



Rep. Sonya M. Harper

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1 AMENDMENT TO SENATE BILL 550

2 AMENDMENT NO. _____. Amend Senate Bill 550 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 adding Division heading 150.1 of Article 11 and Section
6 11-150.1-1 as follows:

7 (65 ILCS 5/Art. 11 Div. 150.1 heading new)

8 DIVISION 150.1. LEAD HAZARD COST RECOVERY FEE

9 (65 ILCS 5/11-150.1-1 new)

10 Sec. 11-150.1-1. Lead hazard cost recovery fee. The
11 corporate authorities of any municipality that operates a
12 waterworks system and that incurs reasonable costs to comply
13 with Section 17.11 of the Environmental Protection Act shall
14 have the authority, by ordinance, to collect a fair and
15 reasonable fee from users of the system in order to recover

1 those reasonable costs. Fees collected pursuant to this Section
2 shall be used exclusively for the purpose of complying with
3 Section 17.11 of the Environmental Protection Act.

4 Section 10. The School Code is amended by changing Section
5 17-2.11 as follows:

6 (105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

7 Sec. 17-2.11. School board power to levy a tax or to borrow
8 money and issue bonds for fire prevention, safety, energy
9 conservation, accessibility, school security, and specified
10 repair purposes.

11 (a) Whenever, as a result of any lawful order of any
12 agency, other than a school board, having authority to enforce
13 any school building code applicable to any facility that houses
14 students, or any law or regulation for the protection and
15 safety of the environment, pursuant to the Environmental
16 Protection Act, any school district having a population of less
17 than 500,000 inhabitants is required to alter or reconstruct
18 any school building or permanent, fixed equipment; the district
19 may, by proper resolution, levy a tax for the purpose of making
20 such alteration or reconstruction, based on a survey report by
21 an architect or engineer licensed in this State, upon all of
22 the taxable property of the district at the value as assessed
23 by the Department of Revenue and at a rate not to exceed 0.05%
24 per year for a period sufficient to finance such alteration or

1 reconstruction, upon the following conditions:

2 (1) When there are not sufficient funds available in
3 the operations and maintenance fund of the school district,
4 the school facility occupation tax fund of the district, or
5 the fire prevention and safety fund of the district, as
6 determined by the district on the basis of rules adopted by
7 the State Board of Education, to make such alteration or
8 reconstruction or to purchase and install such permanent,
9 fixed equipment so ordered or determined as necessary.
10 Appropriate school district records must be made available
11 to the State Superintendent of Education, upon request, to
12 confirm this insufficiency.

13 (2) When a certified estimate of an architect or
14 engineer licensed in this State stating the estimated
15 amount necessary to make the alteration or reconstruction
16 or to purchase and install the equipment so ordered has
17 been secured by the school district, and the estimate has
18 been approved by the regional superintendent of schools
19 having jurisdiction over the district and the State
20 Superintendent of Education. Approval must not be granted
21 for any work that has already started without the prior
22 express authorization of the State Superintendent of
23 Education. If the estimate is not approved or is denied
24 approval by the regional superintendent of schools within 3
25 months after the date on which it is submitted to him or
26 her, the school board of the district may submit the

1 estimate directly to the State Superintendent of Education
2 for approval or denial.

3 In the case of an emergency situation, where the estimated
4 cost to effectuate emergency repairs is less than the amount
5 specified in Section 10-20.21 of this Code, the school district
6 may proceed with such repairs prior to approval by the State
7 Superintendent of Education, but shall comply with the
8 provisions of subdivision (2) of this subsection (a) as soon
9 thereafter as may be as well as Section 10-20.21 of this Code.

10 If the estimated cost to effectuate emergency repairs is
11 greater than the amount specified in Section 10-20.21 of this
12 Code, then the school district shall proceed in conformity with
13 Section 10-20.21 of this Code and with rules established by the
14 State Board of Education to address such situations. The rules
15 adopted by the State Board of Education to deal with these
16 situations shall stipulate that emergency situations must be
17 expedited and given priority consideration. For purposes of
18 this paragraph, an emergency is a situation that presents an
19 imminent and continuing threat to the health and safety of
20 students or other occupants of a facility, requires complete or
21 partial evacuation of a building or part of a building, or
22 consumes one or more of the 5 emergency days built into the
23 adopted calendar of the school or schools or would otherwise be
24 expected to cause such school or schools to fall short of the
25 minimum school calendar requirements.

26 (b) Whenever any such district determines that it is

1 necessary for energy conservation purposes that any school
2 building or permanent, fixed equipment should be altered or
3 reconstructed and that such alterations or reconstruction will
4 be made with funds not necessary for the completion of approved
5 and recommended projects contained in any safety survey report
6 or amendments thereto authorized by Section 2-3.12 of this Act;
7 the district may levy a tax or issue bonds as provided in
8 subsection (a) of this Section.

9 (c) Whenever any such district determines that it is
10 necessary for accessibility purposes and to comply with the
11 school building code that any school building or equipment
12 should be altered or reconstructed and that such alterations or
13 reconstruction will be made with funds not necessary for the
14 completion of approved and recommended projects contained in
15 any safety survey report or amendments thereto authorized under
16 Section 2-3.12 of this Act, the district may levy a tax or
17 issue bonds as provided in subsection (a) of this Section.

18 (d) Whenever any such district determines that it is
19 necessary for school security purposes and the related
20 protection and safety of pupils and school personnel that any
21 school building or property should be altered or reconstructed
22 or that security systems and equipment (including but not
23 limited to intercom, early detection and warning, access
24 control and television monitoring systems) should be purchased
25 and installed, and that such alterations, reconstruction or
26 purchase and installation of equipment will be made with funds

1 not necessary for the completion of approved and recommended
2 projects contained in any safety survey report or amendment
3 thereto authorized by Section 2-3.12 of this Act and will deter
4 and prevent unauthorized entry or activities upon school
5 property by unknown or dangerous persons, assure early
6 detection and advance warning of any such actual or attempted
7 unauthorized entry or activities and help assure the continued
8 safety of pupils and school staff if any such unauthorized
9 entry or activity is attempted or occurs; the district may levy
10 a tax or issue bonds as provided in subsection (a) of this
11 Section.

12 (e) If a school district does not need funds for other fire
13 prevention and safety projects, including the completion of
14 approved and recommended projects contained in any safety
15 survey report or amendments thereto authorized by Section
16 2-3.12 of this Act, and it is determined after a public hearing
17 (which is preceded by at least one published notice (i)
18 occurring at least 7 days prior to the hearing in a newspaper
19 of general circulation within the school district and (ii)
20 setting forth the time, date, place, and general subject matter
21 of the hearing) that there is a substantial, immediate, and
22 otherwise unavoidable threat to the health, safety, or welfare
23 of pupils due to disrepair of school sidewalks, playgrounds,
24 parking lots, or school bus turnarounds and repairs must be
25 made; then the district may levy a tax or issue bonds as
26 provided in subsection (a) of this Section.

1 (f) For purposes of this Section a school district may
2 replace a school building or build additions to replace
3 portions of a building when it is determined that the
4 effectuation of the recommendations for the existing building
5 will cost more than the replacement costs. Such determination
6 shall be based on a comparison of estimated costs made by an
7 architect or engineer licensed in the State of Illinois. The
8 new building or addition shall be equivalent in area (square
9 feet) and comparable in purpose and grades served and may be on
10 the same site or another site. Such replacement may only be
11 done upon order of the regional superintendent of schools and
12 the approval of the State Superintendent of Education.

13 (g) The filing of a certified copy of the resolution
14 levying the tax when accompanied by the certificates of the
15 regional superintendent of schools and State Superintendent of
16 Education shall be the authority of the county clerk to extend
17 such tax.

18 (h) The county clerk of the county in which any school
19 district levying a tax under the authority of this Section is
20 located, in reducing raised levies, shall not consider any such
21 tax as a part of the general levy for school purposes and shall
22 not include the same in the limitation of any other tax rate
23 which may be extended.

24 Such tax shall be levied and collected in like manner as
25 all other taxes of school districts, subject to the provisions
26 contained in this Section.

1 (i) The tax rate limit specified in this Section may be
2 increased to .10% upon the approval of a proposition to effect
3 such increase by a majority of the electors voting on that
4 proposition at a regular scheduled election. Such proposition
5 may be initiated by resolution of the school board and shall be
6 certified by the secretary to the proper election authorities
7 for submission in accordance with the general election law.

8 (j) When taxes are levied by any school district for fire
9 prevention, safety, energy conservation, and school security
10 purposes as specified in this Section, and the purposes for
11 which the taxes have been levied are accomplished and paid in
12 full, and there remain funds on hand in the Fire Prevention and
13 Safety Fund from the proceeds of the taxes levied, including
14 interest earnings thereon, the school board by resolution shall
15 use such excess and other board restricted funds, excluding
16 bond proceeds and earnings from such proceeds, as follows:

17 (1) for other authorized fire prevention, safety,
18 energy conservation, and school security purposes for
19 repair and mitigation due to lead levels in the drinking
20 water supply as described in Section 17.11 of the
21 Environmental Protection Act and for required safety
22 inspections; or

23 (2) for transfer to the Operations and Maintenance Fund
24 for the purpose of abating an equal amount of operations
25 and maintenance purposes taxes.

26 Notwithstanding subdivision (2) of this subsection (j) and

1 subsection (k) of this Section, through June 30, 2019, the
2 school board may, by proper resolution following a public
3 hearing set by the school board or the president of the school
4 board (that is preceded (i) by at least one published notice
5 over the name of the clerk or secretary of the board, occurring
6 at least 7 days and not more than 30 days prior to the hearing,
7 in a newspaper of general circulation within the school
8 district and (ii) by posted notice over the name of the clerk
9 or secretary of the board, at least 48 hours before the
10 hearing, at the principal office of the school board or at the
11 building where the hearing is to be held if a principal office
12 does not exist, with both notices setting forth the time, date,
13 place, and subject matter of the hearing), transfer surplus
14 life safety taxes and interest earnings thereon to the
15 Operations and Maintenance Fund for building repair work.

16 (k) If any transfer is made to the Operation and
17 Maintenance Fund, the secretary of the school board shall
18 within 30 days notify the county clerk of the amount of that
19 transfer and direct the clerk to abate the taxes to be extended
20 for the purposes of operations and maintenance authorized under
21 Section 17-2 of this Act by an amount equal to such transfer.

22 (l) If the proceeds from the tax levy authorized by this
23 Section are insufficient to complete the work approved under
24 this Section, the school board is authorized to sell bonds
25 without referendum under the provisions of this Section in an
26 amount that, when added to the proceeds of the tax levy

1 authorized by this Section, will allow completion of the
2 approved work.

3 (m) Any bonds issued pursuant to this Section shall bear
4 interest at a rate not to exceed the maximum rate authorized by
5 law at the time of the making of the contract, shall mature
6 within 20 years from date, and shall be signed by the president
7 of the school board and the treasurer of the school district.

8 (n) In order to authorize and issue such bonds, the school
9 board shall adopt a resolution fixing the amount of bonds, the
10 date thereof, the maturities thereof, rates of interest
11 thereof, place of payment and denomination, which shall be in
12 denominations of not less than \$100 and not more than \$5,000,
13 and provide for the levy and collection of a direct annual tax
14 upon all the taxable property in the school district sufficient
15 to pay the principal and interest on such bonds to maturity.
16 Upon the filing in the office of the county clerk of the county
17 in which the school district is located of a certified copy of
18 the resolution, it is the duty of the county clerk to extend
19 the tax therefor in addition to and in excess of all other
20 taxes heretofore or hereafter authorized to be levied by such
21 school district.

22 (o) After the time such bonds are issued as provided for by
23 this Section, if additional alterations or reconstructions are
24 required to be made because of surveys conducted by an
25 architect or engineer licensed in the State of Illinois, the
26 district may levy a tax at a rate not to exceed .05% per year

1 upon all the taxable property of the district or issue
2 additional bonds, whichever action shall be the most feasible.

3 (p) This Section is cumulative and constitutes complete
4 authority for the issuance of bonds as provided in this Section
5 notwithstanding any other statute or law to the contrary.

6 (q) With respect to instruments for the payment of money
7 issued under this Section either before, on, or after the
8 effective date of Public Act 86-004 (June 6, 1989), it is, and
9 always has been, the intention of the General Assembly (i) that
10 the Omnibus Bond Acts are, and always have been, supplementary
11 grants of power to issue instruments in accordance with the
12 Omnibus Bond Acts, regardless of any provision of this Act that
13 may appear to be or to have been more restrictive than those
14 Acts, (ii) that the provisions of this Section are not a
15 limitation on the supplementary authority granted by the
16 Omnibus Bond Acts, and (iii) that instruments issued under this
17 Section within the supplementary authority granted by the
18 Omnibus Bond Acts are not invalid because of any provision of
19 this Act that may appear to be or to have been more restrictive
20 than those Acts.

21 (r) When the purposes for which the bonds are issued have
22 been accomplished and paid for in full and there remain funds
23 on hand from the proceeds of the bond sale and interest
24 earnings therefrom, the board shall, by resolution, use such
25 excess funds in accordance with the provisions of Section
26 10-22.14 of this Act.

1 (s) Whenever any tax is levied or bonds issued for fire
2 prevention, safety, energy conservation, and school security
3 purposes, such proceeds shall be deposited and accounted for
4 separately within the Fire Prevention and Safety Fund.

5 (Source: P.A. 98-26, eff. 6-21-13; 98-1066, eff. 8-26-14;
6 99-143, eff. 7-27-15; 99-713, eff. 8-5-16.)

7 Section 15. The Public Utilities Act is amended by adding
8 Section 9-246 as follows:

9 (220 ILCS 5/9-246 new)

10 Sec. 9-246. Rates; lead hazard cost recovery by
11 investor-owned water utilities. In determining the rates for an
12 investor-owned public utility engaged in providing water
13 service, the Commission shall allow the utility to recover
14 annually any reasonable costs incurred by the utility to comply
15 with Section 17.11 of the Environmental Protection Act.

16 Section 20. The Child Care Act of 1969 is amended by adding
17 Section 5.9 as follows:

18 (225 ILCS 10/5.9 new)

19 Sec. 5.9. Lead testing of water in licensed day care
20 centers, day care homes and group day care homes.

21 (a) On or before January 1, 2018, the Department, in
22 consultation with the Department of Public Health, shall adopt

1 rules that prescribe the procedures and standards to be used by
2 the Department in assessing levels of lead in water in licensed
3 day care centers, day care homes, and group day care homes
4 constructed on or before January 1, 2000 that serve children
5 under the age of 6. Such rules shall, at a minimum, include
6 provisions regarding testing parameters, the notification of
7 sampling results, training requirements for lead exposure and
8 mitigation.

9 (b) After adoption of the rules required by subsection (a)
10 of this Section 5.9, and as part of an initial application or
11 application for renewal of a license for day care centers, day
12 care homes, and group day care homes, the Department shall
13 require proof that the applicant has complied with all such
14 promulgated rules.

15 Section 25. The Environmental Protection Act is amended by
16 changing Sections 19.3 and 19.4 and by adding Section 17.11 as
17 follows:

18 (415 ILCS 5/17.11 new)

19 Sec. 17.11. Lead in drinking water prevention.

20 (a) The General Assembly finds that lead has been detected
21 in the drinking water of schools and residences in this State.
22 The General Assembly also finds that infants and young children
23 may suffer adverse health effects and developmental delays as a
24 result of exposure to even low levels of lead. The General

1 Assembly further finds that it is in the best interests of the
2 people of the State to require school districts or chief school
3 administrators, or the designees of school districts or chief
4 school administrators, and the owners and operators of
5 community water systems to test for lead in drinking water in
6 school buildings and provide written notification of the test
7 results and for the owners and operators of community water
8 systems to create a comprehensive lead service line inventory.

9 The purpose of this Section is to require (i) school
10 districts or chief school administrators, or the designees of
11 school districts or chief school administrators, and the owners
12 and operators of community water systems to test for lead with
13 the goal of providing school building occupants with an
14 adequate supply of safe, potable water for consumption that is
15 free of lead; (ii) school districts or chief school
16 administrators, or the designees of school districts or chief
17 school administrator, to notify the parents and legal guardians
18 of enrolled students of the sampling results from their
19 respective school buildings; (iii) the owners and operators of
20 community water systems to notify occupants of residences and
21 water bill recipients, if different from the occupants, of
22 their individual tap sampling results; (iv) the owners and
23 operators of community water systems to provide notice to
24 occupants of potentially affected residences of construction
25 or repair work on water mains, lead service lines, or water
26 meters; and (v) owners and operators of community water systems

1 to create a comprehensive lead service line inventory.

2 (b) For the purposes of this Section:

3 "Community water system" has the meaning ascribed to
4 that term in 35 Ill. Adm. Code 611.101.

5 "Potentially affected residence" means any residence
6 where water service is or may be temporarily interrupted or
7 shut off by or on behalf of an owner or operator of a
8 community water system because construction or repair work
9 is to be performed by or on behalf of the owner or operator
10 of a community water system on or affecting a water main,
11 service line, or water meter.

12 "School building" means any facility or portion
13 thereof that was constructed on or before January 1, 2000
14 and may be occupied by more than 10 children or students,
15 pre-kindergarten through grade 5, within (a) a school
16 district or (b) a public, private, charter, or nonpublic
17 day or residential educational institution, that receives
18 water from a community water system.

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

26 (c) Each school district or chief school administrator, or

1 the designee of the school district or chief school
2 administrator, and the corresponding owner and operator of a
3 community water system shall test each source of potable water
4 in a school building for lead contamination as required in this
5 subsection.

6 (1) Each school district or chief school
7 administrator, or the designee of the school district or
8 chief school administrator, shall collect a minimum of
9 three 250 milliliter sequential samples of water from each
10 source of potable water located at each corresponding
11 school building; provided, however, that to the extent that
12 multiple sources of potable water utilize the same drain,
13 (a) a minimum of three 250 milliliter sequential samples of
14 water is required from one such source of potable water,
15 and (b) only one 250 milliliter sample of water is required
16 from the remaining such sources of potable water. The water
17 corresponding to the first 250 milliliter sample from each
18 source of potable water shall have been standing in the
19 plumbing pipes for at least 8 hours, but not more than 18
20 hours, without any flushing of the source of potable water
21 before sample collection. Samples shall be collected
22 pursuant to such other specifications as the Agency may
23 determine appropriate.

24 (2) Each school district or chief school
25 administrator, or the designee of the school district or
26 chief school administrator, shall submit (A) the samples to

1 an Agency-accredited laboratory for analysis for lead in
2 accordance with the instructions supplied by the owners and
3 operators of the community water system and (B) the written
4 sampling results to the Agency and the Department of Public
5 Health within 7 business days of receipt of the results.

6 (3) If any sample tests positive for lead, the school
7 district or chief school administrator, or the designee of
8 the school district or chief school administrator, shall
9 promptly provide an individual notification of the
10 sampling results, via written or electronic communication,
11 to the parents or legal guardians of all enrolled students
12 of the sampling results and include the following
13 information: the corresponding sampling location within
14 the school building and the United States Environmental
15 Protection Agency's website for information about lead in
16 drinking water.

17 (4) Sampling and analysis shall be completed by the
18 following applicable deadlines: for school buildings
19 constructed through January 1, 1987, by December 31, 2017;
20 and for school buildings constructed between January 2,
21 1987 and January 1, 2000, by December 31, 2018.

22 (5) The school district or chief school administrator,
23 or the designee of the school district or chief school
24 administrator, shall provide the corresponding owner and
25 operator of the community water supply with a written list
26 of all sources of potable water that are required to be

1 sampled in each school building. Within 20 days of receipt
2 of the written list, the owner and operator of the
3 community water system shall (A) provide each
4 corresponding school district or chief school
5 administrator, or the designee of the school district or
6 chief school administrator, with the (i) sampling
7 instructions, (ii) equipment necessary to collect all
8 samples required under this subsection from the school
9 buildings of each such school district or chief school
10 administrator, or the designee of the school district or
11 chief school administrator, and (iii) instructions for
12 delivering the samples to an Agency-accredited laboratory;
13 and (B) pay for the total cost of the laboratory analysis
14 of all such required samples. The obligation of each owner
15 and operator of the community water system to pay the total
16 cost of the laboratory analysis expires if the
17 corresponding school district or chief school
18 administrator, or the designee of the school district or
19 chief school administrator, fails to submit the samples for
20 analysis prior to the applicable corresponding deadline in
21 subsection 4 of Section 17.11(c).

22 (6) The school district or chief school administrator,
23 or the designee of the school district or chief school
24 administrator, may provide written notice to the owner and
25 operator of the corresponding community water system that
26 it will undertake all responsibilities under this

1 subsection. If the school district or chief school
2 administrator, or the designee of the school district or
3 chief school administrator, provides such written notice,
4 the owner and operator of the corresponding community water
5 system shall be exempt from the requirements of this
6 subsection.

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

25 (8) Lead sampling results obtained shall not be used
26 for purposes of determining compliance with the Board's

1 rules that implement the national primary drinking water
2 regulations for lead and copper.

3 (d) By no later than June 30, 2019, the Agency, in
4 consultation with the Department of Public Health, shall
5 determine whether it is necessary and appropriate to protect
6 public health to require schools constructed in whole or in
7 part after January 1, 2000 to conduct testing for lead from
8 sources of potable water, taking into account, among other
9 relevant information, the results of testing conducted
10 pursuant to Section 17.11(c).

11 (e) The owner or operator of each community water system in
12 the State shall develop a water distribution system material
13 inventory that shall be submitted to the Agency and the
14 Department of Public Health an annual basis commencing on April
15 15, 2018 and continuing on each April 15 thereafter until the
16 water distribution system material inventory is completed. In
17 addition to meeting the requirements for water distribution
18 system material inventories that are mandated by the United
19 States Environmental Protection Agency, each water
20 distribution system material inventory shall identify:
21 provided, however, that, nothing in this subsection shall be
22 construed to require that privately owned lead service lines be
23 unearthed:

24 (1) all known lead service lines within or connected to
25 its community water system distribution system, including
26 privately owned lead service lines;

1 (2) the lead service lines that were added to the
2 inventory after the previous year's submission;

3 (3) the total number of service lines within the
4 community water supply distribution system;

5 (4) the percentage of service lines that are known to
6 contain lead;

7 (5) the percentage of service lines that are known to
8 be of a material other than lead; and

9 (6) the percentage of service lines added to the
10 inventory after the previous submission of the annual lead
11 service line inventory.

12 (f) Beginning January 1, 2017, when conducting routine
13 inspections of community water systems as required under this
14 Act, the Agency may conduct a separate audit to identify
15 progress that the community water system has made toward
16 completing the water distribution system material inventories
17 required under subsection (d) of this Section.

18 (g) The owner or operator of a community water system shall
19 provide a notice of the individual tap sampling results to the
20 persons served by the water system at the specific sampling
21 site from which the sample was taken (e.g., the occupants of
22 the residence where the tap was tested) and to the persons who
23 receive the water bills for each residence. In preparing such
24 notice and providing it to the persons required under this
25 subsection, the owner or operator of a community water system
26 shall comply with the requirements set forth in 35 Ill. Adm.

1 Code 611.355(d)(2)-(4). The notification described in this
2 subsection (f) is in addition to any other notification that
3 may be required.

4 (h) The owner or operator of the community water system
5 shall provide notice of construction or repair work on a water
6 main service line, or water meter in accordance with the
7 following requirements:

8 (1) Within 14 days prior to beginning planned work to
9 repair or replace any water mains or lead service lines,
10 the owner or operator of a community water system shall
11 notify, through an individual written notice, each
12 occupant of each potentially affected residence of the
13 planned work. In cases where a community water system must
14 perform construction or repair work on an emergency basis
15 or where such work is not scheduled at least 14 days prior
16 to work taking place, the community water system shall
17 notify each occupant of each potentially affected
18 residence as soon as reasonably possible. When work is to
19 repair or replace a water meter, the notification shall be
20 provided at the time the work is initiated.

21 (2) Such notification shall include, at a minimum:

22 (A) a warning that the work may result in sediment,
23 possibly containing lead, in the residence's water
24 supply; and

25 (B) information concerning best practices for
26 preventing the consumption of any lead in drinking

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

5 (C) information regarding the dangers of lead in
6 young children.

7 (3) To the extent that the owner or operator of a
8 community water system serves a significant proportion of
9 non-English speaking consumers, the notification must
10 contain information in the appropriate languages regarding
11 the importance of the notice, and it must contain a
12 telephone number or address where a person served may
13 contact the owner or operator of the community water system
14 to obtain a translated copy of the notification or to
15 request assistance in the appropriate language.

16 (4) Notwithstanding anything to the contrary set forth
17 in this section, to the extent that notification is
18 required for the entire community served by a community
19 water system, publication notification, through a local
20 newspaper, social media or other similar means, may be
21 utilized in lieu of an individual written notification.

22 (5) The notification requirements in this subsection
23 (g) do not apply to work performed on water mains that are
24 used to transmit treated water between community water
25 systems and have no service connections.

1 (415 ILCS 5/19.3) (from Ch. 111 1/2, par. 1019.3)

2 Sec. 19.3. Water Revolving Fund.

3 (a) There is hereby created within the State Treasury a
4 Water Revolving Fund, consisting of 3 interest-bearing special
5 programs to be known as the Water Pollution Control Loan
6 Program, the Public Water Supply Loan Program, and the Loan
7 Support Program, which shall be used and administered by the
8 Agency.

9 (b) The Water Pollution Control Loan Program shall be used
10 and administered by the Agency to provide assistance for the
11 following purposes:

12 (1) to accept and retain funds from grant awards,
13 appropriations, transfers, and payments of interest and
14 principal;

15 (2) to make direct loans at or below market interest
16 rates and to provide additional subsidization, including,
17 but not limited to, forgiveness of principal, negative
18 interest rates, and grants, to any eligible local
19 government unit to finance the construction of treatments
20 works, including storm water treatment systems that are
21 treatment works, and projects that fulfill federal State
22 Revolving Fund grant requirements for a green project
23 reserve;

24 (2.5) with respect to funds provided under the American
25 Recovery and Reinvestment Act of 2009:

26 (A) to make direct loans at or below market

1 interest rates to any eligible local government unit
2 and to provide additional subsidization to any
3 eligible local government unit, including, but not
4 limited to, forgiveness of principal, negative
5 interest rates, and grants;

6 (B) to make direct loans at or below market
7 interest rates to any eligible local government unit to
8 buy or refinance debt obligations for treatment works
9 incurred on or after October 1, 2008; and

10 (C) to provide additional subsidization,
11 including, but not limited to, forgiveness of
12 principal, negative interest rates, and grants for
13 treatment works incurred on or after October 1, 2008;

14 (3) to make direct loans at or below market interest
15 rates and to provide additional subsidization, including,
16 but not limited to, forgiveness of principal, negative
17 interest rates, and grants, to any eligible local
18 government unit to buy or refinance debt obligations for
19 costs incurred after March 7, 1985, for the construction of
20 treatment works, including storm water treatment systems
21 that are treatment works, and projects that fulfill federal
22 State Revolving Fund grant requirements for a green project
23 reserve;

24 (3.5) to make loans, including, but not limited to,
25 loans through a linked deposit program, at or below market
26 interest rates for the implementation of a management

1 program established under Section 319 of the Federal Water
2 Pollution Control Act, as amended;

3 (4) to guarantee or purchase insurance for local
4 obligations where such action would improve credit market
5 access or reduce interest rates;

6 (5) as a source of revenue or security for the payment
7 of principal and interest on revenue or general obligation
8 bonds issued by the State or any political subdivision or
9 instrumentality thereof, if the proceeds of such bonds will
10 be deposited in the Fund;

11 (6) to finance the reasonable costs incurred by the
12 Agency in the administration of the Fund;

13 (7) to transfer funds to the Public Water Supply Loan
14 Program; and

15 (8) notwithstanding any other provision of this
16 subsection (b), to provide, in accordance with rules
17 adopted under this Title, any other financial assistance
18 that may be provided under Section 603 of the Federal Water
19 Pollution Control Act for any other projects or activities
20 eligible for assistance under that Section or federal rules
21 adopted to implement that Section.

22 (c) The Loan Support Program shall be used and administered
23 by the Agency for the following purposes:

24 (1) to accept and retain funds from grant awards and
25 appropriations;

26 (2) to finance the reasonable costs incurred by the

1 Agency in the administration of the Fund, including
2 activities under Title III of this Act, including the
3 administration of the State construction grant program;

4 (3) to transfer funds to the Water Pollution Control
5 Loan Program and the Public Water Supply Loan Program;

6 (4) to accept and retain a portion of the loan
7 repayments;

8 (5) to finance the development of the low interest loan
9 programs for water pollution control and public water
10 supply projects;

11 (6) to finance the reasonable costs incurred by the
12 Agency to provide technical assistance for public water
13 supplies; and

14 (7) to finance the reasonable costs incurred by the
15 Agency for public water system supervision programs, to
16 administer or provide for technical assistance through
17 source water protection programs, to develop and implement
18 a capacity development strategy, to delineate and assess
19 source water protection areas, and for an operator
20 certification program in accordance with Section 1452 of
21 the federal Safe Drinking Water Act.

22 (d) The Public Water Supply Loan Program shall be used and
23 administered by the Agency to provide assistance to ~~local~~
24 ~~government units and privately owned community water supplies~~
25 ~~for~~ public water systems as defined in 40 CFR 141.2 and 40 CFR
26 35.3505 ~~supplies~~ for the following public purposes:

1 (1) to accept and retain funds from grant awards,
2 appropriations, transfers, and payments of interest and
3 principal;

4 (2) to make direct loans at or below market interest
5 rates and to provide additional subsidization, including,
6 but not limited to, forgiveness of principal, negative
7 interest rates, and grants, to any eligible local
8 government unit or to any eligible privately owned
9 community water supply to finance the construction of water
10 supplies and projects that fulfill federal State Revolving
11 Fund grant requirements for a green project reserve;

12 (2.5) with respect to funds provided under the American
13 Recovery and Reinvestment Act of 2009:

14 (A) to make direct loans at or below market
15 interest rates to any eligible local government unit or
16 to any eligible privately owned community water
17 supply, and to provide additional subsidization to any
18 eligible local government unit or to any eligible
19 privately owned community water supply, including, but
20 not limited to, forgiveness of principal, negative
21 interest rates, and grants;

22 (B) to buy or refinance the debt obligation of a
23 local government unit for costs incurred on or after
24 October 1, 2008; and

25 (C) to provide additional subsidization,
26 including, but not limited to, forgiveness of

1 principal, negative interest rates, and grants for a
2 local government unit for costs incurred on or after
3 October 1, 2008;

4 (3) to make direct loans at or below market interest
5 rates and to provide additional subsidization, including,
6 but not limited to, forgiveness of principal, negative
7 interest rates, and grants, to any eligible local
8 government unit or to any eligible privately owned
9 community water supply to buy or refinance debt obligations
10 for costs incurred on or after July 17, 1997, for the
11 construction of water supplies and projects that fulfill
12 federal State Revolving Fund requirements for a green
13 project reserve;

14 (4) to guarantee local obligations where such action
15 would improve credit market access or reduce interest
16 rates;

17 (5) as a source of revenue or security for the payment
18 of principal and interest on revenue or general obligation
19 bonds issued by the State or any political subdivision or
20 instrumentality thereof, if the proceeds of such bonds will
21 be deposited into the Fund; ~~and~~

22 (6) to transfer funds to the Water Pollution Control
23 Loan Program; and -

24 (7) notwithstanding any other provision of this
25 subsection (d), to provide any other financial assistance
26 that may be provided under Section 1452 of the federal Safe

1 Drinking Water Act for any expenditures eligible for
2 assistance under that Section or federal rules adopted to
3 implement that Section.

4 (e) The Agency is designated as the administering agency of
5 the Fund. The Agency shall submit to the Regional Administrator
6 of the United States Environmental Protection Agency an
7 intended use plan which outlines the proposed use of funds
8 available to the State. The Agency shall take all actions
9 necessary to secure to the State the benefits of the federal
10 Water Pollution Control Act and the federal Safe Drinking Water
11 Act, as now or hereafter amended.

12 (f) The Agency shall have the power to enter into
13 intergovernmental agreements with the federal government or
14 the State, or any instrumentality thereof, for purposes of
15 capitalizing the Water Revolving Fund. Moneys on deposit in the
16 Water Revolving Fund may be used for the creation of reserve
17 funds or pledged funds that secure the obligations of repayment
18 of loans made pursuant to this Section. For the purpose of
19 obtaining capital for deposit into the Water Revolving Fund,
20 the Agency may also enter into agreements with financial
21 institutions and other persons for the purpose of selling loans
22 and developing a secondary market for such loans. The Agency
23 shall have the power to create and establish such reserve funds
24 and accounts as may be necessary or desirable to accomplish its
25 purposes under this subsection and to allocate its available
26 moneys into such funds and accounts. Investment earnings on

1 moneys held in the Water Revolving Fund, including any reserve
2 fund or pledged fund, shall be deposited into the Water
3 Revolving Fund.

4 (Source: P.A. 98-782, eff. 7-23-14; 99-187, eff. 7-29-15.)

5 (415 ILCS 5/19.4) (from Ch. 111 1/2, par. 1019.4)

6 Sec. 19.4. Regulations; priorities.

7 (a) The Agency shall have the authority to promulgate
8 regulations for the administration of this Title, including,
9 but not limited to, rules setting forth procedures and criteria
10 concerning loan applications and the issuance of loans. For
11 loans to units of local government, the regulations shall
12 include, but need not be limited to, the following elements:

13 (1) loan application requirements;

14 (2) determination of credit worthiness of the loan
15 applicant;

16 (3) special loan terms, as necessary, for securing the
17 repayment of the loan;

18 (4) assurance of payment;

19 (5) interest rates;

20 (6) loan support rates;

21 (7) impact on user charges;

22 (8) eligibility of proposed construction;

23 (9) priority of needs;

24 (10) special loan terms for disadvantaged communities;

25 (11) maximum limits on annual distributions of funds to

1 applicants or groups of applicants;

2 (12) penalties for noncompliance with loan
3 requirements and conditions, including stop-work orders,
4 termination, and recovery of loan funds; and

5 (13) indemnification of the State of Illinois and the
6 Agency by the loan recipient.

7 (b) The Agency shall have the authority to promulgate
8 regulations to set forth procedures and criteria concerning
9 loan applications for loan recipients other than units of local
10 government. In addition to all of the elements required for
11 units of local government under subsection (a), the regulations
12 shall include, but need not be limited to, the following
13 elements:

14 (1) types of security required for the loan;

15 (2) types of collateral, as necessary, that can be
16 pledged for the loan; and

17 (3) staged access to fund privately owned community
18 water supplies.

19 (c) Rules adopted under this Title shall also include, but
20 shall not be limited to, criteria for prioritizing the issuance
21 of loans under this Title according to applicant need. Priority
22 in making loans from the Public Water Supply Loan Program must
23 first be given to local government units and privately owned
24 community water supplies that need to make capital improvements
25 to protect human health and to achieve compliance with the
26 State and federal primary drinking water standards adopted

1 pursuant to this Act and the federal Safe Drinking Water Act,
2 as now and hereafter amended. Rules for prioritizing loans from
3 the Water Pollution Control Loan Program may include, but shall
4 not be limited to, criteria designed to encourage green
5 infrastructure, water efficiency, environmentally innovative
6 projects, and nutrient pollution removal.

7 (d) The Agency shall have the authority to promulgate
8 regulations to set forth procedures and criteria concerning
9 loan applications for funds provided under the American
10 Recovery and Reinvestment Act of 2009. In addition, due to time
11 constraints in the American Recovery and Reinvestment Act of
12 2009, the Agency shall adopt emergency rules as necessary to
13 allow the timely administration of funds provided under the
14 American Recovery and Reinvestment Act of 2009. Emergency rules
15 adopted under this subsection (d) shall be adopted in
16 accordance with Section 5-45 of the Illinois Administrative
17 Procedure Act.

18 (e) The Agency may adopt rules to create a linked deposit
19 loan program through which loans made pursuant to paragraph
20 (3.5) of subsection (b) of Section 19.3 may be made through
21 private lenders. Rules adopted under this subsection (e) shall
22 include, but shall not be limited to, provisions requiring
23 private lenders, prior to disbursing loan proceeds through the
24 linked deposit loan program, to verify that the loan recipients
25 have been approved by the Agency for financing under paragraph
26 (3.5) of subsection (b) of Section 19.3.

1 (Source: P.A. 98-782, eff. 7-23-14.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law."