

# ISACo POLICY BRIEF

## Lead Service Line Replacement and Notification Act

August 31, 2021

### OVERVIEW

On Friday, August 27, 2021, Governor JB Pritzker signed HB 3739 (Rep. Robinson, D-Chicago/Sen. Bush, D-Grayslake) into law as P.A. 102-0631.

The new law creates the *Lead Service Line Replacement and Notification Act*. Under the law, owners or operators of community water supplies will be required to develop and maintain a full material inventory of lead service lines and to implement a fully developed replacement plan for the lines per a schedule outlined within the law.

This *Policy Brief* provides information about key dates and general requirements for which county officials should be aware.

### MATERIAL INVENTORY AND REPLACEMENT TIMELINE

**April 15, 2022** – Initial Material Inventory Submitted to Illinois Environmental Protection Agency (IEPA)

**April 15, 2023** – Updated Material Inventory Submitted to IEPA

**April 15, 2024** – Final Material Inventory and Initial Replacement Plan Submitted to IEPA

**April 15, 2025 – April 15, 2027** – Updated Replacement Plan Annually Submitted to IEPA by April 15

**April 15, 2027** – Final Replacement Plan Submitted to IEPA

Community water suppliers are permitted to seek an extension for submission of the final material inventory to IEPA. This extension must be sought by January 15, 2024.

### INITIAL REPLACEMENT PLAN

Community water suppliers with known or suspected lead service lines are required to submit an initial written replacement plan by April 15, 2024. The replacement plan must include the following information:

Name and identification number of the community water supply.

Total number of service lines connected.

Total number of suspected lead service lines connected.

Total number of known lead service lines connected.

Whether the line is or was connected downstream to lead piping.

How each lead service line will be replaced.

Total number of lead service lines replaced each year since 2020.

Analysis of the costs and financing options for replacing the lines connected to the distribution system.



Replacement plans must be updated and resubmitted annually by April 15 until a final plan is submitted for approval no later than April 15, 2027. A community water supplier must post the most recent plan on its website. Alternatively, it can be posted on the IEPA’s website upon request.

The law further provides that a plan must include a proposed lead service line replacement schedule that includes one-year, five-year, 10-year, 15-year, 20-year, 25-year and 30-year goals. Additionally, there must be a plan for prioritizing high-risk facilities, a map of the areas where lead service lines are expected to be found and the order with which those areas will be inventoried and lead service lines replaced.

Plans should also communicate how the community water supplier will inform the public of the plan and provide opportunities for public comment and measures to encourage diversity in workplace hiring required to implement the plan.

Extension requests for final replacement plan submission are permitted no less than three months prior to the April 15, 2027, submission date.

**REPLACEMENT PLAN TIMETABLE**

The number of inventoried service lines in a community water supply distribution system will be used as the basis for a mitigation schedule. The schedule is shown below and begins upon the submission of a final replacement plan (due by April 15, 2027).

Number of Lead Service Lines	Completion Timetable
Less than 1,200	within 15 years at rate of no less than 7% per year
1,201 – 4,999	within 17 years at rate of no less than 6% per year
5,000 – 9,999	within 20 years at rate of no less than 5% per year
10,000 – 99,000	within 34 years at rate of no less than 3% per year
100,000 or more	within 50 years at rate of no less than 2% per year

Limited extensions for meeting the completion timetable can be granted by IEPA under extreme hardship circumstances.

**NOTIFICATION OF PROPERTY OWNERS**

Forty-five days in advance of a planned lead service line replacement, a community water supplier must attempt to contact the owner of a potentially affected building by mail. Upon the lack of a response to the contact attempt, the community water supplier must attempt to place the notice on the entrance of the affected building.

Building owners not permitting access to replace the lead service lines will be requested by the community water supplier to sign a waiver prepared by the IEPA.



## FUNDING

Community water suppliers are responsible for funding the costs created by lead service line replacement projects unless state or federal funding are available. A community water supplier expending its own funds can require the owner of the private portion of the lead service line to fund the replacement of that part of the line.



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