



Sen. Melinda Bush

Filed: 5/13/2021

10200HB3739sam001

LRB102 14540 CPF 26510 a

1 AMENDMENT TO HOUSE BILL 3739

2 AMENDMENT NO. _____. Amend House Bill 3739 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 State Finance Act is amended by adding
18 Section 5.938 as follows:

19 (30 ILCS 105/5.938 new)

20 Sec. 5.938. The Lead Service Line Replacement Fund.

21 Section 15. The Environmental Protection Act is amended by
22 adding Section 17.12 as follows:

1 (415 ILCS 5/17.12 new)

2 Sec. 17.12. Lead service line replacement and
3 notification.

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

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

15 (1) There is no safe level of exposure to heavy metal
16 lead, as found by the United States Environmental
17 Protection Agency and the Centers for Disease Control and
18 Prevention.

19 (2) Lead service lines can convey this harmful
20 substance to the drinking water supply.

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

25 (4) The true number of lead service lines is not fully
26 known because Illinois lacks an adequate inventory of lead

1 service lines.

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

6 (c) In this Section:

7 "Advisory Board" means the Lead Service Line Replacement
8 Advisory Board created under subsection (x).

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

11 "Department" means the Department of Public Health.

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

15 "Fund" means the Lead Service Line Replacement Fund
16 created under subsection (bb).

17 "Lead service line" means a service line made of lead or
18 service line connected to a lead pigtail, lead gooseneck, or
19 other lead fitting.

20 "Material inventory" means a water service line material
21 inventory developed by a community water supply under this
22 Act.

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

25 "NSF/ANSI Standard" means a water treatment standard
26 developed by NSF International.

1 "Partial lead service line replacement" means replacement
2 of only a portion of a lead service line.

3 "Potentially affected building" means any building that is
4 provided water service through a service line that is either a
5 lead service line or a suspected lead service line.

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

8 "Service line" means the piping, tubing, and necessary
9 appurtenances acting as a conduit from the water main or
10 source of potable water supply to the building plumbing at the
11 first shut-off valve or 18 inches inside the building,
12 whichever is shorter.

13 "Suspected lead service line" means a service line that a
14 community water supply finds more likely than not to be made of
15 lead after completing the requirements under paragraphs (2)
16 through (5) of subsection (h).

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

19 (d) An owner or operator of a community water supply
20 shall:

21 (1) develop an initial material inventory by April 15,
22 2022 and electronically submit by April 15, 2023 an
23 updated material inventory electronically to the Agency;
24 and

25 (2) deliver a complete material inventory to the
26 Agency no later than April 15, 2024, or such time as

1 required by federal law, whichever is sooner. The complete
2 inventory shall report the composition of all service
3 lines in the community water supply's distribution system.

4 (e) The Agency shall review and approve the final material
5 inventory submitted to it under subsection (d).

6 (f) If a community water supply does not submit a complete
7 inventory to the Agency by April 15, 2024 under paragraph (2)
8 of subsection (d), the community water supply may apply for an
9 extension to the Agency no less than 3 months prior to the due
10 date. The Agency shall develop criteria for granting material
11 inventory extensions. When considering requests for extension,
12 the Agency shall, at a minimum, consider:

13 (1) the number of service connections in a water
14 supply; and

15 (2) the number of service lines of an unknown material
16 composition.

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

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

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

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

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

7 When identifying the materials of construction under
8 paragraph (2) of this subsection, the owner or operator of the
9 community water supply shall to the best of the owner's or
10 operator's ability identify the type of construction material
11 used on the customer's side of the curb box, meter, or other
12 line of demarcation and the community water supply's side of
13 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 on the property or to the
16 interior of a building for that reason, then the community
17 water supply shall attempt to identify the service line as a
18 suspected lead service line, unless documentation is provided
19 showing otherwise.

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

1 according to the provisions of subsection (jj).

2 (k) An owner or operator of a community water supply has no
3 duty to include in the material inventory required under
4 subsection (d) information about service lines that are
5 physically disconnected from a water main in its distribution
6 system.

7 (l) The owner or operator of each community water supply
8 shall post on its website a copy of the most recently submitted
9 material inventory or alternatively may request that the
10 Agency post a copy of that material inventory on the Agency's
11 website.

12 (m) Nothing in this Section shall be construed to require
13 service lines to be unearthed for the sole purpose of
14 inventorying.

15 (n) When an owner or operator of a community water supply
16 awards a contract under this Section, the owner or operator
17 shall make a good faith effort to use contractors and vendors
18 owned by minority persons, women, and persons with a
19 disability, as those terms are defined in Section 2 of the
20 Business Enterprise for Minorities, Women, and Persons with
21 Disabilities Act, for not less than 20% of the total
22 contracts, provided that:

23 (1) contracts representing at least 11% of the total
24 projects shall be awarded to minority-owned businesses, as
25 defined in Section 2 of the Business Enterprise for
26 Minorities, Women, and Persons with Disabilities Act;

1 (2) contracts representing at least 7% of the total
2 projects shall be awarded to women-owned businesses, as
3 defined in Section 2 of the Business Enterprise for
4 Minorities, Women, and Persons with Disabilities Act; and

5 (3) contracts representing at least 2% of the total
6 projects shall be awarded to businesses owned by persons
7 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 good faith requirements set forth
20 in this subsection shall be addressed.

21 Under this subsection, "good faith effort" means a
22 community water supply has taken all necessary steps to comply
23 with the goals of this subsection by complying with the
24 following:

25 (1) Soliciting through reasonable and available means
26 the interest of a business, as defined in Section 2 of the

1 Business Enterprise for Minorities, Women, and Persons
2 with Disabilities Act, that have the capability to perform
3 the work of the contract. The community water supply must
4 solicit this interest within sufficient time to allow
5 certified businesses to respond.

6 (2) Providing interested certified businesses with
7 adequate information about the plans, specifications, and
8 requirements of the contract, including addenda, in a
9 timely manner to assist them in responding to the
10 solicitation.

11 (3) Meeting in good faith with interested certified
12 businesses that have submitted bids.

13 (4) Effectively using the services of the State,
14 minority or women community organizations, minority or
15 women contractor groups, local, State, and federal
16 minority or women business assistance offices, and other
17 organizations to provide assistance in the recruitment and
18 placement of certified businesses.

19 (5) Making efforts to use appropriate forums for
20 purposes of advertising subcontracting opportunities
21 suitable for certified businesses.

22 The diversity goals defined in this subsection can be met
23 through direct award to diverse contractors and through the
24 use of diverse subcontractors and diverse vendors to
25 contracts.

26 (o) An owner or operator of a community water supply shall

1 collect data necessary to ensure compliance with subsection
2 (n) no less than semi-annually and shall include progress
3 toward compliance of subsection (n) in the owner or operator's
4 report required under subsection (t-5). The report must
5 include data on vendor and employee diversity, including data
6 on the owner's or operator's implementation of subsection (n).

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

9 (1) create a plan to:

10 (A) replace each lead service line connected to
11 its distribution system; and

12 (B) replace each galvanized service line connected
13 to its distribution system, if the galvanized service
14 line is or was connected downstream to lead piping;
15 and

16 (2) electronically submit, by April 15, 2024 its
17 initial lead service line replacement plan to the Agency;

18 (3) electronically submit by April 15 of each year
19 after 2024 until April 15, 2027 an updated lead service
20 line replacement plan to the Agency for review; the
21 updated replacement plan shall account for changes in the
22 number of lead service lines or unknown service lines in
23 the material inventory described in subsection (d);

24 (4) electronically submit by April 15, 2027 a complete
25 and final replacement plan to the Agency for approval; the
26 complete and final replacement plan shall account for all

1 known and suspected lead service lines documented in the
2 final material inventory described under paragraph (3) of
3 subsection (d); and

4 (5) post on its website a copy of the plan most
5 recently submitted to the Agency or may request that the
6 Agency post a copy of that plan on the Agency's website.

7 (q) Each plan required under paragraph (1) of subsection
8 (p) shall include the following:

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

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

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

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

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

22 (6) a proposed lead service line replacement schedule
23 that includes one-year, 5-year, 10-year, 15-year, 20-year,
24 25-year, and 30-year goals;

25 (7) an analysis of costs and financing options for
26 replacing the lead service lines connected to the

1 community water supply's distribution system, which shall
2 include, but shall not be limited to:

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

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

8 (C) consideration of different scenarios for
9 structuring payments between the utility and its
10 customers over time; and

11 (8) a plan for prioritizing high-risk facilities, such
12 as preschools, day care centers, day care homes, group day
13 care homes, parks, playgrounds, hospitals, and clinics, as
14 well as high-risk areas identified by the community water
15 supply;

16 (9) a map of the areas where lead service lines are
17 expected to be found and the sequence with which those
18 areas will be inventoried and lead service lines replaced;

19 (10) measures for how the community water supply will
20 inform the public of the plan and provide opportunity for
21 public comment; and

22 (11) measures to encourage diversity in hiring in the
23 workforce required to implement the plan as identified
24 under subsection (n).

25 (r) The Agency shall review final plans submitted to it
26 under subsection (p). The Agency shall approve a final plan if

1 the final plan includes all of the elements set forth under
2 subsection (q) and the Agency determines that:

3 (1) the proposed lead service line replacement
4 schedule set forth in the plan aligns with the timeline
5 requirements set forth under subsection (v);

6 (2) the plan prioritizes the replacement of lead
7 service lines that provide water service to high-risk
8 facilities, such as preschools, day care centers, day care
9 homes, group day care homes, parks, playgrounds,
10 hospitals, and clinics, and high-risk areas identified by
11 the community water supply;

12 (3) the plan includes analysis of cost and financing
13 options; and

14 (4) the plan provides documentation of public review.

15 (s) An owner or operator of a community water supply has no
16 duty to include in the plans required under subsection (p)
17 information about service lines that are physically
18 disconnected from a water main in its distribution system.

19 (t) If a community water supply does not deliver a
20 complete plan to the Agency by April 15, 2027, the community
21 water supply may apply to the Agency for an extension no less
22 than 3 months prior to the due date. The Agency shall develop
23 criteria for granting plan extensions. When considering
24 requests for extension, the Agency shall, at a minimum,
25 consider:

26 (1) the number of service connections in a water

1 supply; and

2 (2) the number of service lines of an unknown material
3 composition.

4 (t-5) After the Agency has approved the final replacement
5 plan described in subsection (p), the owner or operator of a
6 community water supply shall submit a report detailing
7 progress toward plan goals to the Agency for its review. The
8 report shall be submitted annually for the first 10 years, and
9 every 3 years thereafter until all lead service lines have
10 been replaced. Reports under this subsection shall be
11 published in the same manner described in subsection (l). The
12 report shall include at least the following information as it
13 pertains to the preceding reporting period:

14 (1) The number of lead service lines replaced and the
15 average cost of lead service line replacement.

16 (2) Progress toward meeting hiring requirements as
17 described in subsection (n) and subsection (o).

18 (3) The percent of customers electing a waiver
19 offered, as described in subsections (ii) and (jj), among
20 those customers receiving a request or notification to
21 perform a lead service line replacement.

22 (4) The method or methods used by the community water
23 supply to finance lead service line replacement.

24 (u) Notwithstanding any other provision of law, in order
25 to provide for costs associated with lead service line
26 remediation and replacement, the corporate authorities of a

1 municipality may, by ordinance or resolution by the corporate
2 authorities, exercise authority provided in Section 27-5 of
3 the Property Tax Code and Sections 8-3-1, 8-11-1, 8-11-5,
4 8-11-6, 9-1-1 et seq., 9-3-1 et seq., 9-4-1 et seq., 11-131-1,
5 and 11-150-1 of the Illinois Municipal Code. Taxes levied for
6 this purpose shall be in addition to taxes for general
7 purposes authorized under Section 8-3-1 of the Illinois
8 Municipal Code and shall be included in the taxing district's
9 aggregate extension for the purposes of Division 5 of Article
10 18 of the Property Tax Code.

11 (v) Every owner or operator of a community water supply
12 shall replace all known lead service lines, subject to the
13 requirements of subsection (ff), according to the following
14 replacement rates and timelines to be calculated from the date
15 of submission of the final replacement plan to the Agency:

16 (1) A community water supply reporting 1,200 or fewer
17 lead service lines in its final inventory and replacement
18 plan shall replace all lead service lines, at an annual
19 rate of no less than 7% of the amount described in the
20 final inventory, with a timeline of up to 15 years for
21 completion.

22 (2) A community water supply reporting more than 1,200
23 but fewer than 5,000 lead service lines in its final
24 inventory and replacement plan shall replace all lead
25 service lines, at an annual rate of no less than 6% of the
26 amount described in the final inventory, with a timeline

1 of up to 17 years for completion.

2 (3) A community water supply reporting more than 4,999
3 but fewer than 10,000 lead service lines in its final
4 inventory and replacement plan shall replace all lead
5 service lines, at an annual rate of no less than 5% of the
6 amount described in the final inventory, with a timeline
7 of up to 20 years for completion.

8 (4) A community water supply reporting more than 9,999
9 but fewer than 99,999 lead service lines in its final
10 inventory and replacement plan shall replace all lead
11 service lines, at an annual rate of no less than 3% of the
12 amount described in the final inventory, with a timeline
13 of up to 34 years for completion.

14 (5) A community water supply reporting more than
15 99,999 lead service lines in its final inventory and
16 replacement plan shall replace all lead service lines, at
17 an annual rate of no less than 2% of the amount described
18 in the final inventory, with a timeline of up to 50 years
19 for completion.

20 (w) A community water supply may apply to the Agency for an
21 extension to the replacement timelines described in paragraphs
22 (1) through (5) of subsection (v). The Agency shall develop
23 criteria for granting replacement timeline extensions. When
24 considering requests for timeline extensions, the Agency
25 shall, at a minimum, consider:

26 (1) the number of service connections in a water

1 supply; and

2 (2) unusual circumstances creating hardship for a
3 community.

4 The Agency may grant one extension of additional time
5 equal to not more than 20% of the original replacement
6 timeline, except in situations of extreme hardship in which
7 the Agency may consider a second additional extension equal to
8 not more than 10% of the original replacement timeline.

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

11 (x) The Lead Service Line Replacement Advisory Board is
12 created within the Agency. The Advisory Board shall convene
13 within 120 days after the effective date of this amendatory
14 Act of the 102nd General Assembly.

15 The Advisory Board shall consist of at least 28 voting
16 members, as follows:

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

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

20 (3) the Director of Public Health, or his or her
21 designee;

22 (4) fifteen members appointed by the Agency as
23 follows:

24 (A) one member representing a statewide
25 organization of municipalities as authorized by
26 Section 1-8-1 of the Illinois Municipal Code;

1 (B) two members who are mayors representing
2 municipalities located in any county south of the
3 southernmost county represented by one of the 10
4 largest municipalities in Illinois by population, or
5 their respective designees;

6 (C) two members who are representatives from
7 public health advocacy groups;

8 (D) two members who are representatives from
9 publicly-owned water utilities;

10 (E) one member who is a representative from a
11 public utility as defined under Section 3-105 of the
12 Public Utilities Act that provides water service in
13 the State of Illinois;

14 (F) one member who is a research professional
15 employed at an Illinois academic institution and
16 specializing in water infrastructure research;

17 (G) two members who are representatives from
18 nonprofit civic organizations;

19 (H) one member who is a representative from a
20 statewide organization representing environmental
21 organizations;

22 (I) two members who are representatives from
23 organized labor; and

24 (J) one member representing an environmental
25 justice organization; and

26 (5) ten members who are the mayors of the 10 largest

1 municipalities in Illinois by population, or their
2 respective designees.

3 No less than 10 of the 28 voting members shall be persons
4 of color, and no less than 3 shall represent communities
5 defined or self-identified as environmental justice
6 communities.

7 Advisory Board members shall serve without compensation,
8 but may be reimbursed for necessary expenses incurred in the
9 performance of their duties from funds appropriated for that
10 purpose. The Agency shall provide administrative support to
11 the Advisory Board.

12 The Advisory Board shall meet no less than once every 6
13 months.

14 (y) The Advisory Board shall have, at a minimum, the
15 following duties:

16 (1) advising the Agency on best practices in lead
17 service line replacement;

18 (2) reviewing the progress of community water supplies
19 toward lead service line replacement goals;

20 (3) advising the Agency on other matters related to
21 the administration of the provisions of this Section;

22 (4) advising the Agency on the integration of existing
23 lead service line replacement plans with any statewide
24 plan; and

25 (5) providing technical support and practical
26 expertise in general.

1 (z) Within 18 months after the effective date of this
2 amendatory Act of the 102nd General Assembly, the Advisory
3 Board shall deliver a report of its recommendations to the
4 Governor and the General Assembly concerning opportunities for
5 dedicated, long-term revenue options for funding lead service
6 line replacement. In submitting recommendations, the Advisory
7 Board shall consider, at a minimum, the following:

8 (1) the sufficiency of various revenue sources to
9 adequately fund replacement of all lead service lines in
10 Illinois;

11 (2) the financial burden, if any, on households
12 falling below 150% of the federal poverty limit;

13 (3) revenue options that guarantee low-income
14 households are protected from rate increases;

15 (4) an assessment of the ability of community water
16 supplies to assess and collect revenue;

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

19 (6) the protection of low-income households from rate
20 increases.

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

26 (bb) The Lead Service Line Replacement Fund is created as

1 a special fund in the State treasury to be used by the Agency
2 for the purposes provided under this Section. The Fund shall
3 be used exclusively to finance and administer programs and
4 activities specified under this Section and listed under this
5 subsection.

6 The objective of the Fund is to finance activities
7 associated with identifying and replacing lead service lines,
8 build Agency capacity to oversee the provisions of this
9 Section, and provide related assistance for the activities
10 listed under this subsection.

11 The Agency shall be responsible for the administration of
12 the Fund and shall allocate moneys on the basis of priorities
13 established by the Agency through administrative rule. On July
14 1, 2022 and on July 1 of each year thereafter, the Agency shall
15 determine the available amount of resources in the Fund that
16 can be allocated to the activities identified under this
17 Section and shall allocate the moneys accordingly.

18 Notwithstanding any other law to the contrary, the Lead
19 Service Line Replacement Fund is not subject to sweeps,
20 administrative charge-backs, or any other fiscal maneuver that
21 would in any way transfer any amounts from the Lead Service
22 Line Replacement Fund into any other fund of the State.

23 (cc) Within one year after the effective date of this
24 amendatory Act of the 102 General Assembly, the Agency shall
25 design rules for a program for the purpose of administering
26 lead service line replacement funds. The rules must, at

1 minimum, contain:

2 (1) the process by which community water supplies may
3 apply for funding; and

4 (2) the criteria for determining unit of local
5 government eligibility and prioritization for funding,
6 including the prevalence of low-income households, as
7 measured by median household income, the prevalence of
8 lead service lines, and the prevalence of water samples
9 that demonstrate elevated levels of lead.

10 (dd) Funding under subsection (cc) shall be available for
11 costs directly attributable to the planning, design, or
12 construction directly related to the replacement of lead
13 service lines and restoration of property.

14 Funding shall not be used for the general operating
15 expenses of a municipality or community water supply.

16 (ee) An owner or operator of any community water supply
17 receiving grant funding under subsection (cc) shall bear the
18 entire expense of full lead service line replacement for all
19 lead service lines in the scope of the grant.

20 (ff) When replacing a lead service line, the owner or
21 operator of the community water supply shall replace the
22 service line in its entirety, including, but not limited to,
23 any portion of the service line (i) running on private
24 property and (ii) within the building's plumbing at the first
25 shut-off valve. Partial lead service line replacements are
26 expressly prohibited. Exceptions shall be made under the

1 following circumstances:

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

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

19 (i) a warning that the work may result in
20 sediment, possibly containing lead, in the
21 buildings water supply system;

22 (ii) information concerning practices for
23 preventing the consumption of any lead in drinking
24 water, including a recommendation to flush water
25 distribution pipe during and after the completion
26 of the repair or replacement work and to clean

1 faucet aerator screens; and

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

4 (B) Provide filters for at least one fixture
5 supplying potable water for consumption. The filter
6 must be certified by an accredited third-party
7 certification body to NSF/ANSI 53 and NSF/ANSI 42 for
8 the reduction of lead and particulate. The filter must
9 be provided until such time that the remaining
10 portions of the service line have been replaced with a
11 material approved by the Department or a waiver has
12 been issued under subsection (ii).

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

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

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

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

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

4 (qq) Except as provided in subsection (hh), on and after
5 January 1, 2022, when the owner or operator of a community
6 water supply replaces a water main, the community water supply
7 shall identify all lead service lines connected to the water
8 main and shall replace the lead service lines by:

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

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

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

21 If an owner of a potentially affected building intends to
22 replace a portion of a lead service line or a galvanized
23 service line and the galvanized service line is or was
24 connected downstream to lead piping, then the owner of the
25 potentially affected building shall provide the owner or
26 operator of the community water supply with notice at least 45

1 days before commencing the work. In the case of an emergency
2 repair, the owner of the potentially affected building must
3 provide filters for each kitchen area that are certified by an
4 accredited third-party certification body to NSF/ANSI 53 and
5 NSF/ANSI 42 for the reduction of lead and particulate. If the
6 owner of the potentially affected building notifies the owner
7 or operator of the community water supply that replacement of
8 a portion of the lead service line after the emergency repair
9 is completed, then the owner or operator of the community
10 water supply shall replace the remainder of the lead service
11 line within 30 days after completion of the emergency repair.
12 A community water supply may take up to 120 days if necessary
13 due to weather conditions. If a replacement takes longer than
14 30 days, filters provided by the owner of the potentially
15 affected 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 (hh) For municipalities with a population in excess of
20 1,000,000 inhabitants, the requirements of subsection (gg)
21 shall commence on January 1, 2023.

22 (ii) At least 45 days before conducting planned lead
23 service line replacement, the owner or operator of a community
24 water supply shall, by mail, attempt to contact the owner of
25 the potentially affected building serviced by the lead service
26 line to request access to the building and permission to

1 replace the lead service line in accordance with the lead
2 service line replacement plan. If the owner of the potentially
3 affected building does not respond to the request within 15
4 days after the request is sent, the owner or operator of the
5 community water supply shall attempt to post the request on
6 the entrance of the potentially affected building.

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

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

1 addition, be electronically mailed. Written notice shall
2 include, at a minimum, the following:

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

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

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

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

1 notice at the time the work is initiated.

2 The notifications required under this subsection must
3 contain the following statement in the Spanish, Polish,
4 Chinese, Tagalog, Arabic, Korean, German, Urdu, and Gujarati:
5 "This notice contains important information about your water
6 service and may affect your rights. We encourage you to have
7 this notice translated in full into a language you understand
8 and before you make any decisions that may be required under
9 this notice."

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

19 When this subsection would require the owner or operator
20 of a community water supply to provide an individual written
21 notice to the entire community served by the community water
22 supply or would require the owner or operator of a community
23 water supply to provide individual written notices as a result
24 of emergency repairs or when the community water supply that
25 is required to comply with this subsection is a small system,
26 the owner or operator of the community water supply may

1 provide the required notice through local media outlets,
2 social media, or other similar means in lieu of providing the
3 individual written notices otherwise required under this
4 subsection.

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

9 (kk) No community water supply that sells water to any
10 wholesale or retail consecutive community water supply may
11 pass on any costs associated with compliance with this Section
12 to consecutive systems.

13 (ll) To the extent allowed by law, when a community water
14 supply replaces or installs a lead service line in a public
15 right-of-way or enters into an agreement with a private
16 contractor for replacement or installation of a lead service
17 line, the community water supply shall be held harmless for
18 all damage to property when replacing or installing the lead
19 service line. If dangers are encountered that prevent the
20 replacement of the lead service line, the community water
21 supply shall notify the Department within 15 working days of
22 why the replacement of the lead service line could not be
23 accomplished.

24 (mm) The Agency may propose to the Board, and the Board may
25 adopt, any rules necessary to implement and administer this
26 Section. The Department may adopt rules necessary to address

1 lead service lines attached to noncommunity water supplies.

2 (nn) Notwithstanding any other provision in this Section,
3 no requirement in this Section shall be construed as being
4 less stringent than existing applicable federal requirements.

5 (oo) All lead service line replacements financed in whole
6 or in part with funds obtained under this Section shall be
7 considered public works for purposes of the Prevailing Wage
8 Act.

9 (415 ILCS 5/17.11 rep.)

10 Section 20. The Environmental Protection Act is amended by
11 repealing Section 17.11."