



Beware the Danger of SB 1226: Sickness or Death May Result from Faulty Installation of Drinking Water Systems

Senate Bill 1226 as amended by House Amendment 4 puts the health of all Illinoisans, but especially those with compromised or underdeveloped immune systems like seniors and children, at risk of **sickness or even death** by permitting the installation of drinking water systems by persons not trained or licensed.

This measure, currently before the House and poised for a vote during the lame-duck session, effectively establishes in state law **a new plumbing code, separate and apart from the Illinois Plumbing Code administered by the Illinois Department of Public Health (IDPH), that would abandon the longstanding requirement of licensure** for contractors and plumbers managing the installation of water supply systems.

That means the pipes carrying water to **students in public schools, seniors in nursing homes, employees in commercial structures, residents in multi-story apartment buildings and, eventually, those in single-family homes** could be installed by persons utterly without the necessary knowledge or training – let alone a license – to properly manage that installation. Moreover, the law as proposed by the amended SB 1226 provides **no protocol for inspection of the plumbing work**.

SB 1226 as amended:

- Effectively **removes IDPH oversight** of plumbing installations throughout the state.
- Puts men, women and children in Illinois at **elevated risk of exposure to Legionella – the same bacteria that contributed to the deaths of 14 people at the Quincy Veterans' Home** – and other waterborne pathogens that can sicken or even kill individuals infected.
- Threatens to replicate across Illinois the circumstance discovered recently at a **McHenry County senior home**, where Legionella was detected within an improperly installed water supply system and was linked to the death of a resident.
- Creates a **regulatory nightmare**. A representative of the Capital Development Board, which would be responsible for administering the new plumbing code, testified before House committee that the legislation likely would conflict with multiple existing statutes. IDPH echoed that concern about statutory conflict. Both agencies oppose the bill.
- **Is anything but "green."** We go to too much effort to reduce pollution of lakes and rivers, and to make water safe, to then allow it to become hazardous once it enters pipes from which people drink.

Senate Bill 1226 Opponents

United Association of Journeymen and Apprentices of the Plumbing and
Pipe Fitting Industry of the United States and Canada

Illinois Department of Public Health

Illinois Capital Development Board

Plumbing Contractors Association Midwest & Plumbing Council

West Suburban Association of Plumbing Contractors

Illinois Mechanical & Specialty Contractors Association

South Suburban Building Officials Association

Illinois Plumbing Inspectors Association

Illinois Plumbing, Heating, Cooling Contractors Association

Illinois Plumbing Education Association-Central Illinois Chapter

International Association of Plumbing and Mechanical Officials

American Society of Sanitary Engineers

Chicago Roofing Contractors Association

United Union of Roofers, Waterproofers
& Allied Workers Local 11

Home Builders Association of Illinois
GreenBlue Alliance

Plumbers & Pipefitters UA Local 553 (Alton)

Plumbers & Pipefitters UA Local 101 (Belleville)

Plumbers & Pipefitters UA Local 99 (Bloomington)

Plumbers & Pipefitters Local 160 (Carbondale)

Plumbers & Pipefitters UA Local 653 (Centralia)

Plumbers & Pipefitters Local 149 (Champaign)

Plumbers Local 130 UA (Chicago)

Sprinkler Fitters UA Local 281 (Chicago)

Steamfitters UA Local 439 (East St. Louis)

Plumbers & Gasfitters UA Local 360 (East St. Louis)

Plumbers & Pipefitters UA Local 551 (Herrin)

Plumbers UA Local 63 (Peoria)

Steamfitters UA Local 353 (Peoria)

Plumbers & Pipefitters Local 23 (Rockford)

Plumbers & Pipefitters Local 25 (Rock Island)

Plumbers, Steamfitters & HVACR UA Local 137 (Springfield)

Sprinkler Fitters Local 669 (Illinois Excluding Chicago)

Illinois Pipe Trades Association

NORTHWEST HERALD

Legionella was in showers, kitchen sinks, bathrooms at McHenry Villa

Dec. 22, 2018

By DREW ZIMMERMAN

Rigorous testing by the Illinois Department of Public Health, in collaboration with the McHenry County Health Department, indicated a number of plumbing violations and the presence of Legionella bacteria in the showers, kitchen sinks and lavatories of McHenry Villa Senior Living Community, reports show.

This bacteria, if untreated, can cause Legionnaires' disease, a potentially fatal form of pneumonia that in November claimed the life of at least one McHenry Villa resident.

In response, staff are taking proactive steps to remedy plumbing problems and maintain safe, clean drinking water for residents and staff.

Burst pipe

In September, a broken pipe flooded the villa, displacing 106 people who either had to stay with relatives or were put up in local hotels, such as the Hampton Inn.

McHenry Villa's former executive director Noreen Zaio said in an email that the building sustained extensive damage. Once a new service line was installed, the facility reportedly flushed the system and conducted a pressure test Sept. 11, according to an IDPH report.

After water, electrical and elevator service repairs, the city granted occupancy to McHenry Villa in October.

According to a letter from IDPH, disruption to the plumbing system, including vibrations and changes in water pressure from construction, can dislodge biofilm and free Legionella bacteria into the water. However, current executive director Kay Reissig said it is unclear whether this incident is connected to the spread of Legionella.

Onset

The first case of Legionnaires' disease was reported to IDPH on Nov. 9 with an onset date of Oct. 31. On Nov. 13, IDPH was notified of a second case that started Nov. 7. A third case was reported days later.

The family of one of the patients, former McHenry Mayor Donald Doherty, were notified that his death was the result of Legionella.

IDPH had said that all three patients had outside exposure to the disease. Although the agency said at the time that two of the three may have been exposed at Northwestern Medicine McHenry Hospital, spokeswoman Michelle Green said that the hospital recently completed a test that showed no Legionella in the hospital's water.

Testing

IDPH plumbing inspector Gregory Hunt conducted an inspection Nov. 20 at McHenry Villa. Concurrently, IDPH environmental health staff conducted an environmental investigation.

Hunt discovered a number of plumbing violations, several of which involved insufficient backflow devices, which are used to protect potable water from contamination or pollution. Hunt reported that an appropriate backflow device should be installed on the facility's fire safety system, floor cleaning equipment and laundry connections.

Unused portions of the water distributions system and dead-end piping also were observed in multiple parts of the building.

Based on his findings, Hunt recommended a full plumbing review of the facility by a licensed and registered plumbing contractor and remediation of all dead-end or stagnation points in the system.

IDPH's environmental investigation found *Legionella* bacteria in five of the 11 water samples taken and four of the eight swab samples collected. These positive samples came from showers, kitchen sinks and bathrooms of certain rooms.

Response

On Nov. 29, McHenry Villa management sent a letter to residents notifying them of the inspection results and that the facility is committed to fully complying with IDPH's directives and informing residents and staff of the planned response.

Laura Barnett, a resident of McHenry Villa, said staff had advised residents that day that they would have to evacuate, and residents who wouldn't be leaving with their families would have to get physicals. However, Zaio said after consulting with IDPH, McHenry County and McHenry Villa's water quality management company, it was determined that evacuation of residents was not necessary.

The next few days, Barnett said that residents received bottled water, and special filters were placed on faucets in each room. Disposable plates also were used in the cafeteria.

To reduce the risk of contamination until emergency procedures could be implemented, residents were advised to take baths instead of showers because of the risk of aerosolizing the bacteria, run faucets with a water stream the width of a pencil and use bottled water for drinking and other beverages.

In a letter dated Nov. 29 summarizing the findings, IDPH officials advised Zaio that McHenry Villa should, as soon as practical, retain the services of a qualified water management firm and an Illinois-registered plumbing contractor to address the presence of *Legionella* in the water systems.

McHenry Villa officials said in a statement that they have engaged the services of Earthwise Environmental out of Wood Dale to assist with the management and implementation of all necessary safeguards and protocols. A plumber also has been hired to handle necessary plumbing corrections.

Furthermore, McHenry Villa was required to provide a written plan to correct the conditions attributed to the *Legionella* cases. This plan should include a description of what plumbing modifications will be performed and how the village will ensure resident, staff and visitor safety.

The McHenry Villa statement said that the facility continues to work with the appropriate state, county and city officials on a remediation plan to ensure safe water for residents and staff.

News Articles Concerning Threats to Drinking Water Systems

"McHenry Villa is grateful to all the residents, families and guests for continued support and patience as we work to remedy these issues," the statement read. "We will provide additional updates when more information is available."



Lake Station residents concerned about brown tap water, say problem has persisted for months

Wednesday, December 26, 2018 10:34PM

By Liz Nagy

LAKE STATION, Ind. (WLS) -- City leaders in Lake Station, Indiana, are trying to ease residents' concerns about brown water pouring out of faucets.

Michael Larson got an unpleasant surprise when he turned his shower on the morning after Christmas.

"Hot water ran fine, and then when we put on the cold water then it started turning brown little by little, and then got really dark," he said.

As the water kept running, the color got worse. It was the same in another home a few blocks away.

"I got up today and it was all brownish and nasty," Debra Morales said.

Lake Station residents said they've been battling water issues for months.

"Some days it's fine, yesterday I didn't have any problems with it. Today we go to take showers and you can't," Morales said.

Superintendent of Public Works Adrian Vera said the town has been trying to clear the murky water for months.

The brown water started showing up after a water main break over the summer.

"Once that happened we had all kind of high water pressure flowing through our pipes throughout the city. That stirred up a bunch of sediment," he explained.

A week later, he said, a freak computer glitch at the city's water treatment plant made the dark water problem worse.

"That let some of the recycled water into a clear water well, and it got into distribution," Vera said.

"They told me again today it's a water main break, they said to run the water for 20 minutes in the bathtub and it would clear up. So if we do that are they going to give us a break on our bill? Absolutely not," said Morales.

However, while the water is unappetizing it is safe.

"We've done extra testing just to make sure there's no bacteria, E. coli, or anything harmful in the water," he said.

"I think what irks me more is they keep saying the water is fine to drink. I'm not drinking that water," Morales said.

Officials hope a full flush of the city's hydrants will clear out what's still lurking in its 50-year-old water pipes.

WBEZ91.5CHICAGO

Rauner's Health Officials Knew About Legionnaires' 'Broth' Mistake In Quincy, But Didn't Punish

November 3, 2018

By Dave McKinney and Tony Arnold

Illinois Gov. Bruce Rauner's administration knew the Quincy veterans' home had bungled a water-system repair in violation of state health codes but chose not to cite the facility for a mistake that likely contributed to a fatal Legionnaires' outbreak in 2015, state records show.

That information was included in one of more than 132,700 pages of documents the Rauner administration released to WBEZ Friday afternoon, less than four days before the governor faces re-election. The avalanche of records relates to repeated Legionnaires' outbreaks at the state-run home, an issue that has dogged Rauner's re-election battle against Democrat JB Pritzker.

One email has Rauner's public health director explaining how a bacteria-laden "broth of legionella" was mistakenly released into the Illinois Veterans Home water system before a 2015 outbreak killed 12 residents.

That discharge had been previously highlighted in state and federal reports. But until now, it had not been known the release was serious enough to be a "citable offense" under state rules -- an important detail that could weaken the state's position in a dozen negligence lawsuits brought by victims' families.

Despite spending millions of dollars in water-system upgrades since the initial outbreak, the state has struggled to stop residents and staff at the facility from being sickened and dying from Legionnaires'. Between 2015 and last February, 14 deaths have been linked to Legionnaires' at the home, and nearly 70 people have contracted the sometimes-fatal form of pneumonia.

WBEZ began requesting documents relating to its investigation of the outbreaks from Rauner's administration more than a year ago. His office has been handing over heavily censored documents in batches over the last several months. But while Friday's release was largely readable, it was nearly twice as big as any previous production, making it impossible to peruse thoroughly before Tuesday's gubernatorial vote.

Rauner's office did not address questions about the timing of the documents' release so close to the election. But a top aide suggested it underscores the Rauner administration's commitment to transparency and its spirit of cooperation toward state lawmakers and Auditor General Frank Mautino, whose office has its own Quincy inquiry underway.

"We have provided hundreds of thousands of pages of documents, participated in dozens of hours of public testimony at the General Assembly and cooperated with the auditor general in his review," Rauner spokeswoman Elizabeth Tomev said in an email.

'Broth of legionella,' but no state citation

By Aug. 29, 2015, the Quincy veterans' home had been in the throes of its first fatal Legionnaires' outbreak for more than a week. Five residents had already died.

In the newly released document from that day, state Public Health Director Nirav Shah had a phone conversation with an engineer in his agency about the mistaken release of as much as 1,600 gallons of stagnant water into the veterans' home water supply more than three weeks earlier. After the call, Shah wrote an email summarizing the conversation to the head of his agency's communications office.

Shah outlined how a malfunctioning tank used to supply the home with hot water sat dormant for more than a month, filled with water that had cooled to 80 or 90 degrees -- a level he described as the "optimal growing temperature" for Legionella, the bacteria that causes Legionnaires'.

When the tank was repaired on Aug. 6, 2015 and put back online, the facility failed to empty out the stagnant water, which wound up being warmed to a temperature in which Legionella can still flourish. Gallons upon gallons of that water were then distributed "for normal use throughout the facility," Shah wrote.

He likened it all to a "broth of legionella" and said it likely contaminated shower heads in the home within a week of the repair.

"This is a citable offense," Shah wrote, saying the action "created a condition that would have affected quality (sic) of potable" water in the home.

"If we had wanted to cite them, we could have done so," he continued. "It's a standard, not a rule."

The first confirmed Legionnaires' fatality at the home was veteran John Karlicheck, who began showing symptoms on Aug. 20, two weeks after the repair, according to his family's negligence lawsuit. By Aug. 21, the facility had two confirmed cases and knew it had an outbreak on its hands. Karlicheck died Aug. 22.

The malfunctioning tank was alluded to by the federal Centers for Disease Control and Prevention in a December 2015 assessment of the first outbreak. The tank also rated a mention in a April 2018 report by Shah's agency to the General Assembly. Neither report characterized the contamination breach as a possible violation of state law.

Late Friday, a Shah spokeswoman said the Illinois Department of Public Health wasn't on the scene when the tanks were repaired, though they disclosed the situation to the CDC when they learned of it later. But she disputed the certainty that water from the malfunctioning water tank truly amounted to Legionella "broth" because the stagnant water that poured through the home's shower heads and sink spigots was not tested before its release.

"The water in the boiler had already been released so there was no remaining water that IDPH could test to confirm Legionella," said state Public Health spokeswoman Melaney Arnold. "However, for IDPH, this information was a turning point that prompted us to focus our investigation on the potable water system."

Arnold said the veterans' home "could possibly" have violated a section of Illinois Administrative Code dealing with plumbing safety. But she said her agency did not issue any citations against the facility because the only result of any sanction would be an order to correct the problem, which Rauner's administration thought it had done through a series of safety measures.

"At that time, the home had stopped using hot water and was on water restrictions so the problem had been corrected," Arnold said. "Additionally, IDPH was not there when the situation occurred and did not witness what had happened."

Expert: Lack of enforcement 'doesn't really make sense'

Even though Rauner's administration chose not to cite its own Department of Veterans' Affairs for the plumbing mistake, there were pre-existing state laws and regulations that seem designed to prevent just such a situation.

State rules require the Public Health Department to ensure that state veterans' homes maintain water systems that are in "safe, clean and functioning condition."

Under state law, Illinois' Nursing Home Care Act authorizes the state public health director to cite the Illinois Department of Veterans' Affairs for any instance that "creates a substantial probability" for "the risk of death or serious mental or physical harm" to veterans' home residents.

One nationally recognized infectious-disease expert said he was confounded at the state's reluctance to sanction the Illinois Department of Veterans' Affairs when the alleged violation jeopardized the safety of the home's water supply.

"When you're talking about public safety and measures that are clearly trying to minimize people's exposure to incontrovertibly dangerous environments, discretionary enforcement doesn't really make sense to me," said Amesh Adalja, senior scholar at the Johns Hopkins University Center for Health Security in Baltimore.

A Quincy-based lawyer representing three families who lost loved ones in 2015 went farther, blasting Rauner's administration for recognizing the wrongful release of contaminated water in the home warranted some form of sanction, yet failing to act on it.

"I hate to use the word, 'cover-up,' because I think it's a fairly pointed word, but it sure seems like another example of them...knowing they didn't do something correctly and just continuing with this line in the sand of 'we did nothing wrong,'" attorney Ryan Schuenke told WBEZ.

Illinois Attorney General Lisa Madigan's office announced a criminal probe into the Quincy outbreaks on Oct. 3. A spokeswoman declined to comment on Shah's email outlining the decision not to cite the home.

Shah has fended off legislative calls for his resignation. That's even though he played a role -- along with Rauner's press office and the former head of Veterans' Affairs, Erica Jeffries -- in a crucial, six-day delay in notifying residents, their families and the public about the presence of Legionnaires' at the facility in 2015.

Madigan's office, which appeared before a grand jury in Quincy on Oct. 25 as part of its Legionnaires' investigation, has indicated one focus is on whether the Rauner administration properly notified the public about multiple Legionnaires' outbreaks at the home.

On Friday, Shah's spokeswoman said Shah does not consider himself to be a target of the probe, though she declined to answer whether he has retained the services of a defense lawyer.

"He has no reason to believe that he is the focus of the investigation, and he will cooperate fully if requested," Arnold said. "Because it's a pending inquiry, we cannot comment further."



Toxic waste from 22 coal plants in Illinois puts drinking water for nearby communities at risk, reports show

November 28, 2018

Michael Hawthorne
Chicago Tribune

Toxic waste contaminates water sources near all but two of the coal-fired power plants in Illinois, according to a new analysis based largely on testing conducted by energy companies.

The compilation of industry-supplied reports from 24 coal plants highlights how federal and state officials have failed for decades to hold corporations accountable for the millions of tons of ash and other harmful byproducts created by the burning of coal to generate electricity.

Most of the waste in Illinois has been mixed with water and pumped into unlined pits, where testing shows harmful levels of arsenic, chromium, lead and other heavy metals are steadily oozing through the ground toward lakes and rivers, including the state's only national scenic river.

One of the sites is the Waukegan Generating Station on Lake Michigan, a former ComEd coal plant now owned by NRG Energy that is ringed by two unlined ash ponds and an unlicensed landfill. Another is a Joliet quarry where ComEd and other companies dumped coal ash until NRG overhauled a nearby coal plant in 2016 to burn natural gas.

Ten of the sites pose a danger to the drinking water supplies of nearby communities, according to the Illinois Environmental Protection Agency, including the Joliet dump and ash pits surrounding another NRG coal plant along the Des Plaines River in Romeoville.

Nonprofit groups behind the new report, including the Environmental Integrity Project and the Sierra Club, are urging Democrat J.B. Pritzker, the state's next governor, to require coal-plant owners to stop polluting the state's protected waters and to set aside money to clean up their pits of hazardous coal ash.

"We're reaching a turning point as energy companies are proposing to leave coal ash in floodplains of rivers and exposed to groundwater," said Andrew Rehn, water resources engineer at the Prairie Rivers Network, another group that worked on the report. "We need stronger rules that provide permanent protection with a financial guarantee, and give the public a voice in these decisions."

Because the state's energy system is deregulated and companies sell electricity generated in Illinois on the open market, shareholders, rather than ratepayers, would be forced to pay the tab for cleaning up the coal ash dumps.

Former Democratic Gov. Pat Quinn's administration proposed more stringent safety regulations in 2013. Faced with an intense lobbying effort by energy lobbyists, a state rule-making panel dominated by members appointed by Republican Gov. Bruce Rauner has repeatedly delayed action on the proposal.

Federal officials also have been slow to act.

In August, a key federal appeals court handed down a scathing ruling that regulations adopted during the Obama administration weren't tough enough and did nothing to prevent leaks at scores of ash pits near shuttered coal plants.

The court ordered the U.S. EPA to adopt new rules that adequately protect the health of people and wildlife. But the Trump administration is pushing to replace the Obama-era regulations with an even weaker set of requirements.

Most of the coal plants in Illinois are owned by two companies, New Jersey-based NRG and Houston-based Vistra Energy. Executives are still reviewing the analysis of data their companies provided to the EPA, according to emailed responses to questions from the Tribune.

"We are committed to doing the right thing," said Meranda Cohn, a Vistra spokeswoman.

David Knox, an NRG spokesman, took issue with the methodology used by the report's authors and said some of the contamination could come from other sources, not the company's coal ash dumps. Knox said the company has complied with state-mandated management plans; he also acknowledged that federal regulations could require more aggressive measures.

Some of the monitoring wells, intended to record background or naturally occurring levels of metals near NRG plants, are located in areas where coal ash is buried, making it more difficult to measure how the waste is affecting groundwater that flows away from the sites, said Jennifer Cassel, an attorney with EarthJustice, another group behind the report. Even in those cases, Cassel said, the company's testing shows higher levels of metals in groundwater flowing through the ash pits compared with concentrations found in background wells.

NRG has submitted plans to excavate some of its coal ash and move it out of local floodplains. Environmental groups contend the company's proposals stop short of eliminating the hazards.

Vistra-owned sites include unlined pits in the floodplain of the Middle Fork of the Vermilion River, the state's only national scenic river. State regulators and industry engineers are worried the meandering, fast-moving prairie stream is eroding its banks so quickly it could unleash a torrent of coal ash and water, similar to disasters in Tennessee and North Carolina where waste dumps collapsed and caused millions of dollars in ecological damage.

Instead of making plans to dig out the toxic muck, like companies in other states have been forced to do, Vistra wants to consolidate its waste and stack giant rocks along a portion of riverbank more than six football fields long. The company is pushing to speed up a review of its proposal, but local groups have enlisted citizens and public officials who are calling for public hearings and more rigorous scrutiny of Vistra.

"We maintain a hearing is the only way to ensure the voices of all stakeholders are heard, not just Vistra's," said Lan Richart, co-founder of the Champaign-based Eco-Justice Collaborative.

Advocates note that coal ash already has been removed from the shuttered Crawford coal plant in Chicago's Little Village neighborhood. "It can be done," Cassel said. "We just need our leaders to hold these companies accountable throughout Illinois."