



Rep. Hoan Huynh

**Filed: 3/15/2023**

10300HB2776ham001

LRB103 28485 JDS 59088 a

1 AMENDMENT TO HOUSE BILL 2776

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2776 by replacing  
3 everything after the enacting clause with the following:

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

1 lines; and (2) prohibit partial lead service line  
2 replacements, except as authorized within this Section.

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

4 (1) There is no safe level of exposure to heavy metal  
5 lead, as found by the United States Environmental  
6 Protection Agency and the Centers for Disease Control and  
7 Prevention.

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

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

14 (4) The true number of lead service lines is not fully  
15 known because Illinois lacks an adequate inventory of lead  
16 service lines.

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

21 (c) In this Section:

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

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

26 "Department" means the Department of Public Health.

1 "Emergency repair" means any unscheduled water main, water  
2 service, or water valve repair or replacement that results  
3 from failure or accident.

4 "Fund" means the Lead Service Line Replacement Fund  
5 created under subsection (bb).

6 "Lead service line" means a service line made of lead or  
7 service line connected to a lead pigtail, lead gooseneck, or  
8 other lead fitting.

9 "Material inventory" means a water service line material  
10 inventory developed by a community water supply under this  
11 Act.

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

14 "NSF/ANSI Standard" means a water treatment standard  
15 developed by NSF International.

16 "Partial lead service line replacement" means replacement  
17 of only a portion of a lead service line.

18 "Potentially affected building" means any building that is  
19 provided water service through a service line that is either a  
20 lead service line or a suspected lead service line.

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

23 "Service line" means the piping, tubing, and necessary  
24 appurtenances acting as a conduit from the water main or  
25 source of potable water supply to the building plumbing at the  
26 first shut-off valve or 18 inches inside the building,

1 whichever is shorter.

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

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

8 (d) An owner or operator of a community water supply  
9 shall:

10 (1) develop an initial material inventory by April 15,  
11 2022 and electronically submit by April 15, 2023 an  
12 updated material inventory electronically to the Agency;  
13 and

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

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

21 (f) If a community water supply does not submit a complete  
22 inventory to the Agency by April 15, 2024 under paragraph (2)  
23 of subsection (d), the community water supply may apply for an  
24 extension to the Agency no less than 3 months prior to the due  
25 date. The Agency shall develop criteria for granting material  
26 inventory extensions. When considering requests for extension,

1 the Agency shall, at a minimum, consider:

2 (1) the number of service connections in a water  
3 supply; and

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

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

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

10 (2) the materials of construction of each service line  
11 connected to the community water supply's distribution  
12 system;

13 (3) the number of suspected lead service lines that  
14 were newly identified in the material inventory for the  
15 community water supply after the community water supply  
16 last submitted a service line inventory to the Agency; and

17 (4) the number of suspected or known lead service  
18 lines that were replaced after the community water supply  
19 last submitted a service line inventory to the Agency, and  
20 the material of the service line that replaced each lead  
21 service line.

22 When identifying the materials of construction under  
23 paragraph (2) of this subsection, the owner or operator of the  
24 community water supply shall to the best of the owner's or  
25 operator's ability identify the type of construction material  
26 used on the customer's side of the curb box, meter, or other

1 line of demarcation and the community water supply's side of  
2 the curb box, meter, or other line of demarcation.

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

5 (1) prioritize inspections of high-risk areas  
6 identified by the community water supply and inspections  
7 of high-risk facilities, such as preschools, day care  
8 centers, day care homes, group day care homes, parks,  
9 playgrounds, hospitals, and clinics, and confirm service  
10 line materials in those areas and at those facilities;

11 (2) review historical documentation, such as  
12 construction logs or cards, as-built drawings, purchase  
13 orders, and subdivision plans, to determine service line  
14 material construction;

15 (3) when conducting distribution system maintenance,  
16 visually inspect service lines and document materials of  
17 construction;

18 (4) identify any time period when the service lines  
19 being connected to its distribution system were primarily  
20 lead service lines, if such a time period is known or  
21 suspected; and

22 (5) discuss service line repair and installation with  
23 its employees, contractors, plumbers, other workers who  
24 worked on service lines connected to its distribution  
25 system, or all of the above.

26 (i) The owner or operator of each community water supply

1 shall maintain records of persons who refuse to grant access  
2 to the interior of a building for purposes of identifying the  
3 materials of construction of a service line. If a community  
4 water supply has been denied access on the property or to the  
5 interior of a building for that reason, then the community  
6 water supply shall attempt to identify the service line as a  
7 suspected lead service line, unless documentation is provided  
8 showing otherwise.

9 (j) If a community water supply identifies a lead service  
10 line connected to a building, the owner or operator of the  
11 community water supply shall attempt to notify the owner of  
12 the building and all occupants of the building of the  
13 existence of the lead service line within 15 days after  
14 identifying the lead service line, or as soon as is reasonably  
15 possible thereafter. Individual written notice shall be given  
16 according to the provisions of subsection (jj).

17 (k) An owner or operator of a community water supply has no  
18 duty to include in the material inventory required under  
19 subsection (d) information about service lines that are  
20 physically disconnected from a water main in its distribution  
21 system.

22 (l) The owner or operator of each community water supply  
23 shall post on its website a copy of the most recently submitted  
24 material inventory or alternatively may request that the  
25 Agency post a copy of that material inventory on the Agency's  
26 website.

1 (m) Nothing in this Section shall be construed to require  
2 service lines to be unearthed for the sole purpose of  
3 inventorying.

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

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

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

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

23 Owners or operators of a community water supply are  
24 encouraged to divide projects, whenever economically feasible,  
25 into contracts of smaller size that ensure small business  
26 contractors or vendors shall have the ability to qualify in



1 the applicable bidding process, when determining the ability  
2 to deliver on a given contract based on scope and size, as a  
3 responsible and responsive bidder.

4 When a contractor or vendor submits a bid or letter of  
5 intent in response to a request for proposal or other bid  
6 submission, the contractor or vendor shall include with its  
7 responsive documents a utilization plan that shall address how  
8 compliance with applicable good faith requirements set forth  
9 in this subsection shall be addressed.

10 Under this subsection, "good faith effort" means a  
11 community water supply has taken all necessary steps to comply  
12 with the goals of this subsection by complying with the  
13 following:

14 (1) Soliciting through reasonable and available means  
15 the interest of a business, as defined in Section 2 of the  
16 Business Enterprise for Minorities, Women, and Persons  
17 with Disabilities Act, that have the capability to perform  
18 the work of the contract. The community water supply must  
19 solicit this interest within sufficient time to allow  
20 certified businesses to respond.

21 (2) Providing interested certified businesses with  
22 adequate information about the plans, specifications, and  
23 requirements of the contract, including addenda, in a  
24 timely manner to assist them in responding to the  
25 solicitation.

26 (3) Meeting in good faith with interested certified

1 businesses that have submitted bids.

2 (4) Effectively using the services of the State,  
3 minority or women community organizations, minority or  
4 women contractor groups, local, State, and federal  
5 minority or women business assistance offices, and other  
6 organizations to provide assistance in the recruitment and  
7 placement of certified businesses.

8 (5) Making efforts to use appropriate forums for  
9 purposes of advertising subcontracting opportunities  
10 suitable for certified businesses.

11 The diversity goals defined in this subsection can be met  
12 through direct award to diverse contractors and through the  
13 use of diverse subcontractors and diverse vendors to  
14 contracts.

15 (o) An owner or operator of a community water supply shall  
16 collect data necessary to ensure compliance with subsection  
17 (n) no less than semi-annually and shall include progress  
18 toward compliance of subsection (n) in the owner or operator's  
19 report required under subsection (t-5). The report must  
20 include data on vendor and employee diversity, including data  
21 on the owner's or operator's implementation of subsection (n).

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

24 (1) create a plan to:

25 (A) replace each lead service line connected to  
26 its distribution system; and

1 (B) replace each galvanized service line connected  
2 to its distribution system, if the galvanized service  
3 line is or was connected downstream to lead piping;  
4 and

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

7 (3) electronically submit by April 15 of each year  
8 after 2024 until April 15, 2027 an updated lead service  
9 line replacement plan to the Agency for review; the  
10 updated replacement plan shall account for changes in the  
11 number of lead service lines or unknown service lines in  
12 the material inventory described in subsection (d);

13 (4) electronically submit by April 15, 2027 a complete  
14 and final replacement plan to the Agency for approval; the  
15 complete and final replacement plan shall account for all  
16 known and suspected lead service lines documented in the  
17 final material inventory described under paragraph (3) of  
18 subsection (d); and

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

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

24 (1) the name and identification number of the  
25 community water supply;

26 (2) the total number of service lines connected to the

1 distribution system of the community water supply;

2 (3) the total number of suspected lead service lines  
3 connected to the distribution system of the community  
4 water supply;

5 (4) the total number of known lead service lines  
6 connected to the distribution system of the community  
7 water supply;

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

11 (6) a proposed lead service line replacement schedule  
12 that includes one-year, 5-year, 10-year, 15-year, 20-year,  
13 25-year, and 30-year goals;

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

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

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

23 (C) consideration of different scenarios for  
24 structuring payments between the utility and its  
25 customers over time; and

26 (8) a plan for prioritizing high-risk facilities, such

1 as preschools, day care centers, day care homes, group day  
2 care homes, parks, playgrounds, hospitals, and clinics, as  
3 well as high-risk areas identified by the community water  
4 supply;

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

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

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

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

18 (1) the proposed lead service line replacement  
19 schedule set forth in the plan aligns with the timeline  
20 requirements set forth under subsection (v);

21 (2) the plan prioritizes the replacement of lead  
22 service lines that provide water service to high-risk  
23 facilities, such as preschools, day care centers, day care  
24 homes, group day care homes, parks, playgrounds,  
25 hospitals, and clinics, and high-risk areas identified by  
26 the community water supply;

1           (3) the plan includes analysis of cost and financing  
2 options; and

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

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

8           (t) If a community water supply does not deliver a  
9 complete plan to the Agency by April 15, 2027, the community  
10 water supply may apply to the Agency for an extension no less  
11 than 3 months prior to the due date. The Agency shall develop  
12 criteria for granting plan extensions. When considering  
13 requests for extension, the Agency shall, at a minimum,  
14 consider:

15           (1) the number of service connections in a water  
16 supply; and

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

19           (t-5) After the Agency has approved the final replacement  
20 plan described in subsection (p), the owner or operator of a  
21 community water supply shall submit a report detailing  
22 progress toward plan goals to the Agency for its review. The  
23 report shall be submitted annually for the first 10 years, and  
24 every 3 years thereafter until all lead service lines have  
25 been replaced. Reports under this subsection shall be  
26 published in the same manner described in subsection (l). The

1 report shall include at least the following information as it  
2 pertains to the preceding reporting period:

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

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

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

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

13 (u) Notwithstanding any other provision of law, in order  
14 to provide for costs associated with lead service line  
15 remediation and replacement, the corporate authorities of a  
16 municipality may, by ordinance or resolution by the corporate  
17 authorities, exercise authority provided in Section 27-5 et  
18 seq. of the Property Tax Code and Sections 8-3-1, 8-11-1,  
19 8-11-5, 8-11-6, 9-1-1 et seq., 9-3-1 et seq., 9-4-1 et seq.,  
20 11-131-1, and 11-150-1 of the Illinois Municipal Code. Taxes  
21 levied for this purpose shall be in addition to taxes for  
22 general purposes authorized under Section 8-3-1 of the  
23 Illinois Municipal Code and shall be included in the taxing  
24 district's aggregate extension for the purposes of Division 5  
25 of Article 18 of the Property Tax Code.

26 (v) Every owner or operator of a community water supply

1 shall replace all known lead service lines, subject to the  
2 requirements of subsection (ff), according to the following  
3 replacement rates and timelines to be calculated from the date  
4 of submission of the final replacement plan to the Agency:

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

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

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

23 (4) A community water supply reporting more than 9,999  
24 but fewer than 99,999 lead service lines in its final  
25 inventory and replacement plan shall replace all lead  
26 service lines, at an annual rate of no less than 3% of the



1 amount described in the final inventory, with a timeline  
2 of up to 34 years for completion.

3 (5) A community water supply reporting more than  
4 99,999 lead service lines in its final inventory and  
5 replacement plan shall replace all lead service lines, at  
6 an annual rate of no less than 2% of the amount described  
7 in the final inventory, with a timeline of up to 50 years  
8 for completion.

9 (w) A community water supply may apply to the Agency for an  
10 extension to the replacement timelines described in paragraphs  
11 (1) through (5) of subsection (v). The Agency shall develop  
12 criteria for granting replacement timeline extensions. When  
13 considering requests for timeline extensions, the Agency  
14 shall, at a minimum, consider:

15 (1) the number of service connections in a water  
16 supply; and

17 (2) unusual circumstances creating hardship for a  
18 community.

19 The Agency may grant one extension of additional time  
20 equal to not more than 20% of the original replacement  
21 timeline, except in situations of extreme hardship in which  
22 the Agency may consider a second additional extension equal to  
23 not more than 10% of the original replacement timeline.

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

26 (x) The Lead Service Line Replacement Advisory Board is

1 created within the Agency. The Advisory Board shall convene  
2 within 120 days after January 1, 2022 (the effective date of  
3 Public Act 102-613).

4 The Advisory Board shall consist of at least 28 voting  
5 members, as follows:

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

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

9 (3) the Director of Public Health, or his or her  
10 designee;

11 (4) fifteen members appointed by the Agency as  
12 follows:

13 (A) one member representing a statewide  
14 organization of municipalities as authorized by  
15 Section 1-8-1 of the Illinois Municipal Code;

16 (B) two members who are mayors representing  
17 municipalities located in any county south of the  
18 southernmost county represented by one of the 10  
19 largest municipalities in Illinois by population, or  
20 their respective designees;

21 (C) two members who are representatives from  
22 public health advocacy groups;

23 (D) two members who are representatives from  
24 publicly-owned water utilities;

25 (E) one member who is a representative from a  
26 public utility as defined under Section 3-105 of the

1 Public Utilities Act that provides water service in  
2 the State of Illinois;

3 (F) one member who is a research professional  
4 employed at an Illinois academic institution and  
5 specializing in water infrastructure research;

6 (G) two members who are representatives from  
7 nonprofit civic organizations;

8 (H) one member who is a representative from a  
9 statewide organization representing environmental  
10 organizations;

11 (I) two members who are representatives from  
12 organized labor; and

13 (J) one member representing an environmental  
14 justice organization; and

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

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

22 Advisory Board members shall serve without compensation,  
23 but may be reimbursed for necessary expenses incurred in the  
24 performance of their duties from funds appropriated for that  
25 purpose. The Agency shall provide administrative support to  
26 the Advisory Board.

1           The Advisory Board shall meet no less than once every 6  
2 months.

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

5                 (1) advising the Agency on best practices in lead  
6 service line replacement;

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

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

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

14                (5) providing technical support and practical  
15 expertise in general.

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

23                (1) the sufficiency of various revenue sources to  
24 adequately fund replacement of all lead service lines in  
25 Illinois;

26                (2) the financial burden, if any, on households

1 falling below 150% of the federal poverty limit;

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

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

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

8 (6) the protection of low-income households from rate  
9 increases.

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

15 (bb) The Lead Service Line Replacement Fund is created as  
16 a special fund in the State treasury to be used by the Agency  
17 for the purposes provided under this Section. The Fund shall  
18 be used exclusively to finance and administer programs and  
19 activities specified under this Section and listed under this  
20 subsection.

21 The objective of the Fund is to finance activities  
22 associated with identifying and replacing lead service lines,  
23 build Agency capacity to oversee the provisions of this  
24 Section, and provide related assistance for the activities  
25 listed under this subsection.

26 The Agency shall be responsible for the administration of

1 the Fund and shall allocate moneys on the basis of priorities  
2 established by the Agency through administrative rule. On July  
3 1, 2022 and on July 1 of each year thereafter, the Agency shall  
4 determine the available amount of resources in the Fund that  
5 can be allocated to the activities identified under this  
6 Section and shall allocate the moneys accordingly.

7 Notwithstanding any other law to the contrary, the Lead  
8 Service Line Replacement Fund is not subject to sweeps,  
9 administrative charge-backs, or any other fiscal maneuver that  
10 would in any way transfer any amounts from the Lead Service  
11 Line Replacement Fund into any other fund of the State.

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

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

18 (2) the criteria for determining unit of local  
19 government eligibility and prioritization for funding,  
20 including the prevalence of low-income households, as  
21 measured by median household income, the prevalence of  
22 lead service lines, and the prevalence of water samples  
23 that demonstrate elevated levels of lead.

24 (dd) Funding under subsection (cc) shall be available for  
25 costs directly attributable to the planning, design, or  
26 construction directly related to the replacement of lead

1 service lines and restoration of property.

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

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

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

16 (1) In the event of an emergency repair that affects a  
17 lead service line or a suspected lead service line, a  
18 community water supply must contact the building owner to  
19 begin the process of replacing the entire service line. If  
20 the building owner is not able to be contacted or the  
21 building owner or occupant refuses to grant access and  
22 permission to replace the entire service line at the time  
23 of the emergency repair, then the community water supply  
24 may perform a partial lead service line replacement. Where  
25 an emergency repair on a service line constructed of lead  
26 or galvanized steel pipe results in a partial service line

1 replacement, the water supply responsible for commencing  
2 the repair shall perform the following:

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

7 (i) a warning that the work may result in  
8 sediment, possibly containing lead, in the  
9 buildings water supply system;

10 (ii) information concerning practices for  
11 preventing the consumption of any lead in drinking  
12 water, including a recommendation to flush water  
13 distribution pipe during and after the completion  
14 of the repair or replacement work and to clean  
15 faucet aerator screens; and

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

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



1 (C) Replace the remaining portion of the lead  
2 service line within 30 days of the repair, or 120 days  
3 in the event of weather or other circumstances beyond  
4 reasonable control that prohibits construction. If a  
5 complete lead service line replacement cannot be made  
6 within the required period, the community water supply  
7 responsible for commencing the repair shall notify the  
8 Department in writing, at a minimum, of the following  
9 within 24 hours of the repair:

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

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

15 (D) If complete repair of a lead service line  
16 cannot be completed due to denial by the property  
17 owner, the community water supply commencing the  
18 repair shall request the affected property owner to  
19 sign a waiver developed by the Department. If a  
20 property owner of a nonresidential building or  
21 residence operating as rental properties denies a  
22 complete lead service line replacement, the property  
23 owner shall be responsible for installing and  
24 maintaining point-of-use filters certified by an  
25 accredited third-party certification body to NSF/ANSI  
26 53 and NSF/ANSI 42 for the reduction of lead and

1 particulate at all fixtures intended to supply water  
2 for the purposes of drinking, food preparation, or  
3 making baby formula. The filters shall continue to be  
4 supplied by the property owner until such time that  
5 the property owner has affected the remaining portions  
6 of the lead service line to be replaced.

7 (E) Document any remaining lead service line,  
8 including a portion on the private side of the  
9 property, in the community water supply's distribution  
10 system materials inventory required under subsection  
11 (d).

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

15 (2) Lead service lines that are physically  
16 disconnected from the distribution system are exempt from  
17 this subsection.

18 (gg) Except as provided in subsection (hh), on and after  
19 January 1, 2022, when the owner or operator of a community  
20 water supply replaces a water main, the community water supply  
21 shall identify all lead service lines connected to the water  
22 main and shall replace the lead service lines by:

23 (1) identifying the material or materials of each lead  
24 service line connected to the water main, including, but  
25 not limited to, any portion of the service line (i)  
26 running on private property and (ii) within the building

1 plumbing at the first shut-off valve or 18 inches inside  
2 the building, whichever is shorter;

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

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

9 If an owner of a potentially affected building intends to  
10 replace a portion of a lead service line or a galvanized  
11 service line and the galvanized service line is or was  
12 connected downstream to lead piping, then the owner of the  
13 potentially affected building shall provide the owner or  
14 operator of the community water supply with notice at least 45  
15 days before commencing the work. In the case of an emergency  
16 repair, the owner of the potentially affected building must  
17 provide filters for each kitchen area that are certified by an  
18 accredited third-party certification body to NSF/ANSI 53 and  
19 NSF/ANSI 42 for the reduction of lead and particulate. If the  
20 owner of the potentially affected building notifies the owner  
21 or operator of the community water supply that replacement of  
22 a portion of the lead service line after the emergency repair  
23 is completed, then the owner or operator of the community  
24 water supply shall replace the remainder of the lead service  
25 line within 30 days after completion of the emergency repair.  
26 A community water supply may take up to 120 days if necessary

1 due to weather conditions. If a replacement takes longer than  
2 30 days, filters provided by the owner of the potentially  
3 affected building must be replaced in accordance with the  
4 manufacturer's recommendations. Partial lead service line  
5 replacements by the owners of potentially affected buildings  
6 are otherwise prohibited.

7 (hh) For municipalities with a population in excess of  
8 1,000,000 inhabitants, the requirements of subsection (gg)  
9 shall commence on January 1, 2023.

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

21 If the owner or operator of a community water supply is  
22 unable to obtain approval to access and replace a lead service  
23 line, the owner or operator of the community water supply  
24 shall request that the owner of the potentially affected  
25 building sign a waiver. The waiver shall be developed by the  
26 Department and should be made available in the owner's

1 language. If the owner of the potentially affected building  
2 refuses to sign the waiver or fails to respond to the community  
3 water supply after the community water supply has complied  
4 with this subsection, then the community water supply shall  
5 notify the Department in writing within 15 working days.

6 (jj) When replacing a lead service line or repairing or  
7 replacing water mains with lead service lines or partial lead  
8 service lines attached to them, the owner or operator of a  
9 community water supply shall provide the owner of each  
10 potentially affected building that is serviced by the affected  
11 lead service lines or partial lead service lines, as well as  
12 the occupants of those buildings, with an individual written  
13 notice. The notice shall be delivered by mail or posted at the  
14 primary entranceway of the building. The notice must ~~may~~, in  
15 addition, be electronically mailed where an electronic mailing  
16 address is known or can be reasonably obtained. Written notice  
17 shall include, at a minimum, the following:

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

21 (2) information concerning the best practices for  
22 preventing exposure to or risk of consumption of lead in  
23 drinking water, including a recommendation to flush water  
24 lines during and after the completion of the repair or  
25 replacement work and to clean faucet aerator screens; and

26 (3) information regarding the dangers of lead exposure

1 to young children and pregnant women.

2 When the individual written notice described in the first  
3 paragraph of this subsection is required as a result of  
4 planned work other than the repair or replacement of a water  
5 meter, the owner or operator of the community water supply  
6 shall provide the notice not less than 14 days before work  
7 begins. When the individual written notice described in the  
8 first paragraph of this subsection is required as a result of  
9 emergency repairs other than the repair or replacement of a  
10 water meter, the owner or operator of the community water  
11 supply shall provide the notice at the time the work is  
12 initiated. When the individual written notice described in the  
13 first paragraph of this subsection is required as a result of  
14 the repair or replacement of a water meter, the owner or  
15 operator of the community water supply shall provide the  
16 notice at the time the work is initiated.

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

25 An owner or operator of a community water supply that is  
26 required under this subsection to provide an individual

1 written notice to the owner and occupant of a potentially  
2 affected building that is a multi-dwelling building may  
3 satisfy that requirement and the requirements of this  
4 subsection regarding notification to non-English speaking  
5 customers by posting the required notice on the primary  
6 entranceway of the building and at the location where the  
7 occupant's mail is delivered as reasonably as possible.

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

20 No notifications are required under this subsection for  
21 work performed on water mains that are used to transmit  
22 treated water between community water supplies and properties  
23 that have no service connections.

24 (kk) No community water supply that sells water to any  
25 wholesale or retail consecutive community water supply may  
26 pass on any costs associated with compliance with this Section

1 to consecutive systems.

2 (ll) To the extent allowed by law, when a community water  
3 supply replaces or installs a lead service line in a public  
4 right-of-way or enters into an agreement with a private  
5 contractor for replacement or installation of a lead service  
6 line, the community water supply shall be held harmless for  
7 all damage to property when replacing or installing the lead  
8 service line. If dangers are encountered that prevent the  
9 replacement of the lead service line, the community water  
10 supply shall notify the Department within 15 working days of  
11 why the replacement of the lead service line could not be  
12 accomplished.

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

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

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

24 (pp) A municipality with a population of more than  
25 1,000,000 inhabitants shall publicly post on its website or  
26 arrange with the Agency to have posted on the Agency's website



1 data describing progress the municipality has made toward  
2 replacing lead service lines within the municipality. The data  
3 reported under this subsection (pp) shall be based on the  
4 number of lead service lines replaced and not observed changes  
5 in the concentration of lead in drinking water samples  
6 collected."

7 (Source: P.A. 102-613, eff. 1-1-22; 102-813, eff. 5-13-22.)"