



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5044

by Rep. Michael D. Unes

SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois. Provides that the Department of Commerce and Economic Opportunity shall by rule establish a comprehensive low-income water assistance policy and program. Contains various provisions concerning the policy and program. Amends the Public Utilities Act. Adds requirements related to billing statements and reconnection of service for water and sewer utilities. Provides that upon request by a water utility, the Illinois Commerce Commission may allow, but may not require, a water utility to establish a customer assistance program. Provides that an entity subject to certain federal laws that serves or provides water or sewer services to a specified number of people shall conduct a cost of service study every 5 years. Amends the Environmental Protection Act. Provides that within one year of the effective date of the amendatory Act, every community water system shall create a plan to remove all known lead service lines within 10 years from the completion of the plan. Requires each community water system to implement an asset management plan designed to inspect, maintain, repair, and renew its infrastructure within 18 months of the effective date of the amendatory Act. Requires the Department of Public Health to adopt rules for lead replacement that require an expedited timeline for high risk facilities and communities within 18 months of the effective date of the amendatory Act. Creates the Statewide Advisory Council on Lead in Drinking Water and requires specified community water supplies to create water system advisory councils tasked with various duties related to lead in drinking water awareness. Makes other changes.

LRB100 20106 MJP 35389 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

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

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

7 (20 ILCS 605/605-870 new)

8 Sec. 605-870. Low-Income Water Assistance Program.

9 (a) The Department shall by rule establish a comprehensive
10 low-income water assistance policy and program that
11 incorporates financial assistance and includes, but is not
12 limited to, water efficiency or water quality projects, or
13 other measures to ensure that residents have access to
14 affordable and clean water. The policy and program shall not
15 jeopardize the ability of public utilities and other entities
16 to receive just compensation for providing services. The
17 resources applied in achieving the policy and program shall be
18 coordinated and efficiently used through the integration of
19 public programs and through the targeting of assistance. The
20 Department shall use all appropriate and available means to
21 fund this program and, to the extent possible, identify and use
22 sources of funding that complement State tax revenues.

23 (b) The program shall be eligible to any person who is a

1 resident of the State and whose household income is not greater
2 than an amount determined annually by the Department may apply
3 for assistance under this Section in accordance with rules
4 adopted by the Department. In setting the annual eligibility
5 level, the Department shall consider the amount of available
6 funding and may not set a limit higher than 150% of the federal
7 nonfarm poverty level as established by the federal Office of
8 Management and Budget.

9 (c) Applicants who qualify for assistance under subsection
10 (b) shall, subject to appropriation from the General Assembly
11 and subject to availability of funds to the Department, receive
12 assistance as provided by this Section. The Department, upon
13 receipt of moneys authorized under this Section for assistance,
14 shall commit funds for each qualified applicant in an amount
15 determined by the Department. In determining the amounts of
16 assistance to be provided to or on behalf of a qualified
17 applicant, the Department shall ensure that the highest amounts
18 of assistance go to households with the greatest water costs in
19 relation to household income. The Department shall include
20 factors such as water costs, household size, household income,
21 and region of the State when determining individual household
22 benefits. In adopting rules for the administration of this
23 Section the Department shall assure that a minimum of 1/3 of
24 funds available for benefits to eligible households with the
25 lowest incomes and that elderly households, households with
26 persons with disabilities, and households with children under 6

1 years of age are offered a priority application period.

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

4 (e) The Department may adopt any rules necessary to
5 implement the policy and program under this Section.

6 Section 10. The Public Utilities Act is amended by changing
7 Section 8-306 as follows:

8 (220 ILCS 5/8-306)

9 Sec. 8-306. Special provisions relating to water and sewer
10 utilities.

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

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

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

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

24 (4) The customer wishes to complain after receiving a

1 termination of service notice.

2 (5) The customer is unable to make payment on a billing
3 statement.

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

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

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

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

15 (a-5) Each billing statement issued by a water or sewer
16 utility shall include:

17 (1) all fixed charges;

18 (2) all volumetric charges; and

19 (3) the total number of gallons used since the last
20 billing period.

21 If a bill is not calculated based upon volumetric use, then
22 the method for calculating the bill must be described on the
23 bill.

24 (b) A water or sewer utility may discontinue service only
25 after it has mailed or delivered by other means a written
26 notice of discontinuance substantially in the form of Appendix

1 A of 83 Ill. Adm. Code 280. The notice must include the
2 Internet web site address where the customer can view the
3 information required under subsection (a) and a telephone
4 number that the customer may call to request a copy of the
5 information. Any notice required to be delivered or mailed to a
6 customer prior to discontinuance of service shall be delivered
7 or mailed separately from any bill. Service shall not be
8 discontinued until at least 5 days after delivery or 8 days
9 after the mailing of this notice. Service shall not be
10 discontinued and shall be restored if discontinued for the
11 reason which is the subject of a dispute or complaint during
12 the pendency of informal or formal complaint procedures of the
13 Illinois Commerce Commission under 83 Ill. Adm. Code 280.160 or
14 280.170, where the customer has complied with those rules.
15 Service shall not be discontinued and shall be restored if
16 discontinued where a customer has established a deferred
17 payment agreement pursuant to 83 Ill. Adm. Code 280.110 and has
18 not defaulted on such agreement. Residential customers who are
19 indebted to a utility for past due utility service shall have
20 the opportunity to make arrangements with the utility to retire
21 the debt by periodic payments, referred to as a deferred
22 payment agreement, unless this customer has failed to make
23 payment under such a plan during the past 12 months. The terms
24 and conditions of a reasonable deferred payment agreement shall
25 be determined by the utility after consideration of the
26 following factors, based upon information available from

1 current utility records or provided by the customer or
2 applicant:

- 3 (1) size of the past due account;
4 (2) customer or applicant's ability to pay;
5 (3) customer or applicant's payment history;
6 (4) reason for the outstanding indebtedness; and
7 (5) any other relevant factors relating to the
8 circumstances of the customer or applicant's service.

9 A residential customer shall pay a maximum of one-fourth of the
10 amount past due and owing at the time of entering into the
11 deferred payment agreement, and the water or sewer utility
12 shall allow a minimum of 2 months from the date of the
13 agreement and a maximum of 12 months for payment to be made
14 under a deferred payment agreement. Late payment charges may be
15 assessed against the amount owing that is the subject of a
16 deferred payment agreement.

17 (b-5) A water or sewer utility may not charge more than \$50
18 for reconnecting service.

19 (c) A water or sewer utility shall provide notice as
20 required by subsection (a) of Section 9-201 after the filing of
21 each information sheet under a purchased water surcharge,
22 purchased sewage treatment surcharge, or qualifying
23 infrastructure plant surcharge. The utility also shall post
24 notice of the filing in accordance with the requirements of 83
25 Ill. Adm. Code 255. Unless filed as part of a general rate
26 increase, notice of the filing of a purchased water surcharge

1 rider, purchased sewage treatment surcharge rider, or
2 qualifying infrastructure plant surcharge rider also shall be
3 given in the manner required by this subsection (c) for the
4 filing of information sheets.

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

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

17 (f) Water service for building construction purposes. At
18 the request of any municipality or township within the service
19 area of a public utility that provides water service to
20 customers within the municipality or township, a public utility
21 must (1) require all water service used for building
22 construction purposes to be measured by meter and subject to
23 approved rates and charges for metered water service and (2)
24 prohibit the unauthorized use of water taken from hydrants or
25 service lines installed at construction sites.

26 (g) Water meters.

1 (1) Periodic testing. Unless otherwise approved by the
2 Commission, each service water meter shall be periodically
3 inspected and tested in accordance with the schedule
4 specified in 83 Ill. Adm. Code 600.340, or more frequently
5 as the results may warrant, to insure that the meter
6 accuracy is maintained within the limits set out in 83 Ill.
7 Adm. Code 600.310.

8 (2) Meter tests requested by customer.

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

19 (B) When a meter that has been in service less than
20 2 years since its last test is found to be accurate
21 within the limits specified in 83 Ill. Adm. Code
22 600.310, the customer shall pay a fee to the utility
23 not to exceed the amounts specified in 83 Ill. Adm.
24 Code 600.350(b). Fees for testing meters not included
25 in this Section or so located that the cost will be out
26 of proportion to the fee specified will be determined

1 by the Commission upon receipt of a complete
2 description of the case.

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

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

20 (i) Water and sewer utilities; separate meters. Each public
21 utility that provides water and sewer service must offer
22 separate rates for water and sewer service to any commercial or
23 residential customer who uses separate meters to measure each
24 of those services. In order for the separate rate to apply, a
25 combination of meters must be used to measure the amount of
26 water that reaches the sewer system and the amount of water

1 that does not reach the sewer system.

2 (j) Each water or sewer public utility must disclose on
3 each billing statement any amount billed that is for service
4 provided prior to the date covered by the billing statement.
5 The disclosure must include the dates for which the prior
6 service is being billed. Each billing statement that includes
7 an amount billed for service provided prior to the date covered
8 by the billing statement must disclose the dates for which that
9 amount is billed and must include a copy of the document
10 created under subsection (a) and a statement of current
11 Commission rules concerning unbilled or misbilled service.

12 (k) When the customer is due a refund resulting from
13 payment of an overcharge, the utility shall credit the customer
14 in the amount of overpayment with interest from the date of
15 overpayment by the customer. The rate for interest shall be at
16 the appropriate rate determined by the Commission under 83 Ill.
17 Adm. Code 280.70.

18 (l) Water and sewer public utilities; subcontractors. The
19 Commission shall adopt rules for water and sewer public
20 utilities to provide notice to the customers of the proper kind
21 of identification that a subcontractor must present to the
22 customer, to prohibit a subcontractor from soliciting or
23 receiving payment of any kind for any service provided by the
24 water or sewer public utility or the subcontractor, and to
25 establish sanctions for violations.

26 (m) Water and sewer public utilities; unaccounted-for

1 water. By December 31, 2006, each water public utility shall
2 file tariffs with the Commission to establish the maximum
3 percentage of unaccounted-for water that would be considered in
4 the determination of any rates or surcharges. The rates or
5 surcharges approved for a water public utility shall not
6 include charges for unaccounted-for water in excess of this
7 maximum percentage without well-documented support and
8 justification for the Commission to consider in any request to
9 recover charges in excess of the tariffed maximum percentage.

10 (n) Rate increases; public forums. When any public utility
11 providing water or sewer service proposes a general rate
12 increase, in addition to other notice requirements, the water
13 or sewer public utility must notify its customers of their
14 right to request a public forum. A customer or group of
15 customers must make written request to the Commission for a
16 public forum and must also provide written notification of the
17 request to the customer's municipal or, for unincorporated
18 areas, township government. The Commission, at its discretion,
19 may schedule the public forum. If it is determined that public
20 forums are required for multiple municipalities or townships,
21 the Commission shall schedule these public forums, in locations
22 within approximately 45 minutes drive time of the
23 municipalities or townships for which the public forums have
24 been scheduled. The public utility must provide advance notice
25 of 30 days for each public forum to the governing bodies of
26 those units of local government affected by the increase. The

1 day of each public forum shall be selected so as to encourage
2 the greatest public participation. Each public forum will begin
3 at 7:00 p.m. Reports and comments made during or as a result of
4 each public forum must be made available to the hearing
5 officials and reviewed when drafting a recommended or tentative
6 decision, finding or order pursuant to Section 10-111 of this
7 Act.

8 (o) Upon request by a water utility, the Commission may
9 allow, but may not require, a water utility to establish a
10 customer assistance program that:

11 (1) uses State or federal infrastructure funds; or

12 (2) provides financial relief to residential customers
13 who qualify for income-related assistance.

14 A customer assistance program established under this
15 subsection that affects rates and charges for service is not
16 discriminatory for purposes of this Act or any other law
17 regulating rates and charges for service. In considering
18 whether to approve a water utility's proposed customer
19 assistance program, the Commission shall determine that a
20 customer assistance program established under this subsection
21 is in the public interest.

22 The Commission shall adopt rules to implement this
23 subsection. These rules shall require customer assistance
24 programs under this subsection to coordinate with utility
25 energy efficiency programs and the Illinois Home
26 Weatherization Assistance Program for the purpose of informing

1 eligible customers of additional resources that may help the
2 customer conserve water.

3 (p) An entity subject to the federal Safe Drinking Water
4 Act and the federal Clean Water Act that serves or provides
5 water or sewer services to a population of more than 2,000 but
6 less than 1,000,000 shall conduct a cost of service study every
7 5 years. The study shall include all revenue recovered from
8 water or sewer bills, and the percentage of the cost of service
9 used for water or sewer capital investment. The study shall be
10 submitted to the Environmental Protection Agency and published
11 on the Agency's website.

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

13 Section 15. The Environmental Protection Act is amended by
14 changing Section 17.11 and by adding Section 17.12 as follows:

15 (415 ILCS 5/17.11)

16 Sec. 17.11. Lead in drinking water notifications and
17 inventories.

18 (a) The purpose of this Section is to require the owners
19 and operators of community water systems to (i) create a
20 comprehensive lead service line inventory; and (ii) provide
21 notice to occupants of potentially affected residences of
22 construction or repair work on water mains, lead service lines,
23 or water meters.

24 (b) For the purposes of this Section:

1 "Community water system" has the meaning provided in 35
2 Ill. Adm. Code 611.101.

3 "Potentially affected residence" means any residence
4 where water service is or may be temporarily interrupted or
5 shut off by or on behalf of an owner or operator of a
6 community water system because construction or repair work
7 is to be performed by or on behalf of the owner or operator
8 of a community water system on or affecting a water main,
9 service line, or water meter.

10 "Small system" has the meaning provided in 35 Ill. Adm.
11 Code 611.350.

12 (c) The owner or operator of each community water system in
13 the State shall develop a water distribution system material
14 inventory that shall be submitted in written or electronic form
15 to the Agency on an annual basis commencing on April 15, 2018
16 and continuing on each April 15 thereafter until the water
17 distribution system material inventory is completed. In
18 addition to meeting the requirements for water distribution
19 system material inventories that are mandated by the United
20 States Environmental Protection Agency, each water
21 distribution system material inventory shall identify:

22 (1) the total number of service lines within or
23 connected to the distribution system, including privately
24 owned service lines;

25 (2) the number of all known lead service lines within
26 or connected to the distribution system, including

1 privately owned lead service lines; and

2 (3) the number of the lead service lines that were
3 added to the inventory after the previous year's
4 submission.

5 Nothing in this subsection shall be construed to require
6 that service lines be unearthed.

7 (d) Beginning on January 1, 2018, when conducting routine
8 inspections of community water systems as required under this
9 Act, the Agency may conduct a separate audit to identify
10 progress that the community water system has made toward
11 completing the water distribution system material inventories
12 required under subsection (c) of this Section.

13 (e) The owner or operator of the community water system
14 shall provide notice of construction or repair work on a water
15 main service line, or water meter in accordance with the
16 following requirements:

17 (1) At least 14 days prior to beginning planned work to
18 repair or replace any water mains or lead service lines,
19 the owner or operator of a community water system shall
20 notify, through an individual written notice, each
21 potentially affected residence of the planned work. In
22 cases where a community water system must perform
23 construction or repair work on an emergency basis or where
24 such work is not scheduled at least 14 days prior to work
25 taking place, the community water system shall notify each
26 potentially affected residence as soon as reasonably

1 possible. When work is to repair or replace a water meter,
2 the notification shall be provided at the time the work is
3 initiated.

4 (2) Such notification shall include, at a minimum:

5 (A) a warning that the work may result in sediment,
6 possibly containing lead, in the residence's water
7 supply; and

8 (B) information concerning best practices for
9 preventing the consumption of any lead in drinking
10 water, including a recommendation to flush water lines
11 during and after the completion of the repair or
12 replacement work and to clean faucet aerator screens;
13 and

14 (C) information regarding the dangers of lead in
15 young children.

16 (3) To the extent that the owner or operator of a
17 community water system serves a significant proportion of
18 non-English speaking consumers, the notification must
19 contain information in the appropriate languages regarding
20 the importance of the notice, and it must contain a
21 telephone number or address where a person served may
22 contact the owner or operator of the community water system
23 to obtain a translated copy of the notification or to
24 request assistance in the appropriate language.

25 (4) Notwithstanding anything to the contrary set forth
26 in this Section, to the extent that (a) notification is

1 required for the entire community served by a community
2 water system, (b) notification is required for
3 construction or repairs occurring on an emergency basis, or
4 (c) the community water system is a small system,
5 publication notification, through a local media, social
6 media or other similar means, may be utilized in lieu of an
7 individual written notification.

8 (5) If an owner or operator is required to provide an
9 individual written notification to a residence that is a
10 multidwelling building, posting a written notification on
11 the primary entrance way to the building shall be
12 sufficient.

13 (6) The notification requirements in this subsection
14 (e) do not apply to work performed on water mains that are
15 used to transmit treated water between community water
16 systems and have no service connections.

17 (7) The owner or operator of a community water system
18 may seek a full or partial waiver of the requirements of
19 this subsection from the Agency if (i) the community water
20 system was originally constructed without lead, (ii) the
21 residential structures were constructed under local
22 building codes that categorically prohibited lead
23 construction materials or the owner or operator of a
24 community water system certifies that any residential
25 structures requiring notification were constructed without
26 lead, and (iii) no lead sediment is likely to be present

1 within the community water system or residential
2 structures. The owner or operator of a community water
3 system may seek a time-limited or permanent waiver.

4 (8) The owner and operator of a community water system
5 shall not be required to comply with this subsection (e) to
6 the extent that the corresponding water distribution
7 system material inventory has been completed that
8 demonstrates the water distribution system does not
9 contain any lead.

10 (f) Within one year of the effective date of this
11 amendatory Act of the 100th General Assembly, every community
12 water system in Illinois shall create a plan to remove all
13 known lead service lines, both publicly owned and privately
14 owned, within 10 years from the completion of the plan. The
15 plan shall be updated and submitted to the Agency within 6
16 months of completion of the inventory submitted under
17 subsection (i). The plan shall include:

18 (1) an engineering study;

19 (2) estimated costs;

20 (3) a financing plan;

21 (4) a feasibility and affordability plan;

22 (5) a plan for prioritizing high risk areas;

23 (6) a proposed schedule for replacements that includes
24 annual benchmarks; and

25 (7) measures to encourage diversity in hiring in the
26 workforce required to implement the plan, if feasible.

1 In years subsequent to the submittal of the community water
2 system's plan, on a yearly basis, the community water system
3 shall submit to the Agency a report on the progress it has made
4 on its plan and meeting its replacement obligation. The report
5 shall certify that the community water system is meeting its
6 benchmarks to remove all lead service lines within 10 years. If
7 the community water system has not met a benchmark, then it
8 shall include in its report the reason why it failed to meet
9 the benchmark, and its plan to meet future benchmarks.

10 Both the original plan and all subsequent annual reports
11 shall be published on the Agency's website, distributed to
12 customers, and available in multiple languages. The Agency
13 shall develop a standardized, electronic form for the plan and
14 reports. The Agency may charge a reasonable filing fee for the
15 plan and reports.

16 Each system shall achieve a minimum annual target for
17 replacement of 5% of inventoried lines. Partial replacement of
18 lead service lines is prohibited. Replacement shall be made
19 with copper lines or other lines deemed acceptable for public
20 health by the Department of Public Health.

21 (g) In an effort to reduce water loss due to aging
22 infrastructure and reduce associated cost burdens on water
23 providers, municipalities, and consumers, beginning no later
24 than 18 months after the effective date of this amendatory Act
25 of the 100th General Assembly, each community water system
26 shall implement an asset management plan designed to inspect,

1 maintain, repair, and renew its infrastructure consistent with
2 standards established by the American Water Works Association.

3 The asset management plan shall include:

4 (1) a water main renewal program designed to achieve a
5 150-year replacement cycle or another appropriate
6 replacement cycle as determined by a detailed engineering
7 analysis of the asset condition and estimated service lives
8 of the water mains serving the public water system;

9 (2) a water supply and treatment program designed to
10 inspect, maintain, repair, renew, and upgrade wells,
11 intakes, pumps, and treatment facilities in accordance
12 with all federal and State regulations, standards
13 established by the American Water Works Association; and

14 (3) any other programs, plans, or provisions as may be
15 required by the Agency under existing rules.

16 Each community water system shall dedicate funds on an
17 annual basis to address and remediate the highest priority
18 projects as determined by its asset management plan and the
19 rules adopted under subsection (j).

20 All asset management plans and system condition reports
21 shall be certified by the licensed operator in charge or
22 professional engineer of the community water system and the
23 responsible corporate officer of the community water system, if
24 privately held; executive director, if an authority; or mayor
25 or chief executive officer of the municipality, if municipally
26 owned; as applicable. The replacement cycle shall be determined

1 by dividing the miles of water main located in the community
2 water system by 150 or other appropriate demonstration set
3 forth in the certified asset management plan prepared in
4 accordance with this subsection.

5 (h) At least once every 3 years, each community water
6 system shall provide to the Agency a report based on its asset
7 management plan prepared in accordance with subsection (g)
8 identifying the infrastructure improvements to be undertaken
9 in the coming 3 years and the cost of those improvements, as
10 well as identifying the infrastructure improvements completed
11 in the past 3 years and the cost of those improvements.

12 The Agency shall create a publicly accessible centralized
13 portal allowing for electronic submittal of the report required
14 under this subsection. The lack of a centralized portal shall
15 not negate the requirement for a community water system to
16 submit a report.

17 (i) The Agency shall adopt rules within 18 months that
18 require each community water system to complete an inventory
19 within 4 years of the effective date of this amendatory Act of
20 the 100th General Assembly. The rules shall concern matters
21 including:

22 (1) what aspects of a community water system must be
23 included in the inventory, for example, parts and
24 materials;

25 (2) what community water systems must comply;

26 (3) how to handle denial of access by a homeowner;

1 (4) lead notification provided to a homeowner once lead
2 is identified and how to handle when a community water
3 system can not tell what a material is;

4 (5) inclusion of inventory information in a consumer
5 confidence report; and

6 (6) that the information must be available online and,
7 where feasible, in the form of an address-searchable map.

8 (j) Within 12 months of the effective date of this
9 amendatory Act of the 100th General Assembly, the Department of
10 Public Health shall adopt rules for lead replacement that
11 require an expedited timeline for high risk facilities and
12 communities. Factors that the Department shall consider in
13 determining high risk prioritization shall include public
14 school water lead testing data, recent blood lead level
15 community testing, and the median age of homes and buildings
16 within a designated area.

17 Facilities that may be included in high risk prioritization
18 include public and private schools or school board facilities,
19 public and private hospitals and medical clinics, community
20 centers, adult foster care facilities, child daycare
21 facilities, mental health facilities, human services
22 facilities, transitional housing facilities, and churches.

23 (Source: P.A. 99-922, eff. 1-17-17.)

24 (415 ILCS 5/17.12 new)

25 Sec. 17.12. Statewide Advisory Council on Lead in Drinking

1 Water.

2 (a) As used in this Section, "Statewide Council" means the
3 Statewide Advisory Council on Lead in Drinking Water.

4 (b) The Statewide Advisory Council on Lead in Drinking
5 Water is created. The Statewide Council shall do the following:

6 (1) develop plans for continuing public awareness
7 about lead in drinking water;

8 (2) in consultation with the Agency and the United
9 States Department of Health and Human Services, generate
10 public awareness campaign materials about lead to be
11 distributed by community water supplies in multiple
12 languages;

13 (3) assist in promoting the transparency of data and
14 documents related to lead in drinking water within the
15 State;

16 (4) advise and consult with water system advisory
17 councils established under subsection (d) on the
18 development of appropriate plans for remediation and
19 public education to be implemented if the lead action level
20 is exceeded;

21 (5) provide advice, direction, and assistance to
22 individual public water supplies and the water system
23 advisory councils; and

24 (6) provide information on best practices to encourage
25 diversity in hiring.

26 (c) The membership of the Statewide Council shall consist

1 of:

2 (1) one community water supply representative;

3 (2) one non-community water supply representative;

4 (3) one representative of a local government;

5 (4) one medical professional;

6 (5) one professor of public health at a university in
7 the State;

8 (6) one representative of an environmental or public
9 health advocacy group;

10 (7) one public health educator;

11 (8) two residents of communities significantly
12 impacted by lead exposure generally; and

13 (9) two members of the general public.

14 The Governor shall appoint the members of the Statewide
15 Council. To be eligible for appointment to the Statewide
16 Council, an individual shall have a demonstrated interest in or
17 knowledge of lead in drinking water and its effects, as well as
18 a demonstrated record of, or commitment to, working to protect
19 the public from lead in water. Members of the Statewide Council
20 shall serve without compensation.

21 The members first appointed to the Statewide Council shall
22 be appointed within 90 days after the effective date of this
23 amendatory Act of the 100th General Assembly. Members of the
24 Statewide Council shall serve for terms of 3 years or until a
25 successor is appointed, whichever is later, except certain
26 initial members may be appointed for shorter terms to achieve a

1 staggering of terms. If a vacancy occurs on the Statewide
2 Council, an appointment for the unexpired term shall be made in
3 the same manner as the original appointment. A member of the
4 Statewide Council may be removed for incompetence, dereliction
5 of duty, malfeasance, misfeasance, or nonfeasance in office, or
6 any other good cause.

7 At the first meeting of the Statewide Council, the
8 Statewide Council shall elect from its members a chairperson
9 and other officers as it considers necessary or appropriate.
10 After the first meeting, the council shall meet at least
11 quarterly. A majority of the members of the Statewide Council
12 constitute a quorum for the transaction business at a meeting
13 of the Statewide Council. A majority of the members present and
14 serving are required for official action of the Statewide
15 Council.

16 The Agency shall provide administrative and other support
17 to the Statewide Council.

18 (d) Each community water supply that serves a population of
19 50,000 or more shall create a water system advisory council. A
20 water system advisory council shall consist of at least 5
21 members, appointed by the community water supply. To be
22 eligible for appointment to the water system advisory council,
23 an individual shall have a demonstrated interest in or
24 knowledge about lead in drinking water and its effects, as well
25 as a demonstrated record of, or commitment to, working to
26 protect the public from lead in water or be an individual who

1 has been significantly impacted by lead exposure. The members
2 first appointed to a water system advisory council shall be
3 appointed within 180 days after the effective date of this
4 amendatory Act of the 100th General Assembly. Members of a
5 water system advisory council shall serve without
6 compensation.

7 The business that the water system advisory council may
8 perform shall be conducted at a public meeting of the water
9 system advisory council and held in compliance with the Open
10 Meetings Act. The first meeting of a water system advisory
11 council shall be called by the community water supply. At the
12 first meeting, the water system advisory council shall elect
13 from its members a chairperson and other officers as it
14 consider necessary or appropriate. After the first meeting, the
15 water system advisory council shall meet at least annually.

16 A writing prepared, owned, used, in the possession of, or
17 retained by the water system advisory council in the
18 performance of an official function is subject to the Freedom
19 of Information Act.

20 A water system advisory council shall do the following:

21 (1) Develop plans for continuing public awareness
22 about lead in drinking water, even when the action level is
23 not exceeded.

24 (2) Review public awareness campaign materials
25 provided by the Statewide Council to ensure the needs and
26 interests of the community, considering the economic and

1 cultural diversity of its residents, are addressed.

2 (3) Advise and consult with the community water supply
3 on the development of appropriate plans for remediation and
4 public education to be implemented if a lead action level
5 is exceeded.

6 (4) Assist in promoting transparency of all data and
7 documents related to lead in drinking water within the
8 community water supply's service area.

9 (5) Collaborate with local community groups to ensure
10 that residents have the opportunity to be involved in
11 efforts to educate the community about lead in drinking
12 water.

13 A water system advisory council may independently seek
14 advice, direction, and assistance from the Agency or the
15 Statewide Council.

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Statutes amended in order of appearance

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20 ILCS 605/605-870 new

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220 ILCS 5/8-306

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415 ILCS 5/17.11

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415 ILCS 5/17.12 new