

**Consent Order with Aqua Illinois Fact Sheet**

July 10, 2024

**The lawsuit**

In August 2019, the Illinois Attorney General’s office and the Will County State’s Attorney’s office filed a lawsuit in Will County Circuit Court against Aqua Illinois, Inc. (Aqua).

The lawsuit alleged that Aqua made changes to its public water system that removed a protective coating from plumbing in homes served by the public water supply. The coating prevents lead from leaching into the drinking water supply, and without it, lead was released into the drinking water.

According to Illinois state law, the lead action level for drinking water is 15 parts per billion. Compliance sampling from that time period showed that Aqua failed to meet that level and, according to the lawsuit, failed to provide safe drinking water to the customers served by its public water system – in violation of state law.

**The Agreed Interim Order**

The offices of the Attorney General and the Will County State’s Attorney negotiated an agreed interim order that prioritized making sure residents had access to safe water. On Nov. 1, 2019, the court entered the order requiring Aqua to do the following:

* Provide bottled water, faucet filter devices or pitcher filter devices, as well as replacement cartridges to impacted public water system customers.
* Conduct monthly public water system sampling to evaluate compliance with state lead drinking water regulations.
* Provide drinking water testing at customers’ request.
* Provide free blood-lead level testing for a limited time at customers’ request.
* Perform studies called “corrosion control” studies, to ensure the protective coating inside the water piping was reapplied throughout the public water system.

Since the court entered the agreed interim order, the Attorney General’s office, in coordination with the Will County State’s Attorney’s office, the Illinois EPA and U.S. EPA, have worked diligently to ensure that Aqua Illinois complied with the requirements of the order.

On Dec. 31, 2020, Aqua filed a motion to modify the agreed interim order asking the court to reduce the frequency of compliance sampling and discontinue the provision of bottled water and filter devices. Attorney General Raoul and Will County State’s Attorney Glasgow opposed that motion. At that time, Aqua had met the lead action level for just one six-month monitoring period, which Raoul, Glasgow and the IEPA argued was far too short a time period to ensure Aqua’s ongoing compliance. That concern proved to be justified when only 90 days later, Aqua’s monthly compliance sampling results showed an upward trend in lead levels, with Aqua exceeding the lead action level for the six-month compliance sampling period of Jan. 1 to June 30, 2021.

In July 2021, the Illinois EPA approved Aqua’s request to modify its corrosion control as required by the agreed interim order. This modified corrosion control has proven effective, as compliance sampling results have met the lead action level within compliance sampling periods for over two years, beginning July 1, 2021

**About the Consent Order**

The consent order is a court-enforceable agreement that provides residents with relief beyond what is required by law. The Attorney General’s priority is to ensure all residents of Illinois have access to safe reliable drinking water regardless of where they reside. Attorney General Raoul is committed to addressing environmental justice issues throughout Illinois and has advocated for the customers of Aqua’s public water system for relief that will restore public water system customers’ trust in their drinking water.

The consent order entered on July 8, 2024 accomplishes those priorities by resolving the litigation and requiring that Aqua comply, and continue to comply, with state drinking water regulations. Additional relief in the consent order, not required in state statute, includes a beneficial program for impacted residential customers of Aqua’s public water system.

**Consent Order Frequently Asked Questions**

*What is the Technical Assistance Program?*

A program established under the consent order through which Aqua will provide eligible customers with the ability to obtain free kitchen tap water sampling, filter devices, an inspection, corrective actions, and/or up to $3,500 in kitchen lead solder and/or lead-containing fixture remediation work, if necessary. Aqua will make up to $900,000 available through the program.

*Who is eligible?*

Every customer of Aqua’s public water system located in the Customer Resources Area can apply for the Technical Assistance Program.

*How do I apply for the Technical Assistance Program?*

All eligible customers will receive a written notice in the mail, which will include more information for signing up. Eligible customers will have 240 days to do so.

*What if I do not receive or miss my notice?*

The consent order requires Aqua to mail a notice to residential customers who are eligible for the Technical Assistance Program. If you do not receive a notice and think you may be eligible for the Technical Assistance Program, please contact Aqua directly by visiting [WaterFactsIL.com](https://www.waterfactsil.com/).

*How long does the program last?*

The Technical Assistance Program is a free, voluntary program that will be in place for one year. However, any lead remediation work underway at an eligible customer’s residence as part of the program must be completed even if the timeframe has lapsed.

*What happens if my kitchen faucet has elevated levels of lead?*

Any eligible customer who signs up for the Technical Assistance Program will have their kitchen cold water faucet sampled for lead. If lead is found above 15 parts per billion, the customer will receive an additional free lead faucet filter, an inspection, corrective actions, if needed, and follow-up cold water kitchen faucet sampling. If that result is also above 15 parts per billion, a licensed plumber will further inspect the kitchen faucet and perform up to $3,500 in kitchen lead solder and/or lead-containing fixture remediation work.

*Will I have to pay for the filter and plumber?*

No, the consent order requires Aqua to pay for the initial sampling, faucet filters, inspections, corrective actions and follow-up sampling.

*How do I pay for any repair/replacement work to my faucet?*

The consent order requires Aqua to pay up to $3,500 in kitchen fixture remediation work. The consent order also requires Aqua to provide a total of up to $900,000 to fund all of the eligible kitchen faucet remediation work.

*If I am not eligible or do not participate in the Technical Assistance Program, can I still request that my kitchen tap water be tested?*

Yes, the Attorney General and Will County State’s Attorney have worked to ensure that customer-requested sampling is available for an additional 180 days. All customers will receive a written notice in the mail, which will explain how to obtain free sampling.

*Where can I get more information about the lawsuit and consent order?*

Full details can be found in the [court-approved consent order](https://illinoisattorneygeneral.gov/Combined%20Aqua%20order%20and%20concent%20files%207.10.24.pdf?language_id=1).

More information will be available on the IEPA’s website.

Contact the Attorney General’s office by emailing upwater@ilag.gov.