

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 service lines can convey this harmful
13 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 (x).

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 "Fund" means the Lead Service Line Replacement Fund
9 created under subsection (bb).

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

13 "Material inventory" means a water service line material
14 inventory developed by a community water supply under this
15 Act.

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

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

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

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

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

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

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

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

12 (d) An owner or operator of a community water supply
13 shall:

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

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

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

25 (f) If a community water supply does not submit a complete
26 inventory to the Agency by April 15, 2024 under paragraph (2)

1 of subsection (d), the community water supply may apply for an
2 extension to the Agency no less than 3 months prior to the due
3 date. The Agency shall develop criteria for granting material
4 inventory extensions. When considering requests for extension,
5 the Agency shall, at a minimum, consider:

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

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

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

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

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

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

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

26 When identifying the materials of construction under

1 paragraph (2) of this subsection, the owner or operator of the
2 community water supply shall to the best of the owner's or
3 operator's ability identify the type of construction material
4 used on the customer's side of the curb box, meter, or other
5 line of demarcation and the community water supply's side of
6 the curb box, meter, or other line of demarcation.

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

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

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

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

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

26 (5) discuss service line repair and installation with

1 its employees, contractors, plumbers, other workers who
2 worked on service lines connected to its distribution
3 system, or all of the above.

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

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

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

26 (l) The owner or operator of each community water supply

1 shall post on its website a copy of the most recently submitted
2 material inventory or alternatively may request that the
3 Agency post a copy of that material inventory on the Agency's
4 website.

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

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

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

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

24 (3) contracts representing at least 2% of the total
25 projects shall be awarded to businesses owned by persons
26 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 semi-annually and shall include progress
22 toward compliance of subsection (n) in the owner or operator's
23 report required under subsection (t-5). The report must
24 include data on vendor and employee diversity, including data
25 on the owner's or operator's implementation of subsection (n).

26 (p) Every owner or operator of a community water supply

1 that has known or suspected lead service lines shall:

2 (1) create a plan to:

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

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

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

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

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

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

26 (g) Each plan required under paragraph (1) of subsection

1 (p) shall include the following:

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

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

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

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

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

15 (6) a proposed lead service line replacement schedule
16 that includes one-year, 5-year, 10-year, 15-year, 20-year,
17 25-year, and 30-year goals;

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

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

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

1 (C) consideration of different scenarios for
2 structuring payments between the utility and its
3 customers over time; and

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

9 (9) 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 (10) measures for how the community water supply will
13 inform the public of the plan and provide opportunity for
14 public comment; and

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

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

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

25 (2) the plan prioritizes the replacement of lead
26 service lines that provide water service to high-risk

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

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

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

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

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

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

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

23 (t-5) After the Agency has approved the final replacement
24 plan described in subsection (p), the owner or operator of a
25 community water supply shall submit a report detailing
26 progress toward plan goals to the Agency for its review. The

1 report shall be submitted annually for the first 10 years, and
2 every 3 years thereafter until all lead service lines have
3 been replaced. Reports under this subsection shall be
4 published in the same manner described in subsection (l). The
5 report shall include at least the following information as it
6 pertains to the preceding reporting period:

7 (1) The number of lead service lines replaced and the
8 average cost of lead service line replacement.

9 (2) Progress toward meeting hiring requirements as
10 described in subsection (n) and subsection (o).

11 (3) The percent of customers electing a waiver
12 offered, as described in subsections (ii) and (jj), among
13 those customers receiving a request or notification to
14 perform a lead service line replacement.

15 (4) The method or methods used by the community water
16 supply to finance lead service line replacement.

17 (u) Notwithstanding any other provision of law, in order
18 to provide for costs associated with lead service line
19 remediation and replacement, the corporate authorities of a
20 municipality may, by ordinance or resolution by the corporate
21 authorities, exercise authority provided in Section 27-5 et
22 seq. of the Property Tax Code and Sections 8-3-1, 8-11-1,
23 8-11-5, 8-11-6, 9-1-1 et seq., 9-3-1 et seq., 9-4-1 et seq.,
24 11-131-1, and 11-150-1 of the Illinois Municipal Code. Taxes
25 levied for this purpose shall be in addition to taxes for
26 general purposes authorized under Section 8-3-1 of the

1 Illinois Municipal Code and shall be included in the taxing
2 district's aggregate extension for the purposes of Division 5
3 of Article 18 of the Property Tax Code.

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

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

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

21 (3) A community water supply reporting more than 4,999
22 but fewer than 10,000 lead service lines in its final
23 inventory and replacement plan shall replace all lead
24 service lines, at an annual rate of no less than 5% of the
25 amount described in the final inventory, with a timeline
26 of up to 20 years for completion.

1 (4) A community water supply reporting more than 9,999
2 but fewer than 99,999 lead service lines in its final
3 inventory and replacement plan shall replace all lead
4 service lines, at an annual rate of no less than 3% of the
5 amount described in the final inventory, with a timeline
6 of up to 34 years for completion.

7 (5) A community water supply reporting more than
8 99,999 lead service lines in its final inventory and
9 replacement plan shall replace all lead service lines, at
10 an annual rate of no less than 2% of the amount described
11 in the final inventory, with a timeline of up to 50 years
12 for completion.

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

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

21 (2) unusual circumstances creating hardship for a
22 community.

23 The Agency may grant one extension of additional time
24 equal to not more than 20% of the original replacement
25 timeline, except in situations of extreme hardship in which
26 the Agency may consider a second additional extension equal to

1 not more than 10% of the original replacement timeline.

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

4 (x) The Lead Service Line Replacement Advisory Board is
5 created within the Agency. The Advisory Board shall convene
6 within 120 days after the effective date of this amendatory
7 Act of the 102nd General Assembly.

8 The Advisory Board shall consist of at least 28 voting
9 members, as follows:

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

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

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

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

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

20 (B) two members who are mayors representing
21 municipalities located in any county south of the
22 southernmost county represented by one of the 10
23 largest municipalities in Illinois by population, or
24 their respective designees;

25 (C) two members who are representatives from
26 public health advocacy groups;

1 (D) two members who are representatives from
2 publicly-owned water utilities;

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

7 (F) one member who is a research professional
8 employed at an Illinois academic institution and
9 specializing in water infrastructure research;

10 (G) two members who are representatives from
11 nonprofit civic organizations;

12 (H) one member who is a representative from a
13 statewide organization representing environmental
14 organizations;

15 (I) two members who are representatives from
16 organized labor; and

17 (J) one member representing an environmental
18 justice organization; and

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

22 No less than 10 of the 28 voting members shall be persons
23 of color, and no less than 3 shall represent communities
24 defined or self-identified as environmental justice
25 communities.

26 Advisory Board members shall serve without compensation,

1 but may be reimbursed for necessary expenses incurred in the
2 performance of their duties from funds appropriated for that
3 purpose. The Agency shall provide administrative support to
4 the Advisory Board.

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

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

9 (1) advising the Agency on best practices in lead
10 service line replacement;

11 (2) reviewing the progress of community water supplies
12 toward lead service line replacement goals;

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

15 (4) advising the Agency on the integration of existing
16 lead service line replacement plans with any statewide
17 plan; and

18 (5) providing technical support and practical
19 expertise in general.

20 (z) Within 18 months after the effective date of this
21 amendatory Act of the 102nd General Assembly, the Advisory
22 Board shall deliver a report of its recommendations to the
23 Governor and the General Assembly concerning opportunities for
24 dedicated, long-term revenue options for funding lead service
25 line replacement. In submitting recommendations, the Advisory
26 Board shall consider, at a minimum, the following:

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

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

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

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

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

12 (6) the protection of low-income households from rate
13 increases.

14 (aa) Within 10 years after the effective date of this
15 amendatory Act of the 102nd General Assembly, the Advisory
16 Board shall prepare and deliver a report to the Governor and
17 General Assembly concerning the status of all lead service
18 line replacement within the State.

19 (bb) The Lead Service Line Replacement Fund is created as
20 a special fund in the State treasury to be used by the Agency
21 for the purposes provided under this Section. The Fund shall
22 be used exclusively to finance and administer programs and
23 activities specified under this Section and listed under this
24 subsection.

25 The objective of the Fund is to finance activities
26 associated with identifying and replacing lead service lines,

1 build Agency capacity to oversee the provisions of this
2 Section, and provide related assistance for the activities
3 listed under this subsection.

4 The Agency shall be responsible for the administration of
5 the Fund and shall allocate moneys on the basis of priorities
6 established by the Agency through administrative rule. On July
7 1, 2022 and on July 1 of each year thereafter, the Agency shall
8 determine the available amount of resources in the Fund that
9 can be allocated to the activities identified under this
10 Section and shall allocate the moneys accordingly.

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 rules for a program for the purpose of administering
19 lead service line replacement funds. The rules must, at
20 minimum, contain:

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

23 (2) the criteria for determining unit of local
24 government eligibility and prioritization for funding,
25 including the prevalence of low-income households, as
26 measured by median household income, the prevalence of

1 lead service lines, and the prevalence of water samples
2 that demonstrate elevated levels of lead.

3 (dd) Funding under subsection (cc) shall be available for
4 costs directly attributable to the planning, design, or
5 construction directly related to the replacement of lead
6 service lines and restoration of property.

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

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

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

21 (1) In the event of an emergency repair that affects a
22 lead service line or a suspected lead service line, a
23 community water supply must contact the building owner to
24 begin the process of replacing the entire service line. If
25 the building owner is not able to be contacted or the
26 building owner or occupant refuses to grant access and

1 permission to replace the entire service line at the time
2 of the emergency repair, then the community water supply
3 may perform a partial lead service line replacement. Where
4 an emergency repair on a service line constructed of lead
5 or galvanized steel pipe results in a partial service line
6 replacement, the water supply responsible for commencing
7 the repair shall perform the following:

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

12 (i) a warning that the work may result in
13 sediment, possibly containing lead, in the
14 buildings water supply system;

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

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

23 (B) Provide filters for at least one fixture
24 supplying potable water for consumption. The filter
25 must be certified by an accredited third-party
26 certification body to NSF/ANSI 53 and NSF/ANSI 42 for

1 the reduction of lead and particulate. The filter must
2 be provided until such time that the remaining
3 portions of the service line have been replaced with a
4 material approved by the Department or a waiver has
5 been issued under subsection (ii).

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

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

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

20 (D) If complete repair of a lead service line
21 cannot be completed due to denial by the property
22 owner, the community water supply commencing the
23 repair shall request the affected property owner to
24 sign a waiver developed by the Department. If a
25 property owner of a nonresidential building or
26 residence operating as rental properties denies a

1 complete lead service line replacement, the property
2 owner shall be responsible for installing and
3 maintaining point-of-use filters certified by an
4 accredited third-party certification body to NSF/ANSI
5 53 and NSF/ANSI 42 for the reduction of lead and
6 particulate at all fixtures intended to supply water
7 for the purposes of drinking, food preparation, or
8 making baby formula. The filters shall continue to be
9 supplied by the property owner until such time that
10 the property owner has affected the remaining portions
11 of the lead service line to be replaced.

12 (E) Document any remaining lead service line,
13 including a portion on the private side of the
14 property, in the community water supply's distribution
15 system materials inventory required under subsection
16 (d).

17 For the purposes of this paragraph (1), written notice
18 shall be provided in the method and according to the
19 provisions of subsection (jj).

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

23 (gg) Except as provided in subsection (hh), on and after
24 January 1, 2022, when the owner or operator of a community
25 water supply replaces a water main, the community water supply
26 shall identify all lead service lines connected to the water

1 main and shall replace the lead service lines by:

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

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

11 (3) if a property owner or customer refuses to grant
12 access to the property, following prescribed notice
13 provisions as outlined in subsection (ff).

14 If an owner of a potentially affected building intends to
15 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, the owner of the potentially affected building must
22 provide filters for each kitchen area that are certified by an
23 accredited third-party certification body to NSF/ANSI 53 and
24 NSF/ANSI 42 for the reduction of lead and particulate. If the
25 owner of the potentially affected building notifies the owner
26 or operator of the community water supply that replacement of

1 a portion of the lead service line after the emergency repair
2 is completed, then the owner or operator of the community
3 water supply shall replace the remainder of the lead service
4 line within 30 days after completion of the emergency repair.
5 A community water supply may take up to 120 days if necessary
6 due to weather conditions. If a replacement takes longer than
7 30 days, filters provided by the owner of the potentially
8 affected building must be replaced in accordance with the
9 manufacturer's recommendations. Partial lead service line
10 replacements by the owners of potentially affected buildings
11 are otherwise prohibited.

12 (hh) For municipalities with a population in excess of
13 1,000,000 inhabitants, the requirements of subsection (gg)
14 shall commence on January 1, 2023.

15 (ii) At least 45 days before conducting planned lead
16 service line replacement, the owner or operator of a community
17 water supply shall, by mail, attempt to contact the owner of
18 the potentially affected building serviced by the lead service
19 line to request access to the building and permission to
20 replace the lead service line in accordance with the lead
21 service line replacement plan. If the owner of the potentially
22 affected building does not respond to the request within 15
23 days after the request is sent, the owner or operator of the
24 community water supply shall attempt to post the request on
25 the entrance of the potentially affected building.

26 If the owner or operator of a community water supply is

1 unable to obtain approval to access and replace a lead service
2 line, the owner or operator of the community water supply
3 shall request that the owner of the potentially affected
4 building sign a waiver. The waiver shall be developed by the
5 Department and should be made available in the owner's
6 language. If the owner of the potentially affected building
7 refuses to sign the waiver or fails to respond to the community
8 water supply after the community water supply has complied
9 with this subsection, then the community water supply shall
10 notify the Department in writing within 15 working days.

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

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

25 (2) information concerning the best practices for
26 preventing exposure to or risk of consumption of lead in

1 drinking water, including a recommendation to flush water
2 lines during and after the completion of the repair or
3 replacement work and to clean faucet aerator screens; and
4 (3) information regarding the dangers of lead exposure
5 to young children and pregnant women.

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

21 The notifications required under this subsection must
22 contain the following statement in the Spanish, Polish,
23 Chinese, Tagalog, Arabic, Korean, German, Urdu, and Gujarati:
24 "This notice contains important information about your water
25 service and may affect your rights. We encourage you to have
26 this notice translated in full into a language you understand

1 and before you make any decisions that may be required under
2 this notice."

3 An owner or operator of a community water supply that is
4 required under this subsection to provide an individual
5 written notice to the owner and occupant of a potentially
6 affected building that is a multi-dwelling building may
7 satisfy that requirement and the requirements of this
8 subsection regarding notification to non-English speaking
9 customers by posting the required notice on the primary
10 entranceway of the building and at the location where the
11 occupant's mail is delivered as reasonably as possible.

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

24 No notifications are required under this subsection for
25 work performed on water mains that are used to transmit
26 treated water between community water supplies and properties

1 that have no service connections.

2 (kk) No community water supply that sells water to any
3 wholesale or retail consecutive community water supply may
4 pass on any costs associated with compliance with this Section
5 to consecutive systems.

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

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

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

24 (oo) All lead service line replacements financed in whole
25 or in part with funds obtained under this Section shall be
26 considered public works for purposes of the Prevailing Wage

1 Act.

2 (415 ILCS 5/17.11 rep.)

3 Section 20. The Environmental Protection Act is amended by

4 repealing Section 17.11.