

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 into the waters
10 of the United States, as that term is used in the Federal Water
11 Pollution Control 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) On and after January 1, 2013, a surface discharging
8 private sewage disposal system with a discharge that enters the
9 waters of the United States, as that term is used in the
10 Federal Water Pollution Control Act, shall not be constructed
11 or installed by any person unless he or she has a coverage
12 letter under a NPDES permit issued by the Illinois
13 Environmental Protection Agency or he or she constructs or
14 installs the surface discharging private sewage disposal
15 system in a jurisdiction in which the local public health
16 department has a general NPDES permit issued by the Illinois
17 Environmental Protection Agency and the surface discharging
18 private sewage disposal system is covered under the general
19 NPDES permit. The private sewage disposal code must be amended
20 before January 1, 2013 to comply with this subsection.

21 (d) Except as provided in subsection (c) of this Section,
22 before ~~Before~~ the adoption or amendment of the private sewage
23 disposal code, the Department shall hold a public hearing with
24 respect thereto. At least 20 days' notice for such public
25 hearing shall be given by the Department in such manner as the
26 Department considers adequate to bring such hearing to the

1 attention of persons interested in such code. Notice of such
2 public hearing shall be given by the Department to those who
3 file a request for a notice of any such hearings.

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

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

7 (415 ILCS 5/3.487 new)

8 Sec. 3.487. Surface discharging private sewage disposal
9 system. "Surface discharging private sewage disposal system"
10 means a sewage disposal system that discharges into the waters
11 of the United States, as that term is used in the Federal Water
12 Pollution Control Act.

13 (415 ILCS 5/12) (from Ch. 111 1/2, par. 1012)

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

15 (a) Cause or threaten or allow the discharge of any
16 contaminants into the environment in any State so as to cause
17 or tend to cause water pollution in Illinois, either alone or
18 in combination with matter from other sources, or so as to
19 violate regulations or standards adopted by the Pollution
20 Control Board under this Act.

21 (b) Construct, install, or operate any equipment,
22 facility, vessel, or aircraft capable of causing or
23 contributing to water pollution, or designed to prevent water

1 pollution, of any type designated by Board regulations, without
2 a permit granted by the Agency, or in violation of any
3 conditions imposed by such permit.

4 (c) Increase the quantity or strength of any discharge of
5 contaminants into the waters, or construct or install any sewer
6 or sewage treatment facility or any new outlet for contaminants
7 into the waters of this State, without a permit granted by the
8 Agency.

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

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

14 (f) Cause, threaten or allow the discharge of any
15 contaminant into the waters of the State, as defined herein,
16 including but not limited to, waters to any sewage works, or
17 into any well or from any point source within the State,
18 without an NPDES permit for point source discharges issued by
19 the Agency under Section 39(b) of this Act, or in violation of
20 any term or condition imposed by such permit, or in violation
21 of any NPDES permit filing requirement established under
22 Section 39(b), or in violation of any regulations adopted by
23 the Board or of any order adopted by the Board with respect to
24 the NPDES program.

25 No permit shall be required under this subsection and under
26 Section 39(b) of this Act for any discharge for which a permit

1 is not required under the Federal Water Pollution Control Act,
2 as now or hereafter amended, and regulations pursuant thereto.

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

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

16 In any case where a permit has been timely applied for
17 pursuant to Section 39(b) of this Act but final administrative
18 disposition of such application has not been made, it shall not
19 be a violation of this subsection to discharge without such
20 permit unless the complainant proves that final administrative
21 disposition has not been made because of the failure of the
22 applicant to furnish information reasonably required or
23 requested in order to process the application.

24 (g) Cause, threaten or allow the underground injection of
25 contaminants without a UIC permit issued by the Agency under
26 Section 39(d) of this Act, or in violation of any term or

1 condition imposed by such permit, or in violation of any
2 regulations or standards adopted by the Board or of any order
3 adopted by the Board with respect to the UIC program.

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

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

13 (i) On and after January 1, 2013, construct or install a
14 surface discharging private sewage disposal system that
15 discharges into the waters of the United States, as that term
16 is used in the Federal Water Pollution Control Act, unless he
17 or she has a coverage letter under a NPDES permit issued by the
18 Illinois Environmental Protection Agency or he or she is
19 constructing or installing the surface discharging private
20 sewage disposal system in a jurisdiction in which the local
21 public health department has a general NPDES permit issued by
22 the Illinois Environmental Protection Agency and the surface
23 discharging private sewage disposal system is covered under the
24 general NPDES permit.

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