



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0170

Introduced 01/14/09, by Rep. Michael W. Tryon

SYNOPSIS AS INTRODUCED:

225 ILCS 225/3	from Ch. 111 1/2, par. 116.303
225 ILCS 225/7	from Ch. 111 1/2, par. 116.307
415 ILCS 5/3.487 new	
415 ILCS 5/11	from Ch. 111 1/2, par. 1011

Amends the Private Sewage Disposal Licensing Act to prohibit the installation of surface discharging septic systems without a National Pollutant Discharge Elimination System (NPDES) permit issued by the Illinois Environmental Protection Agency. Requires the amendment of the private sewage disposal code to reflect this permit requirement. In the Environmental Protection Act, sets forth a General Assembly finding that compliance with the federal Clean Water Act dictates that the Agency require NPDES permits for surface discharging private sewage disposal systems that discharge into waters of the State. Effective June 30, 2009.

LRB096 03004 ASK 13018 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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) "Alternative private sewage disposal system" means
22 any system designed to address a unique circumstance where the
23 prescriptive requirements of the private sewage disposal code
24 does not apply, where the final treatment and discharge is free
25 flowing through native soil, and where (i) the projected
26 wastewater is likely to be atypical of residential or domestic

1 wastewater in that flow may exceed 1500 gallons per day; (ii)
2 the 5-day biochemical oxygen demand of the wastewater may
3 exceed 300 milligrams per liter; (iii) any portion of the
4 system is to be shared by 2 or more owners; or (iv) any portion
5 of the treated wastewater is proposed for recycling or reuse.

6 (13) "NPDES" means the National Pollutant Discharge
7 Elimination System.

8 (14) "Surface Discharging Private Sewage Disposal System"
9 means a sewage disposal system that discharges to waters of the
10 State, as that term is used in subsection (f) of Section 12 of
11 the Environmental Protection Act.

12 (Source: P.A. 95-656, eff. 10-11-07.)

13 (225 ILCS 225/7) (from Ch. 111 1/2, par. 116.307)

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

1 estate, development, and building industries.

2 (b) The Department is expressly prohibited from amending
3 the private sewage disposal code by rule if there are increases
4 in the land density requirements. Amendments that increase the
5 land density requirements must be approved by the Illinois
6 General Assembly.

7 (c) Beginning January 1, 2010, a surface discharging
8 private sewage disposal system with a discharge that enters
9 waters of the State, as that term is used in subsection (f) of
10 Section 12 of the Environmental Protection Act, shall not be
11 installed by any person without the issuance of a coverage
12 letter under a NPDES permit issued by the Illinois
13 Environmental Protection Agency, and the private sewage
14 disposal code must be so amended.

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

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

25 Section 10. The Environmental Protection Act is amended by

1 adding Section 3.487 and by changing Section 11 as follows:

2 (415 ILCS 5/3.487 new)

3 Sec. 3.487. Surface discharging private sewage disposal
4 system. "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 this Act.

8 (415 ILCS 5/11) (from Ch. 111 1/2, par. 1011)

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

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

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

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

23 (4) that it would be inappropriate and misleading for the
24 State of Illinois to issue permits to contaminant sources

1 subject to such federal law, as well as State law, which do not
2 contain such terms and conditions as are required by federal
3 law, or the issuance of which is contrary to federal law;

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

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

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

1 (8) that the federal requirements for the securing of such
2 NPDES and UIC permit program approval, as set forth in the
3 Federal Water Pollution Control Act, as now or hereafter
4 amended, and in the Safe Drinking Water Act (P.L. 93-523), as
5 amended, respectively, and in regulations promulgated by the
6 Administrator of the United States Environmental Protection
7 Agency pursuant thereto are complex and detailed, and the
8 General Assembly cannot conveniently or advantageously set
9 forth in this Act all the requirements of such federal Act or
10 all regulations which may be established thereunder; and

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

16 (b) It is the purpose of this Title to restore, maintain
17 and enhance the purity of the waters of this State in order to
18 protect health, welfare, property, and the quality of life, and
19 to assure that no contaminants are discharged into the waters
20 of the State, as defined herein, including, but not limited to,
21 waters to any sewage works, or into any well, or from any
22 source within the State of Illinois, without being given the
23 degree of treatment or control necessary to prevent pollution,
24 or without being made subject to such conditions as are
25 required to achieve and maintain compliance with State and
26 federal law; and to authorize, empower, and direct the Board to

1 adopt such regulations and the Agency to adopt such procedures
2 as will enable the State to secure federal approval to issue
3 NPDES permits pursuant to the provisions of the Federal Water
4 Pollution Control Act, as now or hereafter amended, and federal
5 regulations pursuant thereto and to authorize, empower, and
6 direct the Board to adopt such regulations and the Agency to
7 adopt such procedures as will enable the State to secure
8 federal approval of the State UIC program pursuant to the
9 provisions of Part C of the Safe Drinking Water Act (P.L.
10 93-523), as amended, and federal regulations pursuant thereto.

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

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

22 Section 99. Effective date. This Act takes effect June 30,
23 2009.