**Section 905.135 Portable Sanitation**

a) Any person operating in Illinois who sells, rents, leases, transports, services, cleans, sanitizes or maintains a portable toilet or portable potable hand washing unit or pumps, transports or disposes of waste from portable toilets or portablepotable hand washing units shall be licensed as a portable sanitation business.

b) Only a portable sanitation technician or portable sanitation technician trainee certified by the Department as working for a portable sanitation business may service, clean, sanitize or maintain a portable toilet or portable potable hand washing unit, or pump, transport or dispose of waste from portable toilets or portable potable hand washing units.

c) Any person licensed as a private sewage disposal system pumping contractor on or after January 1, 2014 may submit to the Department a completed application and fee, within 6 months after January 1, 2014, requesting to be licensed as a portable sanitation business. A person licensed as a private sewage disposal system pumping contractor on January 1, 2014 may submit to the Department a completed application and fee to be certified as a portable sanitation technician without taking the examination or initial training required for the portable sanitation technician certification. After July 1, 2014, all persons wanting to become certified as a portable sanitation technician shall complete the training requirements of this Section.

d) Any person wishing to obtain a license as a portable sanitation business shall:

1) Submit to the Department a completed application on forms provided by the Department;

2) Provide a copy of the business' education and training materials and protocol for educating and training for all employees requiring certification by the Department;

3) Provide a written statement signed by the owner or authorized representative specifying that only certified portable sanitation technicians and portable sanitation technician trainees will be transporting, servicing, cleaning, sanitizing or maintaining portable toilets or portable potable hand washing units, or pumping, transporting or disposing of waste from portable toilets or portable potable hand washing units for the business; and

4) Submit a non-refundable fee for the license as established in Section 905.200.

e) A portable sanitation business license shall expire on June 30 of each year, except that a license issued after April 1 and before June 30 shall expire on June 30 of the following year.

f) Certification of Employees

1) A portable sanitation business shall submit the following materials to the Department as part of the certification process of a portable sanitation technician trainee:

A) A completed application on a form provided by the Department;

B) A non-refundable fee as established in Section 905.200; and

C) For initial application, a copy of the individual's certificate of completion from an approved training course; and for annual renewal of the certification, documentation of attendance at an approved continuing education course.

2) A portable sanitation business shall submit the following materials to the Department as part of the certification process of a portable sanitation technician:

A) A completed application on a form provided by the Department;

B) A non-refundable fee as established in Section 905.200; and

C) For initial application, a copy of the individual's certificate of completion from an approved training course; and for annual renewal of the certification, documentation of attendance at an approved continuing education course.

g) Portable Sanitation Technician Trainee

1) To become certified as a portable sanitation technician trainee, an individual shall:

A) Be an owner or employee of a licensed portable sanitation business; and

B) Complete an initial training or an education course provided by the portable sanitation business and approved by the Department.

2) The application shall be submitted on forms provided by the Department and accompanied by the fee established in Section 905.200.

3) The portable sanitation technician trainee certification is valid for only one year. A portable sanitation technician trainee certification shall expire on June 30 of each year, except that a certification issued after April 1 and before June 30shall expire on June 30 of the following year.

h) Portable Sanitation Technician

1) To become certified as a portable sanitation technician, an individual shall:

A) Be an owner or employee of a licensed portable sanitation business;

B) Complete training and an education course provided by and specific to the portable sanitation business; this training shall be pre-approved by the Department; and

C) For the original certification, provide a copy of the employee's documentation of attendance and passing grade for the training and examination offered by the Department or a training and testing program approved by the Department. For renewal of the certification, the employee shall provide copies of the employee's documentation of attendance at a continuing education course in accordance with Section 905.200.

2) The application shall be submitted on forms provided by the Department and accompanied by the fee established in Section 905.200.

i) For the attendee to receive credit to be used for obtaining or renewing certification, education courses and continuing education course curricula shall have Department approval prior to the attendee's attending the course. Courses not pre-approved by the Department shall not be counted toward training or continuing education.

j) The examination for a portable sanitation technician certification shall test the applicant's knowledge of safely pumping, cleaning and sanitizing portable toilets and portable potable hand washing units and hauling and disposing of wastes removed from portable toilets and portable potable hand washing units.

k) An individual shall achieve a grade of 70% or higher to pass an examination for a portable sanitation technician certification.

l) The portable sanitation technician certification shall be renewed annually. A portable sanitation technician certification shall expire on June 30 of each year, except that an original certification issued after April 1 and before June 30 shall expire on June 30 of the following year. If a renewal application is mailed or received after June 30, a non-refundable reinstatement fee will be required as provided in Section 905.200.

m) The portable sanitation business is accountable for the following work conducted by individuals certified by the business:

1) Cleaning, servicing and replenishing required items or chemicals for each portable toilet or portable potable hand washing unit serviced, inspected or maintained;

2) Pumping, transporting or disposing of waste from portable toilets or portable potable hand washing units.

n) Standards for Constructing and Servicing Portable Toilets or Portable Potable Hand Washing Units

Portable toilets or portable potable hand washing units shall be constructed and serviced in the following manner:

1) Rooms, buildings or shelters housing portable toilets shall be of solid construction, easy to clean and providing shelter and privacy.  The portable toilet room shall be ventilated to the outside, with the vent covered with 16-mesh screen. Internal latches shall be provided for the doors to the portable toilets to prevent inadvertent entry.

2) Waste containers and portable potable water containers shall be fabricated from impervious materials such as plastic, steel, fiberglass or their equivalents.  Containers shall be watertight and capable of containing the waste and portable potable water.

3) Number of Portable Toilets and Portable Potable Hand Washing Units at a Site

A) An adequate number of portable toilets and portable potable hand washing units shall be provided to be used by the number of persons anticipated.

B) The portable toilets and portable potable hand washing units shall be serviced at a frequency that maintains the units in a sanitary condition and free of odors.

C) The employer, property owner or event coordinator shall acquire more units or adjust the service and maintenance frequently to ensure sanitary conditions.

D) The property owner's failing to provide a sufficient number of portable toilets or portable potable hand washing units or a frequency of service and maintenance capable of ensuring a sanitary condition is a violation of the Act and this Part.

4) Servicing shall include removing waste from containers; recharging containers with an odor-controlling solution; installing a supply of toilet tissue, sanitary single use towels, and liquid soap and refilling hand sanitizing solution, based on the unit's intended use; and cleaning and sanitizing the portable toilets and hand washing units.

A) Each portable toilet and portable potable hand washing unit shall be thoroughly cleaned and sanitized after each pumping or as part of the routine service. Areas that shall be cleaned and sanitized include all internal parts of the unit, which include the urinal, seat, counters, shelves, tank, walls, floor, door and ceiling, in addition to the exterior of the door and handle.

B) The portable toilet system contractor shall have 2 separate sets of cleaning equipment, which shall be labeled and stored so that they are physically separated from each other. One set shall be used to clean and sanitize the walls, counters, shelves, handle, door and ceiling of the portable toilets and the portable potable hand washing units. The second set of cleaning and sanitizing equipment shall be used for the floors, urinals, seat and tank of the portable toilet. If the units are cleaned and sanitized with a power washer, separate sets of cleaning equipment are not needed.

C) Anti-bacterial hand sanitizer shall be provided at each unit and shall be refilled at each pumping, as needed. One portable potable hand washing unit with a supply of sanitary single-use towels and soap may be provided for up to 5 portable toilets in lieu of refilling anti-bacterial hand sanitizer at each unit. The hand washing facility shall be located within 20 feet of the portable toilets. The dispensers and hand washing facilities shall be cleaned and sanitized after each pumping, and then refilled with potable water from an approved source.

5) After a unit is cleaned and sanitized, it shall be inspected by the person designated by the business to ensure that the unit is in compliance with this Section and all other applicable Sections of this Part.

6) Any defective portable toilets or portable potable hand washing units shall be repaired or withdrawn from service by locking or removal.

7) Waste shall be removed in a sanitary manner by means of a vacuum hose and discharged to a leak-proof tank truck.  All ports on the tank shall be valved and capped.

8) Service trucks shall have access to the toilets to be serviced.

9) The service trucks and disposal of waste from tank trucks shall be in accordance with Section 905.170(g).

10) A business shall designate at least one representative who shall be responsible for ensuring that each unit maintained by the business meets the standards of cleanliness set forth in the Act and this Part.

11) Persons engaged in cleaning and sanitizing units shall wear protective equipment and be trained in proper procedures for cleaning, sanitation and self-protection.

12) All portable sanitation businesses shall certify that the portable sanitation technicians and portable sanitation technician trainees are capable of properly cleaning and sanitizing a portable toilet and portable potable hand washing unit. At a minimum, the business shall annually inspect each portable sanitation technician's and portable sanitation technician trainee's work to ensure that he or she is capable and can effectively clean and sanitize the portable toilets and portable potable hand washing units to be serviced.

o) Violations of the Act or any Section of this Part may result in a fine, civil penalty and suspension, revocation or refusal to issue a license or certification for both the portable sanitation business and the certified portable sanitation technician or portable sanitation technician trainee.

(Source: Added at 37 Ill. Reg. 14994, effective August 28, 2013)