           (A) the portion of the service lines owned by the  
8 community water supply and the property owner pays for  
9 the portion he or she owns;

10           (B) the entire replacement and has a low interest  
11 loan for the property owner to pay for the replacement  
12 over time on his or her water bill; or

13           (C) the entire replacement; and

14           (10) a plan for prioritizing high-risk facilities,  
15 such as preschools, day care centers, day care homes, group  
16 day care homes, parks, playgrounds, hospitals, and  
17 clinics, as well as high-risk areas identified by the  
18 community water supply;

19           (11) a map of the areas where lead service lines are  
20 expected to be found and the sequence with which those  
21 areas will be inventoried and lead service lines replaced;  
22 and

23           (12) measures for how the community water supply will  
24 inform the public of the plan and provide opportunity for  
25 public comment.

26           (c) The Agency shall review each plan submitted to it under

1 this Section. The Agency shall approve a plan if the plan  
2 includes all of the elements set forth in subsection (b) and  
3 the Agency determines that:

4 (1) the proposed lead service line replacement  
5 schedule set forth in the plan, including the one-year,  
6 5-year, and 10-year goals in the plan and the estimated  
7 date by which all lead service lines will be replaced, are  
8 acceptable;

9 (2) the plan prioritizes the replacement of lead  
10 service lines that provide water service to high-risk  
11 facilities, such as preschools, day care centers, day care  
12 homes, group day care homes, parks, playgrounds,  
13 hospitals, and clinics, and high-risk areas identified by  
14 the community water supply;

15 (3) the plan includes an analysis of cost and financing  
16 options; and

17 (4) the plan provides an opportunity for public review.

18 (d) An owner or operator of a community water supply has no  
19 duty to include in the plans required under this Section  
20 information about service lines that are physically  
21 disconnected from a water main in its distribution system.

22 Section 25. Lead service line replacement requirements.

23 (a) When a community water supply replaces a water main,  
24 the community water supply shall identify all lead service  
25 lines connected to the water main and shall replace, in

1 accordance with its lead service line replacement plan, the  
2 lead service lines by:

3 (1) identifying the material or materials of each  
4 service line connected to the water main, including, but  
5 not limited to, any portion of the service line (i) running  
6 on private property and (ii) within the building plumbing  
7 at the first shut-off valve or 18 inches inside the  
8 building, whichever is shorter; and

9 (2) in conjunction with replacement of the water main,  
10 replacing any and all portions of each service line  
11 connected to that water main that are composed of lead.

12 In the event of an emergency repair that affects a lead  
13 service line or a suspected lead service line, a community  
14 water supply must contact the building owner to begin the  
15 process of replacing the entire service line. If the building  
16 owner is not able to be contacted or the building owner or  
17 occupant refuses to grant access and permission to replace the  
18 entire service line at the time of the emergency repair, then  
19 the community water supply may perform a partial lead service  
20 line replacement. When a partial lead service line replacement  
21 occurs due to an emergency repair, the community water supply  
22 must (i) provide filters, for each kitchen area, certified to  
23 meet the requirements of NSF/ANSI Standard 53, which is hereby  
24 incorporated by reference, and (ii) must replace the remaining  
25 portion of the lead service line within 30 days of the  
26 emergency repair unless access is denied under Section 30. A

1 community water supply may take up to 120 days if necessary due  
2 to weather conditions. If a replacement takes longer than 30  
3 days, provided filters must be replaced in accordance with the  
4 manufacturer's recommendations. Partial lead service line  
5 replacement by the owner or operator of a community water  
6 supply is otherwise prohibited.

7 (b) If an owner of a potentially affected building intends  
8 to replace a portion of a lead service line or a galvanized  
9 service line, if the galvanized service line is or was  
10 connected downstream to lead piping, then the owner of the  
11 potentially affected building shall provide the owner or  
12 operator of the community water supply with notice at least 45  
13 days before commencing the work. In the case of an emergency  
14 repair, if the owner of the potentially affected building  
15 notifies the owner or operator of the community water supply of  
16 the replacement of a portion of the lead service line after the  
17 emergency repair is completed, then the owner or operator of  
18 the community water supply must provide filters, for each  
19 kitchen area, certified to meet the requirements of NSF/ANSI  
20 Standard 53, and replace the remainder of the lead service line  
21 within 30 days after completion of the emergency repair. A  
22 community water supply may take up to 120 days if necessary due  
23 to weather conditions. If a replacement takes longer than 30  
24 days, provided filters must be replaced in accordance with the  
25 manufacturer's recommendations. Partial lead service line  
26 replacements by the owners of potentially affected buildings

1 are otherwise prohibited.

2 Section 30. Request for private property access.

3 (a) At least one month before conducting planned lead  
4 service line replacement, the owner or operator of a community  
5 water supply shall, by certified mail, attempt to contact the  
6 owner of the potentially affected building serviced by the lead  
7 service line to request access to the building and permission  
8 to replace the lead service line in accordance with the lead  
9 service line replacement plan. If the owner of the potentially  
10 affected building does not respond to that request within 2  
11 weeks after the request is sent, the owner or operator of the  
12 community water supply shall attempt to post the request on the  
13 entryway of the potentially affected building.

14 (b) If the owner or operator of a community water supply is  
15 unable to obtain approval to access and replace the lead  
16 service line, the owner or operator of the community water  
17 supply shall request that the owner of the potentially affected  
18 building sign a waiver. The waiver shall be developed by the  
19 Department and should be made available in the owner's  
20 language. If the owner of the potentially affected building  
21 refuses to sign the waiver, or fails to respond to the  
22 community water supply after the community water supply has  
23 complied with subsection (a), the community water supply shall  
24 notify the Department in writing within 15 working days.

1 Section 35. Construction notice.

2 (a) When replacing a lead service line or repairing or  
3 replacing water mains with lead service lines or partial lead  
4 service lines attached to them, the owner or operator of a  
5 community water supply shall provide the owner of each  
6 potentially affected building that is serviced by the affected  
7 lead service lines or partial lead service lines, as well as  
8 the occupants of those buildings, with an individual written  
9 notice that includes, at a minimum, the following:

10 (1) a warning that the work may result in sediment,  
11 possibly containing lead from the service line, in the  
12 building's water;

13 (2) information concerning the best practices for  
14 preventing exposure to or risk of consumption of lead in  
15 drinking water, including a recommendation to flush water  
16 lines during and after the completion of the repair or  
17 replacement work and to clean faucet aerator screens; and

18 (3) information regarding the dangers of lead exposure  
19 to young children and pregnant women.

20 (b) When the individual written notice described in  
21 subsection (a) is required as a result of planned work other  
22 than the repair or replacement of a water meter, the owner or  
23 operator of the community water supply shall provide the notice  
24 not less than 14 days before work begins. When the individual  
25 written notice described in subsection (a) is required as a  
26 result of emergency repairs other than the repair or

1 replacement of a water meter, the owner or operator of the  
2 community water supply shall provide the notice at the time the  
3 work is initiated. When the individual written notice described  
4 in subsection (a) is required as a result of the repair or  
5 replacement of a water meter, the owner or operator of the  
6 community water supply shall provide the notice at the time the  
7 work is initiated.

8 (c) If a community water supply serves a significant  
9 proportion of non-English speaking consumers, the  
10 notifications required under this Section must contain  
11 information in the appropriate language regarding the  
12 importance of the notice and a telephone number or address  
13 where a person may contact the owner or operator of the  
14 community water supply to obtain a translated copy of the  
15 notification or request assistance in the appropriate  
16 language.

17 (d) An owner or operator of a community water supply that  
18 is required under this Section to provide an individual written  
19 notice to the owner and occupants of a potentially affected  
20 building that is a multi-dwelling building may satisfy that  
21 requirement and the requirements of subsection (c) by posting  
22 the required notice on the primary entranceway of the building  
23 and at the location where the occupant's mail is delivered as  
24 reasonably as possible.

25 (e) When this Section would require the owner or operator  
26 of a community water supply to provide an individual written



1 notice to the entire community served by the community water  
2 supply or would require the owner or operator of a community  
3 water supply to provide individual written notices as a result  
4 of emergency repairs or when the community water supply that is  
5 required to comply with this Section is a small system, the  
6 owner or operator of the community water supply may provide the  
7 required notice through local media outlets, social media, or  
8 other similar means in lieu of providing the individual written  
9 notices otherwise required under this Section.

10 (f) No notifications are required under this Section for  
11 work performed on water mains that are used to transmit treated  
12 water between community water supplies and that have no service  
13 connections.

14 Section 40. Replacement program progress reports. The  
15 owner or operator of each community water supply shall include  
16 the following information in the annual consumer confidence  
17 report required under the United States Environmental  
18 Protection Agency's National Primary Drinking Water  
19 Regulations:

20 (1) an estimate of the number of known or suspected  
21 lead service lines connected to its distribution system;  
22 and

23 (2) a statement describing progress that has been made  
24 toward replacing lead service lines connected to its  
25 distribution system.

1           Section 45. Sale to wholesale or retail consecutive  
2 community water supply. No community water supply that sells  
3 water to any wholesale or retail consecutive community water  
4 supply may pass on any costs associated with compliance with  
5 this Act to consecutive systems.

6           Section 50. Board review. Authority is hereby vested in the  
7 Illinois Pollution Control Board to conduct hearings to review  
8 final actions of the Agency.

9           Section 55. Community water supply liability. To the extent  
10 allowed by law, when a community water supply enters into an  
11 agreement with a private contractor for replacement or  
12 installation of water service lines, the community water supply  
13 shall be held harmless for damage to property when replacing or  
14 installing water service lines. If dangers are encountered that  
15 prevent the replacement of the lead service line, the community  
16 water supply shall notify the Department within 15 working days  
17 of why the replacement of the lead service line could not be  
18 accomplished.

19           Section 60. Rules.

20           (a) The Agency may propose and the Board may adopt any  
21 rules necessary to implement and administer this Act.

22           (b) The Department may adopt rules necessary to address

1 lead service lines attached to non-community water supplies.

2 Section 100. The Department of Commerce and Economic  
3 Opportunity Law of the Civil Administrative Code of Illinois is  
4 amended by adding Section 605-870 as follows:

5 (20 ILCS 605/605-870 new)

6 Sec. 605-870. Low-income water assistance policy and  
7 program.

8 (a) The Department shall by rule establish a comprehensive  
9 low-income water assistance policy and program that  
10 incorporates financial assistance and includes, but is not  
11 limited to, water efficiency or water quality projects, such as  
12 lead service line replacement, or other measures to ensure that  
13 residents have access to affordable and clean water. The policy  
14 and program shall not jeopardize the ability of public  
15 utilities, community water supplies, or other entities to  
16 receive just compensation for providing services. The  
17 resources applied in achieving the policy and program shall be  
18 coordinated and efficiently used through the integration of  
19 public programs and through the targeting of assistance. The  
20 Department shall use all appropriate and available means to  
21 fund this program and, to the extent possible, identify and use  
22 sources of funding that complement State tax revenues. The rule  
23 shall be finalized within 180 days after the effective date of  
24 this Act, or within 60 days after receiving an appropriation

1 for the program.

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

12 (c) Applicants who qualify for assistance under subsection  
13 (b) shall, subject to appropriation from the General Assembly  
14 and subject to availability of funds to the Department, receive  
15 assistance as provided in this Section. The Department, upon  
16 receipt of moneys authorized under this Section for assistance,  
17 shall commit funds for each qualified applicant in an amount  
18 determined by the Department. In determining the amounts of  
19 assistance to be provided to or on behalf of a qualified  
20 applicant, the Department shall ensure that the highest amounts  
21 of assistance go to households with the greatest water costs in  
22 relation to household income. The Department may consider  
23 factors such as water costs, household size, household income,  
24 and region of the State when determining individual household  
25 benefits. In adopting rules for the administration of this  
26 Section, the Department shall ensure that a minimum of

1 one-third of the funds for the program are available for  
2 benefits to eligible households with the lowest incomes and  
3 that elderly households, households with persons with  
4 disabilities, and households with children under 6 years of age  
5 are offered a priority application period.

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

8 (e) The Department may adopt any rules necessary to  
9 implement this Section.

10 Section 105. The Public Utilities Act is amended by  
11 changing Section 8-306 as follows:

12 (220 ILCS 5/8-306)

13 Sec. 8-306. Special provisions relating to water and sewer  
14 utilities.

15 (a) No later than 120 days after the effective date of this  
16 amendatory Act of the 94th General Assembly, the Commission  
17 shall prepare, make available to customers upon request, and  
18 post on its Internet web site information concerning the  
19 service obligations of water and sewer utilities and remedies  
20 that a customer may pursue for a violation of the customer's  
21 rights. The information shall specifically address the rights  
22 of a customer of a water or sewer utility in the following  
23 situations:

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

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

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

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

6           (5) The customer is unable to make payment on a billing  
7           statement.

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

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

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

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

19          (b) A water or sewer utility may discontinue service only  
20          after it has mailed or delivered by other means a written  
21          notice of discontinuance substantially in the form of Appendix  
22          A of 83 Ill. Adm. Code 280. The notice must include the  
23          Internet web site address where the customer can view the  
24          information required under subsection (a) and a telephone  
25          number that the customer may call to request a copy of the  
26          information. Any notice required to be delivered or mailed to a

1 customer prior to discontinuance of service shall be delivered  
2 or mailed separately from any bill. Service shall not be  
3 discontinued until at least 5 days after delivery or 8 days  
4 after the mailing of this notice. Service shall not be  
5 discontinued and shall be restored if discontinued for the  
6 reason which is the subject of a dispute or complaint during  
7 the pendency of informal or formal complaint procedures of the  
8 Illinois Commerce Commission under 83 Ill. Adm. Code 280.160 or  
9 280.170, where the customer has complied with those rules.  
10 Service shall not be discontinued and shall be restored if  
11 discontinued where a customer has established a deferred  
12 payment agreement pursuant to 83 Ill. Adm. Code 280.110 and has  
13 not defaulted on such agreement. Residential customers who are  
14 indebted to a utility for past due utility service shall have  
15 the opportunity to make arrangements with the utility to retire  
16 the debt by periodic payments, referred to as a deferred  
17 payment agreement, unless this customer has failed to make  
18 payment under such a plan during the past 12 months. The terms  
19 and conditions of a reasonable deferred payment agreement shall  
20 be determined by the utility after consideration of the  
21 following factors, based upon information available from  
22 current utility records or provided by the customer or  
23 applicant:

- 24 (1) size of the past due account;  
25 (2) customer or applicant's ability to pay;  
26 (3) customer or applicant's payment history;

1 (4) reason for the outstanding indebtedness; and

2 (5) any other relevant factors relating to the  
3 circumstances of the customer or applicant's service.

4 A residential customer shall pay a maximum of one-fourth of the  
5 amount past due and owing at the time of entering into the  
6 deferred payment agreement, and the water or sewer utility  
7 shall allow a minimum of 2 months from the date of the  
8 agreement and a maximum of 12 months for payment to be made  
9 under a deferred payment agreement. Late payment charges may be  
10 assessed against the amount owing that is the subject of a  
11 deferred payment agreement.

12 (c) A water or sewer utility shall provide notice as  
13 required by subsection (a) of Section 9-201 after the filing of  
14 each information sheet under a purchased water surcharge,  
15 purchased sewage treatment surcharge, or qualifying  
16 infrastructure plant surcharge. The utility also shall post  
17 notice of the filing in accordance with the requirements of 83  
18 Ill. Adm. Code 255. Unless filed as part of a general rate  
19 increase, notice of the filing of a purchased water surcharge  
20 rider, purchased sewage treatment surcharge rider, or  
21 qualifying infrastructure plant surcharge rider also shall be  
22 given in the manner required by this subsection (c) for the  
23 filing of information sheets.

24 (d) Commission rules pertaining to formal and informal  
25 complaints against public utilities shall apply with full and  
26 equal force to water and sewer utilities and their customers,



1 including provisions of 83 Ill. Adm. Code 280.170, and the  
2 Commission shall respond to each complaint by providing the  
3 consumer with a copy of the utility's response to the complaint  
4 and a copy of the Commission's review of the complaint and its  
5 findings. The Commission shall also provide the consumer with  
6 all available options for recourse.

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

10 (f) Water service for building construction purposes. At  
11 the request of any municipality or township within the service  
12 area of a public utility that provides water service to  
13 customers within the municipality or township, a public utility  
14 must (1) require all water service used for building  
15 construction purposes to be measured by meter and subject to  
16 approved rates and charges for metered water service and (2)  
17 prohibit the unauthorized use of water taken from hydrants or  
18 service lines installed at construction sites.

19 (g) Water meters.

20 (1) Periodic testing. Unless otherwise approved by the  
21 Commission, each service water meter shall be periodically  
22 inspected and tested in accordance with the schedule  
23 specified in 83 Ill. Adm. Code 600.340, or more frequently  
24 as the results may warrant, to insure that the meter  
25 accuracy is maintained within the limits set out in 83 Ill.  
26 Adm. Code 600.310.

1 (2) Meter tests requested by customer.

2 (A) Each utility furnishing metered water service  
3 shall, without charge, test the accuracy of any meter  
4 upon request by the customer served by such meter,  
5 provided that the meter in question has not been tested  
6 by the utility or by the Commission within 2 years  
7 previous to such request. The customer or his or her  
8 representatives shall have the privilege of witnessing  
9 the test at the option of the customer. A written  
10 report, giving the results of the test, shall be made  
11 to the customer.

12 (B) When a meter that has been in service less than  
13 2 years since its last test is found to be accurate  
14 within the limits specified in 83 Ill. Adm. Code  
15 600.310, the customer shall pay a fee to the utility  
16 not to exceed the amounts specified in 83 Ill. Adm.  
17 Code 600.350(b). Fees for testing meters not included  
18 in this Section or so located that the cost will be out  
19 of proportion to the fee specified will be determined  
20 by the Commission upon receipt of a complete  
21 description of the case.

22 (3) Commission referee tests. Upon written application  
23 to the Commission by any customer, a test will be made of  
24 the customer's meter by a representative of the Commission.  
25 For such a test, a fee as provided for in subsection (g) (2)  
26 shall accompany the application. If the meter is found to

1 be registering more than 1.5% fast on the average when  
2 tested as prescribed in 83 Ill. Adm. Code 600.310, the  
3 utility shall refund to the customer the amount of the fee.  
4 The utility shall in no way disturb the meter after a  
5 customer has made an application for a referee test until  
6 authority to do so is given by the Commission or the  
7 customer in writing.

8 (h) Water and sewer utilities; low usage. Each public  
9 utility that provides water and sewer service must establish a  
10 unit sewer rate, subject to review by the Commission, that  
11 applies only to those customers who use less than 1,000 gallons  
12 of water in any billing period.

13 (i) Water and sewer utilities; separate meters. Each public  
14 utility that provides water and sewer service must offer  
15 separate rates for water and sewer service to any commercial or  
16 residential customer who uses separate meters to measure each  
17 of those services. In order for the separate rate to apply, a  
18 combination of meters must be used to measure the amount of  
19 water that reaches the sewer system and the amount of water  
20 that does not reach the sewer system.

21 (j) Each water or sewer public utility must disclose on  
22 each billing statement any amount billed that is for service  
23 provided prior to the date covered by the billing statement.  
24 The disclosure must include the dates for which the prior  
25 service is being billed. Each billing statement that includes  
26 an amount billed for service provided prior to the date covered

1 by the billing statement must disclose the dates for which that  
2 amount is billed and must include a copy of the document  
3 created under subsection (a) and a statement of current  
4 Commission rules concerning unbilled or misbilled service.

5 (k) When the customer is due a refund resulting from  
6 payment of an overcharge, the utility shall credit the customer  
7 in the amount of overpayment with interest from the date of  
8 overpayment by the customer. The rate for interest shall be at  
9 the appropriate rate determined by the Commission under 83 Ill.  
10 Adm. Code 280.70.

11 (l) Water and sewer public utilities; subcontractors. The  
12 Commission shall adopt rules for water and sewer public  
13 utilities to provide notice to the customers of the proper kind  
14 of identification that a subcontractor must present to the  
15 customer, to prohibit a subcontractor from soliciting or  
16 receiving payment of any kind for any service provided by the  
17 water or sewer public utility or the subcontractor, and to  
18 establish sanctions for violations.

19 (m) Water and sewer public utilities; non-revenue  
20 ~~unaccounted for~~ water. Each ~~By December 31, 2006,~~ each water  
21 public utility shall file tariffs with the Commission to  
22 establish the maximum percentage of non-revenue  
23 ~~unaccounted for~~ water that would be considered in the  
24 determination of any rates or surcharges. The rates or  
25 surcharges approved for a water public utility shall not  
26 include charges for non-revenue ~~unaccounted for~~ water in

1 excess of this maximum percentage without well-documented  
2 support and justification for the Commission to consider in any  
3 request to recover charges in excess of the tariffed maximum  
4 percentage.

5 (n) Rate increases; public forums. When any public utility  
6 providing water or sewer service proposes a general rate  
7 increase, in addition to other notice requirements, the water  
8 or sewer public utility must notify its customers of their  
9 right to request a public forum. A customer or group of  
10 customers must make written request to the Commission for a  
11 public forum and must also provide written notification of the  
12 request to the customer's municipal or, for unincorporated  
13 areas, township government. The Commission, at its discretion,  
14 may schedule the public forum. If it is determined that public  
15 forums are required for multiple municipalities or townships,  
16 the Commission shall schedule these public forums, in locations  
17 within approximately 45 minutes drive time of the  
18 municipalities or townships for which the public forums have  
19 been scheduled. The public utility must provide advance notice  
20 of 30 days for each public forum to the governing bodies of  
21 those units of local government affected by the increase. The  
22 day of each public forum shall be selected so as to encourage  
23 the greatest public participation. Each public forum will begin  
24 at 7:00 p.m. Reports and comments made during or as a result of  
25 each public forum must be made available to the hearing  
26 officials and reviewed when drafting a recommended or tentative

1 decision, finding or order pursuant to Section 10-111 of this  
2 Act.

3 (o) The Commission may allow or direct a water utility to  
4 establish a customer assistance program that provides  
5 financial relief to residential customers who qualify for  
6 income-related assistance.

7 A customer assistance program established under this  
8 subsection that affects rates and charges for service is not  
9 discriminatory for purposes of this Act or any other law  
10 regulating rates and charges for service. In considering  
11 whether to approve a water utility's proposed customer  
12 assistance program, the Commission must determine that a  
13 customer assistance program established under this subsection  
14 is in the public interest.

15 The Commission shall adopt rules to implement this  
16 subsection. These rules shall require customer assistance  
17 programs under this subsection to coordinate with utility  
18 energy efficiency programs and the Illinois Home  
19 Weatherization Assistance Program for the purpose of informing  
20 eligible customers of additional resources that may help the  
21 customer conserve water.

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

23 Section 110. The Environmental Protection Act is amended by  
24 adding Section 17.12 as follows:

1 (415 ILCS 5/17.12 new)

2 Sec. 17.12. Water cost information.

3 (a) An entity subject to the federal Safe Drinking Water  
4 Act that has over 3,500 meter connections shall provide to the  
5 Agency by December 31, 2022, and again by December 31, 2024,  
6 the following information as it relates to the cost of  
7 providing water service:

8 (1) All revenue recovered from water bills or any other  
9 revenue used for water service from the preceding year.

10 (2) Total operating expenses, including both principal  
11 and interest debt service payments.

12 (3) The percentage of the revenue recovered from water  
13 bills used or allocated for water capital infrastructure  
14 investment.

15 (4) A narrative description of the capital  
16 infrastructure investment made based on the information  
17 provided under paragraph (3).

18 (b) The Agency shall publish the information provided under  
19 subsection (a) on the Agency's website.

20 (c) The Agency may adopt rules setting forth the general  
21 requirements for submittal of the information provided under  
22 subsection (a).

23 (d) This Section is repealed on January 1, 2025.

24 (415 ILCS 5/17.11 rep.)

25 Section 200. The Environmental Protection Act is amended by

1       repealing Section 17.11.

2               Section 999. Effective date. This Act takes effect upon  
3       becoming law.".