

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Private Sewage Disposal Licensing Act is
5 amended by changing Sections 3 and 7 As follows:

6 (225 ILCS 225/3) (from Ch. 111 1/2, par. 116.303)

7 Sec. 3. As used in this Act, unless the context otherwise
8 requires:

9 (1) "Domestic Sewage" means waste water derived
10 principally from dwellings, business or office buildings,
11 institutions, food service establishments, and similar
12 facilities.

13 (2) "Director" means Director of the Illinois Department of
14 Public Health.

15 (3) "Department" means the Illinois Department of Public
16 Health.

17 (4) "Human Wastes" means undigested food and by-products of
18 metabolism which are passed out of the human body.

19 (5) "Person" means any individual, group of individuals,
20 association, trust, partnership, corporation, person doing
21 business under an assumed name, the State of Illinois or any
22 Department thereof, or any other entity.

23 (6) "Population Equivalent" means an average waste loading

1 equivalent to that produced by one person which is defined as
2 100 gallons per day.

3 (7) "Private Sewage Disposal System" means any sewage
4 handling or treatment facility receiving domestic sewage from
5 less than 15 people or population equivalent and having a
6 ground surface discharge or any sewage handling or treatment
7 facility receiving domestic sewage and having no ground surface
8 discharge.

9 (8) "Private Sewage Disposal System Installation
10 Contractor" means any person constructing, installing,
11 repairing, modifying, or maintaining private sewage disposal
12 systems.

13 (9) "Property Owner" means the person in whose name legal
14 title to the real estate is recorded.

15 (10) "Waste" means either human waste or domestic sewage or
16 both.

17 (11) "Private Sewage Disposal System Pumping Contractor"
18 means any person who cleans or pumps waste from a private
19 sewage disposal system or hauls or disposes of wastes removed
20 therefrom.

21 (12) "NPDES" means the National Pollutant Discharge
22 Elimination System.

23 (13) "Surface Discharging Private Sewage Disposal System"
24 means a sewage disposal system that discharges to waters of the
25 State, as that term is used in subsection (f) of Section 12 of
26 the Environmental Protection Act.

1 (Source: P.A. 84-670.)

2 (225 ILCS 225/7) (from Ch. 111 1/2, par. 116.307)

3 Sec. 7. (a) The Department shall promulgate and publish and
4 may from time to time amend a private sewage disposal code
5 which shall include minimum standards for the design,
6 construction, materials, operation and maintenance of private
7 sewage disposal systems, for the transportation and disposal of
8 wastes removed therefrom and for private sewage disposal system
9 servicing equipment. In the preparation of the private sewage
10 disposal code, the Department may consult with and request
11 technical assistance from other state agencies, and shall
12 consult with other technically qualified persons and with
13 owners and operators of such services. Such technically
14 qualified persons shall include representatives of the real
15 estate, development, and building industries.

16 (b) The Department is expressly prohibited from amending
17 the private sewage disposal code by rule if there are increases
18 in the land density requirements. Amendments that increase the
19 land density requirements must be approved by the Illinois
20 General Assembly.

21 (c) Beginning January 1, 2009, a surface discharging
22 private sewage disposal system with a discharge that enters
23 waters of the State, as that term is used in subsection (f) of
24 Section 12 of the Environmental Protection Act, shall not be
25 installed by any person without the issuance of a coverage

1 letter under a NPDES permit issued by the Illinois
2 Environmental Protection Agency, and the private sewage
3 disposal code must be so amended.

4 (d) Except as provided in subsection (c) of this Section,
5 before ~~Before~~ the adoption or amendment of the private sewage
6 disposal code, the Department shall hold a public hearing with
7 respect thereto. At least 20 days' notice for such public
8 hearing shall be given by the Department in such manner as the
9 Department considers adequate to bring such hearing to the
10 attention of persons interested in such code. Notice of such
11 public hearing shall be given by the Department to those who
12 file a request for a notice of any such hearings.

13 (Source: P.A. 88-690, eff. 1-24-95.)

14 Section 10. The Environmental Protection Act is amended by
15 adding Section 3.487 and by changing Section 11 as follows:

16 (415 ILCS 5/3.487 new)

17 Sec. 3.487. Surface discharging private sewage disposal
18 system. "Surface discharging private sewage disposal system"
19 means a sewage disposal system that discharges to waters of the
20 State, as that term is used in subsection (f) of Section 12 of
21 this Act.

22 (415 ILCS 5/11) (from Ch. 111 1/2, par. 1011)

23 Sec. 11. (a) The General Assembly finds:

1 (1) that pollution of the waters of this State constitutes
2 a menace to public health and welfare, creates public
3 nuisances, is harmful to wildlife, fish, and aquatic life,
4 impairs domestic, agricultural, industrial, recreational, and
5 other legitimate beneficial uses of water, depresses property
6 values, and offends the senses;

7 (2) that the Federal Water Pollution Control Act, as now or
8 hereafter amended, provides for a National Pollutant Discharge
9 Elimination System (NPDES) to regulate the discharge of
10 contaminants to the waters of the United States;

11 (3) that the Safe Drinking Water Act (P.L. 93-523), as
12 amended, provides for an Underground Injection Control (UIC)
13 program to regulate the underground injection of contaminants;

14 (4) that it would be inappropriate and misleading for the
15 State of Illinois to issue permits to contaminant sources
16 subject to such federal law, as well as State law, which do not
17 contain such terms and conditions as are required by federal
18 law, or the issuance of which is contrary to federal law;

19 (5) that the Federal Water Pollution Control Act, as now or
20 hereafter amended, provides that NPDES permits shall be issued
21 by the United States Environmental Protection Agency unless (a)
22 the State is authorized by and under its law to establish and
23 administer its own permit program for discharges into waters
24 within its jurisdiction, and (b) pursuant to such federal Act,
25 the Administrator of the United States Environmental
26 Protection Agency approves such State program to issue permits

1 which will implement the provisions of such federal Act;

2 (6) that Part C of the Safe Drinking Water Act (P.L.
3 93-523), as amended, provides that the United States
4 Environmental Protection Agency shall implement the UIC
5 program authorized therein unless (a) the State is authorized
6 by and under its law to establish and administer its own UIC
7 program, and (b) pursuant to such federal Act, the
8 Administrator of the United States Environmental Protection
9 Agency approves such State program which will implement the
10 provisions of such federal Act;

11 (7) that it is in the interest of the People of the State
12 of Illinois for the State to authorize such NPDES and UIC
13 programs and secure federal approval thereof, and thereby to
14 avoid the existence of duplicative, overlapping or conflicting
15 state and federal statutory permit systems;

16 (8) that the federal requirements for the securing of such
17 NPDES and UIC permit program approval, as set forth in the
18 Federal Water Pollution Control Act, as now or hereafter
19 amended, and in the Safe Drinking Water Act (P.L. 93-523), as
20 amended, respectively, and in regulations promulgated by the
21 Administrator of the United States Environmental Protection
22 Agency pursuant thereto are complex and detailed, and the
23 General Assembly cannot conveniently or advantageously set
24 forth in this Act all the requirements of such federal Act or
25 all regulations which may be established thereunder; and

26 (9) compliance with the federal Clean Water Act dictates

1 that the Illinois Environmental Protection Agency require
2 NPDES permits for surface discharging private sewage disposal
3 systems that discharge into waters of the State, as that term
4 is used in subsection (f) of Section 12 of this Act.

5 (b) It is the purpose of this Title to restore, maintain
6 and enhance the purity of the waters of this State in order to
7 protect health, welfare, property, and the quality of life, and
8 to assure that no contaminants are discharged into the waters
9 of the State, as defined herein, including, but not limited to,
10 waters to any sewage works, or into any well, or from any
11 source within the State of Illinois, without being given the
12 degree of treatment or control necessary to prevent pollution,
13 or without being made subject to such conditions as are
14 required to achieve and maintain compliance with State and
15 federal law; and to authorize, empower, and direct the Board to
16 adopt such regulations and the Agency to adopt such procedures
17 as will enable the State to secure federal approval to issue
18 NPDES permits pursuant to the provisions of the Federal Water
19 Pollution Control Act, as now or hereafter amended, and federal
20 regulations pursuant thereto and to authorize, empower, and
21 direct the Board to adopt such regulations and the Agency to
22 adopt such procedures as will enable the State to secure
23 federal approval of the State UIC program pursuant to the
24 provisions of Part C of the Safe Drinking Water Act (P.L.
25 93-523), as amended, and federal regulations pursuant thereto.

26 (c) The provisions of this Act authorizing implementation

1 of the regulations pursuant to an NPDES program shall not be
2 construed to limit, affect, impair, or diminish the authority,
3 duties and responsibilities of the Board, Agency, Department or
4 any other governmental agency or officer, or of any unit of
5 local government, to regulate and control pollution of any
6 kind, to restore, to protect or to enhance the quality of the
7 environment, or to achieve all other purposes, or to enforce
8 provisions, set forth in this Act or other State law or
9 regulation.

10 (Source: P.A. 86-671.)

11 Section 99. Effective date. This Act takes effect June 30,
12 2008.