



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4295

Introduced 1/5/2022, by Rep. Denyse Wang Stoneback - Lamont J. Robinson, Jr.

SYNOPSIS AS INTRODUCED:

415 ILCS 5/17.12

Amends the Environmental Protection Act. In provisions regarding lead service line replacement and notification, provides that as lead service lines are replaced in accordance with the provisions, an owner or operator of a community water supply shall, when practicable, comply with specified provisions of the Illinois Plumbing Code. Provides that when doing so will create an undue hardship due to excessive structural or mechanical difficulty, or impracticability, the owner or operator of the community water supply shall automatically be granted a variance by the Department of Public Health and be exempt from the separation requirements of the specified provisions. Effective immediately.

LRB102 21457 CPF 30574 b

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

6 (415 ILCS 5/17.12)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 Sec. 17.12. Lead service line replacement and
10 notification.

11 (a) The purpose of this Act is to: (1) require the owners
12 and operators of community water supplies to develop,
13 implement, and maintain a comprehensive water service line
14 material inventory and a comprehensive lead service line
15 replacement plan, provide notice to occupants of potentially
16 affected buildings before any construction or repair work on
17 water mains or lead service lines, and request access to
18 potentially affected buildings before replacing lead service
19 lines; and (2) prohibit partial lead service line
20 replacements, except as authorized within this Section.

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

22 (1) There is no safe level of exposure to heavy metal
23 lead, as found by the United States Environmental

1 Protection Agency and the Centers for Disease Control and
2 Prevention.

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

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

9 (4) The true number of lead service lines is not fully
10 known because Illinois lacks an adequate inventory of lead
11 service lines.

12 (5) For the general health, safety and welfare of its
13 residents, all lead service lines in Illinois should be
14 disconnected from the drinking water supply, and the
15 State's drinking water supply.

16 (c) In this Section:

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

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

21 "Department" means the Department of Public Health.

22 "Emergency repair" means any unscheduled water main, water
23 service, or water valve repair or replacement that results
24 from failure or accident.

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

1 "Lead service line" means a service line made of lead or
2 service line connected to a lead pigtail, lead gooseneck, or
3 other lead fitting.

4 "Material inventory" means a water service line material
5 inventory developed by a community water supply under this
6 Act.

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

9 "NSF/ANSI Standard" means a water treatment standard
10 developed by NSF International.

11 "Partial lead service line replacement" means replacement
12 of only a portion of a lead service line.

13 "Potentially affected building" means any building that is
14 provided water service through a service line that is either a
15 lead service line or a suspected lead service line.

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

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

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

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

3 (d) An owner or operator of a community water supply
4 shall:

5 (1) develop an initial material inventory by April 15,
6 2022 and electronically submit by April 15, 2023 an
7 updated material inventory electronically to the Agency;
8 and

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

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

16 (f) If a community water supply does not submit a complete
17 inventory to the Agency by April 15, 2024 under paragraph (2)
18 of subsection (d), the community water supply may apply for an
19 extension to the Agency no less than 3 months prior to the due
20 date. The Agency shall develop criteria for granting material
21 inventory extensions. When considering requests for extension,
22 the Agency shall, at a minimum, consider:

23 (1) the number of service connections in a water
24 supply; and

25 (2) the number of service lines of an unknown material
26 composition.

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

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

5 (2) the materials of construction of each service line
6 connected to the community water supply's distribution
7 system;

8 (3) the number of suspected lead service lines that
9 were newly identified in the material inventory for the
10 community water supply after the community water supply
11 last submitted a service line inventory to the Agency; and

12 (4) the number of suspected or known lead service
13 lines that were replaced after the community water supply
14 last submitted a service line inventory to the Agency, and
15 the material of the service line that replaced each lead
16 service line.

17 When identifying the materials of construction under
18 paragraph (2) of this subsection, the owner or operator of the
19 community water supply shall to the best of the owner's or
20 operator's ability identify the type of construction material
21 used on the customer's side of the curb box, meter, or other
22 line of demarcation and the community water supply's side of
23 the curb box, meter, or other line of demarcation.

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

26 (1) prioritize inspections of high-risk areas

1 identified by the community water supply and inspections
2 of high-risk facilities, such as preschools, day care
3 centers, day care homes, group day care homes, parks,
4 playgrounds, hospitals, and clinics, and confirm service
5 line materials in those areas and at those facilities;

6 (2) review historical documentation, such as
7 construction logs or cards, as-built drawings, purchase
8 orders, and subdivision plans, to determine service line
9 material construction;

10 (3) when conducting distribution system maintenance,
11 visually inspect service lines and document materials of
12 construction;

13 (4) identify any time period when the service lines
14 being connected to its distribution system were primarily
15 lead service lines, if such a time period is known or
16 suspected; and

17 (5) discuss service line repair and installation with
18 its employees, contractors, plumbers, other workers who
19 worked on service lines connected to its distribution
20 system, or all of the above.

21 (i) The owner or operator of each community water supply
22 shall maintain records of persons who refuse to grant access
23 to the interior of a building for purposes of identifying the
24 materials of construction of a service line. If a community
25 water supply has been denied access on the property or to the
26 interior of a building for that reason, then the community

1 water supply shall attempt to identify the service line as a
2 suspected lead service line, unless documentation is provided
3 showing otherwise.

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

12 (k) An owner or operator of a community water supply has no
13 duty to include in the material inventory required under
14 subsection (d) information about service lines that are
15 physically disconnected from a water main in its distribution
16 system.

17 (l) The owner or operator of each community water supply
18 shall post on its website a copy of the most recently submitted
19 material inventory or alternatively may request that the
20 Agency post a copy of that material inventory on the Agency's
21 website.

22 (m) Nothing in this Section shall be construed to require
23 service lines to be unearthed for the sole purpose of
24 inventorying.

25 (n) When an owner or operator of a community water supply
26 awards a contract under this Section, the owner or operator

1 shall make a good faith effort to use contractors and vendors
2 owned by minority persons, women, and persons with a
3 disability, as those terms are defined in Section 2 of the
4 Business Enterprise for Minorities, Women, and Persons with
5 Disabilities Act, for not less than 20% of the total
6 contracts, provided that:

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

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

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

18 Owners or operators of a community water supply are
19 encouraged to divide projects, whenever economically feasible,
20 into contracts of smaller size that ensure small business
21 contractors or vendors shall have the ability to qualify in
22 the applicable bidding process, when determining the ability
23 to deliver on a given contract based on scope and size, as a
24 responsible and responsive bidder.

25 When a contractor or vendor submits a bid or letter of
26 intent in response to a request for proposal or other bid

1 submission, the contractor or vendor shall include with its
2 responsive documents a utilization plan that shall address how
3 compliance with applicable good faith requirements set forth
4 in this subsection shall be addressed.

5 Under this subsection, "good faith effort" means a
6 community water supply has taken all necessary steps to comply
7 with the goals of this subsection by complying with the
8 following:

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

16 (2) Providing interested certified businesses with
17 adequate information about the plans, specifications, and
18 requirements of the contract, including addenda, in a
19 timely manner to assist them in responding to the
20 solicitation.

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

23 (4) Effectively using the services of the State,
24 minority or women community organizations, minority or
25 women contractor groups, local, State, and federal
26 minority or women business assistance offices, and other

1 organizations to provide assistance in the recruitment and
2 placement of certified businesses.

3 (5) Making efforts to use appropriate forums for
4 purposes of advertising subcontracting opportunities
5 suitable for certified businesses.

6 The diversity goals defined in this subsection can be met
7 through direct award to diverse contractors and through the
8 use of diverse subcontractors and diverse vendors to
9 contracts.

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

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

19 (1) create a plan to:

20 (A) replace each lead service line connected to
21 its distribution system; and

22 (B) replace each galvanized service line connected
23 to its distribution system, if the galvanized service
24 line is or was connected downstream to lead piping;
25 and

26 (2) electronically submit, by April 15, 2024 its

1 initial lead service line replacement plan to the Agency;

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

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

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

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

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

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

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

26 (4) the total number of known lead service lines

1 connected to the distribution system of the community
2 water supply;

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

6 (6) a proposed lead service line replacement schedule
7 that includes one-year, 5-year, 10-year, 15-year, 20-year,
8 25-year, and 30-year goals;

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

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

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

18 (C) consideration of different scenarios for
19 structuring payments between the utility and its
20 customers over time; and

21 (8) a plan for prioritizing high-risk facilities, such
22 as preschools, day care centers, day care homes, group day
23 care homes, parks, playgrounds, hospitals, and clinics, as
24 well as high-risk areas identified by the community water
25 supply;

26 (9) a map of the areas where lead service lines are

1 expected to be found and the sequence with which those
2 areas will be inventoried and lead service lines replaced;

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

6 (11) measures to encourage diversity in hiring in the
7 workforce required to implement the plan as identified
8 under subsection (n).

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

13 (1) the proposed lead service line replacement
14 schedule set forth in the plan aligns with the timeline
15 requirements set forth under subsection (v);

16 (2) the plan prioritizes the replacement of lead
17 service lines that provide water service to high-risk
18 facilities, such as preschools, day care centers, day care
19 homes, group day care homes, parks, playgrounds,
20 hospitals, and clinics, and high-risk areas identified by
21 the community water supply;

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

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

25 (s) An owner or operator of a community water supply has no
26 duty to include in the plans required under subsection (p)

1 information about service lines that are physically
2 disconnected from a water main in its distribution system.

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

10 (1) the number of service connections in a water
11 supply; and

12 (2) the number of service lines of an unknown material
13 composition.

14 (t-5) After the Agency has approved the final replacement
15 plan described in subsection (p), the owner or operator of a
16 community water supply shall submit a report detailing
17 progress toward plan goals to the Agency for its review. The
18 report shall be submitted annually for the first 10 years, and
19 every 3 years thereafter until all lead service lines have
20 been replaced. Reports under this subsection shall be
21 published in the same manner described in subsection (1). The
22 report shall include at least the following information as it
23 pertains to the preceding reporting period:

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

26 (2) Progress toward meeting hiring requirements as

1 described in subsection (n) and subsection (o).

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

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

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

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

26 (1) A community water supply reporting 1,200 or fewer

1 lead service lines in its final inventory and replacement
2 plan shall replace all lead service lines, at an annual
3 rate of no less than 7% of the amount described in the
4 final inventory, with a timeline of up to 15 years for
5 completion.

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

12 (3) A community water supply reporting more than 4,999
13 but fewer than 10,000 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 5% of the
16 amount described in the final inventory, with a timeline
17 of up to 20 years for completion.

18 (4) A community water supply reporting more than 9,999
19 but fewer than 99,999 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 3% of the
22 amount described in the final inventory, with a timeline
23 of up to 34 years for completion.

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

1 an annual rate of no less than 2% of the amount described
2 in the final inventory, with a timeline of up to 50 years
3 for completion.

4 (w) A community water supply may apply to the Agency for an
5 extension to the replacement timelines described in paragraphs
6 (1) through (5) of subsection (v). The Agency shall develop
7 criteria for granting replacement timeline extensions. When
8 considering requests for timeline extensions, the Agency
9 shall, at a minimum, consider:

10 (1) the number of service connections in a water
11 supply; and

12 (2) unusual circumstances creating hardship for a
13 community.

14 The Agency may grant one extension of additional time
15 equal to not more than 20% of the original replacement
16 timeline, except in situations of extreme hardship in which
17 the Agency may consider a second additional extension equal to
18 not more than 10% of the original replacement timeline.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (G) two members who are representatives from
2 nonprofit civic organizations;

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

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

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

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

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

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

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

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

26 (1) advising the Agency on best practices in lead

1 service line replacement;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 The Agency shall be responsible for the administration of
22 the Fund and shall allocate moneys on the basis of priorities
23 established by the Agency through administrative rule. On July
24 1, 2022 and on July 1 of each year thereafter, the Agency shall
25 determine the available amount of resources in the Fund that
26 can be allocated to the activities identified under this

1 Section and shall allocate the moneys accordingly.

2 Notwithstanding any other law to the contrary, the Lead
3 Service Line Replacement Fund is not subject to sweeps,
4 administrative charge-backs, or any other fiscal maneuver that
5 would in any way transfer any amounts from the Lead Service
6 Line Replacement Fund into any other fund of the State.

7 (cc) Within one year after the effective date of this
8 amendatory Act of the 102 General Assembly, the Agency shall
9 design rules for a program for the purpose of administering
10 lead service line replacement funds. The rules must, at
11 minimum, contain:

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

14 (2) the criteria for determining unit of local
15 government eligibility and prioritization for funding,
16 including the prevalence of low-income households, as
17 measured by median household income, the prevalence of
18 lead service lines, and the prevalence of water samples
19 that demonstrate elevated levels of lead.

20 (dd) Funding under subsection (cc) shall be available for
21 costs directly attributable to the planning, design, or
22 construction directly related to the replacement of lead
23 service lines and restoration of property.

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

26 (ee) An owner or operator of any community water supply

1 receiving grant funding under subsection (cc) shall bear the
2 entire expense of full lead service line replacement for all
3 lead service lines in the scope of the grant.

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

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

25 (A) Notify the building's owner or operator and
26 the resident or residents served by the lead service

1 line in writing that a repair has been completed. The
2 notification shall include, at a minimum:

3 (i) a warning that the work may result in
4 sediment, possibly containing lead, in the
5 buildings water supply system;

6 (ii) information concerning practices for
7 preventing the consumption of any lead in drinking
8 water, including a recommendation to flush water
9 distribution pipe during and after the completion
10 of the repair or replacement work and to clean
11 faucet aerator screens; and

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

14 (B) Provide filters for at least one fixture
15 supplying potable water for consumption. The filter
16 must be certified by an accredited third-party
17 certification body to NSF/ANSI 53 and NSF/ANSI 42 for
18 the reduction of lead and particulate. The filter must
19 be provided until such time that the remaining
20 portions of the service line have been replaced with a
21 material approved by the Department or a waiver has
22 been issued under subsection (ii).

23 (C) Replace the remaining portion of the lead
24 service line within 30 days of the repair, or 120 days
25 in the event of weather or other circumstances beyond
26 reasonable control that prohibits construction. If a

1 complete lead service line replacement cannot be made
2 within the required period, the community water supply
3 responsible for commencing the repair shall notify the
4 Department in writing, at a minimum, of the following
5 within 24 hours of the repair:

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

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

11 (D) If complete repair of a lead service line
12 cannot be completed due to denial by the property
13 owner, the community water supply commencing the
14 repair shall request the affected property owner to
15 sign a waiver developed by the Department. If a
16 property owner of a nonresidential building or
17 residence operating as rental properties denies a
18 complete lead service line replacement, the property
19 owner shall be responsible for installing and
20 maintaining point-of-use filters certified by an
21 accredited third-party certification body to NSF/ANSI
22 53 and NSF/ANSI 42 for the reduction of lead and
23 particulate at all fixtures intended to supply water
24 for the purposes of drinking, food preparation, or
25 making baby formula. The filters shall continue to be
26 supplied by the property owner until such time that

1 the property owner has affected the remaining portions
2 of the lead service line to be replaced.

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

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

11 (2) Lead service lines that are physically
12 disconnected from the distribution system are exempt from
13 this subsection.

14 (gg) Except as provided in subsection (hh), on and after
15 January 1, 2022, when the owner or operator of a community
16 water supply replaces a water main, the community water supply
17 shall identify all lead service lines connected to the water
18 main and shall replace the lead service lines by:

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

25 (2) in conjunction with replacement of the water main,
26 replacing any and all portions of each lead service line

1 connected to the water main that are composed of lead; and
2 (3) if a property owner or customer refuses to grant
3 access to the property, following prescribed notice
4 provisions as outlined in subsection (ff).

5 If an owner of a potentially affected building intends to
6 replace a portion of a lead service line or a galvanized
7 service line and the galvanized service line is or was
8 connected downstream to lead piping, then the owner of the
9 potentially affected building shall provide the owner or
10 operator of the community water supply with notice at least 45
11 days before commencing the work. In the case of an emergency
12 repair, the owner of the potentially affected building must
13 provide filters for each kitchen area that are certified by an
14 accredited third-party certification body to NSF/ANSI 53 and
15 NSF/ANSI 42 for the reduction of lead and particulate. If the
16 owner of the potentially affected building notifies the owner
17 or operator of the community water supply that replacement of
18 a portion of the lead service line after the emergency repair
19 is completed, then the owner or operator of the community
20 water supply shall replace the remainder of the lead service
21 line within 30 days after completion of the emergency repair.
22 A community water supply may take up to 120 days if necessary
23 due to weather conditions. If a replacement takes longer than
24 30 days, filters provided by the owner of the potentially
25 affected building must be replaced in accordance with the
26 manufacturer's recommendations. Partial lead service line

1 replacements by the owners of potentially affected buildings
2 are otherwise prohibited.

3 (hh) For municipalities with a population in excess of
4 1,000,000 inhabitants, the requirements of subsection (gg)
5 shall commence on January 1, 2023.

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

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

1 notify the Department in writing within 15 working days.

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

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

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

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

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

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

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

20 An owner or operator of a community water supply that is
21 required under this subsection to provide an individual
22 written notice to the owner and occupant of a potentially
23 affected building that is a multi-dwelling building may
24 satisfy that requirement and the requirements of this
25 subsection regarding notification to non-English speaking
26 customers by posting the required notice on the primary

1 entranceway of the building and at the location where the
2 occupant's mail is delivered as reasonably as possible.

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

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

19 (kk) No community water supply that sells water to any
20 wholesale or retail consecutive community water supply may
21 pass on any costs associated with compliance with this Section
22 to consecutive systems.

23 (ll) To the extent allowed by law, when a community water
24 supply replaces or installs a lead service line in a public
25 right-of-way or enters into an agreement with a private
26 contractor for replacement or installation of a lead service

1 line, the community water supply shall be held harmless for
2 all damage to property when replacing or installing the lead
3 service line. If dangers are encountered that prevent the
4 replacement of the lead service line, the community water
5 supply shall notify the Department within 15 working days of
6 why the replacement of the lead service line could not be
7 accomplished.

8 (mm) The Agency may propose to the Board, and the Board may
9 adopt, any rules necessary to implement and administer this
10 Section. The Department may adopt rules necessary to address
11 lead service lines attached to noncommunity water supplies.

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

15 (oo) All lead service line replacements financed in whole
16 or in part with funds obtained under this Section shall be
17 considered public works for purposes of the Prevailing Wage
18 Act.

19 (pp) As lead service lines are replaced in accordance with
20 this Section, an owner or operator of a community water supply
21 shall, when practicable, comply with paragraphs (1) and (2) of
22 subsection (a) of Section 890.1150 of the Illinois Plumbing
23 Code. When doing so will create an undue hardship due to
24 excessive structural or mechanical difficulty, or
25 impracticability, the owner or operator of the community water
26 supply shall automatically be granted a variance by the

1 Department of Public Health and be exempt from the separation
2 requirements of paragraphs (1) and (2) of subsection (a) of
3 Section 890.1150 of the Illinois Plumbing Code.

4 (Source: P.A. 102-613, eff. 1-1-22.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.