



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3122

Introduced 2/19/2021, by Rep. Edgar Gonzalez, Jr.

SYNOPSIS AS INTRODUCED:

225 ILCS 320/35.5

Amends the Illinois Plumbing License Law. Provides that each park district, municipal park and recreation agency, or special recreation agency shall test each source of potable water in a park that serves children under 6 years old for lead contamination. Provides requirements for testing and notification. Provides requirements for requests seeking waiver of testing. Provides that the owner or operator of a community water system may agree to pay for the cost of the laboratory analysis of the test samples.

LRB102 10622 SPS 15951 b

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 Section 35.5 as follows:

6 (225 ILCS 320/35.5)

7 Sec. 35.5. Lead in drinking water prevention.

8 (a) The General Assembly finds that lead has been detected
9 in the drinking water of schools in this State. The General
10 Assembly also finds that infants and young children may suffer
11 adverse health effects and developmental delays as a result of
12 exposure to even low levels of lead. The General Assembly
13 further finds that it is in the best interests of the people of
14 the State to require school districts or chief school
15 administrators, or the designee of the school district or
16 chief school administrator, to test for lead in drinking water
17 in school buildings and provide written notification of the
18 test results.

19 The purpose of this Section is to require (i) school
20 districts or chief school administrators, or the designees of
21 the school districts or chief school administrators, to test
22 for lead with the goal of providing school building occupants
23 with an adequate supply of safe, potable water; and (ii)

1 school districts or chief school administrators, or the
2 designees of the school districts or chief school
3 administrators, to notify the parents and legal guardians of
4 enrolled students of the sampling results from their
5 respective school buildings.

6 (b) For the purposes of this Section:

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

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

15 "Source of potable water" means the point at which
16 non-bottled water that may be ingested by children or used for
17 food preparation exits any tap, faucet, drinking fountain,
18 wash basin in a classroom occupied by children or students
19 under grade 1, or similar point of use; provided, however,
20 that all (a) bathroom sinks and (b) wash basins used by
21 janitorial staff are excluded from this definition.

22 (c) Each school district or chief school administrator, or
23 the designee of each school district or chief school
24 administrator, shall test each source of potable water in a
25 school building for lead contamination as required in this
26 subsection.

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

19 (2) Each school district or chief school
20 administrator, or the designee of each school district or
21 chief school administrator, shall arrange to have the
22 samples it collects pursuant to subdivision (1) of this
23 subsection submitted to a laboratory that is certified for
24 the analysis of lead in drinking water in accordance with
25 accreditation requirements developed by a national
26 laboratory accreditation body, such as the National

1 Environmental Laboratory Accreditation Conference (NELAC)
2 Institute (TNI). Samples submitted to laboratories
3 pursuant to this subdivision (2) shall be analyzed for
4 lead using one of the test methods for lead that is
5 described in 40 CFR 141.23(k)(1). Within 7 days after
6 receiving a final analytical result concerning a sample
7 collected pursuant to subdivision (1) of this subsection,
8 the school district or chief school administrator, or a
9 designee of the school district or chief school
10 administrator, that collected the sample shall provide the
11 final analytical result to the Department.

12 (3) If any of the samples taken in the school exceed 5
13 parts per billion, the school district or chief school
14 administrator, or the designee of the school district or
15 chief school administrator, shall promptly provide an
16 individual notification of the sampling results, via
17 written or electronic communication, to the parents or
18 legal guardians of all enrolled students and include the
19 following information: the corresponding sampling location
20 within the school building and the United States
21 Environmental Protection Agency's website for information
22 about lead in drinking water. If any of the samples taken
23 at the school are at or below 5 parts per billion,
24 notification may be made as provided in this paragraph or
25 by posting on the school's website.

26 (4) Sampling and analysis required under this Section

1 shall be completed by the following applicable deadlines:
2 for school buildings constructed prior to January 1, 1987,
3 by December 31, 2017; and for school buildings constructed
4 between January 2, 1987 and January 1, 2000, by December
5 31, 2018.

6 (5) A school district or chief school administrator,
7 or the designee of the school district or chief school
8 administrator, may seek a waiver of the requirements of
9 this subsection from the Department, if (A) the school
10 district or chief school administrator, or the designee of
11 the school district or chief school administrator,
12 collected at least one 250 milliliter or greater sample of
13 water from each source of potable water that had been
14 standing in the plumbing pipes for at least 6 hours and
15 that was collected without flushing the source of potable
16 water before collection, (B) a laboratory described in
17 subdivision (2) of this subsection analyzed the samples in
18 accordance with a test method described in that
19 subdivision, (C) test results were obtained prior to the
20 effective date of this amendatory Act of the 99th General
21 Assembly, but after January 1, 2013, and (D) test results
22 were submitted to the Department within 120 days of the
23 effective date of this amendatory Act of the 99th General
24 Assembly.

25 (6) The owner or operator of a community water system
26 may agree to pay for the cost of the laboratory analysis of

1 the samples required under this Section and may utilize
2 the lead hazard cost recovery fee under Section 11-150.1-1
3 of the Illinois Municipal Code or other available funds to
4 defray said costs.

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

9 (c-5) Each park district, municipal park and recreation
10 agency, or special recreation agency, or its designee, shall
11 test each source of potable water in each of its parks that
12 serve children under 6 years old for lead contamination as
13 required in this subsection according to the following
14 requirements:

15 (1) At a minimum, (i) collect a first-draw 250
16 milliliter sample of water, (ii) flush for 30 seconds, and
17 (iii) collect a second-draw 250 milliliter sample from
18 each source of potable water located at each corresponding
19 park. However, to the extent that multiple sources of
20 potable water utilize the same drain, the foregoing
21 collection protocol is required for one such source of
22 potable water, and only a first-draw 250 milliliter sample
23 of water is required from the remaining such sources of
24 potable water. The water corresponding to the first-draw
25 250 milliliter sample from each source of potable water
26 shall have been standing in the plumbing pipes for at

1 least 8 hours, but not more than 18 hours, without any
2 flushing of the source of potable water before sample
3 collection.

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

19 (3) If any of the samples taken under subsection (1)
20 exceed 5 parts per billion, the park district, municipal
21 park and recreation agency, or special recreation agency,
22 or its designee, shall promptly provide notification of
23 the sampling results, via a publication circulated in the
24 county where the park district, municipal park and
25 recreation agency, or special recreation agency is located
26 and, if applicable, on its website and include the

1 following information (i) the corresponding sampling
2 location within the park, and (ii) the United States
3 Environmental Protection Agency's website for information
4 about lead in drinking water. If any of the samples taken
5 by the park district, municipal park and recreation
6 agency, or special recreation agency are at or below 5
7 parts per billion, notification may be made by posting on
8 its website.

9 (4) Sampling and analysis required under this
10 subsection shall be completed by the following applicable
11 deadlines: for parks constructed prior to January 1, 1987,
12 by December 31, 2023; and for parks constructed between
13 January 2, 1987 and January 1, 2000, by December 31, 2024.

14 (5) A park district, municipal park and recreation
15 agency, or special recreation agency, or its designee, may
16 seek a waiver of the requirements of this subsection from
17 the Department, if: (i) the park district, municipal park
18 and recreation agency, or special recreation agency, or
19 the designee of the park district, municipal park and
20 recreation agency, or special recreation agency, collected
21 at least one 250 milliliter or greater sample of water
22 from each source of potable water that had been standing
23 in the plumbing pipes for at least 6 hours and that was
24 collected without flushing the source of potable water
25 before collection; (ii) a laboratory described in
26 paragraph (2) analyzed the samples in accordance with a

1 test method described in that paragraph; (iii) test
2 results were obtained prior to the effective date of this
3 amendatory Act of the 102nd General Assembly, but after
4 January 1, 2019; and (iv) test results were submitted to
5 the Department within 120 days after the effective date of
6 this amendatory Act of the 102nd General Assembly.

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

13 (7) Lead sampling results obtained shall not be used
14 for determining compliance with the Board's rules
15 implementing the national primary drinking water
16 regulations for lead and copper (the Lead and Copper Rule,
17 40 CFR Part 141, Subpart I).

18 (d) By no later than June 30, 2019, the Department shall
19 determine whether it is necessary and appropriate to protect
20 public health to require schools constructed in whole or in
21 part after January 1, 2000 to conduct testing for lead from
22 sources of potable water, taking into account, among other
23 relevant information, the results of testing conducted
24 pursuant to this Section.

25 (e) Within 90 days of the effective date of this
26 amendatory Act of the 99th General Assembly, the Department

1 shall post on its website guidance on mitigation actions for
2 lead in drinking water, and ongoing water management
3 practices, in schools. In preparing such guidance, the
4 Department may, in part, reference the United States
5 Environmental Protection Agency's 3Ts for Reducing Lead in
6 Drinking Water in Schools.

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