

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village**  
**11/15/2022**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Report - Lead Service Replacement and Notification Act	Andy Sikich Public Works Director

**SYNOPSIS**

Staff presents the following information regarding the Lead Service Replacement and Notification Act, as originally discussed at the Village Council meeting on August 2, 2022.

**STRATEGIC PLAN ALIGNMENT**

The goals for 2021-2023 include *Top Quality Infrastructure* and *Exceptional Municipal Services*.

**FISCAL IMPACT**

There is \$60,000 budgeted for lead service line replacement in FY22. Significant dollar amounts will be required for this work from FY23 through FY44, and will be budgeted accordingly each year.

**RECOMMENDATION**

Action at the discretion of the Village Council.

**BACKGROUND**

The Lead Service Replacement and Notification Act (the Act) was enacted by the State of Illinois and became effective January 1, 2022. This issue was discussed in detail at the Village Council meeting on August 2, 2022, during the Long Range Plan Update discussion, and the staff report can be found [here](#). This law requires the Village to:

- Develop and maintain a complete inventory of lead service lines by April 2024
- Implement a plan to replace all lead service lines from 2027 to 2044
- Use good faith efforts to contract with vendors owned by minority persons, women and persons with a disability to complete lead service line replacements

When either the public or private section of a lead service line is damaged, or when a property owner initiates a service line replacement, both sections must be replaced. The Village has the option to charge the property owner for the cost of replacing the private section of a lead service line, provided that the Village does not use Federal or State funds for the lead service line replacement.

Staff estimates that there are about 1,500 to 3,000 existing lead service lines in the Village; almost all of them located in the central portion of the Village. The lead service line inventory that will be prepared by 2024 will

confirm the actual number of lead services. Staff estimates that the annual cost of complying with the Act will be about \$200,000 in FY23 through FY26 and about \$2 Million from FY27 through FY44.

Based on the Council’s discussion, staff is proposing that reimbursement/responsibility for the replacement of the private side of the water service be handled as summarized in the following table. No changes to Village code are required to implement the practices in the table.

Scenario:	Who Pays?
<b>Required Due To Addition or New Construction</b> <ul style="list-style-type: none"> <li>• Building addition that requires replacement of the service</li> <li>• New construction that requires replacement of the service</li> </ul>	Property owner pays for and installs public and private side
<b>Property Owner Initiated Replacement</b> <ul style="list-style-type: none"> <li>• No specific reason</li> <li>• Leak/damage on private side of service</li> </ul>	Property owner pays for and installs private side Village pays for and installs public side
<b>Village Initiated Replacement</b> <ul style="list-style-type: none"> <li>• Village replaces adjacent water main</li> <li>• Leak/damage on public side of service</li> <li>• Planned service replacement (FY27 and beyond)</li> </ul>	Village pays for and installs public and private side*

\*Property owners may refuse to have the private section of a lead service line replaced provided that they sign a waiver and install a water filter (provided by the Village). When replacing the private side of a service, the Village will not be responsible for the removal, replacement or restoration of any private property except for topsoil and turf grass and the property owner will be required to enter into an indemnification agreement with the Village.

At the discussion on July 19<sup>th</sup>, the Village Council requested some additional information from staff, as follows.

- ***Provide information on the feasibility of lining lead services in lieu of replacement*** – The current law does not allow for the lining of lead services in lieu of replacement.
- ***Provide information on the effectiveness of the required filters if a resident chooses to waive the replacement of their private lead service.*** – The filters must meet NSF/ANSI 53 and NSF/ANSI 42 for the reduction of lead and particulate. Additional information can be found [here](#).

The State has not yet published the rules and regulations for administering the Act. Any additional information or potential modifications that may be required to the Village Code as a result of the final rules and regulations once they are published would be brought for Village Council consideration at a later date.

**ATTACHMENTS**