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November 7, 2025

Clerk's Office
Illinois Pollution Control Board
Docket ID Number R25-1/R25-9
60 E Van Buren St Ste 630
Chicago, Illinois 60605

Members of the Illinois Pollution Control Board:

In the State of Illinois, it is impossible to comply with the 10-year timeline for lead service line replacement required under the United States Environmental Protection Agency (USEPA) Lead and Copper Rule Improvements (LCRI). As the statewide organization representing all 1,294 cities, villages and towns in Illinois, many of which own and/or operate community water supplies (CWS), the Illinois Municipal League (IML) is concerned by the Illinois Pollution Control Board's (PCB) proposed amendments to the Illinois rules updating the comprehensive Lead and Copper Rules to be consistent with the USEPA LCRI.

Since the proposal of the USEPA LCRI, IML has voiced concerns about the accelerated replacement timeline and the implications it would have on Illinois municipalities. In 2021, the State of Illinois enacted the Lead Service Line Replacement and Notification Act, Public Act 102-0613, which mandates CWS to have completed a final material inventory of lead service lines by April 15, 2024. CWS then have between 15 and 50 years to complete lead service line replacement once their final lead service line replacement plan is submitted to the Illinois Environmental Protection Agency (IEPA) by April 15, 2027.

The state Act was carefully negotiated by stakeholders to create an aggressive replacement plan meticulously tailored by experts to fit the needs of Illinois communities. Even with the longer timelines established by Illinois law, communities are already facing challenges complying with the existing lead service line replacement mandate due to the lack of skilled labor, availability of materials and access to state and federal funding. A copy of our fact sheet about the state Act is enclosed herein.

Under the USEPA LCRI, the vast majority of lead service lines would be required to be replaced by 2037, which drastically shortens the timeline provided by Illinois law. This 10-year timeline for replacement is unrealistic and frankly impossible given the lack of skilled labor to complete the necessary work within such a short time frame and the need for equipment and supplies in large, immediate quantities.

One of the largest challenges CWS in Illinois presently face is the funding of lead service line replacement, but even with unlimited financial resources, which is not the reality for any community, CWS will not be able to complete replacement under the timeline required by the final USEPA LCRI due to workforce and material shortages.

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500 East Capitol Avenue | P.O. Box 5180 | Springfield, IL 62705-5180 | Phone: 217.525.1220 | Fax: 217.525.7438 | iml.org

Present funding sources, both from the federal government and the State of Illinois, are wholly inadequate to cover the full costs of replacing all lead service lines in the state. The 10-year timeline will only exacerbate funding shortfall issues that CWS face as they begin the process of lead service line replacement. In its July 10, 2025, Public Water Supply Loan Program 2026 Intended Use Plan, IEPA reported that between State Fiscal Year 2017 and 2025, approximately $247 million in funding has been provided as principal forgiveness to replace lead service lines. With current estimates of the cost of total replacement in Illinois being more than $20 billion, this only covers 1% of the cost of replacement in Illinois, making a 10% annual replacement rate financially impossible.

Current funding sources for CWS rely largely on loans that will have to be repaid in some form. In order to ensure CWS are able to afford the cost of replacing lead service lines, direct grants must be provided as the primary funding source. Inadequate funding coupled with the accelerated timeline in the USEPA LCRI will force, and in many cases is already forcing, CWS to pass the costs of lead service line replacement to local residents. The adoption of the USEPA LCRI will have a severely negative impact on every community and every water customer in Illinois.

Illinois is one of a few states that currently have laws mandating lead service line replacement and is already taking steps to address the replacement of lead service lines. On October 2, PCB filed a proposal for public comment on the adoption of USEPA LCRI. IML is concerned that the timeline in that proposal includes a date on which the PCB intends to adopt the amendments—suggesting that no amount of data or commentary will change the intent of the Board. IML urges the PCB to not adopt the USEPA LCRI, which will financially devastate many Illinois communities, and to instead adhere to the Lead Service Line Replacement and Notification Act, which was negotiated and passed by the Illinois General Assembly and signed into law by Governor JB Pritzker.

In the absence of any efforts to reverse or delay the implementation of the USEPA LCRI, IML respectfully inquires whether it is the intent of PCB to assist IML in petitioning the Illinois General Assembly for the funding necessary for municipalities to make a good faith effort to comply with new standards. IML additionally requests that PCB provide any useful information or resources regarding the implementation of the USEPA LCRI, including the anticipated effective date, to IML to be passed along to municipalities.

Please feel welcome to contact me if I may be of assistance with this or any other matter. I may be reached by phone at (217) 525-1220 or by email at bcole@iml.org. Thanks.

Yours very truly,

BRAD COLE
Chief Executive Officer

c: IML Board of Directors
Governor JB Pritzker
Members of the Illinois General Assembly
Illinois Environmental Protection Agency

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October 16, 2024

Members of the Illinois Congressional Delegation:

As the statewide organization representing all 1,294 cities, villages and towns in Illinois, many of which own and/or operate community water supplies (CWS), the Illinois Municipal League (IML) is concerned by the requirements set forth by the final Lead and Copper Rule Improvements (LCRI) issued on October 8, 2024, by the U.S. Environmental Protection Agency (USEPA), which will require nearly all water systems in the United States to replace lead service lines within 10 years. On December 15, 2023, IML submitted formal comments to USEPA expressing the same concerns shortly following the proposal of the LCRI (enclosed).

In 2021, the State of Illinois enacted the Lead Service Line Replacement and Notification Act, Public Act 102-0613, which mandates CWS to complete a final material inventory of lead service lines by April 15, 2024. CWS then have between 15 and 50 years to complete lead service line replacement once their final lead service line replacement plan is submitted to the Illinois Environmental Protection Agency by April 15, 2027. Even with the longer timelines established by Illinois law, communities are already facing challenges complying with the existing lead service line replacement mandate. A copy of our fact sheet on the state Act is enclosed herein.

Illinois law also requires owners or operators of CWS to develop and maintain a complete 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. A CWS with fewer than 1,200 lead service lines must complete their lead service line replacement by 2042; a CWS that has between 1,201 and 4,999 lead service lines must complete their lead service line replacement by 2044; a CWS that has between 5,000 and 9,999 lead service lines must complete their lead service line replacement by 2047; a CWS that has between 10,000 and 99,999 lead service lines must complete their lead service line replacement by 2061; and, a CWS with 100,000 or more lead service lines must complete their lead service line replacement by 2077.

Under the final USEPA LCRI, the vast majority of lead service lines would be required to be replaced by 2037, which drastically shortens the timeline provided under state law. The 10-year timeline for replacement required in USEPA LCRI is unrealistic and not feasible, and likely impossible, given the lack of skilled labor to complete the necessary work within such a short time frame and the need for equipment and supplies in large, immediate quantities.

One of the largest challenges CWS in Illinois presently face is the funding of lead service line replacement, but even with unlimited financial resources, which is not the reality for any community, CWS will not be able to complete replacement under the timeline required by the final USEPA LCRI due to workforce shortages.

Present funding sources, both from the federal government and the State of Illinois, are wholly inadequate to cover the full costs of replacing all lead service lines in the state. The 10-year timeline will only exacerbate funding shortfall issues that CWS face as they begin the process of lead service line replacement. Along with the final USEPA LCRI, an additional $2.6 billion for the Drinking Water State Revolving Fund (DWSRF) was announced, of which Illinois was allotted $75.6 million. With current estimates of the cost of total replacement in Illinois consistently being more than $10 billion, the additional DWSRF money would not even cover 1% of the cost of replacement in Illinois.

Current funding sources for CWS rely largely on loans that will have to be repaid in some form. In order to ensure CWS are able to afford the cost of replacing lead service lines, direct grants must be provided as the primary funding source. Inadequate funding coupled with the accelerated timeline in the proposed LCRI will force CWS to pass the costs of lead service line replacement to local residents. As a result, the proposed USEPA LCRI will have a severely negative impact on every community and every water customer in Illinois.

Illinois is one of a few states that currently have laws mandating lead service line replacement and is already taking steps to address the replacement of lead service lines. **IML requests that Congress move quickly to provide a full exemption from USEPA LCRI to states that already have lead service line replacement requirements and are making progress toward that end, and specifically an exemption for the State of Illinois.** This would ensure those communities that are in the process of replacing lead service lines are able to do so without additional roadblocks to completion and water customers – your constituents – are not saddled with extreme rate increases, regardless of their ability to pay for those increases.

Please feel welcome to contact me if I may be of assistance with this or any other matter. I may be reached by phone (w: 217-525-1220; c: 618-201-7320) or by email (bcole@iml.org). Thanks.

Yours very truly,

BRAD COLE
Chief Executive Officer

Encl.

c: IML Board of Directors
Members of the Illinois General Assembly

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December 15, 2023

Michael S Regan
Administrator
US Environmental Protection Agency
Docket ID Number: EPA-HQ-OW-2022-0801
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Regan:

As the statewide association representing all 1,294 cities, villages and towns in Illinois, the Illinois Municipal League (IML) herein submits formal comments regarding the proposed Lead and Copper Rule Improvements (LCRI) issued by the U.S. Environmental Protection Agency (USEPA), which would require nearly all water systems in the United States to replace lead service lines within 10 years.

In 2021, the State of Illinois enacted the Lead Service Line Replacement and Notification Act, Public Act 102-0613, which mandates community water supplies (CWS) to complete a final material inventory of lead service lines by April 15, 2024. CWS then have between 15 and 50 years to complete lead service line replacement once their final lead service line replacement plan is submitted to the Illinois Environmental Protection Agency by April 15, 2027. Even with the longer timelines established by Illinois law, communities are already facing challenges complying with the existing lead service line replacement mandate. A copy of our fact sheet on this state Act is enclosed herein.

Illinois also requires owners or operators of CWS to develop and maintain a complete 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. A CWS with fewer than 1,200 lead service lines must complete their lead service line replacement by 2042; a CWS that has between 1,201 and 4,999 lead service lines must complete their lead service line replacement by 2044; a CWS that has between 5,000 and 9,999 lead service lines must complete their lead service line replacement by 2047; a CWS that has between 10,000 and 99,999 lead service lines must complete their lead service line replacement by 2061; and, a CWS with 100,000 or more lead service lines must complete their lead service line replacement by 2077.

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Under the proposed LCRI, the vast majority of lead service lines would be required to be replaced by 2034, nearly a full decade before some of Illinois' smallest communities are required to complete replacement under state law. The 10-year timeline for replacement proposed in LCRI is unrealistic and not feasible, not to mention likely impossible given the lack of skilled labor to complete the necessary work within such a short time frame.

Funding is one of the largest challenges CWS in Illinois presently face in regard to lead service line replacement, but even with unlimited financial resources, which is not the reality for most communities, CWS would not be able to complete replacement under the timeline in the proposed LCRI due to workforce shortages.

Present funding sources, both from the federal government and the State of Illinois, are wholly inadequate to cover the full costs of replacing all lead service lines in the state. The 10-year timeline in the proposed LCRI will only exacerbate funding shortfall issues CWS in Illinois face as they begin the process of lead service line replacement. Current funding sources for CWS rely largely on loans that will have to be repaid in some form. In order to ensure CWS are able to afford the cost of replacing lead service lines, direct grants must be provided as the primary funding source. Inadequate funding coupled with the accelerated timeline in the proposed LCRI will force CWS to pass the costs of lead service line replacement to local residents. As a result, the proposed LCRI would have a severely negative impact on every community in Illinois and every taxpayer.

Illinois is one of a few states that currently have laws mandating lead service line replacement and is already taking steps to address the replacement of lead service lines. IML requests USEPA provide a full exemption from future LCRI rulemaking to states that already have lead service line replacement requirements and are making progress toward that end, and specifically an exemption for the State of Illinois. This would ensure those communities that are in the process of replacing lead service lines are able to do so without additional roadblocks to completion.

Thank you for the opportunity to provide public comment about this important issue. Please feel welcome to contact me if you have any questions or concerns. I may be reached by phone at (217) 525-1220 or by email at bcole@iml.org. Thanks.

Yours very truly,

BRAD COLE
Executive Director

c: IML Board of Directors
Governor JB Pritzker

Enclosure

ILLINOIS MUNICIPAL LEAGUE

Lead Service Line Replacement

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 November 1, 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 Delegation[2] 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

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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.**

TABLE 2

NUMBER OF LEAD SERVICE LINES in the community water supply distribution system	TIMELINE TO COMPLETE REPLACEMENT PLAN* (following plan submission deadline of April 15, 2027)
less than 1,200	within 15 years (2042) at a rate of no less than 7% per year
1,201-4,999	within 17 years (2044) at a rate of no less than 6% per year
5,000-9,999	within 20 years (2047) at a rate of no less than 5% per year
10,000-99,999	within 34 years (2061) at a rate of no less than 3% per year
100,000 or more	within 50 years (2077) at a rate of no less than 2% per year

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.

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.

2025 IML Lead Service Line Replacement Survey Results

BY MADISON RATLIFF, RESEARCH COORDINATOR, ILLINOIS MUNICIPAL LEAGUE

July 26, 2025

INTRODUCTION

On March 15, 2025, the Illinois Municipal League (IML) distributed its second statewide Lead Service Line Replacement Survey to each community water supply (CWS) among the 1,758 in Illinois. This now-annual survey builds on the original 2024 survey[i] by collecting more specific data on replacement progress and financial needs.

In the 2025 survey analysis, IML used updated 2024 Illinois Environmental Protection Agency (IEPA) inventory data to cross-reference survey results. This continued survey aims to offer municipal leaders and policymakers an accurate assessment of progress, challenges and anticipated costs associated with lead service line replacement.

The Illinois Lead Service Line Replacement and Notification Act (Act)[ii], effective January 1, 2022, requires owners or operators of a CWS to develop and maintain a complete material inventory of lead service lines and an initial replacement plan by April 15, 2024, and to submit that information to IEPA. The Act then requires updated replacement plans to be submitted to IEPA annually until April 15, 2027. Under the Act, CWSs have between 15 and 50 years to complete replacement, according to prescribed timelines based on the number of lead service lines identified in their material inventory.

On October 8, 2024, the United States Environmental Protection Agency (USEPA) issued final Lead and Copper Rule Improvements (LCRI), which will require the vast majority of CWSs in the U.S. to identify and replace lead service lines within 10 years. Some larger cities, including the City of Chicago, will have 20 years. Once LCRI compliance begins on November 1, 2027, federal LCRI requirements will supersede the state Act. The LCRI dramatically shortens the timeline for Illinois CWSs to complete lead service line replacement, shortening Chicago's timeline by 30 years.

On October 16, 2024, IML sent a letter[iii] to members of the Illinois Congressional Delegation and the Illinois General Assembly regarding the impact the final USEPA LCRI will have on CWSs in Illinois and requesting that Congress move quickly to provide a full exemption from USEPA LCRI to states that already have lead service line replacement requirements in place, specifically Illinois. The timeline in the final USEPA LCRI will have a significant impact on Illinois' current lead service line replacement mandate. Since compliance has not yet begun, the impacts of LCRI are not addressed in this survey.

PARTICIPATION

This year's survey saw a 22% increase in respondent participation, with 512 (29.1%) of 1,758 CWSs submitting data, compared to 419 (23.8%) in 2024. This increase in participation may be attributed to improved messaging methods employed by IML when distributing the survey and changes made to the survey based on feedback received last year. Those changes include an option to indicate whether or not a CWS has lines requiring replacement in their system, which then prompts a shortened survey

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for those with none, thereby removing inapplicable questions related to replacement. Of the respondents, 387 (75.6%) had no lead or unknown lines requiring replacement and 125 CWSs (24.4%) reported at least some lead or unknown material requiring replacement (see Figure 1).

FIGURE 1: *from 2025 IML survey results*

Summary of Responses	
Respondents with No Lead/Unknown Lines	387
Respondents with Lead/Unknown Lines	125
Total Respondents	***512***

INVENTORY & FINANCIAL DATA

Of Illinois' 616 CWSs containing lead or unknown lines requiring replacement, 125 (20.3%) completed the 2025 Lead Service Line Replacement Survey. Among survey respondents, a total of 161,764 service lines were identified as needing replacement, 16,710 lines have already been replaced and 157,838 lines remain to be addressed (see Figure 2). Please note that these numbers do not add up evenly due to some service lines being replaced prior to the CWS completing its material inventory.

CWSs were also asked to estimate when they anticipate to complete total lead service line replacement (see Figure 3). We received 109 estimated timelines. Of those, three respondents reported their CWS has already completed replacement. The latest date provided was December 2059.

FIGURE 2: *from 2025 IML survey results (CWSs with lead)*

125 of 512 (24.4%) survey respondents reported having lead or unknown material requiring replacement in their system.	
How many customers does your CWS service? (number of connections)	684,222
According to your most recent material inventory, how many service lines in your CWS require replacement?	161,764
How many service lines has your CWS replaced?	16,710
How many remaining service lines does your CWS have left to replace?	157,838
What is the estimated cost to complete total lead service line identification and/or replacement within your CWS?	$2,448,526,772
To date, how much has your CWS spent in total on lead service line identification and/or replacement?	$96,368,344
How much funding, if any, has your CWS received from outside aid programs (federal and state grant programs, loans, local funding methods, etc.)?	$115,823,072

FIGURE 3: *from 2025 IML survey results (CWSs with lead)*

When does your CWS plan to complete total lead service line replacement?	
Already Complete	3
2025 – 2030	40
2031 – 2035	16
2036 – 2040	25
2041 – 2050	19
2051 – 2059	4
Total Responses	***109***

The 125 CWSs with service lines requiring replacement also provided a monetary estimate of the cost of replacement totaling $2,448,526,772 (see Figure 2). This would make the estimated cost per lead service line, or unknown line requiring replacement, $15,136, which is a significant increase from our 2024 estimate of $8,288 per line. This increase is likely attributed to rising costs of materials, increased labor demand as replacement programs begin and the complex and time consuming work required to replace service lines.

The most recent inventory data available from IEPA shows that there are 1,384,236 service lines requiring replacement in Illinois (see Figure 4) – thus, our estimated total cost for statewide replacement is more than $20.9 billion. This is nearly double our 2024 estimate of $10.8 billion.

FIGURE 4: *from requested IEPA material inventory data*

IEPA Statewide Material Inventory (2024)	
Total Lines	3,815,652
Non-lead	2,435,353
Lead	413,170
Galvanized Requiring Replacement	53,142
Unknown	917,924
Total Requiring Replacement	1,384,236

The 387 CWSs with no lines containing lead or unknown material requiring replacement still reported significant expenses when conducting their material inventories (see Figure 5). They reported spending, to date, a combined $11,409,250 on costs related to "lead service line identification and/or replacement," which averages to be $19.91 spent per connection.

FIGURE 5: *from 2025 IML survey results (CWSs without lead)*	
387 of 512 (75.6%) survey respondents reported having no lead or unknown material requiring replacement in their system.	
How many customers does your CWS service? (number of connections)	573,029
To date, how much has your CWS spent in total on lead service line identification and/or replacement?	$11,409,250
How much funding, if any, has your CWS received from outside aid programs (federal and state grant programs, loans, local funding methods, etc.)?	$8,181,178

It's important to note the survey does not specify what CWSs should report in terms of total spending on identification and/or replacement, and many costs may not be truly captured. One survey respondent noted:

> ***"The amount of staff time and effort that is put into lead service replacements/inventory on a daily basis is monumental. These staff costs are not captured in our costs to date from the city. All underground utility projects are heavily focused on lead service replacements. We are also seeing less and less water main replacement footage each year as our focus and budget on the water system has shifted to LSLR vs planned/budgeted water main replacements. We fear break rates will increase."***

The City of Chicago (City) did not submit a response to the 2025 survey. However, the City, which likely has more lead service lines than any other U.S. city, estimates it has more than 400,000 lead service lines. A 2021 report by the City of Chicago Department of Water Management estimated that the cost of replacement was between $15,000 and $26,000 per line and between $6 billion and $10 billion total.[iv] However, more recently, City officials estimate the total cost of replacement to be around $12 billion.[v] Under the Illinois Lead Service Line Replacement and Notification Act, the City has until 2077 (if granted allowable extensions) to complete replacement. However, the USEPA LCRI requires replacement to be completed by 2047.

CWSs with and without lead service lines reported that they have received outside funding to support identification and replacement efforts; however, federal, state and local programs do not come close to fully funding these efforts. Combined, 80 survey respondents report receiving $124 million ($115.8 million to CWSs with lead and $8.2 million to CWSs with none) from outside aid programs, compared to the estimated total costs of more than $2.4 billion for all 512 survey respondents (see Figures 2 and 5).

The most commonly reported sources of financial assistance include IEPA funding, funds made available through the American Rescue Plan Act and the Drinking Water State Revolving Fund (see Figures 6 and 7). This has remained relatively unchanged from the 2024 survey results.

FIGURE 6: *from 2025 IML survey results (CWSs with and without lead)*	
Has your CWS utilized any of the following federal funding programs? Check all that apply.	
Federal funding under the 2021 Bipartisan Infrastructure Law	19
The Drinking Water State Revolving Fund	14
Community Development Block Grant	12
Indian Community Development Block Grant	0
U.S. Economic Development Administration funding	2
U.S. Environmental Protection Agency Funding	17
U.S. Department of Agriculture Funding	4
Other Federal Loan Programs	6
Other	15
None of the Above	408
Total Responses	***487***

FIGURE 7: *from 2025 IML survey results (CWSs with and without lead)*	
Has your CWS utilized any of the following state funding programs? Check all that apply.	
Coronavirus State Fiscal Recovery Funds made available through the American Rescue Plan Act	31
Rebuild Illinois Capital Program	12
Lead Poisoning, Screening, Prevention and Abatement Fund	0
General Revenue Funds	3
Public Water Supply Loan (state revolving fund)	30
Illinois Environmental Protection Agency Funding	62
Other State Loan Programs	2
Other	11
None of the Above	374
Total Responses	***485***

Many CWSs are also implementing local funding methods. Of those, 113 (22.1%) suppliers reported rate increases, and others reported implementing water bill fees, special taxes and homeowner cost participation (see Figure 8). Only five suppliers indicated their rate increases, tax increases or special taxes put in place to fund replacement include a rollback plan or sunset provision once replacement is completed. Seventy-one suppliers indicated that no such rollback or sunset provision has been implemented (see Figure 9).

FIGURE 8: *from 2025 IML survey results (CWSs with and without lead)*

Has your CWS utilized any of the following local funding methods? Check all that apply.

Rate Increases	113
Water Bill Fees	38
Property Taxes	7
Sales Taxes	4
Special Taxes	2
Municipal Bonds/Loans	14
Homeowner Cost Participation for the Private Side of the Service Line	22
Other	7
None of the Above	344
Total Responses	***490***

FIGURE 9: *from 2025 IML survey results (CWSs with and without lead)*

If your CWS has utilized increases, tax rate increases, special taxes, etc., is there a rollback plan or sunset provision in place once lead service line replacement is completed?

Yes	5
No	71
Not Applicable	417
Responses	***493***

TECHNICAL CHALLENGES

Inventory

In 2024, many CWSs, both with and without lead service lines, reported substantial challenges developing a complete and accurate material inventory. These included difficulties accessing private property, tracking unknown materials and contending with inconsistent historical records. One 2024 respondent noted that shifting IEPA requirements led to duplication of efforts, stating, "Now we have to go back and collect data from locations where we had already determined service line material."

The 2025 survey shows improvement in this area. Of the 512 survey respondents, 240 (46.9%) reported that their CWS did not face any challenges while developing their final inventory (see Figure 10), more than double the 104 CWSs who reported the same in 2024. However, many utilities still cited core obstacles, particularly related to gathering a complete and accurate material inventory (184), private property access (167), unknown materials (107) and self-reported inaccuracies (104). One respondent commented, "We're relying on 60-year-old construction maps that are often incomplete," underscoring the limitations of historical data.

Some CWSs noted unique challenges, such as the absence of digital records, rural geography and the need to revisit homes already inspected under previous rules. One 2025 respondent wrote, "We had to repeat work due to changes in IEPA expectations after we'd already begun door-to-door inspections," a sentiment shared by others.

Similar to 2024, the most commonly used strategy to support inventory completion in 2025 was public announcements encouraging resident cooperation, selected by 122 respondents (see Figure 11). Standardizing data practices (80) and dedicated inventory staffing (46) also appeared among the top responses. Still, 300 CWSs reported using none of the listed solutions—a significant increase from the 166 reported in 2024—which leaves the question open to unknown other options.

Despite the high number of "None of the Above" selections, many CWSs submitted alternative strategies through the

FIGURE 10: *from 2025 IML survey results (CWSs with and without lead)*

What challenges has your CWS faced while developing a final material inventory? Check all that apply.

Gathering a complete and accurate inventory	184
Access to private residences/property	167
Unknown materials	107
Inaccurate historical records	85
Inaccurate predictive modeling	19
Residential self-reporting accuracy	104
Data collection	101
Data organization	53
Meeting deadlines for final material inventory	82
Other	9
My CWS has not faced any challenges while developing a final material inventory	240
Total Responses	***501***

"Other" response option. Several small systems emphasized their use of in-house public works staff, while others collaborated with outside engineers, the Illinois Rural Water Association or engaged interns from local colleges to support their efforts. One CWS shared, "We utilized water meter replacement to inspect and record line material whenever possible."

Replacement

The 2025 survey included questions that were asked only of CWSs with confirmed lead service lines or lines made of unknown material requiring replacement. Among 117 respondents, open-cut excavation (88) and trenchless methods (85) were the most commonly used replacement methods, while fewer reported using pipe pulling or splitting (32) (see Figure 12).

While the 2024 survey showed that most CWSs, regardless of whether they have lead lines, had not yet encountered substantial replacement barriers, the 2025 results reflect a shift among lead systems now entering the construction phase. Only 36 of 119 lead CWSs reported no replacement challenges (see Figure 13). The most common issues included non-compliant or non-responsive property owners (52), ownership issues (27) and unplanned disruptions from unrelated construction (24).

Free-text responses added more context. One CWS explained that they "ran into conflicts between scheduled replacement work and major road construction projects," while others cited contractor shortages, property owner refusals and the difficulty of coordinating access to older homes with outdated plumbing systems.

As CWSs begin or expand replacement efforts, more are implementing strategies to manage the work. Public announcements (61) and setting aside time and money to address unexpected costs (44) were the most frequently reported strategies in 2025 (see Figure 14). Notably, the number of CWSs selecting "None of the Above" fell dramatically from 238 in 2024 to just 37 in 2025, suggesting an increase in active planning among systems with lead.

Additional responses in the "Other" category revealed that some CWSs were piloting education programs, neighborhood-based rollouts or offering cost-sharing incentives to encourage early, private-side replacements.

FIGURE 11: *from 2025 IML survey results (CWSs with and without lead)*

What solutions has your CWS implemented to mitigate final material inventory challenges? Check all that apply.

Dedicated lead service line inventory staffing	46
Use or development of lead service line software	24
Standardizing data collection and organization	80
Public announcements to encourage resident cooperation	122
Request IEPA support	19
Other	24
None of the above	300
Total Responses	***493***

FIGURE 12: *from 2025 IML survey results (CWSs with lead)*

What method(s) is your CWS using to replace lead service lines? Check all that apply.

Open-cut excavation (traditional saw cutting and/or breaking of surface materials and excavation of soil from the corporation-stop at the water main along the entire length of the service line to be replaced):	88
Trenchless methods (the old pipe is left in the ground and a new pipe is installed along a different path using a trenchless method such as pneumatic hammering or directional boring):	85
Pipe pulling or pipe splitting (removes and extracts the existing pipe while simultaneously replacing it with a new pipe):	32
Other	5
Total Responses	***117***

FIGURE 13: *from 2025 IML survey results (CWSs with lead)*

What challenges has your CWS faced while replacing lead service lines? Check all that apply.

Private or third-party service line ownership hindering replacement efforts	27
Non-compliant or non-responsive property owners	52
Customer-initiated replacements leading to unexpected expenses	12
Damage to private property	16
Fulfilling separation requirement of Type K Copper due to supply chain issues	4
Outdated electrical or plumbing systems creating unsafe conditions and unexpected costs	19
Unrelated work disrupting lead service lines and creating the need for unexpected replacements	24
Other	20
My CWS has not faced any challenges while replacing lead service lines	36
Total Responses	***119***

Administrative Hurdles

Administrative burdens remained a significant theme across both survey years. In 2025, lack of funding (63) was again the most frequently reported challenge, followed by difficulty coordinating access (33), scheduling with residents (33) and hidden or unexpected administrative costs (42) (see Figure 15). Compared to 2024, when 220 CWSs reported facing no administrative challenges, only 33 did the same in 2025, reflecting an increase in administrative burdens as more systems move from planning to execution.

FIGURE 14: *from 2025 IML survey results (CWSs with lead)*

What solutions has your CWS implemented to mitigate challenges replacing lead service lines? Check all that apply.

Public announcements to encourage resident cooperation	61
Setting aside time and money to address unexpected replacement and costs as they arise	44
Standardized protocols for replacement to mitigate property damage	35
Other	5
None of the above	37
Responses	***121***

FIGURE 15: *from 2025 IML survey results (CWSs with lead)*

What challenges has your CWS faced administratively? Check all that apply.

Coordinating construction access agreements for replacements on private property	33
Coordinating replacement schedules with residents that optimize efficiency due to residential unpredictability	33
Hidden or unexpected costs in administering LSLR programs	42
Fulfilling the Disadvantaged Business Enterprise requirement (good faith attempt that 20% of contractors and vendors used are owned by minority persons, women and persons with a disability)	12
Too few bidders responding to lead service line replacement requests for proposals	11
Lack of skilled labor	13
Lack of funding	63
Defining which CWS is responsible for replacement	7
Other	8
My CWS has not faced any administrative challenges related to LSLR	33
Total Responses	***121***

Free-text responses indicated several new concerns, including legal uncertainty, insurance liability for work done on the private side of service lines and challenges with the requirement that CWSs must make a good faith effort to utilize contractors and vendors under the Business Enterprise for Minorities, Women and Persons with Disabilities Act[vi] for no less than 20% of the total contracts. One system noted, "There's a lack of eligible DBE [Disadvantaged Business Enterprise] vendors in our region, making the 20% goal difficult to meet in good faith."

In response to administrative challenges, CWSs most often relied on public outreach (54) and budget planning (42) (see Figure 16). Although few adopted apprentice programs (2) or hired new administrative staff (6), some CWSs noted they were pursuing regional collaboration, hiring consultants or advocating for dedicated lead service line replacement coordinators at the municipal level.

FIGURE 16: *from 2025 IML survey results (CWSs with lead)*

What solutions has your CWS implemented to mitigate administrative challenges? Check all that apply.

Public announcements to encourage resident cooperation	54
Setting aside time and money to address unexpected replacement and costs as they arise	42
Apprentice programs to address labor shortage	2
Request IEPA support	20
Coordinating replacement efforts with neighboring CWSs	6
Additional administrative staff	6
Other	9
None of the above	42
Total Responses	***120***

CONCLUSION

The results of the 2025 IML Lead Service Line Replacement Survey reflect both measurable progress and emerging pressure points as more community water supplies move from planning into implementation. Compared to 2024, more systems reported completing their material inventories, and survey participation increased significantly, helping provide a clearer statewide picture of needs and costs.

Importantly, the average estimated cost per line has increased significantly—from $8,288 in 2024 to $15,136 in 2025—essentially doubling the projected total cost of statewide replacement to approximately $21 billion. This increase is likely

tied to labor shortages, material inflation and growing logistical complexity as work advances into the replacement phase. In the absence of significantly expanded federal or state financial support, this rising burden may slow progress, particularly in small or resource-constrained communities.

While inventory completion challenges have declined overall, a substantial number of CWSs continue to report persistent obstacles such as outdated records, limited access to private property and a lack of internal capacity. Free-form responses emphasized that many systems are relying on creative workarounds—such as combining inventory work with meter replacement, using interns or regional consultants, and adapting in-house staffing—to meet state and federal requirements. However, more than half of the respondents indicated they had implemented no formal solutions, suggesting more technical assistance, funding and planning support are still needed.

Meanwhile, replacement and administrative challenges have increased. As more systems initiate construction, they are confronting real-world complications—from uncooperative property owners and insufficient contractor pools to unexpected disruptions and unclear liability for private-side work. Despite these challenges, CWSs have shown an encouraging trend toward mitigation and adaptation, with more reporting the use of proactive outreach, standardized protocols and budgeting for unexpected costs.

Looking ahead, the impending 10- and 20-year replacement deadlines under the USEPA LCRI will further complicate Illinois' already-ambitious mandate. The overwhelming majority of survey participants reported insufficient financial support to meet their obligations. The results of this survey underscore the need for continued coordination between local, state and federal entities to ensure that Illinois' water systems—particularly those already following one of the nation's strictest replacement laws—are not penalized by an overlapping and inconsistent regulatory timeline.

The purpose of this annual survey and report is to inform state and local officials about statewide replacement progress, as well as to share common challenges CWSs are facing and the solutions they are utilizing. It should serve as a tool for self-evaluation and advice from municipal peers. The results of the survey each year may also guide IML's future advocacy and legislative efforts surrounding lead service line replacement. The survey and report are scheduled to be administered annually; however, the frequency of surveys may be adjusted if deemed appropriate. Next year's survey will focus exclusively on the 616 CWSs with lead or unknown service lines requiring replacement, allowing for deeper analysis and more targeted assistance specifically on replacement.

[i] https://www.iml.org/lead2024
[ii] Public Act 102-0613
[iii] https://www.iml.org/file.cfm?key=28186
[iv] https://www.iml.org/page.cfm?key=32965
[v] https://abc7chicago.com/chicago-water-lead-service-lines-pipe-replacement-department/14149137/#:~:text=Chicago%20leads%20the%20nation%20with,that%20could%20cost%20%2412%20billion
[vi] https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=550&ChapterID=7

For more information, the Illinois Municipal League has a fact sheet about lead service line replacement, available at:

iml.org/lead

The 2025 Lead Service Line Replacement Survey Results Report is available at iml.org/lead2025.

The 2024 Report is available at iml.org/lead2024.

Educate. Advocate. Empower.

May 24, 2024

Members of the Illinois Congressional Delegation:

As the statewide organization representing all 1,294 cities, villages and towns in Illinois, many of which own and/or operate municipal water systems, the Illinois Municipal League is concerned that the U.S. Environmental Protection Agency's (EPA) designation of perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) will cause water systems and their customers – rather than polluters – to incur environmental cleanup liability that should be faced by entities responsible for that pollution. **We ask you to support a statutory protection for water systems from liability under CERCLA for per- and polyfluoroalkyl substances (PFAS) to help ensure polluters pay for PFAS cleanup, not the public.**

CERCLA was originally built on a "polluter pays" principle, designed to hold companies that produced and profited from hazardous substances discharged into the environment responsible for the cleanup. However, the designation of PFOA and PFOS as hazardous substances under CERCLA means that water systems that passively receive these substances into their systems due to an upstream polluter depositing the chemicals into their water supplies could face CERCLA cleanup liability.

A CERCLA designation additionally exposes water systems to potential litigation from the actual polluters. PFAS users and producers may abuse litigation to reduce their own cleanup costs. This then increases costs for water systems, which would be forced to be passed along to customers.

In addition to Safe Drinking Water Act and Clean Water Act PFAS regulations, CERCLA liability would make customers unjustly pay, yet again, for environmental remedial costs that should be the responsibility of the companies that produced and profited from PFAS for decades.

As the hazardous substance designation of PFOA and PFOS was recently finalized, it is critical that Congress move quickly to ensure that water systems and their customers are not unfairly punished for PFAS contamination for which they bear zero responsibility or blame.

We, therefore, urge you to support S. 1430, the Water Systems PFAS Liability Protection Act, introduced by Senator Cynthia Lummis. This bill would preserve the "polluter pays" principle under CERCLA and ensure that water utilities can continue to focus their efforts on maintaining water quality.

ILLINOIS MUNICIPAL LEAGUE®
500 East Capitol Avenue | P.O. Box 5180 | Springfield, IL 62705-5180 | Phone: 217.525.1220 | Fax: 217.525.7438 | www.iml.org

Again, we ask that you support S. 1430 and protect water system customers by providing statutory liability protections related to PFAS under CERCLA.

Please feel welcome to contact me if I may be of assistance with this or any other matter. I may be reached by phone (w: 217-525-1220; c: 618-201-7320) or by email (bcole@iml.org). Thanks.

Yours very truly,

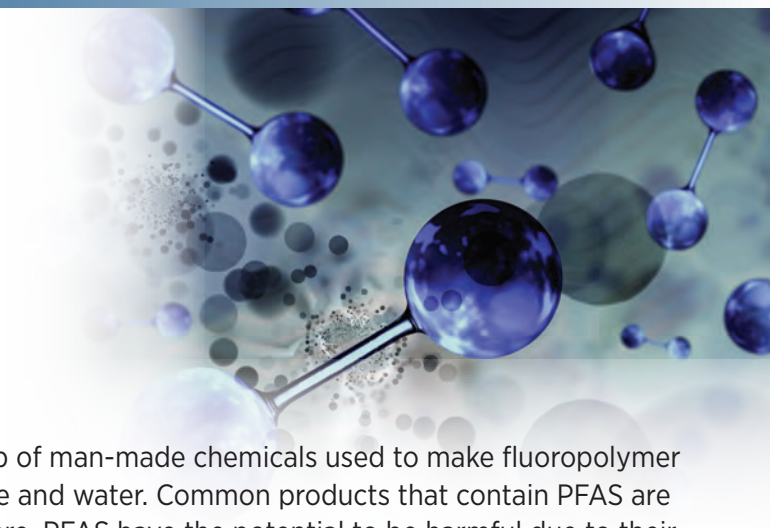
BRAD COLE
Chief Executive Officer

c: IML Board of Directors

FACT SHEET

October 15, 2025

PER- AND POLYFLUORINATED SUBSTANCES (PFAS)



WHAT ARE PFAS?

Per- and polyfluorinated substances (PFAS) are a group of man-made chemicals used to make fluoropolymer coatings and products that resist heat, oil, stains, grease and water. Common products that contain PFAS are firefighting foam, stain repellents and non-stick cookware. PFAS have the potential to be harmful due to their inability to break down, their persistence in the environment, their ability to permeate soils and contaminate drinking water sources and build up in fish and wildlife. There are nearly 15,000 different PFAS according to the United States Environmental Protection Agency (USEPA).[1]

According to the Centers for Disease Control and Prevention (CDC),[2] human health effects from exposure to low environmental levels of PFAS are uncertain. Current scientific research suggests that long-term exposure to certain PFAS could result in adverse health outcomes. Additional research is ongoing to determine how different levels of exposure to different PFAS can lead to various health effects.

NATIONAL PRIMARY DRINKING WATER REGULATION FOR SIX PFAS

On April 10, 2024, USEPA announced the National Primary Drinking Water Regulation (NPDWR) for six PFAS.[3] The final NPDWR rule establishes legally enforceable levels, called maximum contaminant levels (MCLs), for six PFAS in drinking water: perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX Chemicals) and mixtures that contain two or more of PFHxS, PFNA, HFPO-DA and perfluorobutane sulfonate (PFBS).

Compound	Enforceable MCL	Health-Based MCL Goal
PFOA	**4 ppt**	0 ppt
PFOS	**4 ppt**	0 ppt
PFHxS	**10 ppt**	10 ppt
PFNA	**10 ppt**	10 ppt
HFPO-DA (commonly known as GenX Chemicals)	**10 ppt**	10 ppt
Mixtures containing two or more of PFHxS, PFNA, HFPO-DA and PFBS	**1 (unitless) Hazard Index**	1 (unitless) Hazard Index

Each PFAS has an individual MCL established by the rule, and mixtures that contain two or more of PFHxS, PFNA, HFPO-DA and PFBS have a Hazard Index MCL to account for combined and co-occurring levels of these PFAS in drinking water. In addition to the enforceable MCLs, USEPA established health-based non-enforceable MCL goals for these PFAS.

This chart (left) details the specific MCLs and MCL goals for each regulated PFAS. The index for each MCL is measured by parts per trillion (ppt).

[1] https://comptox.epa.gov/dashboard/chemical-lists/PFASSTRUCT
[2] https://www.atsdr.cdc.gov/pfas/health-effects/index.html
[3] https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas

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The final NPDWR rule requires that public water systems, including municipal water systems, must complete the initial monitoring for these PFAS by 2027, followed by ongoing monitoring for compliance. Water systems are also required to provide the public with information regarding the level of PFAS in their drinking water starting in 2027.

By 2029, public water systems that have PFAS in their drinking water violating one or more of the MCLs established by the NPDWR rule must implement solutions to reduce PFAS. Beginning in 2029, public water systems that have PFAS at levels above the MCLs must take action to reduce levels of PFAS in drinking water and must provide notification to the public of the violation.

The final NPDWR rule requires that all water systems complete initial monitoring within three years of the date of final rule promulgation. The monitoring must be conducted at all entry points to the water distribution system either twice or quarterly during a 12-month period as follows:

- All **surface water systems** are required to initially monitor quarterly within a 12-month period. Samples are required to be collected two to four months apart.
- **Groundwater systems serving greater than 10,000 customers** are required to monitor quarterly within a 12-month period. Samples are required to be collected two to four months apart.
- **Groundwater systems serving 10,000 or fewer customers** are required to monitor twice within a 12-month period. Samples are required to be collected five to seven months apart.

Three years following the date of rule promulgation, by 2027, water systems are required to begin quarterly compliance monitoring at all entry points. If initial monitoring results are below MCLs defined by the rule for all regulated PFAS, primacy agencies have the authority to reduce compliance monitoring frequency at a systems' applicable entry points to once every three years.

DESIGNATION OF TWO PFAS AS HAZARDOUS SUBSTANCES UNDER CERCLA

On April 19, 2024, USEPA announced the designation[4] of two PFAS, PFOA and PFOS, as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). At the same time, USEPA issued a separate PFAS Enforcement Discretion and Settlement Policy[5] under CERCLA. The policy states, USEPA "does not intend to pursue entities where equitable factors do not support seeking response actions or costs under CERCLA, including, but not limited to, community water systems and publicly owned treatment works, municipal separate storm sewer systems, publicly owned/operated municipal solid waste landfills, publicly owned airports and local fire departments, and farms where biosolids are applied to the land." It also states that USEPA can use statutory authority provided by CERCLA for these same parties to enter into settlements that provide contribution protection from third-party claims for matters addressed in the settlements.

IML ADVOCACY

The Illinois Municipal League (IML) will continue to advocate on behalf of municipalities to ensure those responsible for PFAS contamination are paying the cost of testing and remediation of drinking water, not local communities and their taxpayers.

[4] https://www.govinfo.gov/content/pkg/FR-2024-05-08/pdf/2024-08547.pdf
[5] https://www.iml.org/file.cfm?key=27782

On May 24, 2024, IML sent a letter[6] to members of the Illinois Congressional Delegation regarding a statutory protection for water systems from liability under CERCLA for PFAS to help ensure polluters pay for PFAS cleanup, not the public. The letter asks members of the delegation to support S. 1430,[7] the Water Systems PFAS Liability Protection Act, introduced by U.S. Senator Cynthia Lummis (R-Wyoming), in order to protect water system customers from being held financially liable for PFAS regulations.

ILLINOIS PFAS REDUCTION ACT

The Illinois PFAS Reduction Act (415 ILCS 170), enacted in 2021, limits the use of firefighting foams containing PFAS for training and testing. The Act prohibits these foams from being sold in Illinois on or after January 1, 2025, except in places like oil refineries, which have until January 1, 2027. Fire departments must report how they use and get rid of PFAS foams and notify the state of any spills to prevent contamination of water and soil.

Public Act (P.A.) 104-0231 amends the PFAS Reduction Act to prohibit the sale or distribution of certain consumer products containing intentionally added PFAS in Illinois, beginning January 1, 2032. The affected products include cosmetics, dental floss, juvenile products, menstrual products and intimate apparel. IML supported this legislation.

DEFINITIONS

Firefighting personal protective clothing: Any clothing designed, intended or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for use in fire and rescue activities, including jackets, pants, shoes, gloves and helmets.

Auxiliary firefighting personal protective equipment: Personal protective equipment other than firefighting personal protective clothing, including self-contained breathing apparatuses and other respiratory protection products, hearing protection, protective communication devices and fall protection products.

Additionally, P.A. 104-0221 further amends the PFAS Reduction Act by phasing out the sale of firefighting personal protective clothing and equipment containing PFAS. Beginning January 1, 2026, sellers of firefighting personal protective clothing must notify buyers at the time of sale if the product contains PFAS and the reason PFAS is added to the product. The seller and purchaser both must retain a copy of this notice for at least three years from the date of purchase. By January 1, 2027, no personal protective clothing with intentionally added PFAS shall be sold, manufactured or distributed in Illinois. Beginning January 1, 2030, this ban extends to auxiliary firefighting personal protective equipment, which the legislation also defines.

PFAS SETTLEMENT INFORMATION

Public water systems in Illinois and across the country have filed lawsuits against companies that have manufactured and distributed products containing PFAS to recover costs associated with removing PFAS from drinking water. Settlements have been reached with 3M, DuPont, Tyco and BASF that will pay up to approximately $14.75 billion to participating public water systems collectively. The 3M, DuPont, Tyco and BASF settlements have all obtained final approval by the United States District Court.

Now that the deadlines for public water systems to “opt out” of the settlements have passed, all who have not opted out are included and must affirmatively make timely claims. If claims are not made, public

[6] https://legislative.iml.org/file.cfm?key=27803

[7] https://www.congress.gov/bill/118th-congress/senate-bill/1430?s=1&r=65

water systems will forfeit their right to recovery. As many as 502 public water systems in Illinois may be eligible for recovery under these settlements. The table (below) details important dates regarding settlement claims. Information about the settlements, deadlines and claim submissions can be found at pfaswatersettlement.com.

Deadline Description	DuPont Deadline Date	3M Deadline Date	Tyco Deadline Date	BASF Deadline Date
Deadline to Submit Objections	~~11/11/2023~~	~~11/11/2023~~	~~8/24/2024~~	~~9/15/2024~~
Deadline to Submit Requests for Exclusion	~~12/4/2023~~	~~12/11/2023~~	~~9/23/2024~~	~~10/15/2024~~
Court's Final Fairness Hearing	~~12/14/2023~~	~~2/2/2024~~	~~11/1/2024~~	~~11/1/2024~~
Deadline to Withdraw Request for Exclusion	~~3/15/2024~~	~~3/15/2024~~	~~12/13/2024~~	~~12/13/2024~~
Phase One Public Water System Settlement Claims Form	~~7/26/2024~~	~~7/26/2024~~	~~4/8/2025~~	~~4/8/2025~~
Phase One Special Needs Claims Form	~~8/26/2024~~	~~8/26/2024~~	~~8/21/2025~~	~~8/21/2025~~
Phase Two Testing Claims Form	1/1/2026	1/1/2026	N/A	N/A
Phase Two Public Water System Claims Form	6/30/2026	7/31/2026	N/A	N/A
Phase Two Special Needs Claims Form	8/1/2026	8/1/2026	N/A	N/A
Phase One Supplemental Fund Claims Form	12/31/2030	12/31/2030	12/31/2030	12/31/2030
Phase Two Supplemental Fund Claims Form	12/31/2030	12/31/2030	N/A	N/A

For additional resources, please visit IML's dedicated webpage at iml.org/pfas.

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