



Sen. Heather A. Steans

Filed: 4/15/2016

09900SB0550sam001

LRB099 03301 MJP 47037 a

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 1. Short title. This Act may be cited as the Lead
5 in Drinking Water Prevention Act.

6 Section 5. Definitions. In this Act:

7 "Agency" means the Illinois Environmental Protection
8 Agency.

9 "Community water supply" or "community water system" means
10 a public water system that serves at least 15 service
11 connections used by year-round residents or regularly serves at
12 least 25 year-round residents.

13 "High risk area" means a geographical location where there
14 is an increased risk that the concentration of lead in drinking
15 water supplied to residences is equal to or above the household
16 action level. Such areas include, but are not limited to:

1 neighborhoods where data shows residence at any time after 1996
2 by children less than 6 years old with elevated lead blood
3 levels equal to or greater than 10 micrograms per deciliter;
4 residences with known lead service lines or lead solder;
5 residences built before 1986; day care centers and day care
6 homes as defined in 89 Ill. Admin. Code 405.2; child care
7 institutions as defined in 89 Ill. Admin. Code 404.2; and
8 census tracts where at least 20% of residents are living in
9 poverty as defined by the U.S. Census Bureau.

10 "Household action level" means the concentration of lead in
11 water found in any single sample that determines the treatment
12 requirements that a supplier must complete, which is 0.015
13 milligrams per liter. On and after the effective date of this
14 Act, this definition of "household action level" supersedes the
15 90th percentile requirement set forth in 35 Ill. Adm. Code
16 611.350. This level shall be revised as needed to remain
17 consistent with federal regulations in 40 CFR 141.80(c) and
18 adopted in 35 Ill. Adm. Code 611.350(c).

19 "Non-community water system" means either a transient
20 non-community water system or a non-transient non-community
21 water system. "Non-community water system" does not include a
22 community water system.

23 "Non-transient, non-community water system" means a public
24 water system that is not a community water system and that
25 regularly serves at least 25 of the same persons over 6 months
26 per year.

1 "Public water system" means a system for the provision to
2 the public of water for human consumption through pipes or
3 other constructed conveyances, if the system: has at least 15
4 service connections or regularly serves an average of at least
5 25 individuals daily at least 60 days out of the year; and is
6 either a community water system or a non-community water
7 system. "Public water system" includes: any collection,
8 treatment, storage, and distribution facilities under the
9 control of the operator of a public water system and used
10 primarily in connection with a public water system; and any
11 collection or pretreatment storage facilities not under the
12 control of a public water system that are used primarily in
13 connection with a public water system. "Public water system"
14 does not include a special irrigation district.

15 "Supplier of water" or "supplier" means any person who owns
16 or operates a public water system.

17 "Transient, non-community water system" means a
18 non-community water system that does not regularly serve at
19 least 25 of the same persons over 6 months of the year.

20 Section 10. Scope.

21 (a) This Act applies to community water systems, transient
22 non-community water systems, and non-transient non-community
23 water systems and their respective suppliers.

24 (b) Community water systems are regulated by the Agency
25 under the Environmental Protection Act.

1 (c) Transient non-community water systems and
2 non-transient non-community water systems are regulated by the
3 Department of Public Health under 35 Ill. Adm. Code 611.

4 (d) The Agency and the Department of Public Health shall be
5 responsible for enforcing the provisions of this Act for the
6 respective water systems over which they have jurisdiction.

7 Section 15. Testing and reporting requirements.

8 (a) No public water system may supply water with a lead
9 level in excess of the household action level. The Agency and
10 the Department of Public Health, by rule, shall enforce this
11 requirement, including the establishment and enforcement of
12 fines for its violation, and shall develop practices required
13 to enforce this requirement, including but not limited to,
14 requiring any public water system to notify the local health
15 department, and the Agency or the Department of Public Health,
16 as appropriate, if lead levels in any single water sample
17 exceed the federal action level threshold, as established in 40
18 CFR 141.80(c) and adopted in 35 Ill. Adm. Code 611.350(c). The
19 public water system may investigate any samples in a timely
20 manner, not to exceed 14 days, to eliminate sampling or
21 analysis errors before being required to give notification of
22 excessive lead levels, however, any such errors must be fully
23 documented and explained in writing to the Agency or Department
24 of Public Health, as appropriate.

25 (b) Public water systems shall implement regular

1 monitoring in a manner that is representative of the
2 distribution system. However, any monitoring under this
3 subsection shall be in addition to the monitoring required
4 under federal rules, and the public water system shall ensure
5 that areas at higher risk of lead (including areas with known
6 or suspected lead service lines) are emphasized in the
7 monitoring program as required by federal rules. Additional
8 monitoring sites beyond the high risk areas required to be
9 monitored under federal rules must be evenly distributed
10 throughout the geographic region covered by the public water
11 system and testing sites must accurately represent the
12 demographics of the region. Any determination as to whether the
13 federal action level is exceeded shall be made in accordance
14 with federal rules.

15 (c) All water sampling must be conducted in accordance with
16 the Agency's current guidance on tap sampling. The Agency shall
17 ensure that monitoring is conducted in a manner and using
18 protocols most likely to find lead that may be present in tap
19 water; methods that reduce the likelihood of finding lead,
20 including, but not limited to, pre-flushing, removal of aerator
21 screens, or use of small-necked sampling bottles shall not be
22 used.

23 (d) Any public water system that changes its original water
24 supply to a new water supply must conduct a corrosivity test
25 and implement any applicable corrosion control treatment
26 requirements.

1 (e) Any public water system that finds lead levels in
2 excess of the household action level must reassess the
3 corrosivity of its water supply and implement applicable
4 corrosion control treatments.

5 (f) Suppliers shall provide the opportunity for a consumer
6 to self-test his or her water supply and provide testing
7 results to the supplier. The results of consumer-initiated
8 tests shall be reported to the local health department, and the
9 Agency or the Department of Public Health, as appropriate, when
10 results from a consumer-initiated test exceed the household
11 action level. Suppliers shall compile all data received from
12 consumer-initiated testing and use the results to assess the
13 effectiveness of current corrosion control treatments. The
14 Agency shall make State testing labs available to suppliers to
15 conduct testing of consumer-initiated water samples.

16 (g) Suppliers shall conduct tap sampling in areas in which
17 water mains, water pipes, or other plumbing fixtures have been
18 replaced, repaired, or otherwise disturbed. Testing must be
19 conducted monthly for a minimum of one year to ensure that lead
20 levels do not exceed either the household action level or
21 federal action level after any such disturbance of the water
22 system.

23 (h) The Agency shall prioritize lead abatement and lead
24 cleanup projects when allocating funds from the Water Revolving
25 Fund created in Section 19.3 of the Environmental Protection
26 Act.

1 Section 20. Public education and notice requirements.

2 (a) In addition to the public education requirements
3 established in 35 Ill. Adm. Code 611.355, all suppliers shall
4 provide supplemental public education programs and materials
5 to residents of high-risk areas and vulnerable people, such as
6 pregnant women and families with children. Suppliers must
7 publish these supplemental public education programs and
8 materials to the supplier's respective public website. The
9 information set forth in paragraph (3) shall be included in
10 each monthly bill sent from suppliers to customers residing in
11 high risk areas. Such materials and programs shall include, but
12 are not limited to, information on all of the following:

13 (1) The health effects of lead, including: that lead
14 can cause serious health problems if too much enters your
15 body from drinking water or other sources; that lead can
16 cause damage to the brain and kidneys, and can interfere
17 with the production of red blood cells that carry oxygen to
18 all parts of your body; that the greatest risk of lead
19 exposure is to infants, young children, and pregnant women;
20 that scientists have linked the effects of lead on the
21 brain with lowered IQ in children; that adults with kidney
22 problems and high blood pressure can be affected by low
23 levels of lead more than healthy adults; that lead is
24 stored in the bones, and it can be released later in life;
25 and that during pregnancy, the child receives lead from the

1 mother's bones, which may affect brain development.

2 (2) The sources of lead including explaining what lead
3 is; explaining possible sources of lead in drinking water
4 and how lead enters drinking water; information on home and
5 building plumbing materials and service lines that may
6 contain lead; and other important sources of lead exposure
7 in addition to drinking water (such as paint).

8 (3) Steps the consumer can take to reduce his or her
9 exposure to lead in drinking water, including: encouraging
10 running the drinking water to flush the lead out when lead
11 has been found in his or her drinking water or when there
12 is a risk of lead contamination in the water; explaining
13 concerns with using hot water from the tap and specifically
14 caution against the use of hot water for preparing baby
15 formula when lead has been found in his or her drinking
16 water or when there is a risk of lead contamination in the
17 water; explaining that boiling water does not reduce lead
18 levels; discussing other options consumers can take to
19 reduce exposure to lead in drinking water, including use of
20 water filters certified to remove lead; and suggesting that
21 parents have their child's blood tested for lead.

22 (4) How consumers can have their water tested,
23 including consumer-initiated testing and reporting
24 methods.

25 (b) The Agency and the Department of Public Health shall
26 annually compile a comprehensive report about the status of

1 lead in drinking water supplies in Illinois including, but not
2 limited to, information on current lead levels in the water
3 supply, a comprehensive inventory of lead mains and lead
4 service lines in the State, all efforts to reduce lead levels,
5 and any necessary notices for high risk areas. The report shall
6 be made accessible to the public on the websites of the Agency
7 and the Department of Public Health.

8 (c) All water suppliers shall publish notices regarding
9 lead in drinking water on their public websites and send
10 physical and electronic mailings to all consumers including:

11 (1) the current status of lead in the drinking water;

12 (2) a summary of efforts being conducted by the
13 supplier to reduce lead levels in drinking water;

14 (3) a list of high risk areas and other areas where
15 lead levels exceed the State or federal action levels;

16 (4) measures consumers may take to reduce their
17 exposure to lead in drinking water, including information
18 set forth in paragraph (3) of subsection (a) of this
19 Section; and

20 (5) an explanation of consumer-initiated testing
21 procedures available to the consumer.

22 Section 25. Rulemaking. Within 6 months after the effective
23 date of this Act, the Agency and the Department of Public
24 Health shall adopt rules under the Illinois Administrative
25 Procedure Act necessary to implement the provisions of this Act

1 with respect to the water systems over which they have
2 jurisdiction.".