

1 AMENDMENT TO HOUSE BILL 914

2 AMENDMENT NO. _____. Amend House Bill 914 by replacing
3 the title with the following:

4 "AN ACT concerning private sewage disposal."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The State Finance Act is amended by adding
8 Section 5.595 as follows:

9 (30 ILCS 105/5.595 new)

10 Sec. 5.595. The Private Sewage Disposal Program Fund.

11 Section 10. The Private Sewage Disposal Licensing Act is
12 amended by changing Sections 4 and 8 as follows:

13 (225 ILCS 225/4) (from Ch. 111 1/2, par. 116.304)

14 Sec. 4. (a) After January 1, 1974, no person or private
15 sewage disposal system contractor may construct, install,
16 modify, repair, maintain, operate, or service a private
17 sewage disposal system or transport and dispose of waste
18 removed therefrom, in such a manner that does not comply with
19 the requirements of this Act, the Illinois Environmental

1 Protection Act, the applicable rules adopted pursuant to the
2 Illinois Environmental Protection Act, and the private sewage
3 disposal code promulgated hereunder by the Department. A
4 person who owns and occupies a single family dwelling and who
5 constructs, installs, maintains, services or cleans the
6 private sewage disposal system which serves his single family
7 residence shall not be required to be licensed under this
8 Act, however, such person shall comply with all other
9 provisions of this Act and the private sewage disposal code
10 promulgated hereunder by the Department.

11 Any person who constructs, installs, repairs, modifies,
12 or maintains a private sewage disposal system, other than a
13 system which serves his own single family residence, shall be
14 licensed by the Department as a Private Sewage System
15 Installation Contractor and any person who cleans or pumps
16 waste from a private sewage disposal system, other than a
17 system which serves his own single family residence, or hauls
18 or disposes of wastes removed therefrom shall be licensed by
19 the Department as a Private Sewage Disposal System Pumping
20 Contractor in accordance with this Act.

21 (b) No new private sewage disposal system shall be
22 installed by any person until drawings, specifications and
23 other information requested by the Department are submitted
24 to and reviewed by the Department and found to comply with
25 the private sewage disposal code, and until approval for the
26 installation of such system is issued by the Department.

27 (c) The licensing requirements of this Act shall not
28 apply to any person who cleans or pumps, hauls or disposes of
29 waste from chemical toilets located in an underground coal
30 mine. This waste shall be (i) transported to and disposed of
31 at a sewage treatment facility permitted by the Illinois
32 Environmental Protection Agency and located on the mine
33 property, or (ii) stored on-site in a sanitary manner pending
34 removal and subsequent disposal by a licensed private sewage

1 disposal pumping contractor.

2 (d) Beginning July 1, 2005, no person or private sewage
3 disposal system contractor may install a surface discharging
4 private sewage disposal system, unless the Department
5 determines that no feasible alternative to the surface
6 discharging private sewage disposal system is available and
7 the owner of the system fulfills the requirements stated in
8 this subsection and rules adopted pursuant this subsection.
9 Before July 1, 2005, the Department shall amend the private
10 sewage disposal code. The amendments shall include conditions
11 and criteria under which the Department may determine that no
12 feasible alternative to a surface discharge is available. The
13 Department shall do all of the following when establishing
14 rules to determine that no feasible alternative is available:

15 (1) Revise the private sewage disposal code to
16 encourage the connection of properties to decentralized
17 cluster systems or public sewers.

18 (2) Establish that soil evaluations shall be
19 conducted to determine if any combination of soil
20 texture, structure, topography, limiting layer, and
21 permeability may be used to support the use of a
22 subsurface seepage system.

23 (3) Consider all available private sewage disposal
24 system technologies before allowing a new surface
25 discharge system.

26 (4) Establish procedures to approve designs capable
27 of meeting specific and measurable performance
28 requirements to expedite the reduction of surface
29 discharge systems.

30 (5) Establish and require effluent reduction
31 methods when a surface discharge system is approved.

32 (6) Establish requirements to minimize surface
33 discharges that cross property lines, create nuisances,
34 and may create mosquito breeding areas that foster

1 diseases such as West Nile Virus and other mosquito borne
2 diseases.

3 (e) Beginning July 1, 2005, no person may operate a
4 surface discharging private sewage disposal system, unless
5 all of the following conditions are met:

6 (1) The owner provides for the operation and
7 maintenance of the system by licensed and qualified
8 persons pursuant to rules adopted by the Department.

9 (2) Monitoring of the discharge is conducted.

10 (3) The owner or operator has applied for and
11 received a National Pollutant Discharge Elimination
12 System Permit.

13 (4) The effluent quality meets the applicable
14 limitations of State and federal laws and rules.

15 Before July 1, 2005, the Department shall amend the
16 private sewage disposal code to include criteria for the
17 maintenance, operation, and monitoring of surface discharging
18 private sewage disposal systems installed or operated
19 pursuant to subsection (d).

20 (f) There is hereby created in the State treasury a
21 special fund to be known as the Private Sewage Disposal
22 Program Fund. All fees collected by the Department for exams,
23 licenses, permits, and fines in accordance with this Act
24 shall be deposited into the Fund and shall be appropriated by
25 the General Assembly to the Department. Gifts, grants, and
26 moneys from other governmental agencies may be deposited into
27 the Fund. Subject to appropriation, moneys from this Fund
28 shall be used by the Department to administer this Act,
29 including establishing and maintaining an NPDES Permit
30 Program in conjunction with the Illinois Environmental
31 Protection Agency and supporting private sewage disposal
32 education and training. Interest generated by this Fund shall
33 be returned to the Fund. Monies in the Fund shall be
34 appropriated and used only for the purposes stated in this

1 Act.

2 (g) The Department shall not issue approval of a new
3 surface discharging private sewage disposal system on any
4 property platted or recorded after July 1, 2005, unless the
5 Department determines that no feasible alternative to the
6 surface discharging private sewage disposal system is
7 available and the owner of the system fulfills the
8 requirements stated in subsection (d) and rules adopted
9 pursuant that subsection. Assurance that connection to a
10 public sewer, decentralized cluster system, community sewer,
11 or an individual subsurface private sewage disposal system
12 with a dedicated alternative area shall be provided for newly
13 platted property, unless the Department determines that no
14 feasible alternative to the surface discharging private
15 sewage disposal system is available and the owner of the
16 system fulfills the requirements stated in subsection (d) and
17 rules adopted pursuant that subsection.

18 (h) In order to assure that the analysis of wastewater
19 samples submitted for NPDES permit compliance and for other
20 performance compliance is conducted properly, laboratories
21 that conduct wastewater testing shall be certified by the
22 Environmental Protection Agency to conduct this wastewater
23 analysis.

24 (i) It is the intent of this amendatory Act of the 93rd
25 General Assembly that (i) the number of new surface
26 discharging systems permitted by the Department be reduced to
27 as few as possible and (ii) the Department establish a
28 program for existing private sewage disposal systems with
29 surface discharges on or before July 1, 2005.

30 (Source: P.A. 86-1195.)

31 (225 ILCS 225/8) (from Ch. 111 1/2, par. 116.308)

32 Sec. 8. In addition to promulgating and publishing the
33 private sewage disposal code, the Department has the

1 following powers and duties:

2 (1) Make such inspections as are necessary to
3 determine satisfactory compliance with this Act and the
4 private sewage disposal code.

5 (2) Cause investigations to be made when a
6 violation of any provisions of this Act or the private
7 sewage disposal code is reported to the Department.

8 (3) Subject to constitutional limitations, by its
9 representatives after identification, enter at reasonable
10 times upon private or public property for the purpose of
11 inspecting and investigating conditions relating to the
12 administration and enforcement of this Act and the
13 private sewage disposal code.

14 (4) Institute or cause to be instituted legal
15 proceedings in the circuit court by the State's Attorney
16 of the county where such non-compliance occurred or by
17 the Attorney General of the State of Illinois in cases of
18 non-compliance with the provisions of this Act and the
19 private sewage disposal code.

20 (5) Authorize the trial or experimental use of new
21 innovative systems for private sewage disposal, upon such
22 conditions as the Department may set.

23 (6) Adopt ~~minimum~~ performance standards for private
24 sewage disposal system contractors.

25 (7) Issue an annual license to every applicant who
26 complies with the requirements of this Act and the
27 private sewage disposal code and who pays the required
28 annual license fee.

29 (8) Collect an annual license fee in an amount
30 determined by the Department from each licensee
31 ~~contractor~~ and any examination and reinstatement fees.

32 (9) Prescribe rules of procedure for hearings
33 following denial, suspension or revocation of licenses as
34 provided in this Act.

1 (10) Issue permits for the construction,
2 installation, operation, maintenance, monitoring, and
3 management of onsite wastewater treatment systems and
4 shall establish a fee for each permit issued. Operation,
5 maintenance, monitoring, and management permits shall
6 include performance requirements.

7 (11) Establish performance and maintenance
8 requirements specific to individual systems.

9 (12) Establish procedures to approve designs
10 capable of meeting specific and measurable performance
11 requirements.

12 (13) Require approved contingency plans to prevent
13 catastrophic failures.

14 (14) Administer a program for limited term
15 operating permits that are renewable upon documented
16 compliance with permit conditions and require system
17 inspections at the time of operating permit renewal.

18 (15) Establish and administer a program for time of
19 sale and change in use inspections.

20 (16) Administer a program for periodic compliance
21 monitoring and reporting.

22 (17) Maintain a construction permit file including
23 site evaluation, design, installation, inspection
24 reports, and record drawings of systems.

25 (18) Establish and administer a tracking system for
26 operating permits and residuals hauling and disposal and
27 establish fees for implementing this system.

28 (19) Establish standards for surface and subsurface
29 discharges from private sewage disposal systems.

30 (Source: P.A. 85-1261.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law."