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Notice of Plumbing Code Variance

TO: All Registered Plumbing Contractors and Community Water Supplies

FROM: Brian Cox, P.E.
IDPH Plumbing and Water Quality Program Manager

DATE: March 23, 2022

SUBJECT: Lead Service Line Replacements in accordance with Public Act 102-0613
Illinois Plumbing Code Variance
Sewer/Water Service Separation - Title 77 Ill. Adm. Code 890.1150

I. Purpose and Background

The Lead Service Line Replacement and Notification Act, Public Act 102-0613, was signed into law August 27, 2021 with an effective date of January 1, 2022. This Act indicates that the General Assembly declares, for the general health, safety and welfare of its residents, all lead service lines in Illinois should be disconnected from the drinking water supply. This Act created Section 17.12 of the Environmental Protection Act (415 ILCS 5/17.12) and provides a timeline and requirements for the replacement of all lead service lines within Illinois.

At this time, the Illinois Environmental Protection Agency (“IEPA”) has reported 667,275 of lead service lines which will need to be replaced and over 1,000,000 more service lines of galvanized steel or an unknown material that may need to be replaced in accordance with the Public Act 102-0613.

Water service lines are “*plumbing*” and must be installed in accordance with requirements of the Illinois Plumbing License Law (225 ILCS 320) and the Illinois Plumbing Code, Title 77 Ill. Adm. Code Part 890. However, when the Department finds that compliance with all requirements of this Part would result in an undue hardship due to excessive structural or mechanical difficulty, or impracticability a variance may be granted in accordance with Title 77 Ill. Adm. Code Section 890.140.

The Illinois Plumbing Code Section 890.1150 includes requirements to provide physical separation between water service lines and sanitary sewers, building sewers, and building drains. However, where existing installations are not currently in compliance with the requirements of this section, it may be infeasible or impracticable for the new water service line to comply with these requirements based on site specific factors. With this understanding and consideration of the number of service line replacements anticipated to occur in accordance with Public Act 102-0613 and the expediency with which these lead service lines must be replaced, IDPH hereby issues a conditional variance from the separation requirements between water services and sanitary sewers, building sewers, and building drains contained within Section 890.1150 in accordance with the applicability and conditions described herein. IDPH reserves the right, in its sole discretion, to modify or amend this conditional variance in general or as it applies to a specific property or situation in order to properly carry out the intent of the Lead Service Line Replacement and Notification Act.

II. Applicability

This variance shall be applicable only at locations where all of the following criteria are met:

1. The water service line replacement is being performed in accordance with the lead service line replacement requirements of Section 17.12 of the Environmental Protection Act.

2. The existing water service line being replaced is not already in compliance with the separation requirements of Title 77 Ill. Adm. Code Section 890.1150.
3. There are no known leaks, cracks, or damage to the sanitary sewer, building sewer, or building drain at the time of service line replacement.
4. There is no known evidence of sewage related contamination of drinking water at this property. This shall not be construed to require any water sampling.
5. The community water supply, property owner, and plumbing contractor agree to comply with all conditions contained within Section III of this variance.

III. Conditions

This determination is made conditional upon the following:

1. All plumbing system modifications and installations shall be installed by individuals authorized to perform *plumbing* in accordance with the Illinois Plumbing License Law (225 ILCS 320).
2. Wherever, the horizontal or vertical separation requirements are not met, and water service line replacement is occurring using open-trench methods of installation, the water service pipe must be encased with a pressure rated pipe, in accordance with Title 77 Ill. Adm. Code 890.1150 b) 3).
3. Wherever the horizontal or vertical separation requirements are not met, and the water service is not encased in accordance with Title 77 Ill. Adm. Code 890.1150 b) 3), then the water service line must be replaced using Type K copper.
4. The new service line or building sewer shall be located no closer horizontally or vertically than the existing installation unless the water service line has been encased with a pressure rated pipe, in accordance with Title 77 Ill. Adm. Code 890.1150 b) 3).
5. Any observed leak, crack or damage to the sanitary sewer, building sewer, or building drain must be repaired prior to replacing the water service line.
6. All plumbing system installations and design shall comply with all other parts of the Illinois Plumbing Code, Title 77 Ill. Adm. Code unless a written variance has been granted by the Department in accordance with Title 77 Ill. Adm. Code Section 890.140 b).
7. Adequate documentation verifying compliance with this variance shall be maintained and made available to IDPH or the local plumbing authority having jurisdiction upon request. Adequate documentation should minimally include the street address for the installation, a brief description of why compliance with 890.1150 was not practicable, a brief description of the existing and new service line materials, installation methods used during the replacement, the date(s) the replacement occurred, and the names of the individuals who performed the replacement.
8. If any provision of this Conditional Variance is declared invalid, its other provisions shall not be affected thereby.

This variance is not precedential and may not be applied to any other occurrence, other than to those conditions described within. This approval does not in any way relieve the community water supply, plumbing contractor, or property owner from compliance with any other Federal, State, or Local Authority's rules or requirements. Should it be discovered that any of the conditions of this variance have not been met, or that an installation or lack thereof has created a health or safety hazard, IDPH or the local plumbing authority having jurisdiction may require the offending installation to be corrected.

Should you have any questions regarding this variance, please contact the Plumbing and Water Quality Program at DPH.Plumbing@illinois.gov.