



USEPA LEAD AND COPPER RULE IMPROVEMENTS

On October 8, 2024, the U.S. Environmental Protection Agency (USEPA) issued final Lead and Copper Rule Improvements (LCRI), which will require the vast majority of community water supplies in the United States to identify and replace lead service lines within 10 years. Some larger cities, including the City of Chicago, will have 20 years. Compliance begins three years after the date of the rule's publication in the Federal Register, meaning that the 10-year replacement period would begin on the date of compliance in 2027.

Alongside the final LCRI, USEPA announced \$2.6 billion in available funding for drinking water infrastructure through the Bipartisan Infrastructure Law, of which \$76.5 million has been designated for Illinois. The funding will flow through the Drinking Water State Revolving Fund and is available to support lead pipe replacement and inventory projects. Forty-nine percent of the funding must be used for disadvantaged communities as grant funding or principal forgiveness. For an additional resource to the list of funding mechanisms specified in this fact sheet, USEPA has developed a dedicated webpage, "Identifying Funding Sources for Lead Service Line Replacement,"¹ that provides more information about funding.

LEAD SERVICE LINE REPLACEMENT AND NOTIFICATION ACT

In 2021, the State of Illinois passed Public Act 102-0613, which created the Lead Service Line Replacement and Notification Act. The Act requires owners or operators of community water supplies, such as municipalities, to develop and maintain a complete material inventory of lead service lines, and to implement a comprehensive plan for the replacement of those lines according to prescribed timelines based on the number of lead service lines reported in the material inventory. Once LCRI compliance begins, in 2027, federal LCRI requirements will supersede the state Act. On October 16, 2024, IML sent a letter to the Illinois Congressional Delegation² explaining the consequences of the LCRI's 10-year timeline and requesting that states that already have lead service line replacement requirements, specifically Illinois, be exempt from LCRI.

The remainder of this fact sheet provides a general overview of the Act and the duties and responsibilities of municipal officials and owners or operators of a community water supply.

TABLE 1

INVENTORY AND REPLACEMENT PLAN TIMELINE

April 15, 2022 – Initial Material Inventory Completed

April 15, 2023 – Updated Material Inventory Submitted to Illinois Environmental Protection Agency (IEPA)

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

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

April 15, 2027 – Final Replacement Plan Submitted to IEPA

*Community water suppliers may apply for an extension for submission of the final material inventory to IEPA, but must do so no later than January 15, 2024, to be considered.

¹ <https://www.epa.gov/ground-water-and-drinking-water/identifying-funding-sources-lead-service-line-replacement>

² <https://www.iml.org/page.cfm?key=31615>



MATERIAL INVENTORY

The Act requires community water suppliers to complete an initial material inventory by April 15, 2022, and provide an updated material inventory to IEPA by April 15, 2023. A final material inventory must have been submitted to IEPA no later than April 15, 2024. The inventory must have reported the composition of all lead service lines in the water distribution system, whether they are suspected, known or unknown. An extension to submit the final inventory may be granted by IEPA, but the community water supplier must have applied for an extension no later than January 15, 2024, to be considered. (See Table 1.)

During the creation of the material inventory, the community water supplier is required to maintain a record of persons refusing to grant access to the interior of a building for purposes of identifying the material of the water service lines within. The community water supplier must also notify building owners and occupants of the existence of lead service lines connected to the building within 15 days of that discovery.

REPLACEMENT PLAN

Separate from the material inventory report, each community water supplier that has known or suspected lead service lines must have submitted an initial written replacement plan to IEPA no later than April 15, 2024. This must be updated and resubmitted annually by April 15 until a final plan is submitted for approval no later than April 15, 2027. The community water supplier must post the most recently submitted plan on their website or request that it be posted on IEPA's website.

REQUIRED COMPONENTS OF A REPLACEMENT PLAN

A plan must address:

- The name and identification number of the community water supply;
- The total number of service lines connected;
- The total number of suspected lead service lines connected;
- The 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;
- The total number of lead service lines that have been replaced each year since 2020; and,
- An analysis of costs and financing options for replacing the lines connected to the distribution system.

A plan should also 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, if applicable; a plan for prioritizing high-risk facilities; a map of the areas where lead service lines are expected to be found; and, the sequence with which those areas will be inventoried and lead service lines replaced.

Additionally, a plan should contain measures for how the community water supplier will inform the public of the plan and provide opportunity for public comment, as well as measures to encourage diversity in workforce hiring required to implement the plan.

The Act allows community water suppliers to request an extension for submitting a final replacement plan to IEPA no less than three months prior to the April 15, 2027, due date. IEPA shall develop criteria for granting replacement plan extensions.



REPLACEMENT OF LINES

The replacement schedule is dependent upon the number of inventoried lead service lines in the community water supply distribution system. IEPA may grant an extension* of additional time of up to 20% of the original replacement timeline and, in situations of extreme hardship,

IEPA may consider a second extension* of up to 10% of the original replacement timeline. **The replacement schedule is detailed in Table 2 and begins upon the submission of a final replacement plan, which is due no later than April 15, 2027.**

Partial lead service line replacements are expressly prohibited, unless an emergency repair affects a lead line or the owner or occupant

of the building does not cooperate in order to replace the entire line at that time. In that situation, the owner or operator of a community water supply must then notify the residents of the repair, provide water filters and, additionally, replace the remaining portion of the service line within 30 days of the repair or within 120 days in the event of weather or other circumstances beyond reasonable control that prohibit replacement.

Unless the adjoining lines are being replaced with state grant funding, a municipality may require a private property owner to pay to replace the service lines on that private property. In the event the community water supplier receives grant funding from the state, the Act requires them to bear the entire expense of full lead service line replacement for all lead service lines *within the scope of the grant*. The Act also requires that community water suppliers make a good faith effort to utilize contractors and vendors pursuant to the [Business Enterprise for Minorities, Women and Persons with Disabilities Act](#) (commonly known as BEP), for no less than 20% of the total contracts.

All lead service line replacements are considered public works projects and subject to the Prevailing Wage Act.

The Act provides broad liability protection to the owners and operators of a community water supply for all damage to property when replacing or installing a service line.

PROVIDING NOTICE



The community water supplier must attempt to contact the owner of a potentially affected building by mail, 45 days in advance of conducting a planned lead service line replacement.

If the owner of the affected building does not respond to the request within 15 days after the request is sent, the community water supplier shall attempt to post the request on the entrance of the affected building.

A community water supplier shall request the owner of an affected building who does not allow access to replace private lines to sign a waiver developed by IEPA. The Act provides required information on lead service line replacement to be included in written notices. Required notifications must contain general notice information in English, Spanish, Polish, Chinese, Tagalog, Arabic, Korean, German, Urdu and Gujarati.

FUNDING MECHANISMS

Absent direct state or federal funding, community water suppliers will be responsible for paying for the costs associated with the replacement of lead service lines within their water distribution systems. If a community water supplier is

replacing lead service lines utilizing its own funds, the Act allows the community water supplier to require the owner of the private portion of the lead service line to pay to replace that portion of the line.

The Act contains broad permissive authority for both home rule and non-home rule municipalities to fund lead service line replacement by ordinance or resolution, under the following statutory provisions:

- Special Service Area Tax ([35 ILCS 200/27-5 et seq.](#));
- Corporate Fund Property Tax ([65 ILCS 5/8-3-1](#));
- Home Rule Municipal Retailers' Occupation Tax ([65 ILCS 5/8-11-1](#));
- Home Rule Municipal Service Occupation Tax ([65 ILCS 5/8-11-5](#));
- Home Rule Municipal Use Tax ([65 ILCS 5/8-11-6](#));
- Local Improvements - Special Assessments ([65 ILCS 5/9-1-1 et seq.](#));
- Procedures for Specified Local Improvements - Special Assessments ([65 ILCS 5/9-3-1 et seq.](#));
- Improvements Affecting Property Not Within Municipality - Special Assessments ([65 ILCS 5/9-4-1 et seq.](#));
- City and Water Fund Tax ([65 ILCS 5/11-131-1](#)); and,
- Waterworks and Sewerage Connection Charge ([65 ILCS 5/11-150-1](#)).

Municipal officials are encouraged to thoroughly discuss these funding options with their treasurers, finance officers and legal counsel.

LEAD SERVICE LINE REPLACEMENT ADVISORY BOARD

The Act creates the Lead Service Line Replacement Advisory Board to provide technical assistance to IEPA in implementing the Act. The 28-member board, which must meet at least every six months, includes 10 members who are mayors of the largest municipalities in the state, or their designee, two members who are mayors representing municipalities located in any county south of the southernmost county represented by one of the ten largest municipalities or their respective designees (south of Sangamon County) and an Illinois Municipal League (IML) representative.

The board was required to provide a report to Governor JB Pritzker and the General Assembly within 18 months of the Act's effective date, concerning opportunities for dedicated, long-term revenue options for funding lead service line replacement. This report ([available via this link](#)) was approved on June 29, 2023.

The board is required to provide a report concerning the status of all lead service line replacement within 10 years of the Act's effective date.

FAQs Lead Service Line Replacement and Notification Act

Q: How is lead service line replacement funded?

A: The Act establishes the Lead Service Line Replacement Fund in the state treasury to be used by IEPA to finance and administer programs associated with lead service line replacement. However, the Act does not specifically allocate or guarantee any available funding in the State Fiscal Year 2022 Budget. The federal government has publicized a desire to allocate up to \$45 billion for lead service line replacement nationwide, but that has not yet been funded or established by the U.S. Congress. Absent direct state or federal funding, community water suppliers are responsible for paying for costs associated with the replacement of lead service lines within their distribution systems. The Act provides broad permissive authority for both home rule and non-home rule municipalities to fund lead service line replacement, by ordinance or resolution, under specified taxing statutes.

FAQs Lead Service Line Replacement and Notification Act

Q: Are partial lead service line replacements allowed?

A: No. The Act expressly prohibits partial lead service line replacements. When replacing a lead service line, the community water supplier shall replace the service line in its entirety, including, but not limited to, any portion of the service line running on private property and within the building's plumbing at the first shut-off valve. The Act provides exceptions to this requirement, including when a private property owner refuses to grant access to replace the entire service line, or in instances of an emergency repair.

Q: Who pays for the replacement of lead service lines located on private property?

A: If a community water supplier is replacing lead service lines utilizing its own funds, the Act allows the community water supplier to require the property owner of the private portion of the lead service line to pay to replace that portion of the line.

In the event the community water supplier receives grant funding from the state, the Act requires them to bear the entire expense of full lead service line replacement for all lead service lines *within the scope of the grant*.

Q: Is there a waiver process for property owners who do not grant access for private line replacement?

A: Yes. In the event a property owner denies access, the community water supplier shall request the property owner to sign a waiver (to be developed and provided by IEPA). In this instance, the property owner shall be responsible for providing filters for all fixtures until the remaining portion of the lead service line is replaced.

Q: What happens during an emergency repair?

A: In the event of an emergency repair, the community water supplier may perform a partial replacement if the owner of the property refuses to grant access. In this instance, the community water supplier shall notify the building's owner and residents that a repair has been completed with specified information. Additionally, the community water supplier must provide filters for at least one fixture within the property supplying potable water for consumption.

If the community water supplier is unable to replace the entire service line during the course of an emergency repair, the Act requires the replacement of the remaining portion of the service line within 30 days of the repair, or within 120 days if weather or other circumstances prohibit construction.

Q: Are liability protections in place for municipalities when performing lead service line replacement?

A: Yes. The Act provides that, to the extent allowed by law, the community water supplier shall be held harmless for *all* damage to property when it replaces or installs a lead service line in a public right-of-way, and when the municipality enters into an agreement with a private contractor for the replacement of a lead service line.

