



Rep. Michael W. Tryon

**Filed: 3/24/2009**

09600HB0170ham001

LRB096 03004 ASK 24210 a

1 AMENDMENT TO HOUSE BILL 170

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 170 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) "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 (13) "NPDES" means the National Pollutant Discharge  
14 Elimination System.

15 (14) "Surface Discharging Private Sewage Disposal System"  
16 means a sewage disposal system that discharges into the waters  
17 of the United States, as that term is used in the Federal Water  
18 Pollution Control Act.

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

20 (225 ILCS 225/7) (from Ch. 111 1/2, par. 116.307)

21 Sec. 7. (a) The Department shall promulgate and publish and  
22 may from time to time amend a private sewage disposal code  
23 which shall include minimum standards for the design,  
24 construction, materials, operation and maintenance of private  
25 sewage disposal systems, for the transportation and disposal of

1 wastes removed therefrom and for private sewage disposal system  
2 servicing equipment. In the preparation of the private sewage  
3 disposal code, the Department may consult with and request  
4 technical assistance from other state agencies, and shall  
5 consult with other technically qualified persons and with  
6 owners and operators of such services. Such technically  
7 qualified persons shall include representatives of the real  
8 estate, development, and building industries.

9 (b) The Department is expressly prohibited from amending  
10 the private sewage disposal code by rule if there are increases  
11 in the land density requirements. Amendments that increase the  
12 land density requirements must be approved by the Illinois  
13 General Assembly.

14 (c) A surface discharging private sewage disposal system  
15 with a discharge that enters the waters of the United States,  
16 as that term is used in the Federal Water Pollution Control  
17 Act, shall not be constructed or installed by any person unless  
18 he or she has a coverage letter under a NPDES permit issued by  
19 the Illinois Environmental Protection Agency or he or she  
20 constructs or installs the surface discharging private sewage  
21 disposal system in a jurisdiction in which the local public  
22 health department has a general NPDES permit issued by the  
23 Illinois Environmental Protection Agency and the surface  
24 discharging private sewage disposal system is covered under the  
25 general NPDES permit. The private sewage disposal code must be  
26 amended to comply with this subsection.

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

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

11        Section 10. The Environmental Protection Act is amended by  
12 adding Section 3.487 and by changing Section 12 as follows:

13        (415 ILCS 5/3.487 new)

14        Sec. 3.487. Surface discharging private sewage disposal  
15 system. "Surface discharging private sewage disposal system"  
16 means a sewage disposal system that discharges into the waters  
17 of the United States, as that term is used in the Federal Water  
18 Pollution Control Act.

19        (415 ILCS 5/12) (from Ch. 111 1/2, par. 1012)

20        Sec. 12. Actions prohibited. No person shall:

21        (a) Cause or threaten or allow the discharge of any  
22 contaminants into the environment in any State so as to cause  
23 or tend to cause water pollution in Illinois, either alone or

1 in combination with matter from other sources, or so as to  
2 violate regulations or standards adopted by the Pollution  
3 Control Board under this Act.

4 (b) Construct, install, or operate any equipment,  
5 facility, vessel, or aircraft capable of causing or  
6 contributing to water pollution, or designed to prevent water  
7 pollution, of any type designated by Board regulations, without  
8 a permit granted by the Agency, or in violation of any  
9 conditions imposed by such permit.

10 (c) Increase the quantity or strength of any discharge of  
11 contaminants into the waters, or construct or install any sewer  
12 or sewage treatment facility or any new outlet for contaminants  
13 into the waters of this State, without a permit granted by the  
14 Agency.

15 (d) Deposit any contaminants upon the land in such place  
16 and manner so as to create a water pollution hazard.

17 (e) Sell, offer, or use any article in any area in which  
18 the Board has by regulation forbidden its sale, offer, or use  
19 for reasons of water pollution control.

20 (f) Cause, threaten or allow the discharge of any  
21 contaminant into the waters of the State, as defined herein,  
22 including but not limited to, waters to any sewage works, or  
23 into any well or from any point source within the State,  
24 without an NPDES permit for point source discharges issued by  
25 the Agency under Section 39(b) of this Act, or in violation of  
26 any term or condition imposed by such permit, or in violation

1 of any NPDES permit filing requirement established under  
2 Section 39(b), or in violation of any regulations adopted by  
3 the Board or of any order adopted by the Board with respect to  
4 the NPDES program.

5 No permit shall be required under this subsection and under  
6 Section 39(b) of this Act for any discharge for which a permit  
7 is not required under the Federal Water Pollution Control Act,  
8 as now or hereafter amended, and regulations pursuant thereto.

9 For all purposes of this Act, a permit issued by the  
10 Administrator of the United States Environmental Protection  
11 Agency under Section 402 of the Federal Water Pollution Control  
12 Act, as now or hereafter amended, shall be deemed to be a  
13 permit issued by the Agency pursuant to Section 39(b) of this  
14 Act. However, this shall not apply to the exclusion from the  
15 requirement of an operating permit provided under Section  
16 13(b) (i).

17 Compliance with the terms and conditions of any permit  
18 issued under Section 39(b) of this Act shall be deemed  
19 compliance with this subsection except that it shall not be  
20 deemed compliance with any standard or effluent limitation  
21 imposed for a toxic pollutant injurious to human health.

22 In any case where a permit has been timely applied for  
23 pursuant to Section 39(b) of this Act but final administrative  
24 disposition of such application has not been made, it shall not  
25 be a violation of this subsection to discharge without such  
26 permit unless the complainant proves that final administrative

1 disposition has not been made because of the failure of the  
2 applicant to furnish information reasonably required or  
3 requested in order to process the application.

4 (g) Cause, threaten or allow the underground injection of  
5 contaminants without a UIC permit issued by the Agency under  
6 Section 39(d) of this Act, or in violation of any term or  
7 condition imposed by such permit, or in violation of any  
8 regulations or standards adopted by the Board or of any order  
9 adopted by the Board with respect to the UIC program.

10 No permit shall be required under this subsection and under  
11 Section 39(d) of this Act for any underground injection of  
12 contaminants for which a permit is not required under Part C of  
13 the Safe Drinking Water Act (P.L. 93-523), as amended, unless a  
14 permit is authorized or required under regulations adopted by  
15 the Board pursuant to Section 13 of this Act.

16 (h) Introduce contaminants into a sewage works from any  
17 nondomestic source except in compliance with the regulations  
18 and standards adopted by the Board under this Act.

19 (i) Construct or install a surface discharging private  
20 sewage disposal system that discharges into the waters of the  
21 United States, as that term is used in the Federal Water  
22 Pollution Control Act, unless he or she has a coverage letter  
23 under a NPDES permit issued by the Illinois Environmental  
24 Protection Agency or he or she is constructing or installing  
25 the surface discharging private sewage disposal system in a  
26 jurisdiction in which the local public health department has a



1 general NPDES permit issued by the Illinois Environmental  
2 Protection Agency and the surface discharging private sewage  
3 disposal system is covered under the general NPDES permit.

4 (Source: P.A. 92-574, eff. 6-26-02.)

5 Section 99. Effective date. This Act takes effect January  
6 1, 2011.".