



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3739

Introduced 2/22/2021, by Rep. Lamont J. Robinson, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Creates the Lead Service Line Replacement and Notification Act. Creates the Lead Service Line Replacement Fund to be used to finance and administer programs and activities specified under the Act. Makes a conforming change in the State Finance Act. Requires the Environmental Protection Agency to establish procedures for the collection of a specified lead in drinking water protection fee to be collected by all community water supplies. Requires the owner or operator of each community water supply to perform specified activities. Creates the Lead Service Line Replacement Advisory Board within the Agency to perform specified duties. Contains other provisions. 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 with specified requirements. Amends the Public Utilities Act. Provides that the Illinois Commerce Commission may allow or direct a water utility to establish a customer assistance program that provides financial relief to residential customers who qualify for income-related assistance. Makes other changes. Amends the Environmental Protection Act. Requires specified entities to provide to the Environmental Protection Agency by December 31, 2023, and again by December 31, 2025, specified information as it relates to the cost of providing water service. Provides that the Agency shall publish the information on the Agency's website. Provides that the Agency may adopt rules setting forth the general requirements for submittal of the information. Repeals the provisions regarding the information on January 1, 2026. Repeals a Section regarding lead in drinking water notifications and inventories.

LRB102 14540 CPF 19893 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 75-1. Short title. This Act may be cited as the the
5 Lead Service Line Replacement and Notification Act.

6 Section 75-5. Purpose. The purpose of this Act is to: (1)
7 require the owners and operators of community water supplies
8 to develop, implement, and maintain a comprehensive water
9 service line material inventory and a comprehensive lead
10 service line replacement plan, provide notice to occupants of
11 potentially affected buildings before any construction or
12 repair work on water mains or lead service lines, and request
13 access to potentially affected buildings before replacing lead
14 service lines; (2) prohibit partial lead service line
15 replacements; and (3) establish a revenue source capable of
16 paying for lead service line replacement activities in
17 Illinois.

18 Section 75-10. Definitions. As used in this Act, unless
19 the context otherwise clearly requires:

20 "Advisory Board" means the Lead Service Line Replacement
21 Advisory Board created under Section 75-45 of this Act.

22 "Agency" means the Illinois Environmental Protection

1 Agency.

2 "Board" means the Illinois Pollution Control Board.

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

5 "Department" means the Department of Public Health.

6 "Emergency repair" means any unscheduled water main, water
7 service, or water valve repair or replacement that results
8 from failure or accident.

9 "Fund" means the Lead Service Line Replacement Fund
10 created under Section 75-15 of this Act.

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

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

17 "Noncommunity water supply" has the meaning ascribed to it
18 in Section 3.145 of the Environmental Protection Act.

19 "NSF/ANSI Standard" means a water treatment standard
20 developed by NSF International.

21 "Partial lead service line replacement" means replacement
22 of only a portion of a lead service line.

23 "Potentially affected building" means any building that is
24 provided water service through a service line that is either a
25 lead service line or a suspected lead service line.

26 "Public water supply" has the meaning ascribed to it in

1 Section 3.365 of the Environmental Protection Act.

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

7 "Suspected lead service line" means a line that a
8 community water supply finds more likely than not to be made of
9 lead after completing the requirements under paragraphs (2)
10 through (5) of subsection (e) of Section 75-25.

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

13 Section 75-15. Lead Service Line Replacement Fund.

14 (a) The Lead Service line Replacement Fund is created as a
15 special fund in the State treasury to be used by the Agency and
16 the Department of Commerce and Economic Opportunity for the
17 purposes provided under Section 75-5 of this Act. The Fund
18 shall be used exclusively to finance and administer programs
19 and activities specified under this Act and listed under
20 subsection (c).

21 (b) The objective of the Fund is to finance all activities
22 associated with identifying and replacing lead service lines,
23 build Agency capacity to oversee the provisions of this Act,
24 and provide related assistance for the activities listed under
25 subsection (c).

1 (c) The Agency shall be responsible for the administration
2 of the Fund and shall allocate moneys on the basis of
3 priorities established by the Agency. Each year, the Agency
4 shall determine the available amount of resources in the Fund
5 that can be allocated to the activities identified under this
6 Section and shall allocate the moneys accordingly. The moneys
7 shall be allocated from the Fund in the following percentages,
8 except as provided under subsection (d):

9 (1) for costs related to replacing lead service lines
10 as described under Section 75-40, 75% of the available
11 funding;

12 (2) for assistance to low-income communities in
13 identifying, inventorying, planning for replacement of,
14 and implementing plans for replacement of lead service
15 lines, 5% of the available funding;

16 (3) for personnel costs within the Agency associated
17 with administering the provisions of this Act, 3% of the
18 available funding;

19 (4) for transfer to the Department of Commerce and
20 Economic Opportunity for the low-income water assistance
21 policy and program described under Section 605-870 of the
22 Department of Commerce and Economic Opportunity Law of the
23 Civil Administrative Code of Illinois, 7% of the available
24 funding;

25 (5) for transfer to the Department of Commerce and
26 Economic Opportunity for deposit into the Water Workforce

1 Development Fund, 5% of the available funding; and

2 (6) for the Water Innovation Grants Program described
3 in Section 75-90, 5% of the available funding.

4 (d) The Agency may, subject to the following provisions,
5 adjust the percentages of available funding allocated to each
6 activity described under subsection (c). The purpose of this
7 subsection is to enable the Agency flexibility in managing
8 distributions from the Fund while ensuring that distributions
9 are apportioned in a manner consistent with the intent of
10 subsection (c):

11 (1) In the years preceding the completion of all final
12 inventories and plans described under Sections 75-25 and
13 75-30, the Agency may direct up to 10% of available funds
14 to the low-income technical assistance activities
15 described under paragraph 2 of subsection (c) of this
16 Section. If the Agency chooses to increase funding for
17 these technical assistance activities, it must decrease
18 the share of funding apportioned to lead service line
19 replacement activities by a commensurate amount for those
20 same years.

21 (2) For all other deviations from the funding
22 percentages described under subsection (c), the Agency
23 shall consult the Advisory Board.

24 (3) In no case shall the allocation percentages be
25 modified such that the Agency cannot substantially fulfill
26 this Section's primary purpose of funding the

1 identification, inventory, and replacement of all lead
2 service lines in Illinois.

3 (e) The Agency is granted all powers necessary for the
4 implementation of this Section.

5 Section 75-20. Lead in drinking water protection fee.

6 (a) The General Assembly finds and declares that:

7 (1) there is no safe level of exposure to heavy metal
8 lead, as found by the United States Environmental
9 Protection Agency and the Center for Disease Control;

10 (2) lead-based plumbing, including service lines, can
11 convey this harmful substance to the drinking water
12 supply;

13 (3) according to the Illinois Environmental Protection
14 Agency's 2018 Service Line Material Inventory, the State
15 of Illinois is estimated to have over 680,000 lead-based
16 service lines still in operation;

17 (4) the true number of lead service lines is not fully
18 known because Illinois lacks an adequate inventory of lead
19 service lines;

20 (5) for the general health, safety and welfare of its
21 residents, all lead service lines in Illinois should be
22 disconnected from the drinking water supply; and

23 (6) people throughout the State of Illinois should
24 share the costs of lead service line replacement in order
25 to reduce the public health and social costs of lead in the

1 State's drinking water supply.

2 (b) Beginning January 1, 2022, a lead in drinking water
3 protection fee is imposed on billed water usage in the
4 following amounts:

5 (1) In a census tract where the median household
6 income is less than 60% of the State of Illinois' median
7 household income, as defined by the most recent decennial
8 United States Census, the fee shall be \$0.00.

9 (2) In census tracts where the median household income
10 is equal to or greater than 60% but less than 80% of the
11 State of Illinois' median household income, as defined by
12 the most recent decennial United States Census, the fee
13 shall be \$0.10 per 1,000 gallons of billed water, rounded
14 to the nearest 1,000 gallons.

15 (3) In census tracts where the median household income
16 is equal to or greater than 80% but less than 120% of the
17 State of Illinois median household income, as defined by
18 the most recent decennial United States Census, the fee
19 shall be \$0.25 per 1,000 gallons of billed water, rounded
20 to the nearest 1,000 gallons.

21 (4) In census tracts where the median household income
22 is equal to or greater than 120% but less than 150% of the
23 State of Illinois median household income, as defined by
24 the most recent decennial United States Census, the fee
25 shall be \$0.35 per 1,000 gallons of billed water, rounded
26 to the nearest 1,000 gallons.

1 (5) In census tracts where the median household income
2 is equal to or greater than 150% of the State of Illinois
3 median household income, as defined by the most recent
4 decennial United States Census, the fee shall be \$0.45 per
5 1,000 gallons of billed water, rounded to the nearest
6 1,000 gallons.

7 (6) In instances where a water account is not metered,
8 the fee shall be \$30 per year. If that water account user
9 lives in a census tract where the median household income
10 is less than 60% of the State of Illinois median household
11 income, the fee shall be \$0.00.

12 (c) The lead in drinking water protection fee described
13 under subsection (b) shall be collected by each owner or
14 operator of a community water supply. The fee shall be levied
15 once per billing cycle. If the fee is imposed on an unmetered
16 account as described in paragraph (6) of subsection (b), the
17 amount of the fee charged per billing cycle shall be equal to
18 the annual fee divided by the number of bills issued per year.
19 The fee shall be separately stated on each customer's water
20 bill as the "Lead in Drinking Water Protection Fee". Each
21 owner or operator of a community water supply shall remit all
22 proceeds from the fee to the Department of Revenue.

23 (d) The Department of Revenue shall deposit all proceeds
24 from the lead in drinking water protection fee described under
25 subsection (b) into the Lead Service Line Replacement Fund, to
26 be used in the manner described in Section 75-15.

1 (e) The lead in drinking water protection fee described
2 under subsection (b) shall be reviewed by the Agency and the
3 Advisory Board every 5 years. Upon reviewing the fee, the
4 Agency shall report their findings to the Governor and the
5 General Assembly. The report shall include, at a minimum, the
6 following:

7 (1) An assessment of the sufficiency of the fee to
8 meet the goals of this Act and the activities described in
9 section 75-15.

10 (2) An assessment of the financial burden, if any,
11 imposed by the fee on households falling below 150 percent
12 of the federal poverty limit.

13 (3) An assessment of the ability of community water
14 supplies to assess and collect the fee.

15 (4) Any recommendations for revisions to fee structure
16 and amount.

17 (5) Upon completion of the initial 5-year review under
18 this subsection, the report shall include recommendations
19 for creating and implementing a lead in drinking water
20 protection fee structure that varies according to
21 individual household income. The recommendations shall be
22 made with the purpose of developing a fee structure that
23 accounts for variations in financial resources among
24 individual households within a service area. The
25 recommended fee structure must consider income variation
26 among individual households and may not solely consider

1 median household income as it pertains to census tract,
2 municipality, or other aggregating geography. The
3 recommendations shall consider, at a minimum, the
4 following:

5 (A) Variation in the ability of ratepayers at
6 different income levels to pay the fee.

7 (B) Variation in the ability of different water
8 user types to pay the fee. Such user types may include
9 residential, commercial, industrial, or institutional
10 water ratepayers.

11 (C) Variation in the ability of utilities to
12 assess and collect the fee.

13 Section 75-25. Contractor and vendor requirements.

14 (a) The owner or operator of a community water supply must
15 demonstrate how the community water supply will ensure that
16 program implementation contractors and vendors will meet
17 multiple workforce equity building criteria, including, but
18 not limited to, the following:

19 (1) Ensuring that an amount of program portfolio
20 incentive funding proportional to the population of
21 persons who are black, indigenous, or persons of color
22 within each county in which the owner or operator of a
23 community water supply is located, to be updated every 2
24 years, is administered and installed by vendors who meet
25 one of the following criteria:

1 (A) is certified under Section 2 of the Business
2 Enterprise for Minorities, Women, and Persons with
3 Disabilities Act;

4 (B) is certified by another municipal, State,
5 federal, or other certification for disadvantaged
6 businesses;

7 (C) the owner or operator submission of an
8 affidavit showing that the vendor meets the
9 eligibility criteria for a certification program such
10 as those in subparagraph (1) or (2); or

11 (D) if the vendor is a nonprofit, meet any of the
12 criteria in subparagraph (A), (B), or (D) or is
13 controlled by a board of directors of which at least
14 51% of its members are individuals who are minorities,
15 women, or persons with a disability, as those terms
16 are defined under Section 2 of the Business Enterprise
17 for Minorities, Women, and Persons with Disabilities
18 Act.

19 (2) Ensuring that contractors and vendors pay
20 employees working on lead service line replacement
21 programs at or above the prevailing wage rate, when such a
22 wage rate has been published by the Illinois Department of
23 Labor, and pay employees at or above the median wage rate
24 for a similar job description in the nearest metropolitan
25 area when there is no applicable published prevailing wage
26 rate.

1 (b) An owner or operator of a community water supply shall
2 collect data necessary to ensure compliance with subsection
3 (a) no less than quarterly and shall communicate progress
4 toward compliance with subsection (a) by submitted a report to
5 the Department. The report must include data on vendor and
6 employee diversity, including data on the owner's or
7 operator's implementation of subsection (a).

8 Section 75-30. Lead service line replacement plans.

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

11 (1) create a plan to:

12 (A) replace each lead service line connected to
13 its distribution system;

14 (B) replace each galvanized service line connected
15 to its distribution system, if the galvanized service
16 line is or was connected downstream to lead piping;

17 (C) determine the materials of construction of
18 suspected lead service lines and service lines of
19 unknown materials; and

20 (D) propose a timeline for review and regular
21 revisions of the lead service line replacement plan;
22 and

23 (2) electronically submit, by April 15, 2023, its
24 initial lead service line replacement plan to the Agency
25 for approval;

1 (3) electronically submit by April 15 of each
2 subsequent year an updated lead service line replacement
3 plan to the Agency for approval; the updated replacement
4 plan shall account for changes in the number of lead
5 service lines or unknown service lines in the material
6 inventory described in Section 75-25 of this Act;

7 (4) electronically submit by April 15, 2027 a complete
8 and final replacement plan to the Agency for approval; the
9 complete and final replacement plan shall account for all
10 lead service lines documented in the complete material
11 inventory described under paragraph (3) of subsection (a)
12 of Section 75-25; and

13 (5) post on its website a copy of the plan most
14 recently approved by the Agency or request that the Agency
15 post a copy of that plan on the Agency's website.

16 (b) Each plan required under subsection (a) shall include
17 the following:

18 (1) the name and identification number of the
19 community water supply;

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

22 (3) the total number of suspected lead service lines
23 connected to the distribution system of the community
24 water supply;

25 (4) the total number of known lead service lines
26 connected to the distribution system of the community

1 water supply;

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

5 (6) a proposed lead service line replacement schedule
6 that includes one-year, 5-year, 10-year, 15-year, 20-year,
7 and 25-year goals, as applicable under the timelines
8 described under Section 75-35;

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

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

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

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

23 (C) an explanation of any costs that exceed the
24 funding provisions set forth under Section 75-40; and

25 (9) a feasibility and affordability plan that
26 includes, but is not limited to, information on how the

1 community water supply intends to fund or finance lead
2 service line replacement costs that exceed the State
3 funding provisions set forth under Section 75-40;

4 (10) a plan for prioritizing high-risk facilities,
5 such as preschools, day care centers, day care homes,
6 group day care homes, parks, playgrounds, hospitals, and
7 clinics, as well as high-risk areas identified by the
8 community water supply;

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

12 (12) measures for how the community water supply will
13 inform the public of the plan and provide opportunity for
14 public comment; and

15 (13) measures to encourage diversity in hiring in the
16 workforce required to implement the plan.

17 (c) The Agency shall review each plan submitted to it
18 under this Section. The Agency shall approve a plan if the plan
19 includes all of the elements set forth under subsection (b)
20 and the Agency determines that:

21 (1) the proposed lead service line replacement
22 schedule set forth in the plan aligns with the timeline
23 requirements set forth under Section 75-35;

24 (2) the plan prioritizes the replacement of lead
25 service lines that provide water service to high-risk
26 facilities, such as preschools, day care centers, day care

1 homes, group day care homes, parks, playgrounds,
2 hospitals, and clinics, and high-risk areas identified by
3 the community water supply;

4 (3) the plan includes an analysis of cost and
5 financing options; and

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

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

12 (e) If a community water supply does not deliver a
13 complete plan to the Agency by April 15, 2027, that community
14 water supply may apply for an extension to the Agency. The
15 Agency shall develop criteria for granting plan extensions.
16 When considering requests for extension, the Agency shall at a
17 minimum consider:

18 (1) the number of service connections in a water
19 supply;

20 (2) the staff capacity and financial condition of the
21 community;

22 (3) the number of service lines of an unknown material
23 composition; and

24 (4) other criteria as determined by the Agency in
25 consultation with the Lead Service Line Replacement
26 Advisory Board created under Section 75-45.

1 Section 75-35. Replacement timelines.

2 (a) Every owner or operator of a community water supply
3 shall replace all lead service lines, subject to the
4 requirements of Section 75-50, according to the following
5 replacement rates and timelines:

6 (1) Community water supplies reporting 249 or fewer
7 lead service lines in their final inventory and
8 replacement plans shall replace all lead service lines
9 within 5 years after the date of filing the replacement
10 plan, at an annual rate of no less than 20% of the amount
11 described in the final inventory.

12 (2) Community water supplies reporting more than 249
13 but fewer than 1,200 lead service lines in their final
14 inventory and replacement plans shall replace all lead
15 service lines within 10 years after the date of filing the
16 replacement plan, at an annual rate of no less than 10% of
17 the amount described in the final inventory.

18 (3) Community water supplies reporting more than 1,199
19 but fewer than 10,000 lead service lines in their final
20 inventory and replacement plans shall replace all lead
21 service lines within 15 years after the date of filing the
22 replacement plan, at an annual rate of no less than 6.7% of
23 the amount described in the final inventory.

24 (4) Community water supplies reporting more than 9,999
25 but fewer than 50,000 lead service lines in their final

1 inventory and replacement plans shall replace all lead
2 service lines within 20 years after the date of filing the
3 replacement plan, at an annual rate of no less than 5% of
4 the amount described in the final inventory.

5 (5) Community water supplies reporting more than
6 49,999 lead service lines in their final inventory and
7 replacement plans shall replace all lead service lines
8 within 25 years after the date of filing the replacement
9 plan, at an annual replacement rate of no less than 4% of
10 the amount described in the final inventory.

11 (b) A community water supply may apply to the Agency for an
12 extension to the replacement timelines described in paragraphs
13 (1) through (5) of subsection (a). The Agency shall develop
14 criteria for granting replacement timeline extensions. When
15 considering requests for timeline extensions, the Agency shall
16 at a minimum consider:

17 (1) the number of service connections in a water
18 supply;

19 (2) the staff capacity and financial condition of the
20 community;

21 (3) unusual circumstances creating hardship for a
22 community; and

23 (4) other criteria as determined by the Agency in
24 consultation with the Lead Service Line Replacement
25 Advisory Board described in Section 75-45.

26 Replacement rates and timelines shall be calculated from

1 the date of submission of the final plan to the Agency.

2 Section 75-40. Lead service line replacement funding
3 amounts.

4 (a) Through financial resources provided by the Fund, the
5 Agency shall make available grants to community water supplies
6 for the purpose of the replacement of lead service lines. The
7 annual amount of grant funding available for this purpose
8 shall be determined by the Agency in consultation with the
9 Advisory Board.

10 (b) Within 120 days of the effective date of this Act, the
11 Agency shall design a program for the purpose of
12 administration of lead service line replacement grant funds.
13 In designing the grant program, the Agency shall consider at a
14 minimum:

15 (1) the process by which community water supplies may
16 apply for grant funding; and

17 (2) eligible expenses for grant funding.

18 (c) Community water supplies shall be eligible for grant
19 funding for the replacement of lead service lines. Grants
20 shall be available at an amount described in subsection (f) of
21 this Section. Grant funding shall be available for the
22 following activities as they relate to lead service line
23 replacement, subject to Agency approval:

24 (1) costs associated with planning and inventory;

25 (2) material costs, including the cost of pipes and

1 fittings;

2 (3) labor and construction costs incidental to lead
3 service line replacement; and

4 (4) costs borne by the community water supply related
5 to administration of lead service line replacement.

6 (d) Grant funding shall not be used for the general
7 operating expenses of a municipality or community water
8 supply. Grant funding is intended only for costs directly
9 associated with lead service line replacement.

10 (e) Any lead service line replacement expense incurred by
11 a community water supply in excess of grant funding under this
12 Section or any other any foundation, State, or federal grant
13 funding shall be borne no more than 50% by the property owner
14 of that lead service line. The remaining costs shall be
15 assumed exclusively by the community water supply.

16 Section 75-45. Lead Service Line Replacement Advisory
17 Board.

18 (a) The Lead Service Line Replacement Advisory Board is
19 created within the Agency. The Advisory Board shall convene
20 within 120 days after the effective date of this Act.

21 (b) The Advisory Board shall consist of at least 19 voting
22 members, as follows:

23 (1) the Director of the Agency, or his or her
24 designee, who shall serve as chairperson;

25 (2) the Director of Revenue, or his or her designee;

1 (3) the Director of Public Health, or his or her
2 designee;

3 (4) one member appointed by the Governor;

4 (5) fifteen members appointed by the Agency as
5 follows:

6 (A) one member of a representative of a statewide
7 organization representing municipalities;

8 (B) one member representing a municipality with a
9 population of 2,000,000 or more inhabitants, nominated
10 by the mayor of the municipality;

11 (C) one member representing a municipality with a
12 population of less than 2,000,000 inhabitants located
13 in northern Illinois, nominated by the mayor of the
14 municipality;

15 (D) one member representing a municipality with a
16 population of less than 2,000,000 inhabitants located
17 in southern Illinois, nominated by the mayor of the
18 municipality;

19 (E) two members who are representatives from
20 public health advocacy groups;

21 (F) two members who are representatives from
22 publicly-owned water utilities;

23 (G) one member who is a representative from an
24 investor-owned utility;

25 (H) one member who is a research professional
26 employed at an academic institution and specializing

1 in water infrastructure research;

2 (I) two members who are representatives from
3 nonprofit civic organizations;

4 (J) one member who is a representative from a
5 statewide organization representing environmental
6 organizations; and

7 (K) two members who are representatives from
8 organized labor.

9 No less than 10 of the 19 voting members shall be persons
10 of color, and no less than 3 shall represent communities
11 defined or self-identified as environmental justice
12 communities.

13 (c) Advisory Board members shall serve without
14 compensation, but may be reimbursed for necessary expenses
15 incurred in the performance of their duties from funds
16 appropriated for that purpose. The Agency shall provide
17 administrative support to the Advisory Board.

18 (d) The Advisory Board shall meet no less than once every 6
19 months.

20 (e) The Advisory Board shall have, at minimum, the
21 following duties:

22 (1) reviewing the structure and amount of the lead in
23 drinking water protection fee, as described under
24 subsection (b) of Section 75-20;

25 (2) determining variations in program funding
26 percentage allocation as described under subsection (c) of

1 Section 75-15;

2 (3) establishing criteria for granting extensions for
3 completion of the material inventory and final lead
4 service line replacement plan, as described under Sections
5 75-25 and 75-30;

6 (4) advising the Agency on best practices in lead
7 service line replacement;

8 (5) reviewing the performance of the Agency and
9 community water supplies in their progress toward lead
10 service line replacement goals;

11 (6) determining the amount of funding per service line
12 required under Section 75-40;

13 (7) advising the Agency on other matters related to
14 the administration of the provisions of this Act;

15 (8) within 10 years after the effective date of this
16 Act, and each year thereafter, preparing reports to the
17 Governor and General Assembly concerning the status of all
18 lead service line remediation sites within the State;

19 (9) proposing rules prescribing procedures and
20 standards for the administration of the provisions of this
21 Act;

22 (10) advising the Agency on the integration of
23 existing lead service line remediation or replacement
24 plans with any statewide plan; and

25 (11) providing technical support and practical
26 expertise in general.

1 Section 75-50. Lead service line replacement requirements.

2 (a) When replacing a lead service line, the owner or
3 operator of the community water supply shall replace the
4 service line in its entirety, including, but not limited to,
5 any portion of the service line (i) running on private
6 property and (ii) within the building plumbing at the first
7 shut-off valve. Partial lead service line replacements are
8 expressly prohibited. Exceptions shall be made for the
9 following circumstances:

10 (1) In the event of an emergency repair that affects a
11 lead service line or a suspected lead service line, a
12 community water supply must contact the building owner to
13 begin the process of replacing the entire service line. If
14 the building owner is not able to be contacted or the
15 building owner or occupant refuses to grant access and
16 permission to replace the entire service line at the time
17 of the emergency repair, then the community water supply
18 may perform a partial lead service line replacement. Where
19 an emergency repair on a service line constructed of lead
20 or galvanized steel pipe results in a partial service line
21 replacement, the water supply responsible for commencing
22 the repair shall perform the following:

23 (A) Inform the building's owner or operator and
24 the resident or residents served by the lead service
25 line that the community water supply will, at the

1 community water supply's expense, collect a sample
2 from each partially replaced lead service line that is
3 representative of the water in the lead service line
4 for analysis of lead content within 72 hours after the
5 completion of the partial replacement of the lead
6 service line. The community water supply shall collect
7 the sample and report the results of the analysis to
8 the owner or operator and the resident or residents
9 served by the lead service line within 3 business days
10 of receiving the results. Individual written
11 notification shall be delivered in the method and
12 according to the provisions of subsections (c), (d),
13 and (e) of Section 75-60. Mailed notices postmarked
14 within 3 business days of receiving the results are
15 satisfactory.

16 (B) Notify the building's owner or operator and
17 the resident or residents served by the lead service
18 line in writing that a repair has been completed. Such
19 notification shall include, at a minimum:

20 (i) a warning that the work may result in
21 sediment, possibly containing lead, in the
22 buildings water supply system;

23 (ii) information concerning practices for
24 preventing the consumption of any lead in drinking
25 water, including a recommendation to flush water
26 distribution pipe during and after the completion

1 of the repair or replacement work and to clean
2 faucet aerator screens; and

3 (iii) information regarding the dangers of
4 lead in young children and for pregnant women.

5 (C) Provide filters for at least one fixture
6 supplying potable water for consumption. The filter
7 must be compliant with NSF/ANSI Standards 53 and 42.
8 The filter must be provided until such time that the
9 remaining portions of the service line have been
10 replaced with a material approved by the Department or
11 a waiver has been issued under subsection (b) of
12 Section 75-55.

13 (D) Replace the remaining portion of the lead
14 service line within 30 days of the repair. If a
15 complete lead service line replacement cannot be made
16 within the required 30 day period, the person
17 responsible for commencing the repair shall notify the
18 Department in writing of, at a minimum, the following
19 within 24 hours of the repair:

20 (i) an explanation of why it is not feasible
21 to replace the remaining portion of the lead
22 service line within the allotted time; and

23 (ii) a timeline for when the remaining portion
24 of the lead service line will be replaced.

25 (E) If complete repair of a lead service line
26 cannot be completed within 30 days due to denial by the

1 property owner, the person commencing the repair shall
2 request the affected property owner to sign a waiver
3 developed by the Department. If a property owner of a
4 nonresidential building or residence operating as
5 rental properties denies a complete lead service line
6 replacement, the property owner shall be responsible
7 for installing and maintaining point-of-use filters
8 compliant with NSF/ANSI Standards 53 and 42 at all
9 fixtures intended to supply water for the purposes of
10 drinking, food preparation, or making baby formula.
11 The filters shall continue to be supplied until such
12 time that the property owner has affected the
13 remaining portions of the lead service line to be
14 replaced.

15 (F) Document any remaining lead service line,
16 including a portion on the private side of the
17 property, in the community water supply's distribution
18 system materials inventory required under this Act.

19 For the purposes of this paragraph, written notice
20 shall be provided in the method and according to the
21 provisions of subsection (a) through (e) of Section 75-60.

22 (2) Lead service lines that are physically
23 disconnected from the distribution system are exempt from
24 this subsection.

25 (b) On and after January 1, 2022, when the owner or
26 operator of a community water supply replaces a water main,

1 the community water supply shall identify all lead service
2 lines connected to the water main and shall replace, in
3 accordance with its lead service line replacement plan, the
4 lead service lines by:

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

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

14 (c) If an owner of a potentially affected building intends
15 to replace a portion of a lead service line or a galvanized
16 service line and the galvanized service line is or was
17 connected downstream to lead piping, then the owner of the
18 potentially affected building shall provide the owner or
19 operator of the community water supply with notice at least 45
20 days before commencing the work. In the case of an emergency
21 repair, if the owner of the potentially affected building
22 notifies the owner or operator of the community water supply
23 of the replacement of a portion of the lead service line after
24 the emergency repair is completed, then the owner or operator
25 of the community water supply must provide filters for each
26 kitchen area that are certified to meet the requirements of

1 NSF/ANSI Standards 42 and 53 and replace the remainder of the
2 lead service line within 30 days after completion of the
3 emergency repair. A community water supply may take up to 120
4 days if necessary due to weather conditions. If a replacement
5 takes longer than 30 days, provided filters must be replaced
6 in accordance with the manufacturer's recommendations. Partial
7 lead service line replacements by the owners of potentially
8 affected buildings are otherwise prohibited.

9 Section 75-55. Request for private property access.

10 (a) At least one month before conducting planned lead
11 service line replacement, the owner or operator of a community
12 water supply shall, by certified mail, attempt to contact the
13 owner of the potentially affected building serviced by the
14 lead service line to request access to the building and
15 permission to replace the lead service line in accordance with
16 the lead service line replacement plan. If the owner of the
17 potentially affected building does not respond to that request
18 within 2 weeks after the request is sent, the owner or operator
19 of the community water supply shall attempt to post the
20 request on the entrance of the potentially affected building.

21 (b) If the owner or operator of a community water supply is
22 unable to obtain approval to access and replace the lead
23 service line, the owner or operator of the community water
24 supply shall request that the owner of the potentially
25 affected building sign a waiver. The waiver shall be developed

1 by the Department and should be made available in the owner's
2 language. If the owner of the potentially affected building
3 refuses to sign the waiver, or fails to respond to the
4 community water supply after the community water supply has
5 complied with subsection (a), the community water supply shall
6 notify the Department in writing within 15 working days.

7 Section 75-60. Construction notice.

8 (a) When replacing a lead service line or repairing or
9 replacing water mains with lead service lines or partial lead
10 service lines attached to them, the owner or operator of a
11 community water supply shall provide the owner of each
12 potentially affected building that is serviced by the affected
13 lead service lines or partial lead service lines, as well as
14 the occupants of those buildings, with an individual written
15 notice. The notice shall be delivered by mail or posted at the
16 primary entranceway of the building. The notice may, in
17 addition, be electronically mailed. Written notice shall
18 include, at a minimum, the following:

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

22 (2) information concerning the best practices for
23 preventing exposure to or risk of consumption of lead in
24 drinking water, including a recommendation to flush water
25 lines during and after the completion of the repair or

1 replacement work and to clean faucet aerator screens; and
2 (3) information regarding the dangers of lead exposure
3 to young children and pregnant women.

4 (b) When the individual written notice described in
5 subsection (a) is required as a result of planned work other
6 than the repair or replacement of a water meter, the owner or
7 operator of the community water supply shall provide the
8 notice not less than 14 days before work begins. When the
9 individual written notice described in subsection (a) is
10 required as a result of emergency repairs other than the
11 repair or replacement of a water meter, the owner or operator
12 of the community water supply shall provide the notice at the
13 time the work is initiated. When the individual written notice
14 described in subsection (a) is required as a result of the
15 repair or replacement of a water meter, the owner or operator
16 of the community water supply shall provide the notice at the
17 time the work is initiated.

18 (c) If a community water supply serves a significant
19 proportion of non-English speaking consumers, the
20 notifications required under this Section must contain
21 information in the appropriate language regarding the
22 importance of the notice and a telephone number or address
23 where a person may contact the owner or operator of the
24 community water supply to obtain a translated copy of the
25 notification or request assistance in the appropriate
26 language.

1 (d) An owner or operator of a community water supply that
2 is required under this Section to provide an individual
3 written notice to the owner and occupants of a potentially
4 affected building that is a multi-dwelling building may
5 satisfy that requirement and the requirements of subsection
6 (c) by posting the required notice on the primary entranceway
7 of the building and at the location where the occupant's mail
8 is delivered as reasonably as possible.

9 (e) When this Section would require the owner or operator
10 of a community water supply to provide an individual written
11 notice to the entire community served by the community water
12 supply or would require the owner or operator of a community
13 water supply to provide individual written notices as a result
14 of emergency repairs or when the community water supply that
15 is required to comply with this Section is a small system, the
16 owner or operator of the community water supply may provide
17 the required notice through local media outlets, social media,
18 or other similar means in lieu of providing the individual
19 written notices otherwise required under this Section.

20 (f) No notifications are required under this Section for
21 work performed on water mains that are used to transmit
22 treated water between community water supplies and that have
23 no service connections.

24 Section 75-65. Replacement program progress reports. The
25 owner or operator of each community water supply shall include

1 the following information in the annual consumer confidence
2 report required under the United States Environmental
3 Protection Agency's National Primary Drinking Water
4 Regulations:

5 (1) an estimate of the number of known or suspected
6 lead service lines connected to its distribution system;
7 and

8 (2) a statement describing progress that has been made
9 toward replacing lead service lines connected to its
10 distribution system.

11 Section 75-70. Sale to wholesale or retail consecutive
12 community water supply. No community water supply that sells
13 water to any wholesale or retail consecutive community water
14 supply may pass on any costs associated with compliance with
15 this Act to consecutive systems.

16 Section 75-75. Board review. Authority is hereby vested in
17 the Illinois Pollution Control Board to conduct hearings to
18 review final actions of the Agency under this Act.

19 Section 75-80. Community water supply liability. To the
20 extent allowed by law, when a community water supply enters
21 into an agreement with a private contractor for replacement or
22 installation of water service lines, the community water
23 supply shall be held harmless for damage to property when

1 replacing or installing water service lines. If dangers are
2 encountered that prevent the replacement of the lead service
3 line, the community water supply shall notify the Department
4 within 15 working days of why the replacement of the lead
5 service line could not be accomplished.

6 Section 75-85. Rules.

7 (a) The Agency may propose to the Board, and the Board may
8 adopt, any rules necessary to implement and administer this
9 Act.

10 (b) The Department may adopt rules necessary to address
11 lead service lines attached to noncommunity water supplies.

12 Section 75-90. Water Innovation Grants Program.

13 (a) The purpose of this Section is to create a statewide
14 program for making grants to local units of government for the
15 purposes of drinking water infrastructure improvement.

16 (b) No later than December 1, 2020, the Agency shall, in
17 coordination with the Advisory Board, create a Water
18 Innovation Grants Program.

19 (c) In creating and administering the Water Innovation
20 Grants Program, the Agency shall prioritize making grants for
21 infrastructure improvement that are not sufficiently funded
22 through the Drinking Water State Revolving Fund. Municipal
23 programs that address lead pipes and lead plumbing attached to
24 private wells shall be eligible for prioritization under this

1 subsection.

2 (d) Revenue for this program shall be provided under the
3 terms contained under Section 75-15.

4 Section 75-95. Federal law. Notwithstanding any other
5 provision in this Act, no requirement in this Act shall be
6 construed as being less stringent than existing applicable
7 federal requirements.

8 Section 75-100. The Department of Commerce and Economic
9 Opportunity Law of the Civil Administrative Code of Illinois
10 is amended by adding Section 605-870 as follows:

11 (20 ILCS 605/605-870 new)

12 Sec. 605-870. Low-income water assistance policy and
13 program.

14 (a) The Department shall by rule establish a comprehensive
15 low-income water assistance policy and program that
16 incorporates financial assistance and includes, but is not
17 limited to, water efficiency or water quality projects, such
18 as lead service line replacement, or other measures to ensure
19 that residents have access to affordable and clean water. The
20 policy and program shall not jeopardize the ability of public
21 utilities, community water supplies, or other entities to
22 receive just compensation for providing services. The
23 resources applied in achieving the policy and program shall be

1 coordinated and efficiently used through the integration of
2 public programs and through the targeting of assistance. The
3 Department shall use all appropriate and available means to
4 fund this program and, to the extent possible, identify and
5 use sources of funding that complement State tax revenues. The
6 rule or rules shall be finalized within 180 days after the
7 effective date of this amendatory Act of the 102nd General
8 Assembly, or within 60 days after receiving an appropriation
9 for the program.

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

20 (c) Applicants who qualify for assistance under subsection
21 (b) shall, subject to appropriation from the General Assembly
22 and availability of funds by the Department, receive
23 assistance as provided under this Section. The Department,
24 upon receipt of moneys authorized under this Section for
25 assistance, shall commit funds for each qualified applicant in
26 an amount determined by the Department. In determining the

1 amounts of assistance to be provided to or on behalf of a
2 qualified applicant the Department shall ensure that the
3 highest amounts of assistance go to households with the
4 greatest water costs in relation to household income. The
5 Department may consider factors such as water costs, household
6 size, household income, and region of the State when
7 determining individual household benefits. In adopting rules
8 for the administration of this Section, the Department shall
9 ensure that a minimum of one-third of the funds for the program
10 are available for benefits to eligible households with the
11 lowest incomes and that elderly households, households with
12 persons with disabilities, and households with children under
13 6 years of age are offered a priority application period.

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

16 (e) The Department may adopt any rules necessary to
17 implement this Section.

18 Section 75-105. The State Finance Act is amended by adding
19 Section 5.935 as follows:

20 (30 ILCS 105/5.935 new)

21 Sec. 5.935. The Lead Service Line Replacement Fund.

22 Section 75-110. The Public Utilities Act is amended by
23 changing Section 8-306 as follows:

1 (220 ILCS 5/8-306)

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (1) size of the past due account;

13 (2) customer or applicant's ability to pay;

14 (3) customer or applicant's payment history;

15 (4) reason for the outstanding indebtedness; and

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

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

26 (c) A water or sewer utility shall provide notice as

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

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

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

24 (f) Water service for building construction purposes. At
25 the request of any municipality or township within the service
26 area of a public utility that provides water service to

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

7 (g) Water meters.

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

15 (2) Meter tests requested by customer.

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

26 (B) When a meter that has been in service less than

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

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

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

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

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

20 (k) When the customer is due a refund resulting from
21 payment of an overcharge, the utility shall credit the
22 customer in the amount of overpayment with interest from the
23 date of overpayment by the customer. The rate for interest
24 shall be at the appropriate rate determined by the Commission
25 under 83 Ill. 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
3 kind of identification that a subcontractor must present to
4 the 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
5 locations 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
12 begin at 7:00 p.m. Reports and comments made during or as a
13 result of each public forum must be made available to the
14 hearing officials and reviewed when drafting a recommended or
15 tentative decision, finding or order pursuant to Section
16 10-111 of this 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. A customer assistance program
21 established under this subsection that affects rates and
22 charges for service is not discriminatory for purposes of this
23 Act or any other law regulating rates and charges for service.
24 In considering whether to approve a water utility's proposed
25 customer assistance program, the Commission must determine
26 that a customer assistance program established under this

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

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

9 Section 75-115. The Environmental Protection Act is
10 amended by adding Section 17.12 as follows:

11 (415 ILCS 5/17.12 new)

12 Sec. 17.12. Water cost information.

13 (a) An entity subject to the federal Safe Drinking Water
14 Act that has over 3,500 meter connections shall provide to the
15 Agency by December 31, 2023, and again by December 31, 2025,
16 the following information as it relates to the cost of
17 providing water service:

18 (1) All revenue recovered from water bills or any
19 other revenue used for water service from the preceding
20 year.

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

23 (3) The percentage of the revenue recovered from water
24 bills used or allocated for water capital infrastructure

1 investment.

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

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

7 (c) The Agency may adopt rules setting forth the general
8 requirements for submittal of the information provided under
9 subsection (a).

10 (d) This Section is repealed on January 1, 2026.

11 (415 ILCS 5/17.11 rep.)

12 Section 75-200. The Environmental Protection Act is
13 amended by repealing Section 17.11.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 20 ILCS 605/605-870 new

5 30 ILCS 105/5.935 new

6 220 ILCS 5/8-306

7 415 ILCS 5/17.12 new

8 415 ILCS 5/17.11 rep.