



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3311

Introduced 2/11/2020, by Sen. Robert Peters

SYNOPSIS AS INTRODUCED:

225 ILCS 320/8	from Ch. 111, par. 1107
225 ILCS 320/8.5 new	
225 ILCS 320/16	from Ch. 111, par. 1115
225 ILCS 320/19	from Ch. 111, par. 1118
225 ILCS 320/29.6 new	
225 ILCS 320/35.5	
225 ILCS 320/35.6 new	
415 ILCS 5/17.12 new	

Amends the Illinois Plumbing License Law. Provides that each park authority or its designee shall test each source of potable water in each of its public buildings and parks and notify the public of the results. Provides requirements for testing and notification. Provides requirements for requests seeking waiver of testing. Provides that the Director of Public Health shall conduct hearings and impose civil penalties in relation to violations of the provisions concerning lead testing in parks. Provides that schools constructed on or before January 1, 2014 shall conduct testing for lead in water and submit samples to the Illinois Environmental Protection Agency. Amends the Illinois Environmental Protection Act. Provides that the Illinois Environmental Protection Agency shall accept and analyze drinking water samples collected under those provisions of the Illinois Plumbing License Law. Provides that the Agency shall collect a fee for each sample accepted for analysis.

LRB101 20082 SPS 69614 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Plumbing License Law is amended by
5 changing Sections 8, 16, 19, and 35.5, and by adding Sections
6 8.5, 29.6, and 35.6 as follows:

7 (225 ILCS 320/8) (from Ch. 111, par. 1107)

8 Sec. 8. Powers and duties of the Director. The Director
9 shall:

10 (1) Prepare forms for application for examination for a
11 plumber's license.

12 (2) Prepare and issue licenses as provided in this Act.

13 (3) With the aid of the Board prescribe rules and
14 regulations for examination of applicants for plumber's
15 licenses.

16 (4) With the aid of the Board prepare and give uniform
17 and comprehensive examinations to applicants for a
18 plumber's license which shall test their knowledge and
19 qualifications in the planning and design of plumbing
20 systems, their knowledge, qualifications, and manual
21 skills in plumbing, and their knowledge of the State's
22 minimum code of standards relating to fixtures, materials,
23 design and installation methods of plumbing systems,

1 promulgated pursuant to this Act.

2 (5) Issue a plumber's license and license renewal to
3 every applicant who has passed the examination and who has
4 paid the required license and renewal fee.

5 (6) Prescribe rules for hearings to deny, suspend,
6 revoke or reinstate licenses as provided in this Act.

7 (7) Maintain a current record showing (a) the names and
8 addresses of registered plumbing contractors, licensed
9 plumbers, licensed apprentice plumbers, and licensed
10 retired plumbers, (b) the dates of issuance of licenses,
11 (c) the date and substance of the charges set forth in any
12 hearing for denial, suspension or revocation of any
13 license, (d) the date and substance of the final order
14 issued upon each such hearing, and (e) the date and
15 substance of all petitions for reinstatement of license and
16 final orders on such petitions.

17 (8) Prescribe, in consultation with the Board, uniform
18 and reasonable rules defining what constitutes an approved
19 course of instruction in plumbing, in colleges,
20 universities, or trade schools, and approve or disapprove
21 the courses of instruction offered by such colleges,
22 universities, or trade schools by reference to their
23 compliance or noncompliance with such rules. Such rules
24 shall be designed to assure that an approved course of
25 instruction will adequately teach the design, planning,
26 installation, replacement, extension, alteration and

1 repair of plumbing.

2 (9) Conduct hearings and impose civil penalties under
3 Section 29.6 of this Law.

4 Each instructor participating in a program of
5 instruction in plumbing shall be:

6 (a) an Illinois licensed plumber;

7 (b) an individual who possesses a provisional
8 career and technical educator endorsement on an
9 educator license, issued by the State Board of
10 Education pursuant to Section 21B-20 of the School Code
11 in a field related to plumbing, such as hydraulics,
12 pneumatics, or water chemistry; or

13 (c) a representative of an industry or a
14 manufacturing business related to plumbing, including,
15 but not limited to, the copper industry, plastic pipe
16 industry, or cast iron industry. Courses that are
17 taught by industry representatives shall be
18 educational and shall not be sales oriented. Industry
19 representatives shall be assisted by an Illinois
20 licensed plumber during the presentation of a course of
21 instruction.

22 The instructor shall provide verification of the
23 license or certificate. A copy of the instructor's educator
24 license will establish verification.

25 (Source: P.A. 99-504, eff. 1-1-17.)

1 (225 ILCS 320/8.5 new)

2 Sec. 8.5. Rules adopted under this Law. Rules adopted under
3 this Law are not subject to paragraph (9) of subsection (a) of
4 Section 5-565 of the Civil Administrative Code of Illinois.

5 (225 ILCS 320/16) (from Ch. 111, par. 1115)

6 Sec. 16. (1) Any city, village or incorporated town, having
7 a population of 500,000 or more may, by an ordinance containing
8 provisions substantially the same as those in this Act and
9 specifying educational or experience requirements equivalent
10 to those prescribed in this Act, provide for a board of
11 plumbing examiners to conduct examinations for, and to issue,
12 suspend, or revoke, plumbers' licenses, within such city,
13 village or incorporated town. Upon the enactment of such
14 ordinance the licensing provisions of this act shall not apply
15 within any such municipality except as otherwise provided
16 herein.

17 (2) Any person licensed as a plumber pursuant to such
18 ordinance, or licensed by the Department under this Act, may
19 engage in plumbing anywhere in this State.

20 (3) Any board of plumbing examiners created pursuant to
21 this Section shall maintain a current record similar to that
22 required of the Director by Section 8 of this Act, and shall
23 provide the Department with a copy thereof. The Department
24 shall be advised of changes in such record at least every six
25 months.

1 (4) In the event that the plumbing contractor's license is
2 suspended or revoked by any city, village, or incorporated
3 town, having a population of 500,000 or more, the city,
4 village, or incorporated town shall notify the Department.

5 (5) Any city, village, or incorporated town having a
6 population of 500,000 or more that licenses an individual as a
7 plumber shall provide a license composed of a solid plastic
8 card that includes a photo of the licensed plumber printed
9 directly on the card. An applicant who is 21 years of age or
10 older seeking a religious exemption to the photo requirement of
11 this subsection shall furnish with his or her application an
12 approved copy of United States Department of the Treasury
13 Internal Revenue Service Form 4029. Regardless of age, an
14 applicant seeking a religious exemption to this photo
15 requirement shall submit fingerprints in a form and manner
16 prescribed by the city, village, or incorporated town with his
17 or her application in lieu of a photo.

18 (Source: P.A. 97-365, eff. 1-1-12; 97-1137, eff. 6-1-13;
19 98-848, eff. 1-1-15.)

20 (225 ILCS 320/19) (from Ch. 111, par. 1118)

21 Sec. 19. The Director, after notice and opportunity for
22 hearing to the applicant, license holder, or registrant, may
23 deny, suspend, or revoke a license or registration in any case
24 in which he or she finds that there has been a substantial
25 failure to comply with the provisions of this Act or the

1 standards, rules, and regulations established under this Act or
2 failure to pay any fee or fine imposed by the Department.

3 The Director, after notice and opportunity for hearing, may
4 assess civil penalties to any person for violations of this Law
5 or the rules adopted under this Law. Notice shall be provided
6 by certified mail or by personal service setting forth the
7 particular reasons for the proposed action and fixing a date,
8 not less than 20 days from the date of the mailing or service,
9 within which time the person, applicant, or license holder must
10 request in writing a hearing. Failure to serve upon the
11 Department a request for hearing in writing within the time
12 provided in the notice shall constitute a waiver of the
13 person's right to an administrative hearing.

14 The hearing shall be conducted by the Director or by an
15 individual designated in writing by the Director as a hearing
16 officer to conduct the hearing. The Director or hearing officer
17 shall give written notice of the time and place of the hearing,
18 by certified mail or personal service, to the person,
19 applicant, license holder, or registrant at least 10 days prior
20 to the hearing. On the basis of the hearing, or upon default of
21 the applicant, license holder, or registrant, the Director
22 shall make a determination specifying his or her findings and
23 conclusions. A copy of the determination shall be sent by
24 certified mail or served personally upon the person, applicant,
25 license holder, or registrant. The decision of the Director
26 shall be final on issues of fact and final in all respects

1 unless judicial review is sought as provided in this Act.

2 The procedure governing hearings authorized by this
3 Section shall be in accordance with rules promulgated by the
4 Department. A full and complete record shall be kept of all
5 proceedings, including the notice of hearing, complaint, and
6 all other documents in the nature of pleadings, written motions
7 filed in the proceedings, and the report and orders of the
8 Director and hearing officer.

9 The Department at its expense shall provide a court
10 reporter to take testimony. Technical error in the proceedings
11 before the Department or hearing officer or their failure to
12 observe the technical rules of evidence shall not be grounds
13 for the reversal of any administrative decision unless it
14 appears to the Court that such error or failure materially
15 affects the rights of any party and results in substantial
16 injustice to them.

17 The Department or hearing officer, or any parties in an
18 investigation or hearing before the Department, may cause the
19 depositions of witnesses within the State to be taken in the
20 manner prescribed by law for depositions in civil actions in
21 courts of this State, and compel the attendance of witnesses
22 and the production of books, papers, records, or memoranda.

23 The Department shall not be required to certify any record
24 to the Court or file any answer in Court or otherwise appear in
25 any Court in a judicial review proceeding, unless there is
26 filed in the Court with the complaint a receipt from the

1 Department acknowledging payment of the costs of furnishing and
2 certifying the record. Such cost shall be paid by the party
3 requesting a copy of the record. Failure on the part of the
4 person requesting a copy of the record to pay the cost shall be
5 grounds for dismissal of the action.

6 (Source: P.A. 91-678, eff. 1-26-00.)

7 (225 ILCS 320/29.6 new)

8 Sec. 29.6. Civil penalties for violations. Any person who
9 violates any provision of this Law or any rule or plumbing code
10 adopted under this Law shall, in addition to any other penalty
11 provided in this Law, be subject to a civil penalty of \$100 per
12 day, per violation. Civil penalties collected under this
13 Section shall be deposited into the Plumbing Licensure and
14 Program Fund. This Section shall not apply to Sections 35.5 and
15 35.6.

16 (225 ILCS 320/35.5)

17 Sec. 35.5. Lead in drinking water prevention.

18 (a) The General Assembly finds that lead has been detected
19 in the drinking water of schools in this State. The General
20 Assembly also finds that infants and young children may suffer
21 adverse health effects and developmental delays as a result of
22 exposure to even low levels of lead. The General Assembly
23 further finds that it is in the best interests of the people of
24 the State to require school districts or chief school

1 administrators, or the designee of the school district or chief
2 school administrator, to test for lead in drinking water in
3 school buildings and provide written notification of the test
4 results.

5 The purpose of this Section is to require (i) school
6 districts or chief school administrators, or the designees of
7 the school districts or chief school administrators, to test
8 for lead with the goal of providing school building occupants
9 with an adequate supply of safe, potable water; and (ii) school
10 districts or chief school administrators, or the designees of
11 the school districts or chief school administrators, to notify
12 the parents and legal guardians of enrolled students of the
13 sampling results from their respective school buildings.

14 (b) For the purposes of this Section:

15 "Community water system" has the meaning provided in 35
16 Ill. Adm. Code 611.101.

17 "School building" means any facility or portion thereof
18 that was constructed on or before January 1, 2000 and may be
19 occupied by more than 10 children or students, pre-kindergarten
20 through grade 5, under the control of (a) a school district or
21 (b) a public, private, charter, or nonpublic day or residential
22 educational institution.

23 "Source of potable water" means the point at which
24 non-bottled water that may be ingested by children or used for
25 food preparation exits any tap, faucet, drinking fountain, wash
26 basin in a classroom occupied by children or students under

1 grade 1, or similar point of use; provided, however, that all
2 (a) bathroom sinks and (b) wash basins used by janitorial staff
3 are excluded from this definition.

4 (c) Each school district or chief school administrator, or
5 the designee of each school district or chief school
6 administrator, shall test each source of potable water in a
7 school building for lead contamination as required in this
8 subsection.

9 (1) Each school district or chief school
10 administrator, or the designee of each school district or
11 chief school administrator, shall, at a minimum, (a)
12 collect a first-draw 250 milliliter sample of water, (b)
13 flush for 30 seconds, and (c) collect a second-draw 250
14 milliliter sample from each source of potable water located
15 at each corresponding school building; provided, however,
16 that to the extent that multiple sources of potable water
17 utilize the same drain, (i) the foregoing collection
18 protocol is required for one such source of potable water,
19 and (ii) only a first-draw 250 milliliter sample of water
20 is required from the remaining such sources of potable
21 water. The water corresponding to the first-draw 250
22 milliliter sample from each source of potable water shall
23 have been standing in the plumbing pipes for at least 8
24 hours, but not more than 18 hours, without any flushing of
25 the source of potable water before sample collection.

26 (2) Each school district or chief school

1 administrator, or the designee of each school district or
2 chief school administrator, shall arrange to have the
3 samples it collects pursuant to subdivision (1) of this
4 subsection submitted to a laboratory that is certified for
5 the analysis of lead in drinking water in accordance with
6 accreditation requirements developed by a national
7 laboratory accreditation body, such as the National
8 Environmental Laboratory Accreditation Conference (NELAC)
9 Institute (TNI). Samples submitted to laboratories
10 pursuant to this subdivision (2) shall be analyzed for lead
11 using one of the test methods for lead that is described in
12 40 CFR 141.23(k) (1). Within 7 days after receiving a final
13 analytical result concerning a sample collected pursuant
14 to subdivision (1) of this subsection, the school district
15 or chief school administrator, or a designee of the school
16 district or chief school administrator, that collected the
17 sample shall provide the final analytical result to the
18 Department.

19 (3) If any of the samples taken in the school exceed 5
20 parts per billion, the school district or chief school
21 administrator, or the designee of the school district or
22 chief school administrator, shall promptly provide an
23 individual notification of the sampling results, via
24 written or electronic communication, to the parents or
25 legal guardians of all enrolled students and include the
26 following information: the corresponding sampling location

1 within the school building and the United States
2 Environmental Protection Agency's website for information
3 about lead in drinking water. If any of the samples taken
4 at the school are at or below 5 parts per billion,
5 notification may be made as provided in this paragraph or
6 by posting on the school's website.

7 (4) Sampling and analysis required under this Section
8 shall be completed by the following applicable deadlines:
9 for school buildings constructed prior to January 1, 1987,
10 by December 31, 2017; and for school buildings constructed
11 between January 2, 1987 and January 1, 2000, by December
12 31, 2018.

13 (5) A school district or chief school administrator, or
14 the designee of the school district or chief school
15 administrator, may seek a waiver of the requirements of
16 this subsection from the Department, if (A) the school
17 district or chief school administrator, or the designee of
18 the school district or chief school administrator,
19 collected at least one 250 milliliter or greater sample of
20 water from each source of potable water that had been
21 standing in the plumbing pipes for at least 6 hours and
22 that was collected without flushing the source of potable
23 water before collection, (B) a laboratory described in
24 subdivision (2) of this subsection analyzed the samples in
25 accordance with a test method described in that
26 subdivision, (C) test results were obtained prior to the

1 effective date of this amendatory Act of the 99th General
2 Assembly, but after January 1, 2013, and (D) test results
3 were submitted to the Department within 120 days of the
4 effective date of this amendatory Act of the 99th General
5 Assembly.

6 (6) The owner or operator of a community water system
7 may agree to pay for the cost of the laboratory analysis of
8 the samples required under this Section and may utilize the
9 lead hazard cost recovery fee under Section 11-150.1-1 of
10 the Illinois Municipal Code or other available funds to
11 defray said costs.

12 (7) Lead sampling results obtained shall not be used
13 for purposes of determining compliance with the Board's
14 rules that implement the national primary drinking water
15 regulations for lead and copper.

16 (d) Schools constructed on or before January 1, 2014 shall
17 conduct testing for lead in water in accordance with this
18 Section and the rules adopted by the Department and shall
19 submit samples to the Illinois Environmental Protection Agency
20 Laboratory in a manner prescribed by the Illinois Environmental
21 Protection Agency. ~~By no later than June 30, 2019, the~~
22 ~~Department shall determine whether it is necessary and~~
23 ~~appropriate to protect public health to require schools~~
24 ~~constructed in whole or in part after January 1, 2000 to~~
25 ~~conduct testing for lead from sources of potable water, taking~~
26 ~~into account, among other relevant information, the results of~~

1 ~~testing conducted pursuant to this Section.~~

2 (e) Within 90 days of the effective date of this amendatory
3 Act of the 99th General Assembly, the Department shall post on
4 its website guidance on mitigation actions for lead in drinking
5 water, and ongoing water management practices, in schools. In
6 preparing such guidance, the Department may, in part, reference
7 the United States Environmental Protection Agency's 3Ts for
8 Reducing Lead in Drinking Water in Schools.

9 (Source: P.A. 99-922, eff. 1-17-17; 100-103, eff. 8-11-17.)

10 (225 ILCS 320/35.6 new)

11 Sec. 35.6. Lead in drinking water prevention in parks.

12 (a) For the purposes of this Section:

13 "Park" means a tract of land that often includes lawns,
14 woodlands, or pastures that is used for recreation and is
15 maintained as a public property and any public buildings or
16 structures located thereupon.

17 "Park authority" means the person or entity in control and
18 in responsible charge of any recreation area, municipal park,
19 forest preserve, museum, or district organized under any one or
20 more of the following: the Park District Code, the Chicago Park
21 District Act, the Park District Historical Museum Act, the Park
22 District Aquarium and Museum Act, the Metro-East Park and
23 Recreation District Act, the Museum District Act, the Downstate
24 Forest Preserve District Act, the Cook County Forest Preserve
25 District Act, the Forest Preserve Botanic Gardens Act, or the

1 Forest Preserve Zoological Parks Act.

2 "Source of potable water" means any point from which water
3 is dispensed and may be either ingested by a child who is under
4 the age of 7 or used for the preparation of food. "Source of
5 potable water" includes drinking fountains and all other
6 faucets and taps not excluded from this definition. "Source of
7 potable water" does not include wash basins used exclusively by
8 janitorial staff, bathroom sinks, showers, or any outdoor
9 fixtures typically used for maintenance or watering plants.

10 (b) Each park authority, or its designee, shall test each
11 source of potable water in each of its public buildings and
12 parks as required in this Section and notify the public
13 according to the following requirements:

14 (1) Each park authority, or its designee, shall, at a
15 minimum, in a new, certified 250 milliliter container,
16 collect a first-draw 250 milliliter sample of water and
17 send the sample to a certified laboratory for analysis for
18 lead. Sampling, collection, and submission of samples to a
19 laboratory may be completed by any contractor or other
20 worker designated by the park authority. Each park
21 authority may submit samples to the Illinois Environmental
22 Protection Agency pursuant to Section 17.2 of the
23 Environmental Protection Act. Before sampling, the water
24 from each source of potable water shall have been standing
25 in the plumbing pipes for at least 8 hours, but not more
26 than 18 hours, without any flushing of the source of

1 potable water before sample collection. Analysis shall be
2 completed by January 1, 2023.

3 (2) Laboratory test results for any sample taken under
4 this subsection received by the park authority or its
5 designee shall be provided to the public on the park
6 authority's website or on the social media accounts
7 maintained by the park authority or by a physical posting
8 in a conspicuous location at the corresponding public
9 building or park and to the Department of Public Health.
10 The public notifications shall include the following
11 information: (A) the corresponding sampling location
12 within the public building or park, (B) the actual test
13 results for each location sampled, and (C) the Department's
14 website for information about lead in drinking water.

15 (3) A park authority shall be given a waiver of the
16 testing requirements of this Section if testing identical
17 or equivalent to that required by this Section has been
18 performed prior to the effective date of this amendatory
19 Act of the 101st General Assembly. Waivers may be obtained
20 by submitting to the Department testing results that use
21 testing procedures outlined in this Act or equivalent
22 procedures.

23 (c) The Department shall adopt rules that prescribe the
24 procedures and standards to be used by the Department in
25 assessing levels of lead in water in parks that serve children
26 under the age of 7 and public buildings and parks operated by a

1 park district, municipal park, forest preserve, museum, or
2 recreation agency. Such rules shall, at a minimum, establish
3 compliance schedules, the procedure for submission of
4 analytical results to the Department, testing parameters,
5 remediation requirements, and validation for remediation. The
6 rules shall be complete within one year after the effective
7 date of this amendatory Act of the 101st General Assembly.

8 Lead sampling results obtained under this Section shall not
9 be used for determining compliance with the Pollution Control
10 Board's rules implementing the national primary drinking water
11 regulations for lead and copper.

12 Section 10. The Environmental Protection Act is amended by
13 adding Section 17.12 as follows:

14 (415 ILCS 5/17.12 new)

15 Sec. 17.12. Lead testing fee.

16 (a) The Agency shall accept drinking water samples
17 collected under Sections 35.5 or 35.6 of the Illinois Plumbing
18 License Law. The Agency shall analyze each collected sample
19 and, within 30 days after completing its analysis, shall report
20 the test results to the Department of Public Health and the
21 person who submitted the sample to the Agency.

22 (b) The Agency shall collect up to a \$20 lead testing fee
23 for each sample accepted for analysis under this Section. Fees
24 collected by the Agency under this Section shall be deposited

1 into the Community Water Supply Laboratory Fund and used by the
2 Agency for the purposes of providing services under this
3 Section and Section 17.7.

4 (c) The Agency may adopt any rules necessary to control the
5 order in which samples are submitted to it for analysis under
6 this Section and any other rules necessary to implement this
7 Section.