



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3778

Introduced 2/14/2020, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

415 ILCS 5/17.12 new

Amends the Environmental Protection Act. Provides the exclusive requirements, standards, and procedures that shall apply to the construction, operation, registration, permitting, or approval of on site Legionella control systems within premise plumbing systems in commercial, industrial, institutional, and residential buildings that receive finished water from a permitted public water supply. Requires the Environmental Protection Agency to propose to the Pollution Control Board a permit for the installation and operation of on site Legionella control systems. Provides that, until the Board adopts rules for the permit, an owner of a premise plumbing system who seeks to construct or operate an on site Legionella control system shall register the system by filing a notice with specified information with the Agency. Requires the on site Legionella control system to comply with specified requirements. Effective immediately.

LRB101 19958 CPF 69483 b

1 AN ACT concerning safety.

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

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

6 (415 ILCS 5/17.12 new)

7 Sec. 17.12. Control of Legionella in premise plumbing
8 systems.

9 (a) The General Assembly finds that:

10 (1) Legionnaire's disease is a life-threatening
11 water-borne disease caused by inhalation of the Legionella
12 bacteria.

13 (2) Legionnaire's disease poses a clear and present
14 danger to the People of Illinois.

15 (3) Legionella bacteria can propagate in premise
16 plumbing systems in commercial, industrial, institutional,
17 and residential buildings that receive finished water from
18 a public water supply.

19 (4) There are too many such buildings in the State of
20 Illinois to permit each building premise plumbing system
21 individually.

22 (5) On site Legionella control systems provide
23 supplemental control rather than primary treatment.

1 (6) It is unnecessary to require individual permitting
2 for on site Legionella control systems that have been
3 certified by the National Sanitation Foundation (NSF
4 International) and registered by the United States
5 Environmental Protection Agency or an equivalent
6 certifying or registering agency when such systems are used
7 in premise plumbing systems receiving finished water from a
8 public water supply.

9 (7) On site Legionella control systems provide
10 consecutive and supplemental treatment rather than primary
11 treatment.

12 (8) The expense and burden of unnecessary regulation
13 and permitting of on site Legionella control systems is
14 discouraging Illinois building owners from utilizing these
15 life-saving systems.

16 (9) It is in the interest of the State of Illinois and
17 its People to establish an expedited procedure for the
18 registration of on site Legionella control systems and the
19 adoption by the Board of a permit by rule that encourages
20 the installation and operation of safe and effective on
21 site Legionella control systems in premise plumbing
22 systems.

23 (b) Definitions: In this Section:

24 "Agency" means the Illinois Environmental Protection
25 Agency.

26 "Department" means the Department of Public Health and

1 local health departments delegated with the authority to act on
2 behalf of the Department of Public Health.

3 "Finished water" means water that has been treated to meet
4 water quality standards under the federal Safe Drinking Water
5 Act and is supplied by a permitted public water supply to a
6 public water supply customer.

7 "Legionella" means small gram-negative rod-shaped
8 bacteria.

9 "On site Legionella control system" mean a system
10 constructed and operated on the premises of a premise plumbing
11 system, either temporarily or permanently, to prevent, reduce,
12 or eliminate the potential for propagation of Legionella in
13 finished water within the premise plumbing system. "On site
14 Legionella control system" includes, but is not limited to, the
15 following control technologies: chlorination, chlorine
16 dioxide, copper-silver ionization, and ultraviolet light
17 disinfection.

18 "Premise plumbing system" means on site piping and other
19 water distribution equipment extending from the building water
20 meter to each individual tap within a commercial, industrial,
21 institutional, or residential building that receives finished
22 water from a public water supply.

23 (c) Notwithstanding anything to the contrary in this Act,
24 the Illinois Groundwater Protection Act, the Illinois
25 Department of Public Health Act, the Illinois Department of
26 Public Health Powers and Duties Law, the Illinois Plumbing

1 License Law, any rules adopted under those Acts or Laws, or any
2 other provision of law, this Section sets forth the exclusive
3 requirements, standards, and procedures that shall apply to the
4 construction, operation, registration, permitting, or approval
5 of on site Legionella control systems within premise plumbing
6 systems in commercial, industrial, institutional, and
7 residential buildings that receive finished water from a
8 permitted public water supply.

9 (d) No later than one year after the effective date of this
10 amendatory Act of the 101st General Assembly, the Agency shall
11 propose to the Board a permit by rule under Section 39.12 for
12 the installation and operation of on site Legionella control
13 systems that does not impose unnecessary monitoring, testing,
14 or reporting requirements. The Board shall thereafter adopt a
15 permit by rule designed to achieve the purposes of this
16 Section.

17 (e) Until the Board adopts the permit by rule under
18 subsection (d), an owner of a premise plumbing system who seeks
19 to construct or operate an on site Legionella control system
20 shall register the on site Legionella control system by filing
21 a notice of intent to construct or operate it with the Agency
22 by certified mail. The owner may commence construction or
23 operation of the on site Legionella control system after the
24 certified mail return receipt date. Notification under this
25 subsection shall include the following information:

26 (1) The name, street address, city, county, and

1 Property Index Number of the building at which the on site
2 Legionella control system will be installed.

3 (2) The name, title, address, phone number, and email
4 of an authorized representative of the owner of the
5 building responsible for compliance with this Section.

6 (3) The name, title, address, phone number, and email
7 of a representative of the company and general contractor
8 that will install or operate the on site Legionella control
9 system.

10 (4) The anticipated dates of commencement of
11 installation and operation of the on site Legionella
12 control system.

13 (5) The type of on site Legionella control equipment to
14 be installed, the equipment's manufacturer, and the on site
15 Legionella control system's operating parameters.

16 (6) A control system monitoring plan with the following
17 information:

18 (A) the operating parameters to be monitored and
19 the schedule for monitoring;

20 (B) a process flow diagram, including, but not
21 limited to, the locations of the water meter, on site
22 Legionella control system, and taps served by the
23 premise plumbing system; and

24 (C) the monitoring records to be maintained and the
25 location of the monitoring records.

26 (f) An on site Legionella control system constructed,

1 operated, and registered pursuant to subsection (e) shall
2 comply with the following conditions:

3 (1) The installation of the on site Legionella control
4 system and all plumbing modifications and additions to the
5 premise plumbing system required for the proper
6 installation and operation of such system pursuant to
7 manufacturers' specifications shall be performed by a
8 plumber licensed under the Illinois Plumbing License Law.
9 However, the installation of an on site Legionella control
10 system under this Section shall not be required to modify
11 or replace any portion of the premise plumbing system that
12 is not affected by the installation or operation of the on
13 site Legionella control system, nor shall the installation
14 of an on site Legionella control system negate any
15 exemption that may otherwise apply to any portion of the
16 premise plumbing system under 77 Ill. Adm. Code 890.

17 (2) All equipment comprising the on site Legionella
18 control system must be certified by the National Sanitation
19 Foundation as safe for use in finished drinking water.
20 Compliant certifications include, but are not limited to,
21 certification under NSF/ANSI 55, 60, and 61 and the UL
22 Electrical Code Standards, including, but not limited to,
23 UL 979 Standard for Water Treatment Appliances.

24 (3) The on site Legionella control system must be
25 registered by the United States Environmental Protection
26 Agency under 7 U.S.C. 136(c) (3) as effective in controlling

1 Legionella in drinking water.

2 (4) The owner of the on site Legionella control system
3 shall maintain on the premises a control system monitoring
4 plan pursuant to paragraph (6) of subsection (e), any
5 amendments thereto, and the records of all monitoring
6 performed pursuant to the control system monitoring plan
7 for a minimum of 10 years. Any amendments to the control
8 system monitoring plan shall be submitted to the Agency
9 within 30 business days following the amendment.

10 (5) The owner of the on site Legionella control system
11 shall provide notification by telephone, facsimile, or
12 electronic communication to the Agency within 5 business
13 days of discovery of any material deviations from the on
14 site Legionella control system operating parameters
15 specified in the control system monitoring plan. Within 30
16 days thereafter, the owner shall provide written
17 notification of the material deviations to the Agency with
18 the following information:

19 (A) the nature and duration of any reported
20 material deviation;

21 (B) whether and when compliance with the operating
22 parameters was restored;

23 (C) any equipment maintenance or replacement
24 undertaken to restore compliance with the operating
25 parameters; and

26 (D) any shutdown of the on site Legionella control

1 system.

2 (6) The owner of the on site Legionella control system
3 shall notify the Agency of a change in ownership of the
4 building or any person or entity identified under paragraph
5 (1), (2), or (3) of subsection (e).

6 (7) The owner of the on site Legionella control system
7 shall notify the Agency of a change in the type of on site
8 Legionella control system, a change in the operating
9 parameters identified under paragraphs (5) and (6) of
10 subsection (e), and upon permanent shutdown of the on site
11 Legionella control system.

12 (8) The owner of an on site Legionella control system
13 that produces disinfection byproducts shall comply with
14 the United States Environmental Protection Agency's Stage
15 1 Disinfectants and Disinfection Byproduct Rule.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.