



Sen. Louis S. Viverito

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09500HB3729sam001

LRB095 11447 RAS 35970 a

1 AMENDMENT TO HOUSE BILL 3729

2 AMENDMENT NO. _____. Amend House Bill 3729 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 8 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) "Alternative private sewage disposal system" means
3 any system designed to address a unique circumstance where the
4 prescriptive requirements of the private sewage disposal code
5 does not apply, where the final treatment and discharge is free
6 flowing through native soil, and where (i) the projected
7 wastewater is likely to be atypical of residential or domestic
8 wastewater in that flow may exceed 1500 gallons per day; (ii)
9 the 5-day biochemical oxygen demand of the wastewater may
10 exceed 300 milligrams per liter; (iii) any portion of the
11 system is to be shared by 2 or more owners; or (iv) any portion
12 of the treated wastewater is proposed for recycling or reuse.

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

14 (225 ILCS 225/8) (from Ch. 111 1/2, par. 116.308)

15 Sec. 8. In addition to promulgating and publishing the
16 private sewage disposal code, the Department has the following
17 powers and duties:

18 (1) Make such inspections as are necessary to determine
19 satisfactory compliance with this Act and the private sewage
20 disposal code.

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

24 (3) Subject to constitutional limitations, by its
25 representatives after identification, enter at reasonable

1 times upon private or public property for the purpose of
2 inspecting and investigating conditions relating to the
3 administration and enforcement of this Act and the private
4 sewage disposal code.

5 (4) Institute or cause to be instituted legal proceedings
6 in the circuit court by the State's Attorney of the county
7 where such non-compliance occurred or by the Attorney General
8 of the State of Illinois in cases of non-compliance with the
9 provisions of this Act and the private sewage disposal code.

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

13 (6) Adopt minimum performance standards for private sewage
14 disposal system contractors.

15 (7) Issue an annual license to every applicant who complies
16 with the requirements of this Act and the private sewage
17 disposal code and who pays the required annual license fee.

18 (8) Collect an annual license fee in an amount determined
19 by the Department from each contractor and any examination and
20 reinstatement fees.

21 (9) Prescribe rules of procedure for hearings following
22 denial, suspension or revocation of licenses as provided in
23 this Act.

24 (10) Authorize the use of alternative private sewage
25 disposal systems that are designed by a professional engineer
26 licensed under the Professional Engineering Practice Act of

1 1989 or an environmental health practitioner licensed under the
2 Environmental Health Practitioner Licensing Act and accepted
3 by the Department on a case-by-case basis where the proposed
4 design reasonably addresses issues particular to the proposed
5 system, including without limitation flow volume projections,
6 wastewater composition and pretreatment, treatment and flow in
7 the subsurface environment, and system ownership and
8 maintenance responsibility.

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."