



Rep. Denyse Wang Stoneback

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10200HB4295ham003

LRB102 21457 CPF 36312 a

1 AMENDMENT TO HOUSE BILL 4295

2 AMENDMENT NO. _____. Amend House Bill 4295 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 17.12 as follows:

6 (415 ILCS 5/17.12)

7 Sec. 17.12. Lead service line replacement and
8 notification.

9 (a) The purpose of this Act is to: (1) require the owners
10 and operators of community water supplies to develop,
11 implement, and maintain a comprehensive water service line
12 material inventory and a comprehensive lead service line
13 replacement plan, provide notice to occupants of potentially
14 affected buildings before any construction or repair work on
15 water mains or lead service lines, and request access to
16 potentially affected buildings before replacing lead service

1 lines; and (2) prohibit partial lead service line
2 replacements, except as authorized within this Section.

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

4 (1) There is no safe level of exposure to heavy metal
5 lead, as found by the United States Environmental
6 Protection Agency and the Centers for Disease Control and
7 Prevention.

8 (2) Lead service lines can convey this harmful
9 substance to the drinking water supply.

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

14 (4) The true number of lead service lines is not fully
15 known because Illinois lacks an adequate inventory of lead
16 service lines.

17 (5) For the general health, safety and welfare of its
18 residents, all lead service lines in Illinois should be
19 disconnected from the drinking water supply, and the
20 State's drinking water supply.

21 (c) In this Section:

22 "Advisory Board" means the Lead Service Line Replacement
23 Advisory Board created under subsection (x).

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

26 "Department" means the Department of Public Health.

1 "Emergency repair" means any unscheduled water main, water
2 service, or water valve repair or replacement that results
3 from failure or accident.

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

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

9 "Material inventory" means a water service line material
10 inventory developed by a community water supply under this
11 Act.

12 "Non-community ~~Nonecommunity~~ water supply" has the meaning
13 ascribed to it in Section 3.145 of the Environmental
14 Protection Act.

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

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

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

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

24 "Service line" means the piping, tubing, and necessary
25 appurtenances acting as a conduit from the water main or
26 source of potable water supply to the building plumbing at the

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

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

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

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

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

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

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

22 (f) If a community water supply does not submit a complete
23 inventory to the Agency by April 15, 2024 under paragraph (2)
24 of subsection (d), the community water supply may apply for an
25 extension to the Agency no less than 3 months prior to the due
26 date. The Agency shall develop criteria for granting material

1 inventory extensions. When considering requests for extension,
2 the Agency shall, at a minimum, consider:

3 (1) the number of service connections in a water
4 supply; and

5 (2) the number of service lines of an unknown material
6 composition.

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

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

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

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

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

23 When identifying the materials of construction under
24 paragraph (2) of this subsection, the owner or operator of the
25 community water supply shall to the best of the owner's or
26 operator's ability identify the type of construction material

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

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

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

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

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

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

23 (5) discuss service line repair and installation with
24 its employees, contractors, plumbers, other workers who
25 worked on service lines connected to its distribution
26 system, or all of the above.

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

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

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

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

1 website.

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

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

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

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

21 (3) contracts representing at least 2% of the total
22 projects shall be awarded to businesses owned by persons
23 with a disability.

24 Owners or operators of a community water supply are
25 encouraged to divide projects, whenever economically feasible,
26 into contracts of smaller size that ensure small business

1 contractors or vendors shall have the ability to qualify in
2 the applicable bidding process, when determining the ability
3 to deliver on a given contract based on scope and size, as a
4 responsible and responsive bidder.

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

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

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

22 (2) Providing interested certified businesses with
23 adequate information about the plans, specifications, and
24 requirements of the contract, including addenda, in a
25 timely manner to assist them in responding to the
26 solicitation.

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

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

9 (5) Making efforts to use appropriate forums for
10 purposes of advertising subcontracting opportunities
11 suitable for certified businesses.

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

16 (o) An owner or operator of a community water supply shall
17 collect data necessary to ensure compliance with subsection
18 (n) no less than semi-annually and shall include progress
19 toward compliance of subsection (n) in the owner or operator's
20 report required under subsection (t-5). The report must
21 include data on vendor and employee diversity, including data
22 on the owner's or operator's implementation of subsection (n).

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

25 (1) create a plan to:

26 (A) replace each lead service line connected to

1 its distribution system; and

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

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

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

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

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

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

25 (1) the name and identification number of the
26 community water supply;

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

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

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

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

12 (6) a proposed lead service line replacement schedule
13 that includes one-year, 5-year, 10-year, 15-year, 20-year,
14 25-year, and 30-year goals;

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

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

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

24 (C) consideration of different scenarios for
25 structuring payments between the utility and its
26 customers over time; and

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

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

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

12 (11) measures to encourage diversity in hiring in the
13 workforce required to implement the plan as identified
14 under subsection (n).

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

19 (1) the proposed lead service line replacement
20 schedule set forth in the plan aligns with the timeline
21 requirements set forth under subsection (v);

22 (2) the plan prioritizes the replacement of lead
23 service lines that provide water service to high-risk
24 facilities, such as preschools, day care centers, day care
25 homes, group day care homes, parks, playgrounds,
26 hospitals, and clinics, and high-risk areas identified by

1 the community water supply;

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

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

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

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

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

18 (2) the number of service lines of an unknown material
19 composition.

20 (t-5) After the Agency has approved the final replacement
21 plan described in subsection (p), the owner or operator of a
22 community water supply shall submit a report detailing
23 progress toward plan goals to the Agency for its review. The
24 report shall be submitted annually for the first 10 years, and
25 every 3 years thereafter until all lead service lines have
26 been replaced. Reports under this subsection shall be

1 published in the same manner described in subsection (l). The
2 report shall include at least the following information as it
3 pertains to the preceding reporting period:

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

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

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

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

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

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

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

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

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

24 (4) A community water supply reporting more than 9,999
25 but fewer than 99,999 lead service lines in its final
26 inventory and replacement plan shall replace all lead

1 service lines, at an annual rate of no less than 3% of the
2 amount described in the final inventory, with a timeline
3 of up to 34 years for completion.

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

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

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

18 (2) unusual circumstances creating hardship for a
19 community.

20 The Agency may grant one extension of additional time
21 equal to not more than 20% of the original replacement
22 timeline, except in situations of extreme hardship in which
23 the Agency may consider a second additional extension equal to
24 not more than 10% of the original replacement timeline.

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

1 (x) The Lead Service Line Replacement Advisory Board is
2 created within the Agency. The Advisory Board shall convene
3 within 120 days after January 1, 2022 (the effective date of
4 Public Act 102-613) ~~this amendatory Act of the 102nd General~~
5 ~~Assembly.~~

6 The Advisory Board shall consist of at least 28 voting
7 members, as follows:

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

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

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

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

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

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

23 (C) two members who are representatives from
24 public health advocacy groups;

25 (D) two members who are representatives from
26 publicly-owned water utilities;

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

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

8 (G) two members who are representatives from
9 nonprofit civic organizations;

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

13 (I) two members who are representatives from
14 organized labor; and

15 (J) one member representing an environmental
16 justice organization; and

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

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

24 Advisory Board members shall serve without compensation,
25 but may be reimbursed for necessary expenses incurred in the
26 performance of their duties from funds appropriated for that

1 purpose. The Agency shall provide administrative support to
2 the Advisory Board.

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

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

7 (1) advising the Agency on best practices in lead
8 service line replacement;

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

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

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

16 (5) providing technical support and practical
17 expertise in general.

18 (z) Within 18 months after January 1, 2022 (the effective
19 date of Public Act 102-613) ~~this amendatory Act of the 102nd~~
20 ~~General Assembly~~, the Advisory Board shall deliver a report of
21 its recommendations to the Governor and the General Assembly
22 concerning opportunities for dedicated, long-term revenue
23 options for funding lead service line replacement. In
24 submitting recommendations, the Advisory Board shall consider,
25 at a minimum, the following:

26 (1) the sufficiency of various revenue sources to

1 adequately fund replacement of all lead service lines in
2 Illinois;

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

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

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

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

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

13 (aa) Within 10 years after January 1, 2022 (the effective
14 date of Public Act 102-613) ~~this amendatory Act of the 102nd~~
15 ~~General Assembly~~, the Advisory Board shall prepare and deliver
16 a report to the Governor and General Assembly concerning the
17 status of all lead service line replacement within the State.

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

24 The objective of the Fund is to finance activities
25 associated with identifying and replacing lead service lines,
26 build Agency capacity to oversee the provisions of this

1 Section, and provide related assistance for the activities
2 listed under this subsection.

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

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

15 (cc) Within one year after January 1, 2022 (the effective
16 date of Public Act 102-613) ~~this amendatory Act of the 102~~
17 ~~General Assembly~~, the Agency shall design rules for a program
18 for the purpose of administering lead service line replacement
19 funds. The rules must, at minimum, contain:

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

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

1 that demonstrate elevated levels of lead.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 If an owner of a potentially affected building intends to
14 replace a portion of a lead service line or a galvanized
15 service line and the galvanized service line is or was
16 connected downstream to lead piping, then the owner of the
17 potentially affected building shall provide the owner or
18 operator of the community water supply with notice at least 45
19 days before commencing the work. In the case of an emergency
20 repair, the owner of the potentially affected building must
21 provide filters for each kitchen area that are certified by an
22 accredited third-party certification body to NSF/ANSI 53 and
23 NSF/ANSI 42 for the reduction of lead and particulate. If the
24 owner of the potentially affected building notifies the owner
25 or operator of the community water supply that replacement of
26 a portion of the lead service line after the emergency repair

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

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

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

25 If the owner or operator of a community water supply is
26 unable to obtain approval to access and replace a lead service

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

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

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

24 (2) information concerning the best practices for
25 preventing exposure to or risk of consumption of lead in
26 drinking water, including a recommendation to flush water

1 lines during and after the completion of the repair or
2 replacement work and to clean faucet aerator screens; and

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

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

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

1 this notice."

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

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

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

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

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

16 (mm) The Agency may propose to the Board, and the Board may
17 adopt, any rules necessary to implement and administer this
18 Section. The Department may adopt rules necessary to address
19 lead service lines attached to non-community ~~noncommunity~~
20 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 (pp) As lead service lines are replaced in accordance with
3 this Section, the following requirements must be met:

4 (1) When practicable, paragraphs (1) and (2) of
5 subsection (a) of Section 890.1150 of the Illinois
6 Plumbing Code shall be complied with. When doing so will
7 create an undue hardship due to excessive structural or
8 mechanical difficulty, or impracticability, the individual
9 shall automatically be granted a variance by the
10 Department of Public Health and be exempt from the
11 separation requirements of paragraphs (1) and (2) of
12 subsection (a) of Section 890.1150 of the Illinois
13 Plumbing Code.

14 (2) If a new service line or building sewer is to be
15 located closer, horizontally or vertically, than the
16 existing installation, then the service line must be
17 properly encased in a sleeve in accordance with the
18 Illinois Plumbing Code.

19 (3) If a sanitary sewer, building sewer, or building
20 drain has been exposed during the service line
21 replacement, the exposed portion must be visibly
22 inspected. Any sewer with observed damage, cracks, or
23 leaks must be repaired prior to backfilling.

24 (4) Wherever horizontal or vertical separation
25 requirements are not met and water service line
26 replacement occurs using open-trench methods of

1 installation, the water service line must be encased with
2 a pressure rated pipe.

3 (5) The new water service line or building sewer shall
4 be located no closer, horizontally or vertically, than the
5 existing installation unless the water service line has
6 been encased with a pressure rated pipe.

7 (6) Wherever separation requirements are not met and
8 the water service line is not encased, Type K copper shall
9 be used. The Department of Public Health may adopt rules
10 under this Section specifying under what circumstances any
11 other material other than Type K copper may be used and
12 which materials may or may not be used.

13 Adequate documentation verifying compliance with a
14 variance under this Section shall be maintained and made
15 available upon request to the Department of Public Health or
16 the local plumbing authority having jurisdiction. At a
17 minimum, the documentation shall include the street address
18 for the installation, a brief description of why compliance
19 with paragraphs (1) and (2) of subsection (a) of Section
20 890.1150 of the Illinois Plumbing Code was not practicable, a
21 brief description of the existing and new service line
22 materials, the installation methods used during the
23 replacement, the date or dates that the replacement occurred,
24 and the names of the individuals who performed the
25 replacement.

26 This subsection applies only if:

1 (i) no E. coli has been detected in any drinking water
2 sample collected from the property's plumbing system
3 within the 10-year period prior to the service line
4 replacement; however, there is no requirement for the
5 collection of water samples; and

6 (ii) the building water service is located above or at
7 the same elevation as the building sewer.

8 If a building sewer runs above water service, then the
9 Illinois Plumbing Code, rather than this subsection, shall
10 apply.

11 (Source: P.A. 102-613, eff. 1-1-22; revised 12-1-21.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.".