



Rep. Michael Tryon

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LRB095 11446 MJR 35276 a

1 AMENDMENT TO HOUSE BILL 3728

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3728 by replacing  
3 everything after the enacting clause with the following:

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.

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

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

7 (6) "Population Equivalent" means an average waste loading  
8 equivalent to that produced by one person which is defined as  
9 100 gallons per day.

10 (7) "Private Sewage Disposal System" means any sewage  
11 handling or treatment facility receiving domestic sewage from  
12 less than 15 people or population equivalent and having a  
13 ground surface discharge or any sewage handling or treatment  
14 facility receiving domestic sewage and having no ground surface  
15 discharge.

16 (8) "Private Sewage Disposal System Installation  
17 Contractor" means any person constructing, installing,  
18 repairing, modifying, or maintaining private sewage disposal  
19 systems.

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

22 (10) "Waste" means either human waste or domestic sewage or  
23 both.

24 (11) "Private Sewage Disposal System Pumping Contractor"  
25 means any person who cleans or pumps waste from a private  
26 sewage disposal system or hauls or disposes of wastes removed

1 therefrom.

2 (12) "NPDES" means the National Pollutant Discharge  
3 Elimination System.

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

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

9 (225 ILCS 225/7) (from Ch. 111 1/2, par. 116.307)

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

23 (b) The Department is expressly prohibited from amending  
24 the private sewage disposal code by rule if there are increases  
25 in the land density requirements. Amendments that increase the

1 land density requirements must be approved by the Illinois  
2 General Assembly.

3 (c) Beginning January 1, 2009, a surface discharging  
4 private sewage disposal system with a discharge that enters  
5 waters of the State, as that term is used in subsection (f) of  
6 Section 12 of the Environmental Protection Act, shall not be  
7 installed by any person without the issuance of a coverage  
8 letter under a NPDES permit issued by the Illinois  
9 Environmental Protection Agency, and the private sewage  
10 disposal code must be so amended.

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

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

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

23 (415 ILCS 5/3.487 new)

24 Sec. 3.487. Surface discharging private sewage disposal

1 system. "Surface discharging private sewage disposal system"  
2 means a sewage disposal system that discharges to waters of the  
3 State, as that term is used in subsection (f) of Section 12 of  
4 this Act.

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

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

7 (1) that pollution of the waters of this State constitutes  
8 a menace to public health and welfare, creates public  
9 nuisances, is harmful to wildlife, fish, and aquatic life,  
10 impairs domestic, agricultural, industrial, recreational, and  
11 other legitimate beneficial uses of water, depresses property  
12 values, and offends the senses;

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

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

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

25 (5) that the Federal Water Pollution Control Act, as now or

1 hereafter amended, provides that NPDES permits shall be issued  
2 by the United States Environmental Protection Agency unless (a)  
3 the State is authorized by and under its law to establish and  
4 administer its own permit program for discharges into waters  
5 within its jurisdiction, and (b) pursuant to such federal Act,  
6 the Administrator of the United States Environmental  
7 Protection Agency approves such State program to issue permits  
8 which will implement the provisions of such federal Act;

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

18 (7) that it is in the interest of the People of the State  
19 of Illinois for the State to authorize such NPDES and UIC  
20 programs and secure federal approval thereof, and thereby to  
21 avoid the existence of duplicative, overlapping or conflicting  
22 state and federal statutory permit systems;

23 (8) that the federal requirements for the securing of such  
24 NPDES and UIC permit program approval, as set forth in the  
25 Federal Water Pollution Control Act, as now or hereafter  
26 amended, and in the Safe Drinking Water Act (P.L. 93-523), as

1 amended, respectively, and in regulations promulgated by the  
2 Administrator of the United States Environmental Protection  
3 Agency pursuant thereto are complex and detailed, and the  
4 General Assembly cannot conveniently or advantageously set  
5 forth in this Act all the requirements of such federal Act or  
6 all regulations which may be established thereunder; and

7 (9) compliance with the federal Clean Water Act dictates  
8 that the Illinois Environmental Protection Agency require  
9 NPDES permits for surface discharging private sewage disposal  
10 systems that discharge into waters of the State, as that term  
11 is used in subsection (f) of Section 12 of this Act.

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

1 regulations pursuant thereto and to authorize, empower, and  
2 direct the Board to adopt such regulations and the Agency to  
3 adopt such procedures as will enable the State to secure  
4 federal approval of the State UIC program pursuant to the  
5 provisions of Part C of the Safe Drinking Water Act (P.L.  
6 93-523), as amended, and federal regulations pursuant thereto.

7 (c) The provisions of this Act authorizing implementation  
8 of the regulations pursuant to an NPDES program shall not be  
9 construed to limit, affect, impair, or diminish the authority,  
10 duties and responsibilities of the Board, Agency, Department or  
11 any other governmental agency or officer, or of any unit of  
12 local government, to regulate and control pollution of any  
13 kind, to restore, to protect or to enhance the quality of the  
14 environment, or to achieve all other purposes, or to enforce  
15 provisions, set forth in this Act or other State law or  
16 regulation.

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

18 Section 99. Effective date. This Act takes effect June 30,  
19 2008.".