Public Act 102-0613 - Lead Service Line Replacement and Notification Act

<https://www.ilga.gov/legislation/publicacts/102/PDF/102-0613.pdf>

**Service Line –**

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

**Lead Service Line** –

means a water service line made of lead or service line connected to a lead pigtail, lead gooseneck, or other lead fitting.

Also, any **galvanized material that is, or has been, downstream of lead** is considered to be lead with regard to lead service line replacement (LSLR) requirements.

**Prohibits partial LSLR** with the following exceptions:

* Emergency Repairs: notification must be provided to customer in addition to information regarding potential risks of elevated lead levels
* Provisions for distribution of point-of-use filters
* Replacing the remaining portion of the service line within 30 days (120 days if circumstances prevent).
* For partial LSLR, Illinois Department of Public Health (IDPH) must be notified within 24 hours with and explanation of partial replacement and timeline for completion of LSLR
	+ IRWA Website for links to IDPH forms: <https://www.ilrwa.org/Downloads/LeadTesting.html>

If denied access for service line identification/replacement-

Property owner will be requested to sign a waiver developed by the Illinois Department of Public Health (IDPH).

* + **If owner refuses to sign a waiver, IDPH will be notified by the municipality.**

Maintain a comprehensive list of customers that have denied access for the purpose of service line identification. DOCUMENT!!

* IRWA Website for links to IDPH forms: <https://www.ilrwa.org/Downloads/LeadTesting.html>

Notification is required for planned LSLR at least 45 days prior to work beginning.

If no response is received within 15 days of the initial request, the municipality shall attempt to post the request on the entrance to the building.

Emergency repair/replacement of LSL requires immediate notification. (see above)

Water system disturbance notification including flushing, water main repair, meter repair

(anything that disturbs water quality to the consumer that has or may have a lead service line)

Notification language must include:

* A warning that the work may result in sediment, possibly containing lead from the service line, in the building’s water.
* Information concerning best practices for preventing exposure to or risk of consumption of lead in drinking water – including recommendations of flushing and faucet aerator cleaning.
* Information regarding the dangers of lead exposure to young children and pregnant women.

Note: Best we have currently is LCR Public Notice Language.

Notify the owner and occupants of the building served by the LSL within 15 days of identification with a written notification.

Provides a waiver for customers refusing to allow replacement of the private portion of the LSL.

Waiver language and forms have been created by IDPH.

* + IRWA Website for links to IDPH forms: <https://www.ilrwa.org/Downloads/LeadTesting.html>
	+ IMPORTANT NOTE: For questions regarding physical LSL replacement, refer to IDPH and the Illinois Plumbing Code!

BUILDING OWNER LSLR –

Municipality must replace their portion of the LSL

* Owner must notice the municipality at least 45 days before replacement
* Emergency repair - municipality is required to replace the remainder of the lead service line within 30 days, or up to 120 days if necessary due to weather conditions.
* Partial lead service line replacements by owners are otherwise prohibited.

FUNDING –

* Municipalities are responsible for funding the entire cost of lead service line replacements when using state or federal funding to complete the work.
* Otherwise, municipality can require the owner of the private portion of the lead service line to fund the replacement of that part of the line.
* Low interest or forgivable loans for lead service line replacement through the IEPA.
* Municipalities can levy taxes to pay for lead service line replacements

The **next Material Inventory** submittal is due to the Agency by **April 15, 2023**. (None in 2022.)

A **completed Material Inventory** is due to the Agency by **April 15, 2024.**

(NOTE: According to LCRR, Final Inventory is due 10/26/24)

A community water supply may request an extension for the final inventory submittal requirement. However, that request must be submitted 3 months prior to the April 15, 2024 deadline.

Material Inventory and Service Line Identification

* Review of historical documentation, such as construction logs or cards, as-built drawing, purchase orders, and subdivision plans, to determine service line material construction.
* When conducting distribution system maintenance, visually inspect service lines and document materials of construction.
* Identify any time period when the service lines being installed were primarily lead
* Discuss service line installation and repair with employees, contractors, plumbers, etc., regarding service line materials.
* Visual inspection of service line materials at the connection and at the point where the service line enters the home or building.

IMPORTANT NOTE: EXCAVATION or UNEARTHING is NOT REQUIRED in identifying service line materials by State or Federal law/regulations.

A **Lead Service Line Replacement (LSLR) Plan**

* must be submitted to the **Agency by April 15, 2024** and
* updated **each year until April 15, 2027**. - Submittal must be electronic. Post the “Final” LSLR plan on your website &/or- request the Agency to post the “Final” LSLR plan on their website.
* Must include:
	+ Total number of service lines
	+ Total number of known lead service line (including galvanized downstream of lead)
	+ Total number of lead service line replaced each year beginning in 2020
	+ A proposed lead service line replacement schedule (a minimum replacement schedule is provided)

Minimum LSLR Rates

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| # of LSL |  | Annual Replacement Rate |  | Completion Timeline |
| 1-1,200 |  | 7% |  | 15 Years |
| 1,201-4,999 |  | 6% |  | 17 Years |
| 5,000-9,999 |  | 5% |  | 20 Years |
| 10,000-99,999 |  | 3% |  | 34 Years |
| >100,000 |  | 2% |  | 50 Years |

* An analysis of costs and financing options for replacing LSLs
* A plan to prioritize high-risk facilities (schools, day-care, hospitals, long-term health care facilities, etc.)
* A map of areas where lead service lines are expected and prioritization plan for replacement
* Measures to be taken regarding public notification of the LSLR Plan
* Measures taken to encourage diversity in hiring to implement the LSLR Plan

REVISIONS TO THE FEDERAL LEAD AND COPPER RULE

In addition to the Inventory and LSLR requirements, the LCRR:

* Adds a “trigger” level of 10 ug/L to the “action” level of 15 ug/L.
* Changes sampling procedures
* Includes additional corrosion control treatment requirements
* Adds “Find and Fix” provisions
* Includes Small System Flexibility

Consider-

* Working on an initial material inventory of service lines
* Begin notification and replacement requirements of the Act for routine work and emergencies
* Evaluate policy decisions related to who will pay for the private portion of a LSL when replacements are made using municipal funds
* Try to coordinate water main replacement projects with LSLR
* Funding options
* Under Federal LCR
* Make sure that your Pb/Cu Sample site plan is consistent with the Materials Inventory
	+ Revise the sample site plan to include sampling from LSLs (when sufficient LSLs exist)
* Sampling change when it becomes effective