



Sen. Heather A. Steans

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LRB101 08053 LNS 60251 a

1 AMENDMENT TO HOUSE BILL 3035

2 AMENDMENT NO. _____. Amend House Bill 3035 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Lead
5 Service Line Replacement and Notification Act.

6 Section 5. Purpose. The purpose of this Act is to: (1)
7 require the owners and operators of community water supplies to
8 develop, implement, and maintain a comprehensive water service
9 line material inventory and a comprehensive lead service line
10 replacement plan, provide notice to occupants of potentially
11 affected buildings before any construction or repair work on
12 water mains or lead service lines, and to request access to
13 potentially affected buildings before replacing lead service
14 lines; and (2) to prohibit partial lead service line
15 replacements.

1 Section 10. Definitions. As used in this Act, unless the
2 context otherwise clearly requires:

3 "Agency" means the Illinois Environmental Protection
4 Agency.

5 "Board" means the Illinois Pollution Control Board.

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

8 "Department" means the Illinois Department of Public
9 Health.

10 "Emergency repair" means any unscheduled water main, water
11 service, or water valve repair or replacement that results from
12 failure or accident.

13 "Lead service line" means a service line made of lead or a
14 service line connected to a lead pigtail, lead gooseneck, or
15 other lead fitting.

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

19 "Non-community water supply" has the meaning ascribed to it
20 in Section 3.145 of the Environmental Protection Act.

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

23 "Partial lead service line replacement" means replacement
24 of only a portion of a lead service line.

25 "Potentially affected building" means any building that is
26 provided water service through a service line that is either a

1 lead service line or a suspected lead service line.

2 "Public water supply" has the meaning ascribed to it in
3 Section 3.365 of the Environmental Protection Act.

4 "Service line" means the piping, tubing, and necessary
5 appurtenances installed on any conduit from the water main or
6 source of potable water supply to the building plumbing at the
7 first shut-off valve or 18 inches inside the building,
8 whichever is shorter.

9 "Suspected lead service line" means a service line that is
10 suspected to be a lead service line.

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

13 Section 15. Material inventories.

14 (a) The owner or operator of each community water supply
15 shall:

16 (1) develop an initial material inventory and submit
17 the material inventory electronically to the Agency by
18 April 15, 2020;

19 (2) update its material inventory and submit the
20 updated material inventory electronically to the Agency by
21 April 15, 2021, and each April 15 thereafter, until the
22 owner or operator has substantially completed an inventory
23 of all service lines in its system; and

24 (3) after the Agency has initially reviewed and
25 approved the community water supply's substantially

1 complete inventory, the community water supply shall
2 update its inventory no less than every 3 years and shall
3 submit any revisions, if necessary, to the Agency.

4 (b) The Agency shall review each material inventory
5 submitted to it under this Section. If the Agency determines
6 that the community water supply is making substantial progress
7 toward characterizing the materials of all service lines
8 connected to its distribution system, with a priority on
9 identifying all lead service lines connected to its
10 distribution system, then the Agency shall approve the material
11 inventory.

12 (c) Each material inventory prepared for a community water
13 supply shall identify:

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

16 (2) the materials of construction of each service line
17 connected to the community water supply's distribution
18 system;

19 (3) the number of suspected lead service lines that
20 were newly identified in the material inventory for the
21 community water supply after the community water supply
22 last submitted a service line inventory to the Agency; and

23 (4) the number of suspected or known lead service lines
24 that were replaced after the community water supply last
25 submitted a service line inventory to the Agency, and the
26 material of the service line that replaced each lead

1 service line.

2 When identifying the materials of construction under
3 paragraph (2) of this subsection, the owner or operator of the
4 community water supply shall identify the type of construction
5 material used on the customer's side of the curb box or meter
6 or other line of demarcation and the community water supply's
7 side of the curb box or meter or other line of demarcation.

8 (d) In substantially completing its material inventory,
9 the owner or operator of each community water supply shall:

10 (1) prioritize inspections of high-risk areas
11 identified by the community water supply and inspections of
12 high-risk facilities, such as preschools, daycares, parks,
13 playgrounds, hospitals, and clinics, and confirm service
14 line materials in those areas and at those facilities;

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

19 (3) when conducting distribution system maintenance,
20 visually inspect service lines and document materials of
21 construction;

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

26 (5) discuss service line repair and installation with

1 its employees, plumbers who worked on service lines
2 connected to its distribution system, or both.

3 (e) The owner or operator of each community water supply
4 shall maintain records of persons who refuse to grant access to
5 the interior of a building for purposes of identifying the
6 materials of construction of a service line. If a community
7 water supply has been denied access to the interior of a
8 building for that reason, then the community water supply may
9 identify the service line as a suspected lead service line.

10 (f) If a community water supply identifies a lead service
11 line connected to a building, the owner or operator of the
12 community water supply shall notify the owner of the building
13 and all occupants of the building of the existence of the lead
14 service line within 15 days after identifying the lead service
15 line, or as soon as is reasonably possible thereafter.

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

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

23 (i) When conducting engineering evaluations of community
24 water supplies, the Agency may conduct a separate audit to
25 identify progress that the community water supply has made
26 toward completing the material inventory required under this

1 Act.

2 (j) The owner or operator of each community water supply
3 shall post on its website a copy of the material inventory most
4 recently approved by the Agency or shall request that the
5 Agency post a copy of that material inventory on the Agency's
6 website.

7 (k) The Agency shall by rule define "substantial progress",
8 "substantially completed", and "suspected lead service line".
9 In determining these definitions, the Agency shall give primary
10 consideration to the impact of lead on public health,
11 especially with respect to high-risk areas.

12 Section 20. Lead service line replacement plans.

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

15 (1) create a plan to:

16 (A) replace each lead service line connected to its
17 distribution system;

18 (B) replace each galvanized service line connected
19 to its distribution system, if the galvanized service
20 line is or was connected downstream to lead piping;

21 (C) determine the materials of construction of
22 suspected lead service lines and service lines of
23 unknown materials; and

24 (D) propose a timeline for review and regular
25 revisions of the lead service line replacement plan;

1 and

2 (2) electronically submit, by April 15, 2021, its lead
3 service line replacement plan to the Agency for approval;
4 and

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

8 (b) Each plan required under subsection (a) shall include
9 the following:

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

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

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

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

20 (5) the total number of lead service lines connected to
21 the distribution system of the community water supply that
22 have been replaced each year beginning in 2018;

23 (6) a proposed lead service line replacement schedule
24 that includes one-year, 5-year, and 10-year goals;

25 (7) the estimated total number of remaining years until
26 all known lead service lines have been replaced or

1 suspected lead service lines have been determined to be
2 made of materials other than lead, and the estimated year
3 in which lead service line replacement will be complete;

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

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

11 (B) measures to address affordability for
12 customers or ratepayers; and

13 (C) consideration of different scenarios for
14 structuring payments between the utility and its
15 customers over time; and

16 (9) a feasibility and affordability plan that
17 includes, but is not limited to, information on how the
18 community water supply intends to fund or finance lead
19 service line replacement, in different situations, such as
20 those situations including, but not limited to, where the
21 community water supply pays for:

22 (A) the portion of the service lines owned by the
23 community water supply and the property owner pays for
24 the portion he or she owns;

25 (B) the entire replacement and has a low interest
26 loan for the property owner to pay for the replacement

1 over time on his or her water bill; or

2 (C) the entire replacement; and

3 (10) a plan for prioritizing high-risk facilities,
4 such as preschools, daycares, parks, playgrounds,
5 hospitals, and clinics, as well as high-risk areas
6 identified by the community water supply;

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

11 (12) measures for how the community water supply will
12 inform the public of the plan and provide opportunity for
13 public comment.

14 (c) The Agency shall review each plan submitted to it under
15 this Section. The Agency shall approve a plan if the plan
16 includes all of the elements set forth in subsection (b) and
17 the Agency if it determines that:

18 (1) the proposed lead service line replacement
19 schedule set forth in the plan, including the one-year,
20 5-year, and 10-year goals in the plan and the estimated
21 date by which all lead service lines will be replaced, are
22 reasonable;

23 (2) the plan prioritizes the replacement of lead
24 service lines that provide water service to high-risk
25 facilities, such as preschools, daycares, parks,
26 playgrounds, hospitals, and clinics, and high-risk areas

1 identified by the community water supply;

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

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

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

9 Section 25. Lead service line replacement requirements.

10 (a) When a community water supply replaces a water main,
11 the community water supply shall identify all lead service
12 lines connected to the water main and shall replace, in
13 accordance with its lead service line replacement plan, the
14 lead service lines by:

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

21 (2) in conjunction with replacement of the water main,
22 replacing any and all portions of each service line
23 connected to that water main that are composed of lead.

24 In the event of an emergency repair that affects a lead
25 service line or a suspected lead service line, a community

1 water supply must contact the building owner to begin the
2 process of replacing the entire service line. If the building
3 owner is not able to be contacted or the building owner or
4 occupant refuses to grant access and permission to replace the
5 entire service line at the time of the emergency repair, then
6 the community water supply may perform a partial lead service
7 line replacement. When a partial lead service line replacement
8 occurs due to an emergency repair, the community water supply
9 must (i) provide filters, for each kitchen area, that meet the
10 requirements of NSF/ANSI Standard 53, which is hereby
11 incorporated by reference, and (ii) must replace the remaining
12 portion of the lead service line within 30 days of the
13 emergency repair unless access is denied under Section 30. A
14 community water supply may take up to 120 days if necessary due
15 to weather conditions. If a replacement takes longer than 30
16 days, provided filters must be replaced in accordance with the
17 manufacturer's recommendations. Partial lead service line
18 replacement by the owner or operator of a community water
19 supply is otherwise prohibited.

20 (b) If an owner of a potentially affected building intends
21 to replace a portion of a lead service line or a galvanized
22 service line, if the galvanized service line is or was
23 connected downstream to lead piping, then the owner of the
24 potentially affected building shall provide the owner or
25 operator of the community water supply with notice at least 45
26 days before commencing the work. In the case of an emergency

1 repair, if the owner of the potentially affected building
2 notifies the owner or operator of the community water supply of
3 the replacement of a portion of the lead service line after the
4 emergency repair is completed, then the owner or operator of
5 the community water supply must provide filters certified to
6 remove lead and replace the remainder of the lead service line
7 within 30 days after completion of the emergency repair. A
8 community water supply may take up to 120 days if necessary due
9 to weather conditions. If a replacement takes longer than 30
10 days, provided filters must be replaced every 30 days
11 thereafter. Partial lead service line replacements by the
12 owners of potentially affected buildings are otherwise
13 prohibited.

14 Section 30. Request for private property access.

15 (a) At least one month before conducting planned lead
16 service line replacement, the owner or operator of a community
17 water supply shall, by certified mail, attempt to contact the
18 owner of the potentially affected building serviced by the lead
19 service line to request access to the building and permission
20 to replace the lead service line in accordance with the lead
21 service line replacement plan. If the owner of the potentially
22 affected building does not respond to that request within 2
23 weeks after the request is sent, the owner or operator of the
24 community water supply shall attempt to post the request on the
25 entryway of the potentially affected building.

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

12 Section 35. Construction notice.

13 (a) When replacing a lead service line or repairing or
14 replacing water mains with lead service lines or partial lead
15 service lines attached to them, the owner or operator of a
16 community water supply shall provide the owner of each
17 potentially affected building that is serviced by the affected
18 lead service lines or partial lead service lines, as well as
19 the occupants of those buildings, with an individual written
20 notice that includes, at a minimum, the following:

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

24 (2) information concerning the best practices for
25 preventing exposure to or risk of consumption of lead in

1 drinking water, including a recommendation to flush water
2 lines during and after the completion of the repair or
3 replacement work and to clean faucet aerator screens; and

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

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

20 (c) If a community water supply serves a significant
21 proportion of non-English speaking consumers, the
22 notifications required under this Section must contain
23 information in the appropriate language regarding the
24 importance of the notice and a telephone number or address
25 where a person may contact the owner or operator of the
26 community water supply to obtain a translated copy of the

1 notification or request assistance in the appropriate
2 language.

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

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

22 (f) No notifications are required under this Section for
23 work performed on water mains that are used to transmit treated
24 water between community water supplies and that have no service
25 connections.

1 Section 40. Replacement program progress reports. The
2 owner or operator of each community water supply shall include
3 the following information in the annual consumer confidence
4 report required under the United States Environmental
5 Protection Agency's National Primary Drinking Water
6 Regulations:

7 (1) an estimate of the number of known or suspected
8 lead service lines connected to its distribution system;
9 and

10 (2) a statement describing progress that has been made
11 toward replacing lead service lines connected to its
12 distribution system.

13 Section 50. Board review. Authority is hereby vested in the
14 Illinois Pollution Control Board to conduct hearings to review
15 final actions of the Agency.

16 Section 55. Community water supply liability. To the extent
17 allowed by law, community water supplies shall be held harmless
18 for damage to property when installing water service lines. If
19 dangers are encountered that prevent the replacement of the
20 lead service line, the community water supply shall notify the
21 Department within 15 working days of why the replacement of the
22 lead service could not be accomplished.

23 Section 60. Rules.

1 (a) The Agency may propose and the Board may adopt any
2 rules necessary to implement and administer this Act.

3 (b) The Department may adopt rules necessary to implement
4 and administer this Act and to address lead service lines
5 attached to non-community water supplies.

6 Section 100. The Department of Commerce and Economic
7 Opportunity Law of the Civil Administrative Code of Illinois is
8 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 as
16 lead service line replacement, or other measures to ensure that
17 residents have access to affordable and clean water. The policy
18 and program shall not jeopardize the ability of public
19 utilities, community water supplies, or other entities to
20 receive just compensation for providing services. The
21 resources applied in achieving the policy and program shall be
22 coordinated and efficiently used through the integration of
23 public programs and through the targeting of assistance. The
24 Department shall use all appropriate and available means to

1 fund this program and, to the extent possible, identify and use
2 sources of funding that complement State tax revenues. The rule
3 shall be finalized within 180 days after the effective date of
4 this Act, or within 60 days after receiving an appropriation
5 for the program.

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

16 (c) Applicants who qualify for assistance under subsection
17 (b) shall, subject to appropriation from the General Assembly
18 and subject to availability of funds to the Department, receive
19 assistance as provided in this Section. The Department, upon
20 receipt of moneys authorized under this Section for assistance,
21 shall commit funds for each qualified applicant in an amount
22 determined by the Department. In determining the amounts of
23 assistance to be provided to or on behalf of a qualified
24 applicant, the Department shall ensure that the highest amounts
25 of assistance go to households with the greatest water costs in
26 relation to household income. The Department may consider

1 factors such as water costs, household size, household income,
2 and region of the State when determining individual household
3 benefits. In adopting rules for the administration of this
4 Section, the Department shall ensure that a minimum of
5 one-third of the funds for the program are available for
6 benefits to eligible households with the lowest incomes and
7 that elderly households, households with persons with
8 disabilities, and households with children under 6 years of age
9 are offered a priority application period.

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

12 (e) The Department may adopt any rules necessary to
13 implement this Section.

14 Section 105. The Public Utilities Act is amended by
15 changing Section 8-306 as follows:

16 (220 ILCS 5/8-306)

17 Sec. 8-306. Special provisions relating to water and sewer
18 utilities.

19 (a) No later than 120 days after the effective date of this
20 amendatory Act of the 94th General Assembly, the Commission
21 shall prepare, make available to customers upon request, and
22 post on its Internet web site information concerning the
23 service obligations of water and sewer utilities and remedies
24 that a customer may pursue for a violation of the customer's

1 rights. The information shall specifically address the rights
2 of a customer of a water or sewer utility in the following
3 situations:

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

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

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

8 (4) The customer wishes to complain after receiving a
9 termination of service notice.

10 (5) The customer is unable to make payment on a billing
11 statement.

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

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

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

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

23 (b) A water or sewer utility may discontinue service only
24 after it has mailed or delivered by other means a written
25 notice of discontinuance substantially in the form of Appendix
26 A of 83 Ill. Adm. Code 280. The notice must include the

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

1 applicant:

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

8 A residential customer shall pay a maximum of one-fourth of the

9 amount past due and owing at the time of entering into the

10 deferred payment agreement, and the water or sewer utility

11 shall allow a minimum of 2 months from the date of the

12 agreement and a maximum of 12 months for payment to be made

13 under a deferred payment agreement. Late payment charges may be

14 assessed against the amount owing that is the subject of a

15 deferred payment agreement.

16 (c) A water or sewer utility shall provide notice as

17 required by subsection (a) of Section 9-201 after the filing of

18 each information sheet under a purchased water surcharge,

19 purchased sewage treatment surcharge, or qualifying

20 infrastructure plant surcharge. The utility also shall post

21 notice of the filing in accordance with the requirements of 83

22 Ill. Adm. Code 255. Unless filed as part of a general rate

23 increase, notice of the filing of a purchased water surcharge

24 rider, purchased sewage treatment surcharge rider, or

25 qualifying infrastructure plant surcharge rider also shall be

26 given in the manner required by this subsection (c) for the

1 filing of information sheets.

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

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

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

23 (g) Water meters.

24 (1) Periodic testing. Unless otherwise approved by the
25 Commission, each service water meter shall be periodically
26 inspected and tested in accordance with the schedule

1 specified in 83 Ill. Adm. Code 600.340, or more frequently
2 as the results may warrant, to insure that the meter
3 accuracy is maintained within the limits set out in 83 Ill.
4 Adm. Code 600.310.

5 (2) Meter tests requested by customer.

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

16 (B) When a meter that has been in service less than
17 2 years since its last test is found to be accurate
18 within the limits specified in 83 Ill. Adm. Code
19 600.310, the customer shall pay a fee to the utility
20 not to exceed the amounts specified in 83 Ill. Adm.
21 Code 600.350(b). Fees for testing meters not included
22 in this Section or so located that the cost will be out
23 of proportion to the fee specified will be determined
24 by the Commission upon receipt of a complete
25 description of the case.

26 (3) Commission referee tests. Upon written application

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

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

17 (i) Water and sewer utilities; separate meters. Each public
18 utility that provides water and sewer service must offer
19 separate rates for water and sewer service to any commercial or
20 residential customer who uses separate meters to measure each
21 of those services. In order for the separate rate to apply, a
22 combination of meters must be used to measure the amount of
23 water that reaches the sewer system and the amount of water
24 that does not reach the sewer system.

25 (j) Each water or sewer public utility must disclose on
26 each billing statement any amount billed that is for service

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

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

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

23 (m) Water and sewer public utilities; non-revenue
24 ~~unaccounted for~~ water. ~~Each By December 31, 2006, each~~ water
25 public utility shall file tariffs with the Commission to
26 establish the maximum percentage of non-revenue

1 ~~unaccounted-for~~ water that would be considered in the
2 determination of any rates or surcharges. The rates or
3 surcharges approved for a water public utility shall not
4 include charges for non-revenue ~~unaccounted-for~~ water in
5 excess of this maximum percentage without well-documented
6 support and justification for the Commission to consider in any
7 request to recover charges in excess of the tariffed maximum
8 percentage.

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

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

7 (o) The Commission may allow or direct a water utility to
8 establish a customer assistance program that provides
9 financial relief to residential customers who qualify for
10 income-related assistance.

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

19 The Commission shall adopt rules to implement this
20 subsection. These rules shall require customer assistance
21 programs under this subsection to coordinate with utility
22 energy efficiency programs and the Illinois Home
23 Weatherization Assistance Program for the purpose of informing
24 eligible customers of additional resources that may help the
25 customer conserve water.

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

1 Section 110. The Environmental Protection Act is amended by
2 adding Section 17.12 as follows:

3 (415 ILCS 5/17.12 new)

4 Sec. 17.12. Cost of service study.

5 (a) An entity subject to the federal Safe Drinking Water
6 Act and the federal Clean Water Act that has over 2,000 meter
7 connections shall conduct a cost of service study. The cost of
8 service study may include all revenue recovered from water or
9 sewer bills, and the percentage of the cost of service used for
10 water or sewer capital investment. The cost of service study
11 shall be submitted to the Agency and made available on the
12 Agency's website. The rules adopted by the Board under this
13 Section shall set forth general requirements for submittal and
14 approval of a cost of service study.

15 (b) In this Section, "cost of service" means the total
16 annual operation and maintenance expenses and capital-related
17 costs incurred in meeting the various aspects of providing
18 water or sanitary sewer service.

19 (415 ILCS 5/17.11 rep.)

20 Section 200. The Environmental Protection Act is amended by
21 repealing Section 17.11.

22 Section 999. Effective date. This Act takes effect upon

1 becoming law.".