



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1532

Introduced 2/15/2019, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

New Act
20 ILCS 605/605-870 new
220 ILCS 5/8-306
415 ILCS 5/17.11 rep.

Creates the Reduction of Lead Service Lines Act. Requires community water supplies to identify and replace all lead service lines that connect to a water main. Provides that every community water supply in Illinois that has known lead service lines shall create a plan, to be submitted to the Environmental Protection Agency for approval, to replace all lead service lines and galvanized service lines if the service line is or was connected to lead piping. Provides that, within legal bounds, a community water supply shall have the authority to access private property and private residences for the sole purpose of identifying or replacing lead service lines or galvanized service lines. Provides that no person shall replace a portion of a lead service line without replacing the entirety of the line at the same time, except in cases of emergency repair. Amends the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois. Requires the Department of Commerce and Economic Opportunity to establish a comprehensive low-income water assistance policy and program. Amends the Public Utilities Act. Removes references to unaccounted-for water and replaces them with references to nonrevenue water. Provides that the Illinois Commerce Commission may allow or direct a water utility to establish a customer assistance program. Provides that certain entities that serve or provide water or sewer services shall prepare a summary of the cost of service for a given calendar year. Effective immediately.

LRB101 09875 CPF 54977 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Reduction of Lead Service Lines Act.

6 Section 5. Purpose. The purpose of this Act is to require
7 the owners and operators of community water supplies to: (1)
8 create a comprehensive lead service line inventory; (2) provide
9 notice to occupants of potentially affected residences and
10 buildings of construction or repair work on water mains, lead
11 service lines, or water meters; (3) prohibit partial lead
12 service line replacements; and (4) create a lead service line
13 replacement program.

14 Section 10. Definitions. In this Act:

15 "Agency" means the Environmental Protection Agency.

16 "Community water supply" means a public water supply that
17 serves at least 15 service connections used by year-round
18 residents or regularly serves at least 25 year-round residents

19 "Department" means the Department of Public Health.

20 "Emergency repair" means water distribution work that
21 includes unscheduled water main, water service, water valve, or
22 fire hydrant repair or replacement that results from premature

1 failure or accident.

2 "Lead service line" means a service line that is made of
3 lead, or any lead pigtail, lead gooseneck, or other lead
4 fitting that is connected to a service line, or both.

5 "Non-community water supply" means a public water supply
6 that is not a community water supply.

7 "Potentially affected residence" means a residence where
8 water service is supplied through a pipe containing lead or
9 suspected to be made of lead.

10 "Service line" means the pipe from the discharge of the
11 utility fitting to customer site piping or to the building
12 plumbing at the first shut-off valve inside the building or 18
13 inches inside the building, whichever is shorter.

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

16 Section 15. Water service line material inventory.

17 (a) The owner or operator of each community water supply
18 shall develop an initial water service line material inventory
19 that shall be submitted to the Agency for approval, in an
20 electronic form selected by the Agency, by April 15, 2020. The
21 owner or operator shall annually update and submit its
22 inventory to the Agency by April 15 of each year thereafter.
23 Each water service line material inventory shall identify:

24 (1) The total number of service lines within or
25 connected to the distribution system.

1 (2) The materials of construction, including, but not
2 limited to, lead, of each water service line connected to
3 the distribution system. The owner or operator of the
4 community water supply shall develop the inventory by
5 identifying on both the customer's and the community water
6 supply's side of the curb box the type of construction
7 material used.

8 (3) The number of the lead service lines that were
9 added and removed from the inventory after the previous
10 year's submission.

11 (b) The owner or operator of each community water supply
12 shall maintain records of owners or residents that refuse to
13 grant access to the interior of the building for purposes of
14 identifying the service line material. If the owner or resident
15 refuses to allow access to his or her residence or property for
16 the purposes of cooperating with the inventory, the community
17 water supply shall request that the owner or resident sign a
18 waiver. The waiver shall be developed by the Department. If the
19 owner or resident refuses to sign the waiver, the record shall
20 include the dates and manner of each request and the name of
21 the person who made the request.

22 (c) The owner or operator of each community water supply
23 shall, upon finding the presence of a lead service line, notify
24 the owner and resident of the building within 24 hours, or as
25 soon as is reasonably possible.

26 (d) No later than January 1, 2021, the Agency shall by rule

1 determine a reasonable deadline for submitting each community
2 water supply's complete water service line material inventory
3 required under subsection (a), not to exceed 5 years from
4 January 1, 2020, unless the Agency determines that additional
5 time is needed for one or more community water supply's
6 inventory due to the technical feasibility of identifying lines
7 within a system.

8 (e) Nothing in this Section shall be construed to require
9 that service lines be unearthed.

10 (f) Beginning on January 1, 2020, when conducting routine
11 inspections of community water supplies, the Agency may conduct
12 a separate audit to identify progress that the community water
13 supply has made toward completing the water service line
14 material inventory required under subsection (a).

15 Section 20. Construction notifications.

16 (a) Within 13 days before beginning planned work to repair
17 or replace any water mains with lead or partial lead service
18 lines attached to them or lead service lines themselves, the
19 owner or operator of a community water supply shall notify each
20 potentially affected residence of the planned work through an
21 individual written notice. In cases where a community water
22 supply must perform construction or repair work on an emergency
23 basis or where the work is scheduled within 14 days of the work
24 taking place, the community water supply shall notify each
25 potentially affected residence as soon as is reasonably

1 possible. When work is to repair or replace a water meter, the
2 notification shall be provided at the time the work is
3 initiated.

4 (b) A notification under subsection (a) shall include, at a
5 minimum, the following:

6 (1) a warning that the work may result in sediment,
7 possibly containing lead from the service line, in the
8 residence's water;

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

15 (3) information regarding the dangers of lead in young
16 children and pregnant women.

17 (c) To the extent that the owner or operator of a community
18 water supply serves a significant proportion of non-English
19 speaking consumers, a notification under subsection (a) must
20 contain information in the appropriate languages regarding the
21 importance of the notice, and it must contain a telephone
22 number or address where a person who is served may contact the
23 owner or operator of the community water supply to obtain a
24 translated copy of the notification or to request assistance in
25 the appropriate language.

26 (d) Notwithstanding anything to the contrary set forth in

1 this Section, publication notification through local media,
2 social media, or other similar means may be used in lieu of an
3 individual written notification to the extent that: (1)
4 notification is required for the entire community served by a
5 community water supply; (2) notification is required for
6 construction or repairs occurring on an emergency basis; or (3)
7 the community water supply is a small system.

8 (e) If an owner or operator of a community water supply is
9 required to provide an individual written notification to a
10 residence that is a multidwelling building, then posting a
11 written notification on the primary entrance way to the
12 building shall be sufficient.

13 (f) The notification requirements in this Section do not
14 apply to work performed on water mains that are used to
15 transmit treated water between community water supplies and
16 that have no service connections.

17 (g) A community water supply is not required to comply with
18 this Section to the extent that the corresponding water service
19 line material inventory has been completed and demonstrates
20 that the community water supply's distribution system does not
21 include lead service lines.

22 Section 25. Lead service line replacement program.

23 (a) Every community water supply in Illinois that has known
24 lead service lines shall create a plan to replace all lead
25 service lines and galvanized service lines if the service line

1 is or was connected to lead piping. Each community water supply
2 shall submit its lead service line replacement plan to the
3 Agency for approval, in an electronic form selected by the
4 Agency, by April 15, 2021. Each community water supply shall
5 annually update and submit its plan to the Agency by April 15
6 of each year thereafter in conjunction with the water service
7 line material inventory required under Section 15. The Agency
8 shall make each plan available to the public by maintaining
9 them on the Agency website.

10 (b) Each lead service line replacement program plan shall
11 include the following:

12 (1) The water service line material inventory
13 conducted under Section 15.

14 (2) An analysis of whether the community water supply
15 has control over lead service lines in its system.

16 (3) An analysis of costs and financing options for
17 replacing the system's lead service line that minimizes the
18 overall cost of system replacement. The analysis shall
19 include, but is not limited to:

20 (A) a detailed accounting of costs;

21 (B) measures to address affordability for
22 customers or rate payers;

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

26 (D) an explanation of the rationale for any permit

1 fees or other charges to a property owner associated
2 with lead service lines, and plans for utilization of
3 revenues derived from those fees or other charges; and

4 (E) any other relevant factors regarding the
5 rulemaking required by this Act.

6 (4) A feasibility and affordability plan that
7 includes, but is not limited to, information on whether:

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

12 (B) the community water supply pays for the entire
13 replacement and has a low interest loan for property
14 owners to pay for the replacement over time on their
15 water bills; or

16 (C) the community water supply pays for the entire
17 replacement.

18 (5) A plan for prioritizing high risk areas.

19 (6) A proposed schedule for replacements that includes
20 annual benchmarks, not to fall below 4 percent replacement
21 of inventoried lines per year.

22 (7) A proposed deadline for replacing all lead service
23 lines consistent with the water service line material
24 inventory required under Section 15.

25 (c) The Agency shall begin the rulemaking process to
26 implement the requirements of this Section within 6 months of

1 the effective date of this Act and shall adopt rules within one
2 year after the rulemaking process begins. During the rulemaking
3 process, the Agency shall consider:

4 (1) the form for submitting, and process for the
5 Agency's review of, lead service line replacement plans;

6 (2) whether a deadline for replacing all lead service
7 lines for community water supplies subject to this Act is
8 appropriate considering the utility scale, technical
9 feasibility of identifying and replacing lines, and impact
10 to public health of maintaining any lead service lines in
11 place;

12 (3) the means by which a community water supply must
13 make its lead service line replacement plan, and its
14 progress towards implementing the plan, available to the
15 public;

16 (4) the materials deemed acceptable for lead service
17 line replacement; and

18 (5) any factors that a community water supply shall
19 consider in developing the components of a plan required
20 under subsection (a).

21 (d) When a community water supply replaces a water main,
22 the community water supply must identify and replace all lead
23 service lines that connect to that water main during
24 replacement of the water main, unless a customer refuses to
25 have his or her lead service line replaced. If a customer
26 refuses to have his or her lead service line replaced, the

1 community water supply shall keep a record of that refusal
2 consistent with subsection (b) of Section 15.

3 The Agency shall by rule set reasonable fees for community
4 water systems to submit replacement plans.

5 (e) In order to provide water that does not become
6 contaminated with lead from a lead service line or galvanized
7 service line that is or was connected to lead piping, in
8 accordance with constitutional limitations, and to the extent
9 not already provided for by law, a community water supply shall
10 have the authority to access private property and private
11 residences for the sole purpose of identifying or replacing
12 lead service lines or galvanized service lines.

13 Before a community water supply may access private property
14 or a private residence for the purpose of replacing a lead
15 service line or galvanized service line that is or was
16 connected to lead piping, the community water supply shall
17 notify the owner of the property and the resident at least one
18 month before the planned work on the private property or in his
19 or her private residence. The community water supply must meet
20 the following requirements for notice under this subsection:

21 (1) The notice shall be made by the community water
22 supply at least every 2 weeks prior to the planned work
23 until the owner and resident have been contacted.

24 (2) At least one of the notices must be by certified
25 mail.

26 (3) The community water supply shall make personal

1 contact with the owner or resident about the notice by
2 visits to the property or residence.

3 (4) The community water supply shall attempt to tape
4 flyers with the notice to entrance doors for the property
5 or residence.

6 (5) To the extent that the owner or operator of a
7 community water supply serves a significant proportion of
8 non-English speaking consumers, a notification under this
9 Section must contain information in the appropriate
10 language regarding the importance of the notice and a
11 telephone number or address where a person who is served
12 may contact the owner or operator of the community water
13 supply to obtain a translated copy of the notification or
14 to request assistance in the appropriate language.

15 If the owner or resident refuses to allow access to his or
16 her residence or property for the purposes of cooperating with
17 the lead service line replacement, the community water supply
18 shall request that the owner or resident sign a waiver. The
19 waiver shall be developed by the Department and should be made
20 available in the owner or resident's language. Should the owner
21 or resident refuse to sign the waiver, or fail to respond to
22 the community water supply subsequent to the community water
23 supply's compliance with the notification requirements set
24 forth in this subsection, the community water supply shall
25 notify the Department in writing within 15 working days and
26 shall notify the Agency as part of the annual report to the

1 Agency under subsection (a).

2 To the extent allowed by law, community water supplies
3 shall be held harmless for damage to property when installing
4 water service lines. If dangers are encountered that prevent
5 the replacement of the lead service line, the community water
6 supply shall notify the Department within 15 working days of
7 why the replacement of the lead service could not be
8 accomplished.

9 (f) Service lines that are physically disconnected from the
10 distribution system are exempt from this Section.

11 Section 30. Prohibitions.

12 (a) Except as otherwise provided in this Section, no person
13 shall replace a portion of a lead service line without
14 replacing the entirety of the line at the same time.

15 (b) If the owner or operator of a community water supply
16 does not own the entire service line, then the owner or
17 operator of the community water supply shall notify the owner
18 of the service line, or the service line owner's authorized
19 agent, that the community water supply will replace the portion
20 of the service line that it owns and the owner's portion of the
21 service line at the community water supply's expense. The
22 notification shall follow the procedures required under
23 subsection (e) of Section 25. If the service line's owner or
24 authorized agent does not consent, consistent with the
25 notification and waiver provisions under subsection (e) of

1 Section 25, the community water supply shall not replace any
2 portion of the service line, unless in conjunction with an
3 emergency repair.

4 (c) A person may replace a portion of a lead service line
5 but not the entirety of the line when an emergency repair is
6 necessary and the community water supply notifies the owner and
7 resident within 36 hours, informing the owner and resident of
8 mitigating strategies, such as flushing pipes before use or
9 supplying filters for drinking and cooking purposes.

10 In the event of a partial service line replacement due to
11 an emergency situation, the community water supply must provide
12 filters and replace the remainder of the lead service line
13 within 30 days of the emergency repair.

14 In the event of a partial lead service line replacement
15 resulting from an emergency repair, the community water supply
16 shall inform the residents served by the service line that the
17 community water supply shall, at the community water supply's
18 expense, arrange to collect a sample from each partially
19 replaced lead service line that is representative of the water
20 in the service line for analysis of lead content within 72
21 hours after the completion of the partial replacement of the
22 service line. The community water supply shall collect the
23 sample and report the results of the analysis to the owner and
24 the resident or residents served by the line within 3 business
25 days of receiving the results. A mailed notice of the results
26 postmarked within 3 business days after the community water

1 supply receives the results shall satisfy the reporting
2 requirement.

3 (d) If an owner of a residence intends to replace the
4 portion of the lead service line that he or she owns, then the
5 owner of the residence shall provide the owner or operator of
6 the community water supply of the replacement plan with notice
7 at least 45 days before commencing the work. In the case of an
8 emergency repair, if the notice is not feasible, and if the
9 owner of the residence notifies the owner or operator of the
10 community water supply of the replacement of a portion of the
11 lead service line after the work is done, then the owner or
12 operator of the community water supply must replace the
13 remainder of the lead service line within 90 days.

14 Section 35. Non-community water supplies. The requirements
15 of this Act do not apply to non-community water supplies.

16 Section 40. The Department of Commerce and Economic
17 Opportunity Law of the Civil Administrative Code of Illinois is
18 amended by adding Section 605-870 as follows:

19 (20 ILCS 605/605-870 new)

20 Sec. 605-870. Low-income water assistance policy and
21 program.

22 (a) The Department shall by rule establish a comprehensive
23 low-income water assistance policy and program that

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

17 (b) Any person who is a resident of the State and whose
18 household income is not greater than an amount determined
19 annually by the Department may apply for assistance under this
20 Section in accordance with rules adopted by the Department. In
21 setting the annual eligibility level, the Department shall
22 consider the amount of available funding and may not set a
23 limit higher than 150 percent of the poverty guidelines updated
24 periodically in the Federal Register by the U.S. Department of
25 Health and Human Services under the authority of 42 U.S.C.
26 9902(2).

1 (c) Applicants who qualify for assistance under subsection
2 (b) shall, subject to appropriation from the General Assembly
3 and subject to availability of funds to the Department, receive
4 assistance as provided in this Section. The Department, upon
5 receipt of moneys authorized under this Section for assistance,
6 shall commit funds for each qualified applicant in an amount
7 determined by the Department. In determining the amounts of
8 assistance to be provided to or on behalf of a qualified
9 applicant, the Department shall ensure that the highest amounts
10 of assistance go to households with the greatest water costs in
11 relation to household income. The Department may consider
12 factors such as water costs, household size, household income,
13 and region of the State when determining individual household
14 benefits. In adopting rules for the administration of this
15 Section, the Department shall ensure that a minimum of
16 one-third of the funds for the program are available for
17 benefits to eligible households with the lowest incomes and
18 that elderly households, households with persons with
19 disabilities, and households with children under 6 years of age
20 are offered a priority application period.

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

23 (e) The Department may adopt any rules necessary to
24 implement this Section.

25 Section 45. The Public Utilities Act is amended by changing

1 Section 8-306 as follows:

2 (220 ILCS 5/8-306)

3 Sec. 8-306. Special provisions relating to water and sewer
4 utilities.

5 (a) No later than 120 days after the effective date of this
6 amendatory Act of the 94th General Assembly, the Commission
7 shall prepare, make available to customers upon request, and
8 post on its Internet web site information concerning the
9 service obligations of water and sewer utilities and remedies
10 that a customer may pursue for a violation of the customer's
11 rights. The information shall specifically address the rights
12 of a customer of a water or sewer utility in the following
13 situations:

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

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

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

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

20 (5) The customer is unable to make payment on a billing
21 statement.

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

25 (7) The customer is billed for services provided prior

1 to the date covered by the billing statement.

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

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

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

1 payment agreement pursuant to 83 Ill. Adm. Code 280.110 and has
2 not defaulted on such agreement. Residential customers who are
3 indebted to a utility for past due utility service shall have
4 the opportunity to make arrangements with the utility to retire
5 the debt by periodic payments, referred to as a deferred
6 payment agreement, unless this customer has failed to make
7 payment under such a plan during the past 12 months. The terms
8 and conditions of a reasonable deferred payment agreement shall
9 be determined by the utility after consideration of the
10 following factors, based upon information available from
11 current utility records or provided by the customer or
12 applicant:

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

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

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

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

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

17 (o) The Commission may allow or direct a water utility to
18 establish a customer assistance program that provides
19 financial relief to residential customers who qualify for
20 income-related assistance.

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

1 customer assistance program established under this subsection
2 is in the public interest.

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

10 (p) In this subsection, "cost of service" means the total
11 annual operation and maintenance expenses and capital-related
12 costs incurred in meeting the various aspects of providing
13 water or sanitary sewer service.

14 Within one year after the effective date of this amendatory
15 Act of the 101st General Assembly, an entity subject to the
16 federal Safe Drinking Water Act and the federal Clean Water Act
17 that serves or provides water or sewer services to a population
18 of more than 3,300 shall prepare a summary of its cost of
19 service for calendar year 2016.

20 A summary prepared under this subsection shall be submitted
21 to the Environmental Protection Agency electronically and
22 shall include any standardized forms, tables, or text specified
23 by the Director of the Agency. The Agency shall post all such
24 summaries on the Agency's website for public viewing and in a
25 timely manner after the Agency receives them. If an entity is
26 required to submit a cost of service summary or similar

1 document to another State agency, the entity may submit its
2 report to the Agency in the form required by that State agency.

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

4 (415 ILCS 5/17.11 rep.)

5 Section 50. The Environmental Protection Act is amended by
6 repealing Section 17.11.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.