

SB1270



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1270

Introduced 2/6/2019, by Sen. Robert Peters

SYNOPSIS AS INTRODUCED:

225 ILCS 320/35.5

Amends the Illinois Plumbing License Law. Provides that each park district, municipal park and recreation agency, or special recreation agency shall test each source of potable water in a park that serves children under 6 years old for lead contamination. Provides requirements for testing and notification. Provides requirements for requests seeking waiver of testing. Provides that the owner or operator of a community water system may agree to pay for the cost of the laboratory analysis of the test samples.

LRB101 00245 LNS 45249 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Plumbing License Law is amended by
5 changing Section 35.5 as follows:

6 (225 ILCS 320/35.5)

7 Sec. 35.5. Lead in drinking water prevention.

8 (a) The General Assembly finds that lead has been detected
9 in the drinking water of schools in this State. The General
10 Assembly also finds that infants and young children may suffer
11 adverse health effects and developmental delays as a result of
12 exposure to even low levels of lead. The General Assembly
13 further finds that it is in the best interests of the people of
14 the State to require school districts or chief school
15 administrators, or the designee of the school district or chief
16 school administrator, to test for lead in drinking water in
17 school buildings and provide written notification of the test
18 results.

19 The purpose of this Section is to require (i) school
20 districts or chief school administrators, or the designees of
21 the school districts or chief school administrators, to test
22 for lead with the goal of providing school building occupants
23 with an adequate supply of safe, potable water; and (ii) school

1 districts or chief school administrators, or the designees of
2 the school districts or chief school administrators, to notify
3 the parents and legal guardians of enrolled students of the
4 sampling results from their respective school buildings.

5 (b) For the purposes of this Section:

6 "Community water system" has the meaning provided in 35
7 Ill. Adm. Code 611.101.

8 "School building" means any facility or portion thereof
9 that was constructed on or before January 1, 2000 and may be
10 occupied by more than 10 children or students, pre-kindergarten
11 through grade 5, under the control of (a) a school district or
12 (b) a public, private, charter, or nonpublic day or residential
13 educational institution.

14 "Source of potable water" means the point at which
15 non-bottled water that may be ingested by children or used for
16 food preparation exits any tap, faucet, drinking fountain, wash
17 basin in a classroom occupied by children or students under
18 grade 1, or similar point of use; provided, however, that all
19 (a) bathroom sinks and (b) wash basins used by janitorial staff
20 are excluded from this definition.

21 (c) Each school district or chief school administrator, or
22 the designee of each school district or chief school
23 administrator, shall test each source of potable water in a
24 school building for lead contamination as required in this
25 subsection.

26 (1) Each school district or chief school

1 administrator, or the designee of each school district or
2 chief school administrator, shall, at a minimum, (a)
3 collect a first-draw 250 milliliter sample of water, (b)
4 flush for 30 seconds, and (c) collect a second-draw 250
5 milliliter sample from each source of potable water located
6 at each corresponding school building; provided, however,
7 that to the extent that multiple sources of potable water
8 utilize the same drain, (i) the foregoing collection
9 protocol is required for one such source of potable water,
10 and (ii) only a first-draw 250 milliliter sample of water
11 is required from the remaining such sources of potable
12 water. The water corresponding to the first-draw 250
13 milliliter sample from each source of potable water shall
14 have been standing in the plumbing pipes for at least 8
15 hours, but not more than 18 hours, without any flushing of
16 the source of potable water before sample collection.

17 (2) Each school district or chief school
18 administrator, or the designee of each school district or
19 chief school administrator, shall arrange to have the
20 samples it collects pursuant to subdivision (1) of this
21 subsection submitted to a laboratory that is certified for
22 the analysis of lead in drinking water in accordance with
23 accreditation requirements developed by a national
24 laboratory accreditation body, such as the National
25 Environmental Laboratory Accreditation Conference (NELAC)
26 Institute (TNI). Samples submitted to laboratories

1 pursuant to this subdivision (2) shall be analyzed for lead
2 using one of the test methods for lead that is described in
3 40 CFR 141.23(k) (1). Within 7 days after receiving a final
4 analytical result concerning a sample collected pursuant
5 to subdivision (1) of this subsection, the school district
6 or chief school administrator, or a designee of the school
7 district or chief school administrator, that collected the
8 sample shall provide the final analytical result to the
9 Department.

10 (3) If any of the samples taken in the school exceed 5
11 parts per billion, the school district or chief school
12 administrator, or the designee of the school district or
13 chief school administrator, shall promptly provide an
14 individual notification of the sampling results, via
15 written or electronic communication, to the parents or
16 legal guardians of all enrolled students and include the
17 following information: the corresponding sampling location
18 within the school building and the United States
19 Environmental Protection Agency's website for information
20 about lead in drinking water. If any of the samples taken
21 at the school are at or below 5 parts per billion,
22 notification may be made as provided in this paragraph or
23 by posting on the school's website.

24 (4) Sampling and analysis required under this Section
25 shall be completed by the following applicable deadlines:
26 for school buildings constructed prior to January 1, 1987,

1 by December 31, 2017; and for school buildings constructed
2 between January 2, 1987 and January 1, 2000, by December
3 31, 2018.

4 (5) A school district or chief school administrator, or
5 the designee of the school district or chief school
6 administrator, may seek a waiver of the requirements of
7 this subsection from the Department, if (A) the school
8 district or chief school administrator, or the designee of
9 the school district or chief school administrator,
10 collected at least one 250 milliliter or greater sample of
11 water from each source of potable water that had been
12 standing in the plumbing pipes for at least 6 hours and
13 that was collected without flushing the source of potable
14 water before collection, (B) a laboratory described in
15 subdivision (2) of this subsection analyzed the samples in
16 accordance with a test method described in that
17 subdivision, (C) test results were obtained prior to the
18 effective date of this amendatory Act of the 99th General
19 Assembly, but after January 1, 2013, and (D) test results
20 were submitted to the Department within 120 days of the
21 effective date of this amendatory Act of the 99th General
22 Assembly.

23 (6) The owner or operator of a community water system
24 may agree to pay for the cost of the laboratory analysis of
25 the samples required under this Section and may utilize the
26 lead hazard cost recovery fee under Section 11-150.1-1 of

1 the Illinois Municipal Code or other available funds to
2 defray said costs.

3 (7) Lead sampling results obtained shall not be used
4 for purposes of determining compliance with the Board's
5 rules that implement the national primary drinking water
6 regulations for lead and copper.

7 (c-5) Each park district, municipal park and recreation
8 agency, or special recreation agency, or its designee, shall
9 test each source of potable water in each of its parks that
10 serve children under 6 years old for lead contamination as
11 required in this subsection according to the following
12 requirements:

13 (1) At a minimum, (i) collect a first-draw 250
14 milliliter sample of water, (ii) flush for 30 seconds, and
15 (iii) collect a second-draw 250 milliliter sample from each
16 source of potable water located at each corresponding park.
17 However, to the extent that multiple sources of potable
18 water utilize the same drain, the foregoing collection
19 protocol is required for one such source of potable water,
20 and only a first-draw 250 milliliter sample of water is
21 required from the remaining such sources of potable water.
22 The water corresponding to the first-draw 250 milliliter
23 sample from each source of potable water shall have been
24 standing in the plumbing pipes for at least 8 hours, but
25 not more than 18 hours, without any flushing of the source
26 of potable water before sample collection.

1 (2) Arrange to have the samples it collects under
2 paragraph (1) submitted to a laboratory that is certified
3 for the analysis of lead in drinking water in accordance
4 with accreditation requirements developed by a national
5 laboratory accreditation body, such as The National
6 Environmental Laboratory Accreditation Conference (NELAC)
7 Institute (TNI). Samples submitted to laboratories under
8 this paragraph (2) shall be analyzed for lead using one of
9 the test methods for lead that is described in 40 CFR
10 141.23(k)(1). Within 7 days after receiving a final
11 analytical result concerning a sample collected under
12 paragraph (1), the park district, municipal park and
13 recreation agency, or special recreation agency, or its
14 designee, that collected the sample shall provide the final
15 analytical result to the Department.

16 (3) If any of the samples taken under subsection (1)
17 exceed 5 parts per billion, the park district, municipal
18 park and recreation agency, or special recreation agency,
19 or its designee, shall promptly provide notification of the
20 sampling results, via a publication circulated in the
21 county where the park district, municipal park and
22 recreation agency, or special recreation agency is located
23 and, if applicable, on its website and include the
24 following information (i) the corresponding sampling
25 location within the park, and (ii) the United States
26 Environmental Protection Agency's website for information

1 about lead in drinking water. If any of the samples taken
2 by the park district, municipal park and recreation agency,
3 or special recreation agency are at or below 5 parts per
4 billion, notification may be made by posting on its
5 website.

6 (4) Sampling and analysis required under this
7 subsection shall be completed by the following applicable
8 deadlines: for parks constructed prior to January 1, 1987,
9 by December 31, 2021; and for parks constructed between
10 January 2, 1987 and January 1, 2000, by December 31, 2022.

11 (5) A park district, municipal park and recreation
12 agency, or special recreation agency, or its designee, may
13 seek a waiver of the requirements of this subsection from
14 the Department, if: (i) the park district, municipal park
15 and recreation agency, or special recreation agency, or the
16 designee of the park district, municipal park and
17 recreation agency, or special recreation agency, collected
18 at least one 250 milliliter or greater sample of water from
19 each source of potable water that had been standing in the
20 plumbing pipes for at least 6 hours and that was collected
21 without flushing the source of potable water before
22 collection; (ii) a laboratory described in paragraph (2)
23 analyzed the samples in accordance with a test method
24 described in that paragraph; (iii) test results were
25 obtained prior to the effective date of this amendatory Act
26 of the 101st General Assembly, but after January 1, 2017;

1 and (iv) test results were submitted to the Department
2 within 120 days after the effective date of this amendatory
3 Act of the 101st General Assembly.

4 (6) The owner or operator of a community water system
5 may agree to pay for the cost of the laboratory analysis of
6 the samples required under this subsection and may utilize
7 the lead hazard cost recovery fee under Section 11-150.1-1
8 of the Illinois Municipal Code or other available funds to
9 defray said costs.

10 (7) Lead sampling results obtained shall not be used
11 for determining compliance with the Board's rules
12 implementing the national primary drinking water
13 regulations for lead and copper (the Lead and Copper Rule,
14 40 C.F.R. Part 141, Subpart I).

15 (d) By no later than June 30, 2019, the Department shall
16 determine whether it is necessary and appropriate to protect
17 public health to require schools constructed in whole or in
18 part after January 1, 2000 to conduct testing for lead from
19 sources of potable water, taking into account, among other
20 relevant information, the results of testing conducted
21 pursuant to this Section.

22 (e) Within 90 days of the effective date of this amendatory
23 Act of the 99th General Assembly, the Department shall post on
24 its website guidance on mitigation actions for lead in drinking
25 water, and ongoing water management practices, in schools. In
26 preparing such guidance, the Department may, in part, reference

1 the United States Environmental Protection Agency's 3Ts for
2 Reducing Lead in Drinking Water in Schools.

3 (Source: P.A. 99-922, eff. 1-17-17; 100-103, eff. 8-11-17.)