



Sen. Melinda Bush

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1 AMENDMENT TO SENATE BILL 1168

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1168 by replacing  
3 everything after the enacting clause with the following:

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

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

9 (20 ILCS 605/605-870 new)

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

12 (a) The Department shall by rule establish a comprehensive  
13 low-income water assistance policy and program that  
14 incorporates financial assistance and includes, but is not  
15 limited to, water efficiency or water quality projects, such

1 as lead service line replacement, or other measures to ensure  
2 that residents have access to affordable and clean water. The  
3 policy and program shall not jeopardize the ability of public  
4 utilities, community water supplies, or other entities to  
5 receive just compensation for providing services. The  
6 resources applied in achieving the policy and program shall be  
7 coordinated and efficiently used through the integration of  
8 public programs and through the targeting of assistance. The  
9 rule or rules shall be adopted within 180 days after receiving  
10 an appropriation for the program.

11 (b) Any person who is a resident of the State and whose  
12 household income is not greater than an amount determined  
13 annually by the Department may apply for assistance under this  
14 Section in accordance with rules adopted by the Department. In  
15 setting the annual eligibility level, the Department shall  
16 consider the amount of available funding and may not set a  
17 limit higher than 150% of the poverty guidelines updated  
18 periodically in the Federal Register by the U.S. Department of  
19 Health and Human Services under the authority of 42 U.S.C.  
20 9902(2).

21 (c) Applicants who qualify for assistance under subsection  
22 (b) shall, subject to appropriation from the General Assembly  
23 and availability of funds by the Department, receive  
24 assistance as provided under this Section. The Department,  
25 upon receipt of moneys authorized under this Section for  
26 assistance, shall commit funds for each qualified applicant in

1 an amount determined by the Department. In determining the  
2 amounts of assistance to be provided to or on behalf of a  
3 qualified applicant the Department shall ensure that the  
4 highest amounts of assistance go to households with the  
5 greatest water costs in relation to household income. The  
6 Department may consider factors such as water costs, household  
7 size, household income, and region of the State when  
8 determining individual household benefits. In adopting rules  
9 for the administration of this Section, the Department shall  
10 ensure that a minimum of one-third of the funds for the program  
11 are available for benefits to eligible households with the  
12 lowest incomes and that elderly households, households with  
13 persons with disabilities, and households with children under  
14 6 years of age are offered a priority application period.

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

17 Section 10. The Environmental Protection Act is amended by  
18 adding Section 17.12 as follows:

19 (415 ILCS 5/17.12 new)

20 Sec. 17.12. Lead service line replacement and  
21 notification.

22 (a) The purpose of this Act is to: (1) require the owners  
23 and operators of community water supplies to develop,  
24 implement, and maintain a comprehensive water service line

1 material inventory and a comprehensive lead service line  
2 replacement plan, provide notice to occupants of potentially  
3 affected buildings before any construction or repair work on  
4 water mains or lead service lines, and request access to  
5 potentially affected buildings before replacing lead service  
6 lines; and (2) prohibit partial lead service line  
7 replacements.

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

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

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

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

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

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

26 (c) In this Section:

1       "Advisory Board" means the Lead Service Line Replacement  
2 Advisory Board created under subsection (y).

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

5       "Department" means the Department of Public Health.

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

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

12       "Low income community" means any population census tract  
13 where the median income does not exceed 80% of the area median  
14 income, adjusted for family size and revised every 2 years.

15       "Material inventory" means a water service line material  
16 inventory developed by a community water supply pursuant to  
17 this Act.

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

20       "NSF/ANSI Standard" means a water treatment standard  
21 developed by NSF International.

22       "Owner or operator of a public water supply" means any of  
23 the following entities:

24           (1) a public utility that regularly provides water and  
25 is under the jurisdiction of the Illinois Commerce  
26 Commission;

1           (2) a water district, including, but not limited to, a  
2           public water district, water service district, or surface  
3           water protection district established as a special  
4           district under the laws of this State, that regularly  
5           provides water or sewer service;

6           (3) a waterworks system established under the Township  
7           Code that regularly provides water service;

8           (4) a water system owned by a municipality that  
9           regularly provides water service; and

10           (5) any other entity that is not a public utility that  
11           regularly provides water service.

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

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

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

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

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

1 through (5) of subsection (h).

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

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

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

9 (2) update its material inventory and submit the  
10 updated material inventory electronically to the Agency by  
11 April 15, 2023; and

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

17 (e) The Agency shall review each material inventory  
18 submitted to it under subsection (d). If the Agency determines  
19 that a community water supply is making substantial progress  
20 toward characterizing the materials of all service lines  
21 connected to its distribution system, with a priority on  
22 identifying all lead service lines connected to its  
23 distribution system, then the Agency shall approve the  
24 material inventory.

25 (f) If a community water supply does not deliver a  
26 complete inventory to the Agency by April 15, 2024 pursuant to

1 paragraph (3) of subsection (d), the community water supply  
2 may apply for an extension to the Agency. The Agency shall  
3 develop criteria for granting material inventory extensions.  
4 When considering requests for extension, the Agency shall, at  
5 a minimum, consider:

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

8 (2) the staff capacity and financial condition of the  
9 community;

10 (3) the number of service lines of an unknown material  
11 composition; and

12 (4) other criteria as determined by the Agency in  
13 consultation with the Lead Service Line Replacement  
14 Advisory Board created under subsection (y).

15 This subsection (f) shall be null and void if it conflicts  
16 with federal lead service line replacement inventory  
17 requirements.

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

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

22 (2) the materials of construction of each service line  
23 connected to the community water supply's distribution  
24 system;

25 (3) the number of suspected lead service lines that  
26 were newly identified in the material inventory for the



1 community water supply after the community water supply  
2 last submitted a service line inventory to the Agency; and

3 (4) the number of suspected or known lead service  
4 lines that were replaced after the community water supply  
5 last submitted a service line inventory to the Agency, and  
6 the material of the service line that replaced each lead  
7 service line.

8 When identifying the materials of construction under  
9 paragraph (2) of this subsection, the owner or operator of the  
10 community water supply shall identify the type of construction  
11 material used on the customer's side of the curb box, meter, or  
12 other line of demarcation and the community water supply's  
13 side of the curb box, meter, or other line of demarcation.

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

16 (1) prioritize inspections of high-risk areas  
17 identified by the community water supply and inspections  
18 of high-risk facilities, such as preschools, day care  
19 centers, day care homes, group day care homes, parks,  
20 playgrounds, hospitals, and clinics, and confirm service  
21 line materials in those areas and at those facilities;

22 (2) review historical documentation, such as  
23 construction logs or cards, as-built drawings, purchase  
24 orders, and subdivision plans, to determine service line  
25 material construction;

26 (3) when conducting distribution system maintenance,

1 visually inspect service lines and document materials of  
2 construction;

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

7 (5) discuss service line repair and installation with  
8 its employees, contractors, plumbers, other workers who  
9 worked on service lines connected to its distribution  
10 system, or all of the above.

11 (i) The owner or operator of each community water supply  
12 shall maintain records of persons who refuse to grant access  
13 to the interior of a building for purposes of identifying the  
14 materials of construction of a service line. If a community  
15 water supply has been denied access to the interior of a  
16 building for that reason, then the community water supply may  
17 identify the service line as a suspected lead service line.

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

26 (k) An owner or operator of a community water supply has no

1 duty to include in the material inventory required under  
2 subsection (d) information about service lines that are  
3 physically disconnected from a water main in its distribution  
4 system.

5 (l) When conducting engineering evaluations of community  
6 water supplies, the Agency may conduct a separate audit to  
7 identify progress that the community water supply has made  
8 toward completing the material inventory required under  
9 subsection (d).

10 (m) The owner or operator of each community water supply  
11 shall post on its website a copy of the material inventory most  
12 recently approved by the Agency or shall request that the  
13 Agency post a copy of that material inventory on the Agency's  
14 website.

15 (n) Nothing in this Section shall be construed to require  
16 service lines to be unearthed for the sole purpose of  
17 inventorying.

18 (o) When an owner or operator of a community water supply  
19 awards a contract under this Act, it shall be the aspirational  
20 goal to use contractors and vendors owned by minority persons,  
21 women, and persons with a disability, as those terms are  
22 defined in Section 2 of the Business Enterprise for  
23 Minorities, Women, and Persons with Disabilities Act, for not  
24 less than 20% of the total contracts, provided that: (1)  
25 contracts representing at least 11% of the total annual  
26 premiums or fees shall be awarded to minority-owned businesses

1 as defined in Section 2 of the Business Enterprise for  
2 Minorities, Women, and Persons with Disabilities Act; (2)  
3 contracts representing at least 7% of the total annual  
4 premiums or fees shall be awarded to woman-owned businesses;  
5 and (3) contracts representing at least 2% of the total annual  
6 premiums or fees shall be awarded to businesses owned by  
7 persons with a disability.

8 Owners or operators of a community water supply are  
9 encouraged to divide projects, whenever economically feasible,  
10 into contracts of smaller size that ensure small business  
11 contractors or vendors shall have the ability to qualify in  
12 the applicable bidding process, when determining the ability  
13 to deliver on a given contract based on scope and size, as a  
14 responsible and responsive bidder.

15 When a contractor or vendor submits a bid or letter of  
16 intent in response to a request for proposal or other bid  
17 submission, the contractor or vendor shall include with its  
18 responsive documents a utilization plan that shall address how  
19 compliance with applicable aspirational goals set forth in  
20 this subsection shall be addressed.

21 The owner or operator of a community water supply must  
22 demonstrate how the community water supply will ensure that  
23 program implementation contractors and vendors will meet  
24 multiple workforce equity building criteria, including, but  
25 not limited to, ensuring that an amount of program portfolio  
26 incentive funding proportional to the population of persons

1 who are black, indigenous, or persons of color within each  
2 county in which the owner or operator of a community water  
3 supply is located, to be updated every 2 years, is  
4 administered and installed by vendors who meet one of the  
5 following criteria:

6 (1) is a certified vendor under the Business  
7 Enterprise for Minorities, Women, and Persons with  
8 Disabilities Act;

9 (2) is certified by another municipal, State, federal,  
10 or other certificating entity for disadvantaged  
11 businesses;

12 (3) the owner or operator submits an affidavit stating  
13 that the vendor meets the eligibility criteria for a  
14 certification program such as certification programs  
15 described in subparagraph (1) or (2); or

16 (4) if the vendor is a nonprofit, the vendor meets any  
17 of the criteria in subparagraphs (1), (2), or (3) or is  
18 controlled by a board of directors of which at least 51% of  
19 its members are individuals who are minority persons,  
20 women, or persons with a disability, as those terms are  
21 defined in Section 2 of the Business Enterprise for  
22 Minorities, Women, and Persons with Disabilities Act.

23 (p) An owner or operator of a community water supply shall  
24 collect data necessary to ensure compliance with subsection  
25 (o) no less than quarterly and shall communicate progress  
26 toward compliance with subsection (o) by submitting a report

1 to the Department. The report must include data on vendor and  
2 employee diversity, including data on the owner's or  
3 operator's implementation of subsection (o).

4 (q) Every owner or operator of a community water supply  
5 that has known or suspected lead service lines shall:

6 (1) create a plan to:

7 (A) replace each lead service line connected to  
8 its distribution system;

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

12 (C) determine the materials of construction of  
13 suspected lead service lines and service lines of  
14 unknown materials; and

15 (D) propose a time line for review and regular  
16 revision of the lead service line replacement plan;  
17 and

18 (2) electronically submit, by April 15, 2023 its  
19 initial lead service line replacement plan to the Agency;

20 (3) electronically submit by April 15 of each year  
21 after 2023 an updated lead service line replacement plan  
22 to the Agency; the updated replacement plan shall account  
23 for changes in the number of lead service lines or unknown  
24 service lines in the material inventory described in  
25 subsection (d);

26 (4) electronically submit by April 15, 2027 a complete

1 and final replacement plan to the Agency for approval; the  
2 complete and final replacement plan shall account for all  
3 lead service lines documented in the final material  
4 inventory described under paragraph (3) of subsection (d);  
5 and

6 (5) post on its website a copy of the plan most  
7 recently approved by the Agency or request that the Agency  
8 post a copy of that plan on the Agency's website.

9 (r) Each plan required under paragraph (1) of subsection  
10 (q) shall include the following:

11 (1) the name and identification number of the  
12 community water supply;

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

15 (3) the total number of suspected lead service lines  
16 connected to the distribution system of the community  
17 water supply;

18 (4) the total number of known lead service lines  
19 connected to the distribution system of the community  
20 water supply;

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

24 (6) a proposed lead service line replacement schedule  
25 that includes one-year, 5-year, 10-year, 15-year, 20-year,  
26 and 25-year goals, as applicable under the time lines

1 described under subsection (w);

2 (7) the estimated total number of remaining years  
3 until all known lead service lines have been replaced or  
4 suspected lead service lines have been determined to be  
5 made of materials other than lead and the estimated year  
6 in which lead service line replacement will be complete;

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

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

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

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

19 (9) a feasibility and affordability plan that  
20 includes, but is not limited to, information on how the  
21 community water supply intends to fund or finance lead  
22 service line replacement costs;

23 (10) a plan for prioritizing high-risk facilities,  
24 such as preschools, day care centers, day care homes,  
25 group day care homes, parks, playgrounds, hospitals, and  
26 clinics, as well as high-risk areas identified by the



1 community water supply;

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

5 (12) measures for how the community water supply will  
6 inform the public of the plan and provide opportunity for  
7 public comment; and

8 (13) measures to encourage diversity in hiring in the  
9 workforce required to implement the plan.

10 (s) The Agency shall review each plan submitted to it  
11 under subsection (r). The Agency shall approve a plan if the  
12 plan includes all of the elements set forth under subsection  
13 (r) and the Agency determines that:

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

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

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

25 (4) the plan provides an opportunity for public  
26 review.

1       (t) An owner or operator of a community water supply has no  
2 duty to include in the plans required under subsection (r)  
3 information about service lines that are physically  
4 disconnected from a water main in its distribution system.

5       (u) If a community water supply does not deliver a  
6 complete plan to the Agency by April 15, 2027, the community  
7 water supply may apply to the Agency for an extension. The  
8 Agency shall develop criteria for granting plan extensions.  
9 When considering requests for extension, the Agency shall, at  
10 a minimum, consider:

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

13           (2) the staff capacity and financial condition of the  
14 community;

15           (3) the number of service lines of an unknown material  
16 composition; and

17           (4) other criteria as determined by the Agency in  
18 consultation with the Lead Service Line Replacement  
19 Advisory Board created under subsection (y).

20       (v) Notwithstanding any other provision of law, the  
21 corporate authorities of a municipality may impose a tax, fee,  
22 surcharge, charge, assessment, or other amount payable or  
23 imposed deemed necessary, by ordinance or resolution, to be  
24 used solely for costs incurred by the municipality associated  
25 with lead service line remediation.

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

1 shall replace all lead service lines, subject to the  
2 requirements of subsection (cc), according to the following  
3 replacement rates and timelines to be calculated from the date  
4 of submission of the final inventory and replacement plan to  
5 the Agency:

6 (1) A community water supply reporting 249 or fewer  
7 lead service lines in its final inventory and replacement  
8 plan shall replace all lead service lines within 5 years  
9 after the date of filing the replacement plan, at an  
10 annual rate of no less than 20% of the amount described in  
11 the final inventory.

12 (2) A community water supply reporting more than 249  
13 but fewer than 1,200 lead service lines in its final  
14 inventory and replacement plan shall replace all lead  
15 service lines within 15 years after the date of filing the  
16 replacement plan, at an annual rate of no less than 10% of  
17 the amount described in the final inventory.

18 (3) A community water supply reporting more than 1,199  
19 but fewer than 10,000 lead service lines in its final  
20 inventory and replacement plan shall replace all lead  
21 service lines within 20 years after the date of filing the  
22 replacement plan, at an annual rate of no less than 6.7% of  
23 the amount described in the final inventory.

24 (4) A community water supply reporting more than 9,999  
25 but fewer than 50,000 lead service lines in its final  
26 inventory and replacement plan shall replace all lead

1 service lines within 25 years after the date of filing the  
2 replacement plan, at an annual rate of no less than 5% of  
3 the amount described in the final inventory.

4 (5) A community water supply reporting more than  
5 49,999 lead service lines in its final inventory and  
6 replacement plan shall replace all lead service lines  
7 within 30 years after the date of filing the replacement  
8 plan, at an annual replacement rate of no less than 4% of  
9 the amount described in the final inventory.

10 (x) 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 (w). 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;

18 (2) the staff capacity and financial condition of the  
19 community;

20 (3) unusual circumstances creating hardship for a  
21 community; and

22 (4) other criteria as determined by the Agency in  
23 consultation with the Lead Service Line Replacement  
24 Advisory Board created under subsection (y).

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

1       (y) The Lead Service Line Replacement Advisory Board is  
2 created within the Agency. The Advisory Board shall convene  
3 within 120 days after the effective date of this amendatory  
4 Act of the 102nd General Assembly.

5       The Advisory Board shall consist of at least 19 voting  
6 members, as follows:

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

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

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

12          (4) sixteen members appointed by the Agency as  
13 follows:

14           (A) one member representing a statewide  
15 organization representing municipalities;

16           (B) one member representing a municipality with a  
17 population of 2,000,000 or more inhabitants, nominated  
18 by the mayor of the municipality;

19           (C) one member representing a municipality with a  
20 population of less than 2,000,000 inhabitants located  
21 in northern Illinois, nominated by the mayor of the  
22 municipality;

23           (D) one member representing a municipality with a  
24 population of less than 2,000,000 inhabitants located  
25 in southern Illinois, nominated by the mayor of the  
26 municipality;

1           (E) two members who are representatives from  
2           public health advocacy groups;

3           (F) two members who are representatives from  
4           publicly-owned water utilities;

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

9           (H) one member who is a research professional  
10           employed at an academic institution and specializing  
11           in water infrastructure research;

12           (I) two members who are representatives from  
13           nonprofit civic organizations;

14           (J) one member who is a representative from a  
15           statewide organization representing environmental  
16           organizations;

17           (K) two members who are representatives from  
18           organized labor; and

19           (L) one member representing an environmental  
20           justice organization.

21           No less than 10 of the 19 voting members shall be persons  
22           of color, and no less than 3 shall represent communities  
23           defined or self-identified as environmental justice  
24           communities.

25           Advisory Board members shall serve without compensation,  
26           but may be reimbursed for necessary expenses incurred in the

1 performance of their duties from funds appropriated for that  
2 purpose. The Agency shall provide administrative support to  
3 the Advisory Board.

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

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

8 (1) establishing criteria for granting extensions for  
9 completion of the material inventory and final lead  
10 service line replacement plan, as described under  
11 subsections (d) and (r);

12 (2) advising the Agency on best practices in lead  
13 service line replacement;

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

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

19 (5) advising the Agency on the integration of existing  
20 lead service line remediation or replacement plans with  
21 any statewide plan; and

22 (6) providing technical support and practical  
23 expertise in general.

24 (aa) Within 1 year after the effective date of this  
25 amendatory Act of the 102nd General Assembly, the Advisory  
26 Board shall deliver a report of its recommendations to the

1 Governor and the General Assembly concerning opportunities for  
2 dedicated, long-term revenue options for funding lead service  
3 line replacement. In submitting recommendations, the Advisory  
4 Board shall consider, at a minimum, the following:

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

8 (2) the financial burden, if any, imposed by the fee  
9 on households falling below 150% of the federal poverty  
10 limit;

11 (3) revenue options that guarantee low-income  
12 households are not protected from rate increases;

13 (4) an assessment of the ability of community water  
14 supplies to assess and collect the fee;

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

17 (6) the protection of low-income households from rate  
18 increases.

19 (bb) Within 10 years after the effective date of this  
20 amendatory Act of the 102nd General Assembly, the Advisory  
21 Board shall prepare and deliver a report to the Governor and  
22 General Assembly concerning the status of all lead service  
23 line remediation sites within the State.

24 (cc) When replacing a lead service line, the owner or  
25 operator of the community water supply shall replace the  
26 service line in its entirety, including, but not limited to,



1 any portion of the service line (i) running on private  
2 property and (ii) within the building's plumbing at the first  
3 shut-off valve. Partial lead service line replacements are  
4 expressly prohibited. Exceptions shall be made under the  
5 following circumstances:

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

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

23 (i) a warning that the work may result in  
24 sediment, possibly containing lead, in the  
25 buildings water supply system;

26 (ii) information concerning practices for

1           preventing the consumption of any lead in drinking  
2           water, including a recommendation to flush water  
3           distribution pipe during and after the completion  
4           of the repair or replacement work and to clean  
5           faucet aerator screens; and

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

8           (B) Provide filters for at least one fixture  
9           supplying potable water for consumption. The filter  
10           must be compliant with NSF/ANSI Standards 53 and 42.  
11           The filter must be provided until such time that the  
12           remaining portions of the service line have been  
13           replaced with a material approved by the Department or  
14           a waiver has been issued under subsection (ee).

15           (C) Replace the remaining portion of the lead  
16           service line within 30 days of the repair, or 120 days  
17           in the event of weather or other circumstances beyond  
18           reasonable control that prohibits construction. If a  
19           complete lead service line replacement cannot be made  
20           within the required 30 day period, the person  
21           responsible for commencing the repair shall notify the  
22           Department in writing, at a minimum, of the following  
23           within 24 hours of the repair:

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

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

3                   (D) If complete repair of a lead service line  
4                   cannot be completed within 30 days due to denial by the  
5                   property owner, the person commencing the repair shall  
6                   request the affected property owner to sign a waiver  
7                   developed by the Department. If a property owner of a  
8                   nonresidential building or residence operating as  
9                   rental properties denies a complete lead service line  
10                   replacement, the property owner shall be responsible  
11                   for installing and maintaining point-of-use filters  
12                   compliant with NSF/ANSI Standards 53 and 42 at all  
13                   fixtures intended to supply water for the purposes of  
14                   drinking, food preparation, or making baby formula.  
15                   The filters shall continue to be supplied until such  
16                   time that the property owner has affected the  
17                   remaining portions of the lead service line to be  
18                   replaced.

19                   (E) Document any remaining lead service line,  
20                   including a portion on the private side of the  
21                   property, in the community water supply's distribution  
22                   system materials inventory required under subsection  
23                   (d).

24                   For the purposes of this paragraph (1), written notice  
25                   shall be provided in the method and according to the  
26                   provisions of subsection (ff).

1           (2) Lead service lines that are physically  
2           disconnected from the distribution system are exempt from  
3           this subsection.

4           (dd) On and after January 1, 2022, when the owner or  
5           operator of a community water supply replaces a water main,  
6           the community water supply shall identify all lead service  
7           lines connected to the water main and shall replace, in  
8           accordance with its lead service line replacement plan, the  
9           lead service lines by:

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

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

19           (3) if a customer refuses to grant access to the  
20           property, following prescribed notice provisions as  
21           outlined in subsection (ee).

22           If an owner of a potentially affected building intends to  
23           replace a portion of a lead service line or a galvanized  
24           service line and the galvanized service line is or was  
25           connected downstream to lead piping, then the owner of the  
26           potentially affected building shall provide the owner or

1 operator of the community water supply with notice at least 45  
2 days before commencing the work. In the case of an emergency  
3 repair, the owner of the potentially affected building must  
4 provide filters for each kitchen area that are certified to  
5 meet the requirements of NSF/ANSI Standards 42 and 53. If the  
6 owner of the potentially affected building notifies the owner  
7 or operator of the community water supply of a portion of the  
8 lead service line after the emergency repair is completed,  
9 then the owner or operator of the community water supply shall  
10 replace the remainder of the lead service line within 30 days  
11 after completion of the emergency repair. A community water  
12 supply may take up to 120 days if necessary due to weather  
13 conditions. If a replacement takes longer than 30 days,  
14 filters provided by the owner of the potentially affected  
15 building must be replaced in accordance with the  
16 manufacturer's recommendations. Partial lead service line  
17 replacements by the owners of potentially affected buildings  
18 are otherwise prohibited.

19 (ee) At least one month before conducting planned lead  
20 service line replacement, the owner or operator of a community  
21 water supply shall, by certified mail, attempt to contact the  
22 owner of the potentially affected building serviced by the  
23 lead service line to request access to the building and  
24 permission to replace the lead service line in accordance with  
25 the lead service line replacement plan. If the owner of the  
26 potentially affected building does not respond to the request

1 within 2 weeks after the request is sent, the owner or operator  
2 of the community water supply shall attempt to post the  
3 request on the entrance of the potentially affected building.

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

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

26 (1) a warning that the work may result in sediment,

1 possibly containing lead from the service line, in the  
2 building's water;

3 (2) information concerning the best practices for  
4 preventing exposure to or risk of consumption of lead in  
5 drinking water, including a recommendation to flush water  
6 lines during and after the completion of the repair or  
7 replacement work and to clean faucet aerator screens; and

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

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

25 If a community water supply serves a significant  
26 proportion of non-English speaking consumers, the

1 notifications required under this subsection must contain  
2 information in the appropriate language regarding the  
3 importance of the notice and a telephone number or address  
4 where a person may contact the owner or operator of the  
5 community water supply to obtain a translated copy of the  
6 notification or request assistance in the appropriate  
7 language.

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

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



1 individual written notices otherwise required under this  
2 subsection.

3 No notifications are required under this subsection for  
4 work performed on water mains that are used to transmit  
5 treated water between community water supplies and that have  
6 no service connections.

7 (gg) The owner or operator of each community water supply  
8 shall include the following information in the annual consumer  
9 confidence report required under the United States  
10 Environmental Protection Agency's National Primary Drinking  
11 Water Regulations:

12 (1) an estimate of the number of known or suspected  
13 lead service lines connected to its distribution system;  
14 and

15 (2) a statement describing progress that has been made  
16 toward replacing lead service lines connected to its  
17 distribution system.

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

22 (ii) Authority is hereby vested in the Illinois Pollution  
23 Control Board to conduct hearings to review final actions of  
24 the Agency under this Section.

25 (jj) To the extent allowed by law, when a community water  
26 supply enters into an agreement with a private contractor for

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

8 (kk) 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 (ll) 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 (mm) 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 (415 ILCS 5/17.11 rep.)

20 Section 15. The Environmental Protection Act is amended by  
21 repealing Section 17.11."