

Overview

- Lead Service Line Replacement and Notification Act (PA 102-0613)
- Residential Real Property Disclosure Act (765 ILCS 77/)
- Illinois Plumbing License Law (225 ILCS 320/)
- Illinois Plumbing Code (Title 77 Ill. Adm. Code Part 890)
- Enforcement of the Illinois Plumbing License Law
- IDPH Actions

Public Act 102-0613

Lead Service Line Replacement and Notification Act

HB 3739

Effective January 1, 2022

5 sections which include amendments to three existing Illinois Acts

- Civil Administrative Code of Illinois
- State Finance Act
- Environmental Protection Act

Sections 1, 5, 10, and 20

Section 1: Title

Section 2:
Low-income
water
assistance
policy and
program

Section 10:
Lead Service
Line
Replacement
Fund

Section 20:
Repeal of
Section 17.11
from the
Environmental
Protection Act

Section 15

Amends the Environmental Protection Act (415 ILCS **17.11** new)

Adds new section and 40 subsections

Expands and replaces language regarding activities initiated (implemented) by PA 99-0922 in 2017

Acronyms in this Presentation

- CWS – Community water supply
- GSL – Galvanized service line
- LSL – Lead service line
- LSLR – Lead service line replacement
- PAB(s) – Potentially affected building(s)
- PLSLR – Partial lead service line replacement
- SL – Service Line
- SLSL – Suspected lead service line

Purpose of Section 17.11

- (1) Require the owners and operators of CWS to:
 - Develop, implement, and maintain a comprehensive water service line material inventory and a comprehensive LSL replacement plan
 - Provide notice to occupants of PABs before any construction or repair work on water mains or lead service lines
 - Request access to PABs before replacing LSL
- (2) Prohibit partial LSLR

Findings of the General Assembly

- There is no safe level of exposure to lead
- Lead-based plumbing and LSL can convey lead to the drinking water supply
- Illinois is estimated to have over 680,000 LSL still in operation (IEPA 2018)
- The true number of LSL is not fully known because of inadequate inventory
- All LSLs in IL should be disconnected from the drinking water supply for the general health, safety, and welfare of IL residents

Key Definitions

“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

Key Definitions

“Lead service line” means a service line made of lead or service line connected to a lead pigtail, lead gooseneck, or other lead fitting

Key Definitions

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

Key Definitions

“Potentially affected building” means any building that is provided water service through a service line that is either a lead service line or a suspected lead service line

Key Definitions

“Partial lead service line replacement”
means replacement of only a portion of a lead service line.

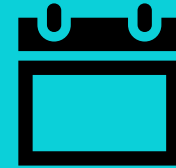
Key Definitions

*“**Emergency repair**” means any unscheduled water main, water service, or water valve repair or replacement that results from failure or accident*

SL Material Inventory



CWS SHALL DEVELOP A
COMPREHENSIVE SERVICE
LINE MATERIAL INVENTORY



FINAL INVENTORY DUE TO
IEPA BY **APRIL 15, 2024**

SL Material Inventory

- Material inventory shall identify:
 - Total number SL connected to CWS distribution system
 - Materials of each service line connected to the CWS distribution system
 - Number of LSLs newly identified since last submitted inventory
 - Number of known [LSLs] or SLSLs replaced since last submitted inventory
- When identifying materials, CWS shall identify the type of material used on customer's side of the curb box, meter, or other line of demarcation and the CWS's side

SL Material Inventory

- In completing the inventory, CWS shall:
 - Prioritize high risk areas and facilities (e.g., preschools, childcare homes and facilities, parks, playgrounds, hospitals, and clinics)
 - Review historical documentation to determine SL material
 - Visually inspect and document materials
 - Identify any time period when SLs being connected were LSLs (if such period is known or suspected)
 - Discuss SL repair and installation with employees, contractors, plumbers, and other workers who worked on SL connections
- Nothing in [Section 17.11] shall be construed to require SLs to be unearthed for the purpose of inventorying

SL Material Inventory

- If CWS is denied access to a building to identify the SL, it shall be identified a SLSL unless documentation is provided showing otherwise
- If LSL is identified, CWS shall attempt to notify the owner of the building and all occupants of the LSL within 15 days after identifying the LSL or as soon as reasonably possible
- CWS shall post the most recently submitted copy of their inventory to their website or request IEPA to post a copy of the inventory to their website

LSLR Plan

Every CWS that has known or SLSLs shall create a plan to:

- Replace each LSL connected to its distribution system
- Replace each GSL connected to its distribution if the GSL is or was connected downstream to lead



CWS must submit an initial plan April 15, 2024, and annually until **April 15, 2027**

- LSLR plan shall include:
 - Name and identification number of CWS
 - Total number of SLs connected to CWS distribution system
 - Total number of SLSL...
 - Total number of LSL...
 - Total number of LSL that have been replaced each year beginning in 2020
 - Analysis of costs and financing options for LSLR

LSLR Plan

Timelines for LSL Replacement

- Every owner or operator of a CWS shall replace all known LSLs according to prescribed replacement rates and timelines
- Replacement rate and timeline based on reported LSLs in final inventory and complete LSLR plan
 - 1,200 or fewer LSLs – Annual rate of no less than 7% with a timeline of up to 15 years for completion
 - More than 1,200 but fewer than 5,000 LSLs – Annual rate of no less than 6% with a timeline of up to 17 years of replacement
 - More than 4,999 but fewer than 10,000 LSLs – Annual rate of no less than 5% with a timeline of up to 20 years of replacement
 - More than 9,999 but fewer than 99,999 LSLs – Annual rate of no less than 3% with a timeline of up to 34 years of replacement
 - More than 99,999 LSLs – Annual rate of no less than 2% with a timeline of up to 50 year

Partial LSLR Prohibition

- When replacing a LSL, CWS shall replace the SL in its entirety, including, but not limited to, any portion of the SL running on private property and within the building's plumbing at the first shut-off valve
- Partial LSLR are expressly prohibited, however exceptions shall be made under the certain circumstances

- Emergency repair by CWS
 - CWS must contact the building owner to begin the process of replacing the entire service line
 - If building owner is not able to be contacted or building owner or occupant refuses to grant access and permission to replace the entire service line at the time of the emergency repair, the CWS may perform a PLSLR

Partial LSLR Exception: Emergency Repair

- Where emergency repair of a LSL or GSL results in a PLSLR, CWS responsible for commencing the repair shall:
 - Provide notification to the building's owner or operator and the resident or residents served
 - Provide filters for at least one fixture supplying potable water for consumption (NSF/ANSI 53 and 42 certified)
 - Filter must be provided until remaining portion of the SL has been replaced or a waiver has been issued
 - Replace the remaining portion of the SL within 30 days of the repair, or 120 days in the event of weather or other circumstances beyond reasonable control that prohibit construction

Partial LSLR Exception: Emergency Repair

- If the LSLR cannot be completed within appropriate time frame, CWS shall notify IDPH within 24 hours why it is not feasible to replace the remaining portion of the LSL and a timeline for when the remaining portion is complete.
- If repair cannot be completed due to denial by property owner, CWS shall request the owner to sign a waiver developed by IDPH
- If the property owner of a nonresidential building or residence operating as rental properties denies a complete LSLR, the property owner shall be responsible for installing and maintaining POU filters at all fixtures for drinking, food preparation, and making baby formula
 - Filters shall continue to be supplied until such time that the property owner has affected the remaining portions of the LSL to be replaced

Partial LSLR Exception: Emergency Repair

Water Main Replacement & LSLs

- On and after January 1, 2022, when the CWS replaces a water main, the CWS shall identify all LSLs connected to the water main and shall replace the LSLs
- At least 45 days before conducting planned LSLR, CWS shall, by mail attempt to contact the owner of the PAB to request access to replace the LSL
- If owner does not respond to request within 2 weeks, CWS shall attempt to post notice at the entrance of the PAB
- If CWS is unable to obtain access, CWS shall request the owner of the PAB to sign a waiver developed by IDPH made available in the owner's language
- If owner of PAB refuses to sign the waiver or fails to respond to CWS, CWS shall notify IDPH within 15 working days

Water Main Replacement & LSLs

- When replacing a LSL or repairing/replacing water mains connected to LSLs or partial LSLs, CWS shall provide the owner of each PAB serviced as well as occupants of those buildings with individual written notice
 - If notice is provided due to planned work (other than repair or replacement of a water meter), CWS shall provide notice not less than 14 days before work begins
 - If notice is provided due to emergency repair, CWS shall provide notice at the time work is initiated
- Notice shall be delivered by mail or posted at primary entry way at multi-dwelling buildings

Property Owner LSLR

- If an owner/operator of a PAB intends to replace a portion of a LSL or GSL downstream of lead, then the owner shall provide the CWS with notice at least 45 days before commencing the work
- In case of emergency repair, the owner of the PAB must provide filters for each kitchen area
- If owner of PAB notifies CWS after the emergency repair is completed, then the CWS shall replace the remainder of the LSL within 30 days or 120 days as appropriate
- If complete replacement takes longer than 30 days, filters provided by owner of PAB must be replaced in accordance with manufacturers' recommendations
- Partial LSLR by owners of PABs are otherwise prohibited

Residential Real Property Disclosure Act (765 ILCS/77)



- Requires sellers to provide prospective buyers with information about material defects in residential real property.
- Sec. 25. Liability of seller.
 - (a) The seller is not liable for any error, inaccuracy, or omission of any information delivered pursuant to this Act if
 - (i) the seller had no knowledge of the error, inaccuracy, or omission,
 - (ii) the error, inaccuracy, or omission was based on a reasonable belief that a material defect or other matter not disclosed had been corrected, or
 - (iii) the error, inaccuracy, or omission was based on information provided by a public agency or by a licensed engineer, land surveyor, structural pest control operator, or by a contractor about matters within the scope of the contractor's occupation and the seller had no knowledge of the error, inaccuracy, or omission.
 - (b) The seller shall disclose material defects of which the seller has actual knowledge.
 - (c) The seller is not obligated by this Act to make any specific investigation or inquiry in an effort to complete the disclosure statement.

Residential Real Property Disclosure Act (765 ILCS/77)

- Section 35 specifies the form in which these disclosures must be provided and lists 23 items which must be disclosed.
- In this form, "am aware" means to have actual notice or actual knowledge without any specific investigation or inquiry. In this form, "material defect" means a condition that would have a substantial adverse effect on the value of the residential real property or that would significantly impair the health or safety of future occupants of the residential real property unless the seller reasonably believes that the condition has been corrected.
 8. I am aware of material defects in the plumbing system (includes such things as water heater, sump pump, water treatment system, sprinkler system, and swimming pool).
 10. I am aware of unsafe conditions in the drinking water.
 16. I am aware of unsafe concentrations of or unsafe conditions relating to lead paint, lead water pipes, lead plumbing pipes or lead in the soil on the premises.

NOTICE: THE PURPOSE OF THIS REPORT IS TO PROVIDE PROSPECTIVE BUYERS WITH INFORMATION ABOUT MATERIAL DEFECTS IN THE RESIDENTIAL REAL PROPERTY. THIS REPORT DOES NOT LIMIT THE PARTIES' RIGHT TO CONTRACT FOR THE SALE OF RESIDENTIAL REAL PROPERTY IN "AS IS" CONDITION, UNDER COMMON LAW. SELLERS WHO DISCLOSE MATERIAL DEFECTS MAY BE UNDER A CONTINUING OBLIGATION TO ADVISE THE PROSPECTIVE BUYERS ABOUT THE CONDITION OF THE RESIDENTIAL REAL PROPERTY EVEN AFTER THE REPORT IS DELIVERED TO THE PROSPECTIVE BUYER. COMPLETION OF THIS REPORT BY THE SELLER CREATES LEGAL OBLIGATIONS ON THE SELLER; THEREFORE SELLER MAY WISH TO CONSULT AN ATTORNEY PRIOR TO COMPLETION OF THIS REPORT.

Property Address: _____
 City, State & Zip Code: _____
 Seller's Name: _____

This Report is a disclosure of certain conditions of the residential real property listed above in compliance with the Residential Real Property Disclosure Act. This information is provided as of _____, 20____, and does not reflect any changes made or occurring after that date or information that becomes known to the seller after that date. The disclosures herein shall not be deemed warranties of any kind by the seller or any person representing any party in this transaction.

In this form, "am aware" means to have actual notice or actual knowledge without any specific investigation or inquiry. In this form, a "material defect" means a condition that would have a substantial adverse effect on the value of the residential real property or that would significantly impair the health or safety of future occupants of the residential real property unless the seller reasonably believes that the condition has been corrected.

The seller discloses the following information with the knowledge that even though the statements herein are not deemed to be warranties, prospective buyers may choose to rely on this information in deciding whether or not and on what terms to purchase the residential real property.

The seller represents that to the best of his or her actual knowledge, the following statements have been accurately noted as "yes" (correct), "no" (incorrect), or "not applicable" to the property being sold. If the seller indicates that the response to any statement, except number 1, is yes or not applicable, the seller shall provide an explanation, in the additional information area of this form.

YES	NO	N/A	
			1. Seller has occupied the property within the last 12 months. (No explanation is needed.)
			2. I am aware of flooding or recurring leakage problems in the crawl space or basement.
			3. I am aware that the property is located in a flood plain or that I currently have flood hazard insurance on the property.
			4. I am aware of material defects in the basement or foundation (including cracks and bulges).
			5. I am aware of leaks or material defects in the roof, ceilings, or chimney.
			6. I am aware of material defects in the walls, windows, doors, or floors.
			7. I am aware of material defects in the electrical system.
			8. I am aware of material defects in the plumbing system (includes such things as water heater, sump pump, water treatment system, sprinkler system, and swimming pool).
			9. I am aware of material defects in the well or well equipment.
			10. I am aware of unsafe conditions in the drinking water.
			11. I am aware of material defects in the heating, air conditioning, or ventilating systems.
			12. I am aware of material defects in the fireplace or wood burning stove.
			13. I am aware of material defects in the septic, sanitary sewer, or other disposal system.
			14. I am aware of unsafe concentrations of radon on the premises.
			15. I am aware of unsafe concentrations of or unsafe conditions relating to asbestos on the premises.
			16. I am aware of unsafe concentrations of or unsafe conditions relating to lead paint, lead water pipes, lead plumbing pipes or lead in the soil on the premises.
			17. I am aware of mine subsidence, underground pits, settlement, sliding, upheaval, or other earth stability defects on the premises.
			18. I am aware of current infestations of termites or other wood boring insects.
			19. I am aware of a structural defect caused by previous infestations of termites or other wood boring insects.
			20. I am aware of underground fuel storage tanks on the property.
			21. I am aware of boundary or lot line disputes.
			22. I have received notice of violation of local, state or federal laws or regulations relating to this property, which violation has not been corrected.
			23. I am aware that this property has been used for the manufacture of methamphetamine as defined in Section 10 of the Methamphetamine Control and Community Protection Act.

Residential Real Property Disclosure Act (765 ILCS/77)



- Sec. 55. ...A person who knowingly violates or fails to perform any duty prescribed by any provision of this Act or who discloses any information on the Residential Real Property Disclosure Report that he knows to be false shall be liable in the amount of actual damages and court costs, and the court may award reasonable attorney fees incurred by the prevailing party.

Illinois Plumbing License Law (225 ILCS 320): Who Can Replace a Service Line?

- Illinois Plumbing License Law (225 ILCS 320/)
- Sec. 2. Provides 5 definitions of plumbing
- "Plumbing" includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems and backflow prevention devices connected to lawn sprinkler systems, from the source of a private water supply on the premises or **from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble.**
- "Plumbing" includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble **from the point of connection of such building drain to the building sewer or private sewage disposal system 5 feet beyond the foundation walls.**

Illinois Plumbing License Law (225 ILCS 320): Who Can Replace a Service Line?

- Sec. 3. All planning and designing of plumbing systems and all plumbing shall be performed only by plumbers licensed under the provisions of this Act hereinafter called "licensed plumbers" and "licensed apprentice plumbers". ...
- Nothing contained in Public Act 83-878 was intended by the General Assembly nor should it be construed to require the employees of a governmental unit or privately owned municipal water supplier who install, repair or maintain water service lines from water mains in the street, alley or curb line **to private property lines** and who install, repair or maintain water meters to be licensed plumbers under this Act if such work was customarily performed prior to the effective date of such Act by employees of such governmental unit or privately owned municipal water supplier who were not licensed plumbers. Any such work which was **customarily performed prior to [September 26, 1983]** by persons who were licensed plumbers or subcontracted to persons who were licensed plumbers must continue to be performed by persons who are licensed plumbers or subcontracted to persons who are licensed plumbers. When necessary under this Act, the Department shall make the determination whether or not persons who are licensed plumbers customarily performed such work.

Illinois Plumbing License Law (225 ILCS 320): Who Can Replace a Service Line?

- Sec. 13.1 ...all persons or corporations desiring to engage in the business of plumbing contractor, other than any entity that maintains an audited net worth of shareholders' equity equal to or exceeding \$100,000,000, shall register in accordance with the provisions of this Act.

Illinois Plumbing Code:

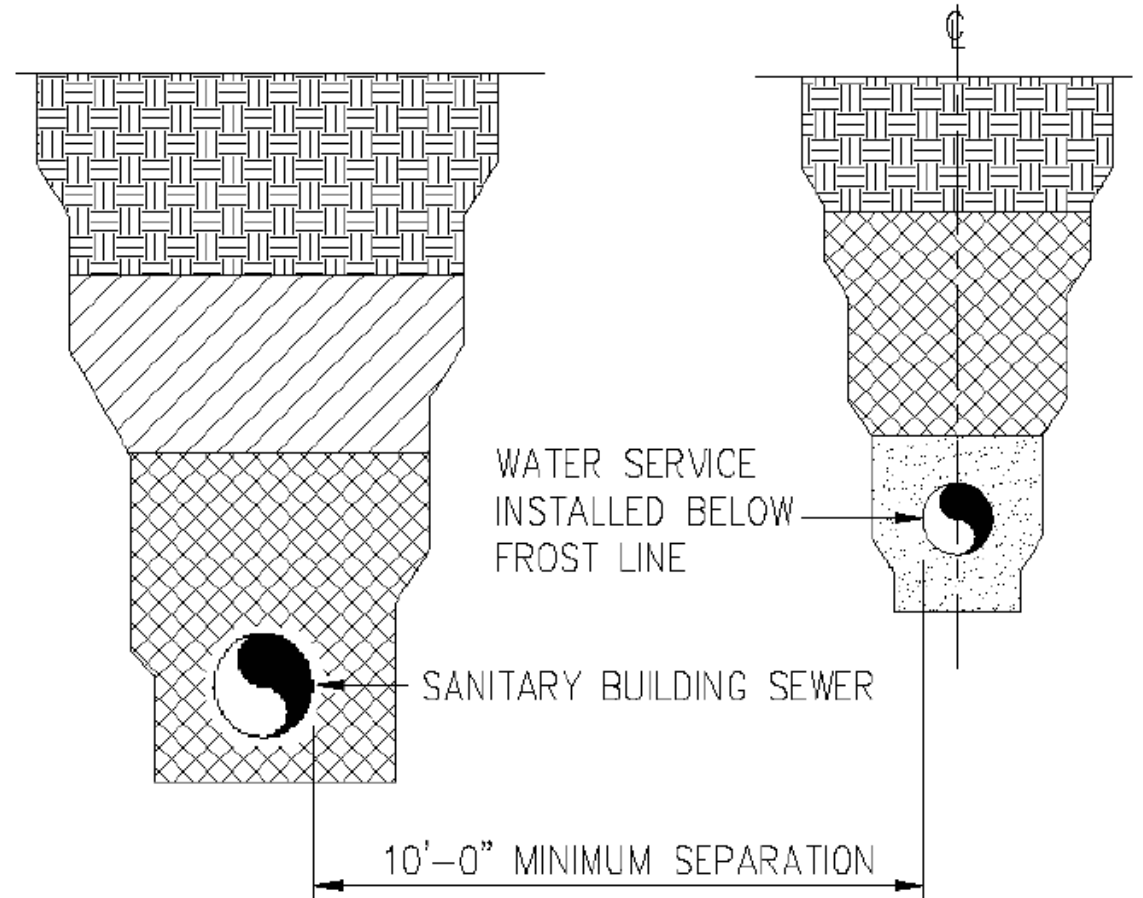
Section 890.1150 Water Service Pipe Installation

- a) **Underground Water Service.** Water service pipe shall be installed outside the foundation wall in accordance with either subsection (a)(1) or (2) and shall comply with both subsections (a)(3) and (4).
- 1) Water service and building drain or building sewer may be installed in separate trenches with a minimum of 10 feet horizontal separation. Material listed in Appendix A.Table A (Approved Materials for Building Sewer and Approved Materials for Water Service Pipe) shall be used, provided that the material is specific for this type of installation. (See Appendix I.Illustration E.)
 - 2) The water service and the building drain or building sewer may be installed in the same trench provided that the water service is placed on a solid shelf a minimum of 18 inches above the building drain or building sewer. The building sewer shall be of material listed in Appendix A.Table A (Approved Building Drainage/Vent Pipe) for a building drain. (See Appendix I.Illustration F for the proper installation of water service, building drain and building sewer.)
 - 3) The minimum depth for any water service pipe shall be at least 36 inches or the maximum frost penetration of the local area, whichever is of greater depth.
 - 4) No water service pipe shall be installed or permitted outside of a building or in an exterior wall unless the pipe is protected from freezing, in accordance with Section 890.1210(a).

Section 890.APPENDIX I Illustrations for Subpart I

Section 890.ILLUSTRATION E Underground Water Piping #1

(Referenced in Section 890.1150(a)(1))



(Source: Amended at 38 Ill. Reg. 9940, effective April 24, 2014)

Illinois Plumbing Code:
Section 890.1150 (a)(1)

≥10 ft horizontal
separation between
building sewer and water
service

Acceptable

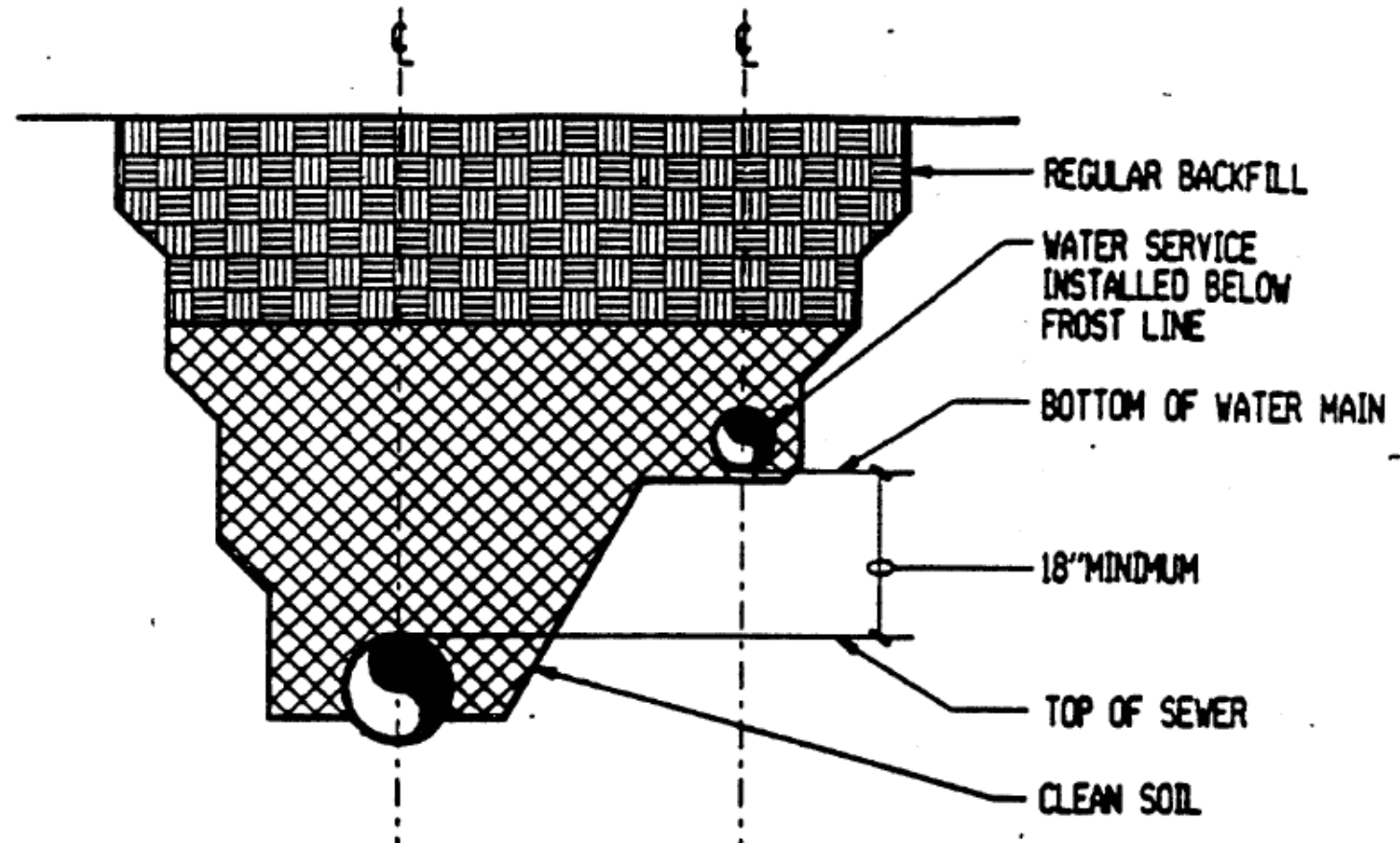
Section 890.APPENDIX I Illustrations for Subpart I

Section 890.ILLUSTRATION F Underground Water Piping #2

(Referenced in Section 890.1150(a)(2))

Illinois Plumbing Code:
Section 890.1150 (a)(2)

Bottom of water service ≥ 18 inches
above the top of building drain or
building sewer.



Acceptable

Illinois Plumbing Code:

Section 890.1150 Water Service Pipe Installation

b) Potable Water Piping and Sanitary Sewer Crossing Installation Requirements

1) Potable water piping that passes above or below a sanitary sewer shall be installed with a minimum vertical separation of 18 inches for a distance of 10 feet on either side from the center of the sanitary sewer.

2) If potable water piping passes beneath a sanitary sewer or drain, the sanitary sewer or drain shall be constructed of materials as specified in Appendix A.Table A (Approved Building Drainage/Vent Pipe) for building drains and shall extend on each side of the crossing to a distance of at least 10 feet as measured at right angles to the water line. The potable water piping shall comply with Appendix A.Table A as specified for a water service pipe (Approved Materials for Water Service Pipe). (See Appendix I.Illustration G.)

3) When compliance with subsection (b)(1) or (2) is not possible, a pressure rated pipe, approved for building drain material listed in Appendix A.Table A, shall encase the water service pipe. The casing pipe shall be sealed with a casing seal and extend 10 feet on either side of the center of the sanitary sewer pipe. The sleeve or case shall be at least two times the size of the water service.

Section 890.APPENDIX I Illustrations for Subpart I

Section 890.ILLUSTRATION G Underground Water Piping #3

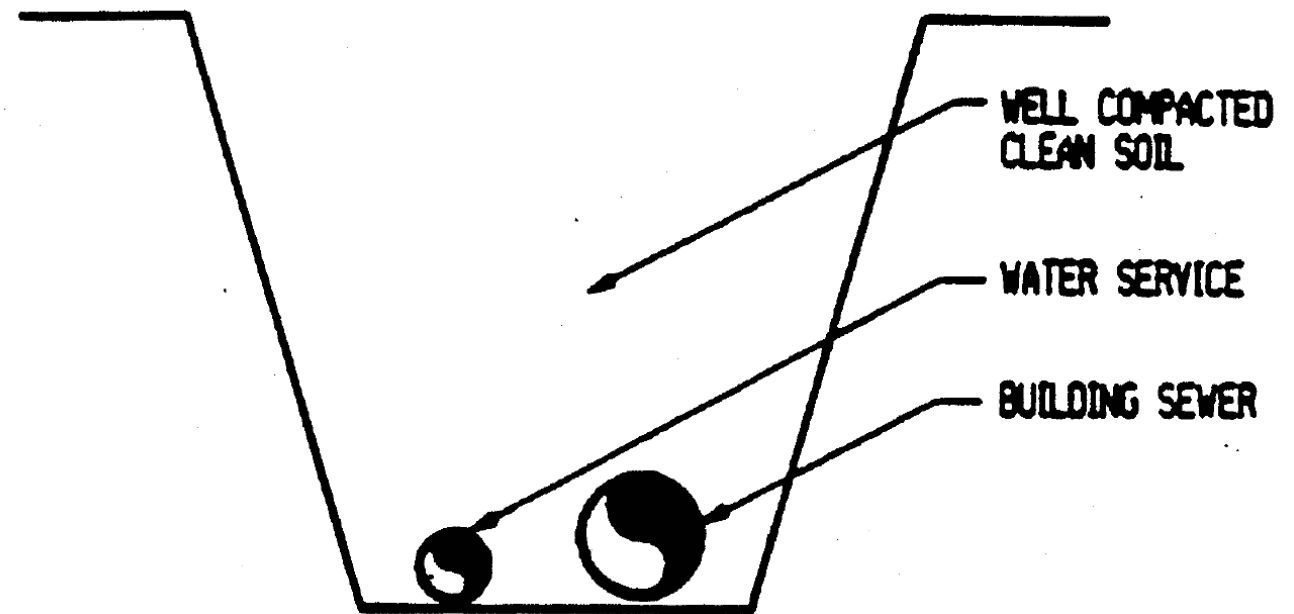
(Referenced in Section 890.1150(b)(2))

Illinois Plumbing Code:
Section 890.1150 (b)(2)

If <10 ft horizontal separation and
<18 inches vertical separation, then
prohibited

Prohibited

**BUILDING SEWER MATERIAL
AS PER SUBPART C - TABLE D
FOR BUILDING DRAINS**



THIS INSTALLATION IS PROHIBITED

Illinois Plumbing Code:

Section 890.1150 Water Service Pipe Installation

c) When compliance with subsection (a) or (b) is not possible, the Department shall be contacted for consideration of alternative methods.

This should only be pursued when compliance with the separation requirements is not feasible. Email a written document to IDPH at DPH.Plumbing@Illinois.gov indicating why compliance can not be achieved, providing the proposed alternative, and explain how the alternative is protective of public health.

Illinois Plumbing Code: Section 890.1910 Inspections

A plumbing system or any part thereof shall not be enclosed, covered up or used until the system has been inspected and approved by a plumbing inspector. It is the responsibility of the licensed plumber or plumbing contractor on the job to arrange for inspection by the Department or a local plumbing inspector. The plumbing inspector may require tests as listed in Section 890.1930 to determine whether or not the system as installed is in compliance with this Part. Plumbing found not to be in compliance with this Part shall not be approved. A plumbing system not complying with the provisions of this Part shall not be used until such time as it is brought into compliance with this Part. After the plumbing corrections have been made, the plumbing contractor shall arrange for reinspection.

IDPH Actions

- IDPH must develop the waiver: Once finalized, this waiver will be shared with IEPA, industry organizations, and posted to the IDPH Plumbing Program's website: <https://dph.illinois.gov/topics-services/environmental-health-protection/plumbing>
- IDPH will maintain a list of all buildings where a waiver was issued
- IDPH is seeking input from communities that have been already been using a waiver. If you wish to share your experience or provide IDPH with a copy of your community's waiver, please email us at DPH.Plumbing@Illinois.gov.
- IDPH intends to restart the process of revising the Illinois Plumbing Code with the Plumbing Code Advisory Council. Please send any suggested revisions or comments to DPH.Plumbing@Illinois.gov.

**IDPH
Division of
Environmental
Health
Plumbing and
Water Quality
Program**



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