

Lead Service Line Replacement Advisory Board Meeting Minutes - May 31, 2023

Webex Webinar or In-person at Illinois EPA Headquarters

The Lead Service Line Replacement Advisory Board (Board) was called to order at approximately 1:00 p.m. Jeff Guy took a roll call of Board members present:

Sanjay Sofat, Chief, Bureau of Water, Illinois EPA (present)
Africa, Associate Director, Illinois Department of Revenue (present)
Jason Bauer, Assistant City Engineer, City of Aurora (present)
Anna-Lisa Castle, Policy Director, Clean Water & Equity, Alliance for the Great Lakes (present)
Andrea Cheng, Commissioner, City of Chicago (present)
Dave Clark, Acting Public Works Director, City of Champaign (present)
Brad Cole, Executive Director, Illinois Municipal League (present)
Brian Cox, Plumbing and Water Quality Program Manager, Illinois Department of Public Health (present)
Briana Parker, Associate Director, Elevate Energy (present)
Joseph Healy, Business Manager, LiUNA Local 1092 (present)
Paul Hinterlong, Councilman, City of Naperville (present)
Darrell King, Water Production Bureau Chief, City of Evanston (present)
Todd LaFountain, Water Division Manager, City of Springfield, City Water, Light and Power (present)
Brent O'Neill, Director of Engineering, Illinois American Water (present)
Rick Powers, Director of Public Works, City of Peoria (absent)
Brian Rader, Public Works Superintendent, Village of Caseyville (absent)
Jones Richmond, Business Representative, Plumbers Local 130 (present)
Brenda Santoyo, Little Village Environmental Justice Organization (present)
Kyle Saunders, Public Works Director, City of Rockford (present)
Iyana Simba, Illinois Environmental Council (present)
Tom Somers, Director of Public Works, City of Herrin (present)
Allison Swisher, Department of Public Utilities, City of Joliet (present)
Ann Taylor, Mayor, City of Waukegan (absent)
Mike Pubentz, Interim Water Director, City of Elgin (absent)
Nora Bertram, Senior Engineer, City of Elgin (present)
Justin Williams, Metropolitan Planning Council (present)

Others attending (in-person):

Jeff Guy, Illinois EPA Office of Community Relations (moderator)
Brad Frost, Illinois EPA Office of Community Relations
Finnegan McCurdy, Illinois EPA Office of Community Relations
Nidhan Singh, Illinois EPA Bureau of Water

Brad Cole made a motion to approve the draft meeting minutes from the previous meeting on March 8, 2023. This motion was seconded by Paul Hinterlong, and the draft meeting minutes were adopted by a unanimous vote.

Summary of Discussion

Anna-Lisa Castle provided a brief overview of the Financing Work Group that complied feedback including how to pay for lead service line replacement, revenue sourcing (federal, state, and local), and legislation requirements for evaluation of protections for lower income households.

Jason Bauer provided a brief overview of the Technical Work Group that complied feedback including how their report sections were put together, implementation issues, and labor/workforce issues. Joe Healy added that suggestions for municipalities and other governmental entities should be added to the draft report based on discussions with contractors; Brad Cole stated that the language will be added. Jeff Guy asked for clarification regarding the suggested language, and Joe Healy stated that the language was shared on April 18, 2023.

Brad Cole provided a brief overview of how himself, Africa, and Justin Williams included the information from both Work Groups into a consistent format (draft report) but mentioned more additions and suggestions; he stated that the draft report would be revised again into a final draft report. Africa agreed with Brad Cole and added that more feedback may be needed. Justin Williams mentioned that any additional changes should be made through the entire Board.

Jeff Guy asked if anyone had questions regarding comments received to date, questioned the process of revising the draft report based on such revisions, and solicited feedback regarding the general path forward with respect to producing a second draft report. Brad Cole stated that there is a deadline of July 1, 2023, and unless the Board will meet again, it would be best to submit additional comments to Jeff Guy - who would send the comments back to the report compilers to revise the draft report. Brad Cole added that the meeting minutes for today's meeting are needed for the report. Jeff Guy clarified that the meeting minutes could be prepared in an expeditious manner.

Africa asked about the procedure with respect to how to review any revisions to the report. Africa suggested a potential poll to take a vote for report revisions and finalizing meeting minutes and stated that the full Board should see the final revised document. Jeff Guy stated that he could circulate the meeting minutes for a vote of approval or post the meeting minutes on the LSLR webpage as draft. Jeff Guy suggested that future report revisions could be made via email and suggested a deadline for any final revisions. Africa suggested making all edits received to date and, if approved, moving forward with a revised document to be sent to Jeff Guy, who would then circulate the revised draft report to the entire Board for final review via email.

Jeff Guy questioned the need for soliciting more comments; Allison Swisher stated that more time is needed to receive more comments. Jeff Guy then suggested addressing the comments received to date. Allison Swisher suggested that the Technical Work Group may need to meet again. Anna-Lisa Castle stated that if all comments cannot be resolved, the Technical Work Group may need to meet again, but she recommended that we move forward with addressing the comments received to date. A brief discussion regarding how to handle outstanding comments within the timeframe followed. Justin Williams added that perhaps all comments should be received within a week and that revisions should be made to the report and then circulated to the Board by the third week in June prior to the July 1, 2023 deadline.

Brad Cole stated that the report compilers would need a full week to make final changes prior to re-circulating. Sanjay Sofat suggested that a second draft should be circulated but questioned the need for a vote, since the report should be reflective of all Board member views. Anna-Lisa Castle stated that the comments received to date should be addressed during today's meeting. Todd LaFountain agreed that we should work through the comments received to date.

Anna-Lisa Castle made a motion to go through the comments. Africa made second motion. There were no objections and the motion passed. The Board then discussed comments received to date. Allison Swisher shared the screen with comments (edits) proposed by Justin Williams via email. Justin Williams provided a brief summary of his suggested edits. A discussion regarding Justin Williams comments and Todd LaFountain's comments (both shared on the screen during the meeting) resulted in the following motions and comments:

- Allison Swisher made a motion to approve the first page of Justin Williams' comments. However, Andrea Cheng had concerns regarding verbiage. Anna-Lisa Castle suggested adding qualifying language. Andrea Cheng stated that she would propose language. Sanjay Sofat suggested alternative language or adding qualifying language. A brief discussion followed. Africa stated that additional language should be considered. Brian Cox suggested clarifying language. Paul Hinterlong referenced Page 6 (bullet points) and suggested adding clarifying language. Brian Cox agreed that more clarifying information should be added to this section. Jeff Guy suggested that Paul Hinterlong email proposed language to him. Anna-Lisa Castle made a motion to approve Page 3 revisions with the exception of (1) the first paragraph, in which Andrea Cheng would submit comments, and (2) an additional language to be submitted by Paul Hinterlong. A second motion was made by Allison Swisher. There were no objections and the motion passed.
- Allison Swisher made a motion to approve Page 4 with the caveat that (1) Andrea Cheng will provide feedback regarding ownership scenarios; (2) people on the Technical Work Group will provide details to Justin Williams regarding inventory challenges & the magnitude of complications; and (3) that any proposed comments resulting from today's meeting would be sent to the report compilers by the end of the day on June 7, 2023. A second motion was made by Anna-Lisa Castle. There were no objections and the motion passed.
- A discussion was held between Board members regarding electrical grounding/damage and liability concerns on Page 5. Justin Williams suggested that Allison Swisher provide clarifying language. Justin Williams agreed to make the suggested edits. Allison Swisher then proposed that the Technical Work Group reevaluate this section of the report. Allison Swisher proposed to use alternative language in this section. Anna-Lisa Castle made a motion to approve Page 5 with the caveat that the Technical Work Group needs to revisit: (1) the 'damage to others'; and (2) the 'unrelated utilities' is changed to 'pre-existing conditions'. A second motion was made by Paul Hinterlong. There were no objections and the motion passed.
- Regarding variations on Page 6, Allison Swisher made a motion that this section should be reevaluated by the Technical Work Group and specific comments should be sent to Justin Williams. A second motion was made by Kyle Saunders. There were no objections and the motion passed.
- A motion was made by Allison Swisher to approve the edits on Page 7. A second motion was made by Anna-Lisa Castle. There were no objections and the motion passed.
- A brief discussion was held regarding Todd LaFountain's proposed edits related to construction easements, which consist of additional clarifying language. A motion was made by Allison Swisher to approve Page 12 with the edits (regarding the form of agreement) to be made by the Technical Work Group. A second motion was made by Kyle Saunders. There were no objections and the motion passed.
- A motion was made by Allison Swisher to approve the edit on Page 13 (removing a redundant statement). A second motion was made by Brent O'Neill. There were no objections and the motion passed.

A discussion regarding Allison Swisher's comments (shared on the screen during the meeting) resulted in the following motions and comments:

- Allison Swisher discussed her proposed edits, and a conversation between various Board members followed. It was suggested by Justin Williams that the technical-related comments potentially be added in the conclusion of the report. Allison Swisher agreed to work with Justin Williams to incorporate the suggestions. Another discussion was held regarding Allison Swisher's finance-related comments. Anna-Lisa Castle proposed to share language for the report compilers. Todd LaFountain made a motion that Allison Swisher's technical comments on Page 8 and Page 10 be resolved with the Technical Work Group, and that the two finance-related comments be included as recommendations or conclusions. A second motion was made by Brenda Santoyo. There were no objections and the motion passed.

A discussion regarding Illinois EPA comments (shared on the screen during the meeting) resulted in the following motions and comments:

- Nidhan Singh, Illinois EPA Bureau of Water, provided a brief overview of the Illinois EPA comments. Regarding Illinois EPA Comment 1, it was decided that a range would be used for the number of lead service lines in Illinois (refer to Page 1 of draft report): Anna-Lisa Castle made a motion to include a range 750,000 – 1.04 million. A second motion was made by Africa. There were no objections and the motion passed.
- Regarding Illinois EPA Comment 2 (Page 16 of draft report) and Comment 3 (Page 26 of draft report), it was determined that comments should be sent to the report compilers or Jeff Guy.

Jeff Guy discussed next steps, including how revisions to the draft report will be handled. Brad Cole suggested that all changes be sent to Jeff Guy and the report compilers and then a second draft would be circulated to the Board. Brad Cole suggested that the final report include a general comment stating that the report was put together with varying opinions, different positions/perspectives, and that the report is not necessarily unanimously agreed upon.

Nidhan Singh mentioned the need for additional language in the report in regards to inflation related the cost to replace lead service lines and suggested proposed language for the report.

The Board determined that a Technical Work Group meeting was needed as soon as possible. It was determined that the meeting would be scheduled via email for the following week.

Brad Cole suggested getting all comments to Jeff Guy within a week and then to the report compilers for the second draft report (within a week or two). The second draft report would then be emailed to the Board for consideration/vote. Brad Cole stated that Illinois Municipal League would then distribute the final report, print the report and distribute a hard copy to the General Assembly, distribute the report electronically to all municipalities, and print out a few hundred copies for the Illinois EPA and every legislator. Todd LaFountain made a motion for Illinois Municipal League to print and distribute the final approved report as discussed. A second motion was made by Jones Richmond. There were no objections and the motion passed.

A few Board members questioned how voting on a final report would comply with the Open Meetings Act. Jeff Guy stated that he would look into it.

There were no public comments, and the meeting was adjourned at 3:18 p.m.

The meeting recording and other pertinent documents are available on the Illinois EPA [Lead Service Line Replacement Act Advisory Board webpage](#).