

SB3518



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3518

Introduced 2/9/2024, by Sen. Javier L. Cervantes

SYNOPSIS AS INTRODUCED:

415 ILCS 5/17.12

Amends the Environmental Protection Act. Allows the Illinois Environmental Protection Agency to grant a community water supply an initial extension of the lead service line replacement timeline for a period of a time that is equal to not more than 30% (rather than not more than 20%) of the original lead service line replacement timeline.

LRB103 39418 JAG 69601 b

A BILL FOR

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 changing Section 17.12 as follows:

6 (415 ILCS 5/17.12)

7 Sec. 17.12. Lead service line replacement and
8 notification.

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

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

20 (1) There is no safe level of exposure to heavy metal
21 lead, as found by the United States Environmental
22 Protection Agency and the Centers for Disease Control and
23 Prevention.

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

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

7 (4) The true number of lead service lines is not fully
8 known because Illinois lacks an adequate inventory of lead
9 service lines.

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

14 (c) In this Section:

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

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

19 "Department" means the Department of Public Health.

20 "Emergency repair" means any unscheduled water main, water
21 service, or water valve repair or replacement that results
22 from failure or accident.

23 "Fund" means the Lead Service Line Replacement Fund
24 created under subsection (bb).

25 "Lead service line" means a service line made of lead or
26 service line connected to a lead pigtail, lead gooseneck, or

1 other lead fitting.

2 "Material inventory" means a water service line material
3 inventory developed by a community water supply under this
4 Act.

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

7 "NSF/ANSI Standard" means a water treatment standard
8 developed by NSF International.

9 "Partial lead service line replacement" means replacement
10 of only a portion of a lead service line.

11 "Potentially affected building" means any building that is
12 provided water service through a service line that is either a
13 lead service line or a suspected lead service line.

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

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

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

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

1 (d) An owner or operator of a community water supply
2 shall:

3 (1) develop an initial material inventory by April 15,
4 2022 and electronically submit by April 15, 2023 an
5 updated material inventory electronically to the Agency;
6 and

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

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

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

21 (1) the number of service connections in a water
22 supply; and

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

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

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

3 (2) the materials of construction of each service line
4 connected to the community water supply's distribution
5 system;

6 (3) the number of suspected lead service lines that
7 were newly identified in the material inventory for the
8 community water supply after the community water supply
9 last submitted a service line inventory to the Agency; and

10 (4) the number of suspected or known lead service
11 lines that were replaced after the community water supply
12 last submitted a service line inventory to the Agency, and
13 the material of the service line that replaced each lead
14 service line.

15 When identifying the materials of construction under
16 paragraph (2) of this subsection, the owner or operator of the
17 community water supply shall to the best of the owner's or
18 operator's ability identify the type of construction material
19 used on the customer's side of the curb box, meter, or other
20 line of demarcation and the community water supply's side of
21 the curb box, meter, or other line of demarcation.

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

24 (1) prioritize inspections of high-risk areas
25 identified by the community water supply and inspections
26 of high-risk facilities, such as preschools, day care

1 centers, day care homes, group day care homes, parks,
2 playgrounds, hospitals, and clinics, and confirm service
3 line materials in those areas and at those facilities;

4 (2) review historical documentation, such as
5 construction logs or cards, as-built drawings, purchase
6 orders, and subdivision plans, to determine service line
7 material construction;

8 (3) when conducting distribution system maintenance,
9 visually inspect service lines and document materials of
10 construction;

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

15 (5) discuss service line repair and installation with
16 its employees, contractors, plumbers, other workers who
17 worked on service lines connected to its distribution
18 system, or all of the above.

19 (i) The owner or operator of each community water supply
20 shall maintain records of persons who refuse to grant access
21 to the interior of a building for purposes of identifying the
22 materials of construction of a service line. If a community
23 water supply has been denied access on the property or to the
24 interior of a building for that reason, then the community
25 water supply shall attempt to identify the service line as a
26 suspected lead service line, unless documentation is provided

1 showing otherwise.

2 (j) If a community water supply identifies a lead service
3 line connected to a building, the owner or operator of the
4 community water supply shall attempt to notify the owner of
5 the building and all occupants of the building of the
6 existence of the lead service line within 15 days after
7 identifying the lead service line, or as soon as is reasonably
8 possible thereafter. Individual written notice shall be given
9 according to the provisions of subsection (jj).

10 (k) An owner or operator of a community water supply has no
11 duty to include in the material inventory required under
12 subsection (d) information about service lines that are
13 physically disconnected from a water main in its distribution
14 system.

15 (l) The owner or operator of each community water supply
16 shall post on its website a copy of the most recently submitted
17 material inventory or alternatively may request that the
18 Agency post a copy of that material inventory on the Agency's
19 website.

20 (m) Nothing in this Section shall be construed to require
21 service lines to be unearthed for the sole purpose of
22 inventorying.

23 (n) When an owner or operator of a community water supply
24 awards a contract under this Section, the owner or operator
25 shall make a good faith effort to use contractors and vendors
26 owned by minority persons, women, and persons with a

1 disability, as those terms are defined in Section 2 of the
2 Business Enterprise for Minorities, Women, and Persons with
3 Disabilities Act, for not less than 20% of the total
4 contracts, provided that:

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

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

13 (3) contracts representing at least 2% of the total
14 projects shall be awarded to businesses owned by persons
15 with a disability.

16 Owners or operators of a community water supply are
17 encouraged to divide projects, whenever economically feasible,
18 into contracts of smaller size that ensure small business
19 contractors or vendors shall have the ability to qualify in
20 the applicable bidding process, when determining the ability
21 to deliver on a given contract based on scope and size, as a
22 responsible and responsive bidder.

23 When a contractor or vendor submits a bid or letter of
24 intent in response to a request for proposal or other bid
25 submission, the contractor or vendor shall include with its
26 responsive documents a utilization plan that shall address how

1 compliance with applicable good faith requirements set forth
2 in this subsection shall be addressed.

3 Under this subsection, "good faith effort" means a
4 community water supply has taken all necessary steps to comply
5 with the goals of this subsection by complying with the
6 following:

7 (1) Soliciting through reasonable and available means
8 the interest of a business, as defined in Section 2 of the
9 Business Enterprise for Minorities, Women, and Persons
10 with Disabilities Act, that have the capability to perform
11 the work of the contract. The community water supply must
12 solicit this interest within sufficient time to allow
13 certified businesses to respond.

14 (2) Providing interested certified businesses with
15 adequate information about the plans, specifications, and
16 requirements of the contract, including addenda, in a
17 timely manner to assist them in responding to the
18 solicitation.

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

21 (4) Effectively using the services of the State,
22 minority or women community organizations, minority or
23 women contractor groups, local, State, and federal
24 minority or women business assistance offices, and other
25 organizations to provide assistance in the recruitment and
26 placement of certified businesses.

1 (5) Making efforts to use appropriate forums for
2 purposes of advertising subcontracting opportunities
3 suitable for certified businesses.

4 The diversity goals defined in this subsection can be met
5 through direct award to diverse contractors and through the
6 use of diverse subcontractors and diverse vendors to
7 contracts.

8 (o) An owner or operator of a community water supply shall
9 collect data necessary to ensure compliance with subsection
10 (n) no less than semi-annually and shall include progress
11 toward compliance of subsection (n) in the owner or operator's
12 report required under subsection (t-5). The report must
13 include data on vendor and employee diversity, including data
14 on the owner's or operator's implementation of subsection (n).

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

17 (1) create a plan to:

18 (A) replace each lead service line connected to
19 its distribution system; and

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

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

26 (3) electronically submit by April 15 of each year

1 after 2024 until April 15, 2027 an updated lead service
2 line replacement plan to the Agency for review; the
3 updated replacement plan shall account for changes in the
4 number of lead service lines or unknown service lines in
5 the material inventory described in subsection (d);

6 (4) electronically submit by April 15, 2027 a complete
7 and final replacement plan to the Agency for approval; the
8 complete and final replacement plan shall account for all
9 known and suspected lead service lines documented in the
10 final material inventory described under paragraph (3) of
11 subsection (d); and

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

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

17 (1) the name and identification number of the
18 community water supply;

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

21 (3) the total number of suspected lead service lines
22 connected to the distribution system of the community
23 water supply;

24 (4) the total number of known lead service lines
25 connected to the distribution system of the community
26 water supply;

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

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

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

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

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

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

19 (8) a plan for prioritizing high-risk facilities, such
20 as preschools, day care centers, day care homes, group day
21 care homes, parks, playgrounds, hospitals, and clinics, as
22 well as high-risk areas identified by the community water
23 supply;

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

1 (10) measures for how the community water supply will
2 inform the public of the plan and provide opportunity for
3 public comment; and

4 (11) measures to encourage diversity in hiring in the
5 workforce required to implement the plan as identified
6 under subsection (n).

7 (r) The Agency shall review final plans submitted to it
8 under subsection (p). The Agency shall approve a final plan if
9 the final plan includes all of the elements set forth under
10 subsection (q) and the Agency determines that:

11 (1) the proposed lead service line replacement
12 schedule set forth in the plan aligns with the timeline
13 requirements set forth under subsection (v);

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

20 (3) the plan includes analysis of cost and financing
21 options; and

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

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

1 (t) If a community water supply does not deliver a
2 complete plan to the Agency by April 15, 2027, the community
3 water supply may apply to the Agency for an extension no less
4 than 3 months prior to the due date. The Agency shall develop
5 criteria for granting plan extensions. When considering
6 requests for extension, the Agency shall, at a minimum,
7 consider:

8 (1) the number of service connections in a water
9 supply; and

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

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

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

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

26 (3) The percent of customers electing a waiver

1 offered, as described in subsections (ii) and (jj), among
2 those customers receiving a request or notification to
3 perform a lead service line replacement.

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

6 (u) Notwithstanding any other provision of law, in order
7 to provide for costs associated with lead service line
8 remediation and replacement, the corporate authorities of a
9 municipality may, by ordinance or resolution by the corporate
10 authorities, exercise authority provided in Section 27-5 et
11 seq. of the Property Tax Code and Sections 8-3-1, 8-11-1,
12 8-11-5, 8-11-6, 9-1-1 et seq., 9-3-1 et seq., 9-4-1 et seq.,
13 11-131-1, and 11-150-1 of the Illinois Municipal Code. Taxes
14 levied for this purpose shall be in addition to taxes for
15 general purposes authorized under Section 8-3-1 of the
16 Illinois Municipal Code and shall be included in the taxing
17 district's aggregate extension for the purposes of Division 5
18 of Article 18 of the Property Tax Code.

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

24 (1) A community water supply reporting 1,200 or fewer
25 lead service lines in its final inventory and replacement
26 plan shall replace all lead service lines, at an annual

1 rate of no less than 7% of the amount described in the
2 final inventory, with a timeline of up to 15 years for
3 completion.

4 (2) A community water supply reporting more than 1,200
5 but fewer than 5,000 lead service lines in its final
6 inventory and replacement plan shall replace all lead
7 service lines, at an annual rate of no less than 6% of the
8 amount described in the final inventory, with a timeline
9 of up to 17 years for completion.

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

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

22 (5) A community water supply reporting more than
23 99,999 lead service lines in its final inventory and
24 replacement plan shall replace all lead service lines, at
25 an annual rate of no less than 2% of the amount described
26 in the final inventory, with a timeline of up to 50 years

1 for completion.

2 (w) A community water supply may apply to the Agency for an
3 extension to the replacement timelines described in paragraphs
4 (1) through (5) of subsection (v). The Agency shall develop
5 criteria for granting replacement timeline extensions. When
6 considering requests for timeline extensions, the Agency
7 shall, at a minimum, consider:

8 (1) the number of service connections in a water
9 supply; and

10 (2) unusual circumstances creating hardship for a
11 community.

12 The Agency may grant one extension of additional time
13 equal to not more than 30% ~~20%~~ of the original replacement
14 timeline, except in situations of extreme hardship in which
15 the Agency may consider a second additional extension equal to
16 not more than 10% of the original replacement timeline.

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

19 (x) The Lead Service Line Replacement Advisory Board is
20 created within the Agency. The Advisory Board shall convene
21 within 120 days after January 1, 2022 (the effective date of
22 Public Act 102-613).

23 The Advisory Board shall consist of at least 28 voting
24 members, as follows:

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

- 1 (2) the Director of Revenue, or his or her designee;
- 2 (3) the Director of Public Health, or his or her
3 designee;
- 4 (4) fifteen members appointed by the Agency as
5 follows:
- 6 (A) one member representing a statewide
7 organization of municipalities as authorized by
8 Section 1-8-1 of the Illinois Municipal Code;
- 9 (B) two members who are mayors representing
10 municipalities located in any county south of the
11 southernmost county represented by one of the 10
12 largest municipalities in Illinois by population, or
13 their respective designees;
- 14 (C) two members who are representatives from
15 public health advocacy groups;
- 16 (D) two members who are representatives from
17 publicly owned ~~publicly owned~~ water utilities;
- 18 (E) one member who is a representative from a
19 public utility as defined under Section 3-105 of the
20 Public Utilities Act that provides water service in
21 the State of Illinois;
- 22 (F) one member who is a research professional
23 employed at an Illinois academic institution and
24 specializing in water infrastructure research;
- 25 (G) two members who are representatives from
26 nonprofit civic organizations;

1 (H) one member who is a representative from a
2 statewide organization representing environmental
3 organizations;

4 (I) two members who are representatives from
5 organized labor; and

6 (J) one member representing an environmental
7 justice organization; and

8 (5) ten members who are the mayors of the 10 largest
9 municipalities in Illinois by population, or their
10 respective designees.

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

15 Advisory Board members shall serve without compensation,
16 but may be reimbursed for necessary expenses incurred in the
17 performance of their duties from funds appropriated for that
18 purpose. The Agency shall provide administrative support to
19 the Advisory Board.

20 The Advisory Board shall meet no less than once every 6
21 months.

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

24 (1) advising the Agency on best practices in lead
25 service line replacement;

26 (2) reviewing the progress of community water supplies

1 toward lead service line replacement goals;

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

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

7 (5) providing technical support and practical
8 expertise in general.

9 (z) Within 18 months after January 1, 2022 (the effective
10 date of Public Act 102-613), the Advisory Board shall deliver
11 a report of its recommendations to the Governor and the
12 General Assembly concerning opportunities for dedicated,
13 long-term revenue options for funding lead service line
14 replacement. In submitting recommendations, the Advisory Board
15 shall consider, at a minimum, the following:

16 (1) the sufficiency of various revenue sources to
17 adequately fund replacement of all lead service lines in
18 Illinois;

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

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

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

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

1 (6) the protection of low-income households from rate
2 increases.

3 (aa) Within 10 years after January 1, 2022 (the effective
4 date of Public Act 102-613), the Advisory Board shall prepare
5 and deliver a report to the Governor and General Assembly
6 concerning the status of all lead service line replacement
7 within the State.

8 (bb) The Lead Service Line Replacement Fund is created as
9 a special fund in the State treasury to be used by the Agency
10 for the purposes provided under this Section. The Fund shall
11 be used exclusively to finance and administer programs and
12 activities specified under this Section and listed under this
13 subsection.

14 The objective of the Fund is to finance activities
15 associated with identifying and replacing lead service lines,
16 build Agency capacity to oversee the provisions of this
17 Section, and provide related assistance for the activities
18 listed under this subsection.

19 The Agency shall be responsible for the administration of
20 the Fund and shall allocate moneys on the basis of priorities
21 established by the Agency through administrative rule. On July
22 1, 2022 and on July 1 of each year thereafter, the Agency shall
23 determine the available amount of resources in the Fund that
24 can be allocated to the activities identified under this
25 Section and shall allocate the moneys accordingly.

26 Notwithstanding any other law to the contrary, the Lead

1 Service Line Replacement Fund is not subject to sweeps,
2 administrative charge-backs, or any other fiscal maneuver that
3 would in any way transfer any amounts from the Lead Service
4 Line Replacement Fund into any other fund of the State.

5 (cc) Within one year after January 1, 2022 (the effective
6 date of Public Act 102-613), the Agency shall design rules for
7 a program for the purpose of administering lead service line
8 replacement funds. The rules must, at minimum, contain:

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

11 (2) the criteria for determining unit of local
12 government eligibility and prioritization for funding,
13 including the prevalence of low-income households, as
14 measured by median household income, the prevalence of
15 lead service lines, and the prevalence of water samples
16 that demonstrate elevated levels of lead.

17 (dd) Funding under subsection (cc) shall be available for
18 costs directly attributable to the planning, design, or
19 construction directly related to the replacement of lead
20 service lines and restoration of property.

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

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

1 (ff) When replacing a lead service line, the owner or
2 operator of the community water supply shall replace the
3 service line in its entirety, including, but not limited to,
4 any portion of the service line (i) running on private
5 property and (ii) within the building's plumbing at the first
6 shut-off valve. Partial lead service line replacements are
7 expressly prohibited. Exceptions shall be made under the
8 following circumstances:

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

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

26 (i) a warning that the work may result in

1 sediment, possibly containing lead, in the
2 building's ~~buildings~~ water supply system;

3 (ii) information concerning practices for
4 preventing the consumption of any lead in drinking
5 water, including a recommendation to flush water
6 distribution pipe during and after the completion
7 of the repair or replacement work and to clean
8 faucet aerator screens; and

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

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

20 (C) Replace the remaining portion of the lead
21 service line within 30 days of the repair, or 120 days
22 in the event of weather or other circumstances beyond
23 reasonable control that prohibits construction. If a
24 complete lead service line replacement cannot be made
25 within the required period, the community water supply
26 responsible for commencing the repair shall notify the

1 Department in writing, at a minimum, of the following
2 within 24 hours of the repair:

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

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

8 (D) If complete repair of a lead service line
9 cannot be completed due to denial by the property
10 owner, the community water supply commencing the
11 repair shall request the affected property owner to
12 sign a waiver developed by the Department. If a
13 property owner of a nonresidential building or
14 residence operating as rental properties denies a
15 complete lead service line replacement, the property
16 owner shall be responsible for installing and
17 maintaining point-of-use filters certified by an
18 accredited third-party certification body to NSF/ANSI
19 53 and NSF/ANSI 42 for the reduction of lead and
20 particulate at all fixtures intended to supply water
21 for the purposes of drinking, food preparation, or
22 making baby formula. The filters shall continue to be
23 supplied by the property owner until such time that
24 the property owner has affected the remaining portions
25 of the lead service line to be replaced.

26 (E) Document any remaining lead service line,

1 including a portion on the private side of the
2 property, in the community water supply's distribution
3 system materials inventory required under subsection
4 (d).

5 For the purposes of this paragraph (1), written notice
6 shall be provided in the method and according to the
7 provisions of subsection (jj).

8 (2) Lead service lines that are physically
9 disconnected from the distribution system are exempt from
10 this subsection.

11 (gg) Except as provided in subsection (hh), on and after
12 January 1, 2022, when the owner or operator of a community
13 water supply replaces a water main, the community water supply
14 shall identify all lead service lines connected to the water
15 main and shall replace the lead service lines by:

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

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

25 (3) if a property owner or customer refuses to grant
26 access to the property, following prescribed notice

1 provisions as outlined in subsection (ff).

2 If an owner of a potentially affected building intends to
3 replace a portion of a lead service line or a galvanized
4 service line and the galvanized service line is or was
5 connected downstream to lead piping, then the owner of the
6 potentially affected building shall provide the owner or
7 operator of the community water supply with notice at least 45
8 days before commencing the work. In the case of an emergency
9 repair, the owner of the potentially affected building must
10 provide filters for each kitchen area that are certified by an
11 accredited third-party certification body to NSF/ANSI 53 and
12 NSF/ANSI 42 for the reduction of lead and particulate. If the
13 owner of the potentially affected building notifies the owner
14 or operator of the community water supply that replacement of
15 a portion of the lead service line after the emergency repair
16 is completed, then the owner or operator of the community
17 water supply shall replace the remainder of the lead service
18 line within 30 days after completion of the emergency repair.
19 A community water supply may take up to 120 days if necessary
20 due to weather conditions. If a replacement takes longer than
21 30 days, filters provided by the owner of the potentially
22 affected building must be replaced in accordance with the
23 manufacturer's recommendations. Partial lead service line
24 replacements by the owners of potentially affected buildings
25 are otherwise prohibited.

26 (hh) For municipalities with a population in excess of

1 1,000,000 inhabitants, the requirements of subsection (gg)
2 shall commence on January 1, 2023.

3 (ii) At least 45 days before conducting planned lead
4 service line replacement, the owner or operator of a community
5 water supply shall, by mail, attempt to contact the owner of
6 the potentially affected building serviced by the lead service
7 line to request access to the building and permission to
8 replace the lead service line in accordance with the lead
9 service line replacement plan. If the owner of the potentially
10 affected building does not respond to the request within 15
11 days after the request is sent, the owner or operator of the
12 community water supply shall attempt to post the request on
13 the entrance of the potentially affected building.

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

25 (jj) When replacing a lead service line or repairing or
26 replacing water mains with lead service lines or partial lead

1 service lines attached to them, the owner or operator of a
2 community water supply shall provide the owner of each
3 potentially affected building that is serviced by the affected
4 lead service lines or partial lead service lines, as well as
5 the occupants of those buildings, with an individual written
6 notice. The notice shall be delivered by mail or posted at the
7 primary entranceway of the building. The notice must, in
8 addition, be electronically mailed where an electronic mailing
9 address is known or can be reasonably obtained. Written notice
10 shall include, at a minimum, the following:

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

14 (2) information concerning the best practices for
15 preventing exposure to or risk of consumption of lead in
16 drinking water, including a recommendation to flush water
17 lines during and after the completion of the repair or
18 replacement work and to clean faucet aerator screens; and

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

21 When the individual written notice described in the first
22 paragraph of this subsection is required as a result of
23 planned work other than the repair or replacement of a water
24 meter, the owner or operator of the community water supply
25 shall provide the notice not less than 14 days before work
26 begins. When the individual written notice described in the

1 first paragraph of this subsection is required as a result of
2 emergency repairs other than the repair or replacement of a
3 water meter, the owner or operator of the community water
4 supply shall provide the notice at the time the work is
5 initiated. When the individual written notice described in the
6 first paragraph of this subsection is required as a result of
7 the repair or replacement of a water meter, the owner or
8 operator of the community water supply shall provide the
9 notice at the time the work is initiated.

10 The notifications required under this subsection must
11 contain the following statement in Spanish, Polish, Chinese,
12 Tagalog, Arabic, Korean, German, Urdu, and Gujarati: "This
13 notice contains important information about your water service
14 and may affect your rights. We encourage you to have this
15 notice translated in full into a language you understand and
16 before you make any decisions that may be required under this
17 notice."

18 An owner or operator of a community water supply that is
19 required under this subsection to provide an individual
20 written notice to the owner and occupant of a potentially
21 affected building that is a multi-dwelling building may
22 satisfy that requirement and the requirements of this
23 subsection regarding notification to non-English speaking
24 customers by posting the required notice on the primary
25 entranceway of the building and at the location where the
26 occupant's mail is delivered as reasonably as possible.

1 When this subsection would require the owner or operator
2 of a community water supply to provide an individual written
3 notice to the entire community served by the community water
4 supply or would require the owner or operator of a community
5 water supply to provide individual written notices as a result
6 of emergency repairs or when the community water supply that
7 is required to comply with this subsection is a small system,
8 the owner or operator of the community water supply may
9 provide the required notice through local media outlets,
10 social media, or other similar means in lieu of providing the
11 individual written notices otherwise required under this
12 subsection.

13 No notifications are required under this subsection for
14 work performed on water mains that are used to transmit
15 treated water between community water supplies and properties
16 that have no service connections.

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

21 (ll) To the extent allowed by law, when a community water
22 supply replaces or installs a lead service line in a public
23 right-of-way or enters into an agreement with a private
24 contractor for replacement or installation of a lead service
25 line, the community water supply shall be held harmless for
26 all damage to property when replacing or installing the lead

1 service line. If dangers are encountered that prevent the
2 replacement of the lead service line, the community water
3 supply shall notify the Department within 15 working days of
4 why the replacement of the lead service line could not be
5 accomplished.

6 (mm) The Agency may propose to the Board, and the Board may
7 adopt, any rules necessary to implement and administer this
8 Section. The Department may adopt rules necessary to address
9 lead service lines attached to non-community water supplies.

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

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

17 (pp) Beginning in 2023, each municipality with a
18 population of more than 1,000,000 inhabitants shall publicly
19 post on its website data describing progress the municipality
20 has made toward replacing lead service lines within the
21 municipality. The data required to be posted under this
22 subsection shall be the same information required to be
23 reported under paragraphs (1) through (4) of subsection (t-5)
24 of this Section. Beginning in 2024, each municipality that is
25 subject to this subsection shall annually update the data
26 posted on its website under this subsection. A municipality's

1 duty to post data under this subsection terminates only when
2 all lead service lines within the municipality have been
3 replaced. Nothing in this subsection (pp) shall be construed
4 to replace, undermine, conflict with, or otherwise amend the
5 responsibilities and requirements set forth in subsection
6 (t-5) of this Section.

7 (Source: P.A. 102-613, eff. 1-1-22; 102-813, eff. 5-13-22;
8 103-167, eff. 6-30-23; revised 9-20-23.)