

1 AN ACT concerning safety.

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

4 Section 1. This Act may be referred to as the Lead Service
5 Line Replacement and Notification Act.

6 Section 5. The Department of Commerce and Economic
7 Opportunity Law of the Civil Administrative Code of Illinois
8 is amended by adding Section 605-870 as follows:

9 (20 ILCS 605/605-870 new)

10 Sec. 605-870. Low-income water assistance policy and
11 program.

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

1 public programs and through the targeting of assistance. The
2 rule or rules shall be adopted within 180 days after receiving
3 an appropriation for the program.

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

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

1 determining individual household benefits. In adopting rules
2 for the administration of this Section, the Department shall
3 ensure that a minimum of one-third of the funds for the program
4 are available for benefits to eligible households with the
5 lowest incomes and that elderly households, households with
6 persons with disabilities, and households with children under
7 6 years of age are offered a priority application period.

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

10 Section 10. The State Finance Act is amended by adding
11 Section 5.938 as follows:

12 (30 ILCS 105/5.938 new)

13 Sec. 5.938. The Lead Service Line Replacement Fund.

14 Section 15. The Environmental Protection Act is amended by
15 adding Section 17.12 as follows:

16 (415 ILCS 5/17.12 new)

17 Sec. 17.12. Lead service line replacement and
18 notification.

19 (a) The purpose of this Act is to: (1) require the owners
20 and operators of community water supplies to develop,
21 implement, and maintain a comprehensive water service line
22 material inventory and a comprehensive lead service line

1 replacement plan, provide notice to occupants of potentially
2 affected buildings before any construction or repair work on
3 water mains or lead service lines, and request access to
4 potentially affected buildings before replacing lead service
5 lines; and (2) prohibit partial lead service line
6 replacements, except as authorized within this Section.

7 (b) The General Assembly finds and declares that:

8 (1) There is no safe level of exposure to heavy metal
9 lead, as found by the United States Environmental
10 Protection Agency and the Centers for Disease Control and
11 Prevention.

12 (2) Lead-based plumbing and service lines can convey
13 this harmful substance to the drinking water supply.

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

18 (4) The true number of lead service lines is not fully
19 known because Illinois lacks an adequate inventory of lead
20 service lines.

21 (5) For the general health, safety and welfare of its
22 residents, all lead service lines in Illinois should be
23 disconnected from the drinking water supply, and the
24 State's drinking water supply.

25 (c) In this Section:

26 "Advisory Board" means the Lead Service Line Replacement

1 Advisory Board created under subsection (y).

2 "Community water supply" has the meaning ascribed to it in
3 Section 3.145 of this Act.

4 "Department" means the Department of Public Health.

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

8 "Lead service line" means a service line made of lead or
9 service line connected to a lead pigtail, lead gooseneck, or
10 other lead fitting.

11 "Material inventory" means a water service line material
12 inventory developed by a community water supply pursuant to
13 this Act.

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

16 "NSF/ANSI Standard" means a water treatment standard
17 developed by NSF International.

18 "Partial lead service line replacement" means replacement
19 of only a portion of a lead service line.

20 "Potentially affected building" means any building that is
21 provided water service through a service line that is either a
22 lead service line or a suspected lead service line.

23 "Public water supply" has the meaning ascribed to it in
24 Section 3.365 of this Act.

25 "Service line" means the piping, tubing, and necessary
26 appurtenances acting as a conduit from the water main or

1 source of potable water supply to the building plumbing at the
2 first shut-off valve or 18 inches inside the building,
3 whichever is shorter.

4 "Suspected lead service line" means a line that a
5 community water supply finds more likely than not to be made of
6 lead after completing the requirements under paragraphs (2)
7 through (5) of subsection (h).

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

10 (d) An owner or operator of a community water supply
11 shall:

12 (1) develop an initial material inventory by April 15,
13 2022 and electronically submit by April 15, 2023 an
14 updated material inventory electronically to the Agency;
15 and

16 (2) deliver a complete material inventory to the
17 Agency no later than April 15, 2024, or such time as
18 required by federal law, whichever is sooner. The complete
19 inventory shall report the composition of all service
20 lines in the community water supply's distribution system.

21 (e) The Agency shall review and approve the final material
22 inventory submitted to it under subsection (d).

23 (f) If a community water supply does not submit a complete
24 inventory to the Agency by April 15, 2024 pursuant to
25 paragraph (2) of subsection (d), the community water supply
26 may apply for an extension to the Agency no less than 3 months

1 prior to the due date. The Agency shall develop criteria for
2 granting material inventory extensions. When considering
3 requests for extension, the Agency shall, at a minimum,
4 consider:

5 (1) the number of service connections in a water
6 supply; and

7 (2) the number of service lines of an unknown material
8 composition.

9 (g) A material inventory prepared for a community water
10 supply under subsection (d) shall identify:

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

13 (2) the materials of construction of each service line
14 connected to the community water supply's distribution
15 system;

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

20 (4) the number of suspected or known lead service
21 lines that were replaced after the community water supply
22 last submitted a service line inventory to the Agency, and
23 the material of the service line that replaced each lead
24 service line.

25 When identifying the materials of construction under
26 paragraph (2) of this subsection, the owner or operator of the

1 community water supply shall identify the type of construction
2 material used on the customer's side of the curb box, meter, or
3 other line of demarcation and the community water supply's
4 side of the curb box, meter, or other line of demarcation.

5 (h) In completing a material inventory under subsection
6 (d), the owner or operator of a community water supply shall:

7 (1) prioritize inspections of high-risk areas
8 identified by the community water supply and inspections
9 of high-risk facilities, such as preschools, day care
10 centers, day care homes, group day care homes, parks,
11 playgrounds, hospitals, and clinics, and confirm service
12 line materials in those areas and at those facilities;

13 (2) review historical documentation, such as
14 construction logs or cards, as-built drawings, purchase
15 orders, and subdivision plans, to determine service line
16 material construction;

17 (3) when conducting distribution system maintenance,
18 visually inspect service lines and document materials of
19 construction;

20 (4) identify any time period when the service lines
21 being connected to its distribution system were primarily
22 lead service lines, if such a time period is known or
23 suspected; and

24 (5) discuss service line repair and installation with
25 its employees, contractors, plumbers, other workers who
26 worked on service lines connected to its distribution

1 system, or all of the above.

2 (i) The owner or operator of each community water supply
3 shall maintain records of persons who refuse to grant access
4 to the interior of a building for purposes of identifying the
5 materials of construction of a service line. If a community
6 water supply has been denied access on the property or to the
7 interior of a building for that reason, then the community
8 water supply shall attempt to identify the service line as a
9 suspected lead service line, unless documentation is provided
10 showing otherwise.

11 (j) If a community water supply identifies a lead service
12 line connected to a building, the owner or operator of the
13 community water supply shall attempt to notify the owner of
14 the building and all occupants of the building of the
15 existence of the lead service line within 15 days after
16 identifying the lead service line, or as soon as is reasonably
17 possible thereafter. Individual written notice shall be given
18 according to the provisions of subsection (ff).

19 (k) An owner or operator of a community water supply has no
20 duty to include in the material inventory required under
21 subsection (d) information about service lines that are
22 physically disconnected from a water main in its distribution
23 system.

24 (l) The owner or operator of each community water supply
25 shall post on its website a copy of the most recently submitted
26 material inventory or alternatively may request that the

1 Agency post a copy of that material inventory on the Agency's
2 website.

3 (m) Nothing in this Section shall be construed to require
4 service lines to be unearthed for the sole purpose of
5 inventorying.

6 (n) When an owner or operator of a community water supply
7 awards a contract under this Section, the owner or operator
8 shall make a good faith effort to use contractors and vendors
9 owned by minority persons, women, and persons with a
10 disability, as those terms are defined in Section 2 of the
11 Business Enterprise for Minorities, Women, and Persons with
12 Disabilities Act, for not less than 20% of the total
13 contracts, provided that:

14 (1) contracts representing at least 11% of the total
15 annual premiums or fees shall be awarded to minority-owned
16 businesses, as defined in Section 2 of the Business
17 Enterprise for Minorities, Women, and Persons with
18 Disabilities Act;

19 (2) contracts representing at least 7% of the total
20 annual premiums or fees shall be awarded to women-owned
21 businesses, as defined in Section 2 of the Business
22 Enterprise for Minorities, Women, and Persons with
23 Disabilities Act; and

24 (3) contracts representing at least 2% of the total
25 annual premiums or fees shall be awarded to businesses
26 owned by persons with a disability.

1 Owners or operators of a community water supply are
2 encouraged to divide projects, whenever economically feasible,
3 into contracts of smaller size that ensure small business
4 contractors or vendors shall have the ability to qualify in
5 the applicable bidding process, when determining the ability
6 to deliver on a given contract based on scope and size, as a
7 responsible and responsive bidder.

8 When a contractor or vendor submits a bid or letter of
9 intent in response to a request for proposal or other bid
10 submission, the contractor or vendor shall include with its
11 responsive documents a utilization plan that shall address how
12 compliance with applicable good faith requirements set forth
13 in this subsection shall be addressed.

14 Under this subsection, "good faith effort" means a
15 community water supply has taken all necessary steps to comply
16 with the goals of this subsection by complying with the
17 following:

18 (1) Soliciting through reasonable and available means
19 the interest of a business, as defined in Section 2 of the
20 Business Enterprise for Minorities, Women, and Persons
21 with Disabilities Act, that have the capability to perform
22 the work of the contract. The community water supply must
23 solicit this interest within sufficient time to allow
24 certified businesses to respond.

25 (2) Providing interested certified businesses with
26 adequate information about the plans, specifications, and

1 requirements of the contract, including addenda, in a
2 timely manner to assist them in responding to the
3 solicitation.

4 (3) Meeting in good faith with interested certified
5 businesses that have submitted bids.

6 (4) Effectively using the services of the State,
7 minority or women community organizations, minority or
8 women contractor groups, local, State, and federal
9 minority or women business assistance offices, and other
10 organizations to provide assistance in the recruitment and
11 placement of certified businesses.

12 (5) Making efforts to use appropriate forums for
13 purposes of advertising subcontracting opportunities
14 suitable for certified businesses.

15 The diversity goals defined in this subsection can be met
16 through direct award to diverse contractors and through the
17 use of diverse subcontractors and diverse vendors to
18 contracts.

19 (o) An owner or operator of a community water supply shall
20 collect data necessary to ensure compliance with subsection
21 (n) no less than quarterly and shall include progress toward
22 compliance of subsection (n) in the owner or operator's lead
23 service line plan update required under subsection (g). The
24 report must include data on vendor and employee diversity,
25 including data on the owner's or operator's implementation of
26 subsection (n).

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

3 (1) create a plan to:

4 (A) replace each lead service line connected to
5 its distribution system; and

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

10 (2) electronically submit, by April 15, 2024 its
11 initial lead service line replacement plan to the Agency;

12 (3) electronically submit by April 15 of each year
13 after 2024 until April 15, 2027 an updated lead service
14 line replacement plan to the Agency for review; the
15 updated replacement plan shall account for changes in the
16 number of lead service lines or unknown service lines in
17 the material inventory described in subsection (d);

18 (4) electronically submit by April 15, 2027 a complete
19 and final replacement plan to the Agency for approval; the
20 complete and final replacement plan shall account for all
21 known and suspected lead service lines documented in the
22 final material inventory described under paragraph (3) of
23 subsection (d); and

24 (5) post on its website a copy of the plan most
25 recently submitted to the Agency or may request that the
26 Agency post a copy of that plan on the Agency's website.

1 (q) Each plan required under paragraph (1) of subsection
2 (p) shall include the following:

3 (1) the name and identification number of the
4 community water supply;

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

7 (3) the total number of suspected lead service lines
8 connected to the distribution system of the community
9 water supply;

10 (4) the total number of known lead service lines
11 connected to the distribution system of the community
12 water supply;

13 (5) the total number of lead service lines connected
14 to the distribution system of the community water supply
15 that have been replaced each year beginning in 2020;

16 (6) a proposed lead service line replacement schedule
17 that includes one-year, 5-year, 15-year, 20-year, 25-year,
18 and 30-year goals;

19 (7) an analysis of costs and financing options for
20 replacing the lead service lines connected to the
21 community water supply's distribution system, which shall
22 include, but shall not be limited to:

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

26 (B) measures to address affordability and prevent

1 service shut-offs for customers or ratepayers; and
2 (C) consideration of different scenarios for
3 structuring payments between the utility and its
4 customers over time; and

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

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

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

16 (11) measures to encourage diversity in hiring in the
17 workforce required to implement the plan as identified
18 under subsection (n).

19 (r) The Agency shall review final plans submitted to it
20 under subsection (p). The Agency shall approve a final plan if
21 the final plan includes all of the elements set forth under
22 subsection (q) and the Agency determines that:

23 (1) the proposed lead service line replacement
24 schedule set forth in the plan aligns with the timeline
25 requirements set forth under subsection (v);

26 (2) the plan prioritizes the replacement of lead

1 service lines that provide water service to high-risk
2 facilities, such as preschools, day care centers, day care
3 homes, group day care homes, parks, playgrounds,
4 hospitals, and clinics, and high-risk areas identified by
5 the community water supply;

6 (3) the plan includes analysis of cost and financing
7 options; and

8 (4) the plan provides documentation of public review.

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

13 (t) If a community water supply does not deliver a
14 complete plan to the Agency by April 15, 2027, the community
15 water supply may apply to the Agency for an extension no less
16 than 3 months prior to the due date. The Agency shall develop
17 criteria for granting plan extensions. When considering
18 requests for extension, the Agency shall, at a minimum,
19 consider:

20 (1) the number of service connections in a water
21 supply; and

22 (2) the number of service lines of an unknown material
23 composition.

24 (u) Notwithstanding any other provision of law, the
25 corporate authorities of a municipality may impose a tax, fee,
26 surcharge, charge, assessment, or other amount payable or

1 imposed as deemed necessary, by ordinance or resolution by the
2 corporate authorities, to be used solely for costs incurred by
3 the municipality associated with lead service line
4 remediation.

5 (v) Every owner or operator of a community water supply
6 shall replace all known lead service lines, subject to the
7 requirements of subsection (ff), according to the following
8 replacement rates and timelines to be calculated from the date
9 of submission of the final replacement plan to the Agency:

10 (1) A community water supply reporting 1,200 or fewer
11 lead service lines in its final inventory and replacement
12 plan shall replace all lead service lines, at an annual
13 rate of no less than 7% of the amount described in the
14 final inventory, with a timeline of up to 15 years for
15 completion.

16 (2) A community water supply reporting more than 1,200
17 but fewer than 5,000 lead service lines in its final
18 inventory and replacement plan shall replace all lead
19 service lines, at an annual rate of no less than 6% of the
20 amount described in the final inventory, with a timeline
21 of up to 17 years for completion.

22 (3) A community water supply reporting more than 4,999
23 but fewer than 10,000 lead service lines in its final
24 inventory and replacement plan shall replace all lead
25 service lines, at an annual rate of no less than 5% of the
26 amount described in the final inventory, with a timeline

1 of up to 20 years for completion.

2 (4) A community water supply reporting more than 9,999
3 lead service lines in its final inventory and replacement
4 plan shall replace all lead service lines, at an annual
5 rate of no less than 3% of the amount described in the
6 final inventory, with a timeline of up to 34 years for
7 completion.

8 (w) A community water supply may apply to the Agency for an
9 extension to the replacement timelines described in paragraphs
10 (1) through (3) of subsection (v). The Agency shall develop
11 criteria for granting replacement timeline extensions. When
12 considering requests for timeline extensions, the Agency
13 shall, at a minimum, consider:

14 (1) the number of service connections in a water
15 supply; and

16 (2) unusual circumstances creating hardship for a
17 community.

18 Replacement rates and timelines shall be calculated from
19 the date of submission of the final plan to the Agency.

20 (x) The Lead Service Line Replacement Advisory Board is
21 created within the Agency. The Advisory Board shall convene
22 within 120 days after the effective date of this amendatory
23 Act of the 102nd General Assembly.

24 The Advisory Board shall consist of at least 28 voting
25 members, as follows:

26 (1) the Director of the Agency, or his or her

1 designee, who shall serve as chairperson;

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

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

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

7 (A) one member representing a statewide
8 organization of municipalities as authorized by
9 Section 1-8-1 of the Illinois Municipal Code;

10 (B) two members who are mayors representing
11 municipalities located in any county south of the
12 southernmost county represented by one of the 10
13 largest municipalities in Illinois by population, or
14 their respective designees;

15 (C) two members who are representatives from
16 public health advocacy groups;

17 (D) two members who are representatives from
18 publicly-owned water utilities;

19 (E) one member who is a representative from a
20 public utility as defined under Section 3-105 of the
21 Public Utilities Act that provides water service in
22 the State of Illinois;

23 (F) one member who is a research professional
24 employed at an Illinois academic institution and
25 specializing in water infrastructure research;

26 (G) two members who are representatives from

1 nonprofit civic organizations;

2 (H) one member who is a representative from a
3 statewide organization representing environmental
4 organizations;

5 (I) two members who are representatives from
6 organized labor; and

7 (J) one member representing an environmental
8 justice organization; and

9 (5) ten members who are the mayors of the 10 largest
10 municipalities in Illinois by population, or their
11 respective designees.

12 No less than 10 of the 28 voting members shall be persons
13 of color, and no less than 3 shall represent communities
14 defined or self-identified as environmental justice
15 communities.

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

21 The Advisory Board shall meet no less than once every 6
22 months.

23 (y) The Advisory Board shall have, at a minimum, the
24 following duties:

25 (1) advising the Agency on best practices in lead
26 service line replacement;

1 (2) reviewing the performance of the Agency and
2 community water supplies in their progress toward lead
3 service line replacement goals;

4 (3) advising the Agency on other matters related to
5 the administration of the provisions of this Section;

6 (4) advising the Agency on the integration of existing
7 lead service line replacement plans with any statewide
8 plan; and

9 (5) providing technical support and practical
10 expertise in general.

11 (z) Within 18 months after the effective date of this
12 amendatory Act of the 102nd General Assembly, the Advisory
13 Board shall deliver a report of its recommendations to the
14 Governor and the General Assembly concerning opportunities for
15 dedicated, long-term revenue options for funding lead service
16 line replacement. In submitting recommendations, the Advisory
17 Board shall consider, at a minimum, the following:

18 (1) the sufficiency of various revenue sources to
19 adequately fund replacement of all lead service lines in
20 Illinois;

21 (2) the financial burden, if any, on households
22 falling below 150% of the federal poverty limit;

23 (3) revenue options that guarantee low-income
24 households are protected from rate increases;

25 (4) an assessment of the ability of community water
26 supplies to assess and collect revenue;

1 (5) variations in financial resources among individual
2 households within a service area; and

3 (6) the protection of low-income households from rate
4 increases.

5 (aa) Within 10 years after the effective date of this
6 amendatory Act of the 102nd General Assembly, the Advisory
7 Board shall prepare and deliver a report to the Governor and
8 General Assembly concerning the status of all lead service
9 line replacement within the State.

10 (bb) The Lead Service Line Replacement Fund is created as
11 a special fund in the State treasury to be used by the Agency
12 for the purposes provided under this Section. The Fund shall
13 be used exclusively to finance and administer programs and
14 activities specified under this Section and listed under this
15 subsection.

16 The objective of the Fund is to finance activities
17 associated with identifying and replacing lead service lines,
18 build Agency capacity to oversee the provisions of this
19 Section, and provide related assistance for the activities
20 listed under this subsection.

21 The Agency shall be responsible for the administration of
22 the Fund and shall allocate moneys on the basis of priorities
23 established by the Agency through administrative rule. Each
24 year, the Agency shall determine the available amount of
25 resources in the Fund that can be allocated to the activities
26 identified under this Section and shall allocate the moneys

1 accordingly. The moneys shall be used for the following
2 purposes and in the following amounts:

3 (1) Not less than 95% of available moneys in the Fund
4 shall be used for costs related to replacing lead service
5 lines in communities eligible to receive grants from the
6 Lead Service Line Replacement Grant Program under
7 subsection (cc).

8 (2) No more than 5% of the funds shall be used for
9 personnel costs within the Agency associated with
10 administering the provisions of this Section.

11 Notwithstanding any other law to the contrary, the Lead
12 Service Line Replacement Fund is not subject to sweeps,
13 administrative charge-backs, or any other fiscal maneuver that
14 would in any way transfer any amounts from the Lead Service
15 Line Replacement Fund into any other fund of the State.

16 (cc) Within one year after the effective date of this
17 amendatory Act of the 102 General Assembly, the Agency shall
18 design a program for the purpose of administering lead service
19 line replacement funds. In designing the program, the Agency
20 shall consider, at a minimum:

21 (1) the process by which community water supplies may
22 apply for funding;

23 (2) the amount of grant funding to be made available
24 for each lead service line replacement; and

25 (3) criteria for determining community eligibility for
26 funding. In determining eligibility, the Agency shall

1 consider, at a minimum, the following:

2 (A) The appropriate geography, whether census
3 tract, municipality, service area, or some other
4 geographic designation, for eligibility.

5 (B) The prevalence of low-income households within
6 communities, as measured by median household income,
7 the percent of residents living below 150% of the
8 federal poverty level, and other characteristics the
9 Agency may deem appropriate.

10 (C) The prevalence of lead service lines within
11 communities, including the total number of lead
12 service lines within the communities and the total
13 percentage of service lines made of lead.

14 (D) The affordability of water service within
15 communities, including the percentage of households
16 paying more than 1.5% of their monthly income on
17 drinking water service.

18 (E) The prevalence of water samples that
19 demonstrate elevated levels of lead.

20 (dd) Funding under subsection (cc) shall be available for
21 the following activities to the extent that they relate to
22 lead service line replacement, subject to Agency approval:

23 (1) Costs associated with planning and inventory.

24 (2) Material costs, including the cost of pipes and
25 fittings.

26 (3) Labor and construction costs incidental to lead

1 service line replacement.

2 (4) Costs borne by a community water supply related to
3 administration of lead service line replacement.

4 Funding shall not be used for the general operating
5 expenses of a municipality or community water supply.

6 (ee) An owner or operator of any community water supply
7 receiving grant funding under subsection (cc) shall bear the
8 entire expense of full lead service line replacement for all
9 lead service lines in the scope of the grant.

10 (ff) When replacing a lead service line, the owner or
11 operator of the community water supply shall replace the
12 service line in its entirety, including, but not limited to,
13 any portion of the service line (i) running on private
14 property and (ii) within the building's plumbing at the first
15 shut-off valve. Partial lead service line replacements are
16 expressly prohibited. Exceptions shall be made under the
17 following circumstances:

18 (1) In the event of an emergency repair that affects a
19 lead service line or a suspected lead service line, a
20 community water supply must contact the building owner to
21 begin the process of replacing the entire service line. If
22 the building owner is not able to be contacted or the
23 building owner or occupant refuses to grant access and
24 permission to replace the entire service line at the time
25 of the emergency repair, then the community water supply
26 may perform a partial lead service line replacement. Where

1 an emergency repair on a service line constructed of lead
2 or galvanized steel pipe results in a partial service line
3 replacement, the water supply responsible for commencing
4 the repair shall perform the following:

5 (A) Notify the building's owner or operator and
6 the resident or residents served by the lead service
7 line in writing that a repair has been completed. The
8 notification shall include, at a minimum:

9 (i) a warning that the work may result in
10 sediment, possibly containing lead, in the
11 buildings water supply system;

12 (ii) information concerning practices for
13 preventing the consumption of any lead in drinking
14 water, including a recommendation to flush water
15 distribution pipe during and after the completion
16 of the repair or replacement work and to clean
17 faucet aerator screens; and

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

20 (B) Provide filters for at least one fixture
21 supplying potable water for consumption. The filter
22 must be compliant with NSF/ANSI Standards 53 and 42.
23 The filter must be provided until such time that the
24 remaining portions of the service line have been
25 replaced with a material approved by the Department or
26 a waiver has been issued under subsection (hh).

1 (C) Replace the remaining portion of the lead
2 service line within 30 days of the repair, or 120 days
3 in the event of weather or other circumstances beyond
4 reasonable control that prohibits construction. If a
5 complete lead service line replacement cannot be made
6 within the required period, the community water supply
7 responsible for commencing the repair shall notify the
8 Department in writing, at a minimum, of the following
9 within 24 hours of the repair:

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

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

15 (D) If complete repair of a lead service line
16 cannot be completed due to denial by the property
17 owner, the community water supply commencing the
18 repair shall request the affected property owner to
19 sign a waiver developed by the Department. If a
20 property owner of a nonresidential building or
21 residence operating as rental properties denies a
22 complete lead service line replacement, the property
23 owner shall be responsible for installing and
24 maintaining point-of-use filters compliant with
25 NSF/ANSI Standards 53 and 42 at all fixtures intended
26 to supply water for the purposes of drinking, food

1 preparation, or making baby formula. The filters shall
2 continue to be supplied by the property owner until
3 such time that the property owner has affected the
4 remaining portions of the lead service line to be
5 replaced.

6 (E) Document any remaining lead service line,
7 including a portion on the private side of the
8 property, in the community water supply's distribution
9 system materials inventory required under subsection
10 (d).

11 For the purposes of this paragraph (1), written notice
12 shall be provided in the method and according to the
13 provisions of subsection (ii).

14 (2) Lead service lines that are physically
15 disconnected from the distribution system are exempt from
16 this subsection.

17 (qq) On and after January 1, 2022, when the owner or
18 operator of a community water supply replaces a water main,
19 the community water supply shall identify all lead service
20 lines connected to the water main and shall replace, in
21 accordance with its lead service line replacement plan, the
22 lead service lines by:

23 (1) identifying the material or materials of each lead
24 service line connected to the water main, including, but
25 not limited to, any portion of the service line (i)
26 running on private property and (ii) within the building

1 plumbing at the first shut-off valve or 18 inches inside
2 the building, whichever is shorter;

3 (2) in conjunction with replacement of the water main,
4 replacing any and all portions of each lead service line
5 connected to the water main that are composed of lead; and

6 (3) if a property owner or customer refuses to grant
7 access to the property, following prescribed notice
8 provisions as outlined in subsection (ee).

9 If an owner of a potentially affected building intends to
10 replace a portion of a lead service line or a galvanized
11 service line and the galvanized service line is or was
12 connected downstream to lead piping, then the owner of the
13 potentially affected building shall provide the owner or
14 operator of the community water supply with notice at least 45
15 days before commencing the work. In the case of an emergency
16 repair, the owner of the potentially affected building must
17 provide filters for each kitchen area that are certified to
18 meet the requirements of NSF/ANSI Standards 42 and 53. If the
19 owner of the potentially affected building notifies the owner
20 or operator of the community water supply that replacement of
21 a portion of the lead service line after the emergency repair
22 is completed, then the owner or operator of the community
23 water supply shall replace the remainder of the lead service
24 line within 30 days after completion of the emergency repair.
25 A community water supply may take up to 120 days if necessary
26 due to weather conditions. If a replacement takes longer than

1 30 days, filters provided by the owner of the potentially
2 affected building must be replaced in accordance with the
3 manufacturer's recommendations. Partial lead service line
4 replacements by the owners of potentially affected buildings
5 are otherwise prohibited.

6 (hh) At least 45 days before conducting planned lead
7 service line replacement, the owner or operator of a community
8 water supply shall, by mail, attempt to contact the owner of
9 the potentially affected building serviced by the lead service
10 line to request access to the building and permission to
11 replace the lead service line in accordance with the lead
12 service line replacement plan. If the owner of the potentially
13 affected building does not respond to the request within 2
14 weeks after the request is sent, the owner or operator of the
15 community water supply shall attempt to post the request on
16 the entrance of the potentially affected building.

17 If the owner or operator of a community water supply is
18 unable to obtain approval to access and replace a lead service
19 line, the owner or operator of the community water supply
20 shall request that the owner of the potentially affected
21 building sign a waiver. The waiver shall be developed by the
22 Department and should be made available in the owner's
23 language. If the owner of the potentially affected building
24 refuses to sign the waiver or fails to respond to the community
25 water supply after the community water supply has complied
26 with this subsection, then the community water supply shall

1 notify the Department in writing within 15 working days.

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

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

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

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

23 When the individual written notice described in the first
24 paragraph of this subsection is required as a result of
25 planned work other than the repair or replacement of a water
26 meter, the owner or operator of the community water supply

1 shall provide the notice not less than 14 days before work
2 begins. When the individual written notice described in the
3 first paragraph of this subsection is required as a result of
4 emergency repairs other than the repair or replacement of a
5 water meter, the owner or operator of the community water
6 supply shall provide the notice at the time the work is
7 initiated. When the individual written notice described in the
8 first paragraph of this subsection is required as a result of
9 the repair or replacement of a water meter, the owner or
10 operator of the community water supply shall provide the
11 notice at the time the work is initiated.

12 If a community water supply serves a significant
13 proportion of non-English speaking consumers, the
14 notifications required under this subsection must contain the
15 following statement in the Spanish, Polish, Chinese, Tagalog,
16 Arabic, Korean, German, Urdu, and Gujarati: "This notice
17 contains important information about your water service and
18 may affect your rights. We encourage you to have this notice
19 translated in full into a language you understand and before
20 you make any decisions that may be required under this
21 notice."

22 An owner or operator of a community water supply that is
23 required under this subsection to provide an individual
24 written notice to the owner and occupant of a potentially
25 affected building that is a multi-dwelling building may
26 satisfy that requirement and the requirements of this

1 subsection regarding notification to non-English speaking
2 customers by posting the required notice on the primary
3 entranceway of the building and at the location where the
4 occupant's mail is delivered as reasonably as possible.

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

17 No notifications are required under this subsection for
18 work performed on water mains that are used to transmit
19 treated water between community water supplies and properties
20 that have no service connections.

21 (jj) The owner or operator of each community water supply
22 shall include the following information in the annual consumer
23 confidence report required under the United States
24 Environmental Protection Agency's National Primary Drinking
25 Water Regulations:

26 (1) an estimate of the number of known or suspected

1 lead service lines connected to its distribution system;
2 and

3 (2) a statement describing progress that has been made
4 toward replacing lead service lines connected to its
5 distribution system.

6 (kk) No community water supply that sells water to any
7 wholesale or retail consecutive community water supply may
8 pass on any costs associated with compliance with this Section
9 to consecutive systems.

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

19 (mm) The Agency may propose to the Board, and the Board may
20 adopt, any rules necessary to implement and administer this
21 Section. The Department may adopt rules necessary to address
22 lead service lines attached to noncommunity water supplies.

23 (nn) Notwithstanding any other provision in this Section,
24 no requirement in this Section shall be construed as being
25 less stringent than existing applicable federal requirements.

26 (oo) All lead service line replacements financed in whole

1 or in part with funds obtained under this Section shall be
2 considered public works for purposes of the Prevailing Wage
3 Act.

4 (415 ILCS 5/17.11 rep.)

5 Section 20. The Environmental Protection Act is amended by
6 repealing Section 17.11.