



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/04/04, by Ricca Slone

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.625 new

225 ILCS 225/4

225 ILCS 225/8

from Ch. 111 1/2, par. 116.304

from Ch. 111 1/2, par. 116.308

Amends the Private Sewage Disposal Licensing Act. Provides that any person who constructs, installs, modifies, repairs, maintains, operates, or services a private sewage disposal system or transports and disposes of waste removed from the private sewage disposal system is subject to the Environmental Protection Act and its rules in addition to the Private Sewage Disposal Licensing Act and the private sewage disposal code. Provides that no person or private sewage disposal system contractor may install a surface discharging private sewage disposal system, unless the Department of Public Health determines that no feasible alternative to the surface discharging private sewage disposal system is available and the owner of the system fulfills specified requirements. Requires the Department to amend the private sewage disposal code. Provides that no person may operate a surface discharging private sewage disposal system, unless specified conditions are met. Provides for deposit of fees collected under the Act into the Private Sewage Disposal Program Fund. Prohibits the Department from issuing approval of a new surface discharge system on a property platted or recorded after July 1, 2005, unless the Department of Public Health determines that no feasible alternative to the surface discharging private sewage disposal system is available and the owner of the system fulfills specified requirements. Adds to and amends the list of powers and duties of the Department of Public Health under the Act. Amends the State Finance Act to create the Private Sewage Disposal Program Fund as a special fund in the State treasury. Effective immediately.

LRB093 19643 BDD 45384 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning sewage disposal.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by adding
5 Section 5.625 as follows:

6 (30 ILCS 105/5.625 new)

7 Sec. 5.625. The Private Sewage Disposal Program Fund.

8 Section 10. The Private Sewage Disposal Licensing Act is
9 amended by changing Sections 4 and 8 as follows:

10 (225 ILCS 225/4) (from Ch. 111 1/2, par. 116.304)

11 Sec. 4. (a) After January 1, 1974, no person or private
12 sewage disposal system contractor may construct, install,
13 modify, repair, maintain, operate, or service a private sewage
14 disposal system or transport and dispose of waste removed
15 therefrom, in such a manner that does not comply with the
16 requirements of this Act, the Illinois Environmental
17 Protection Act, the applicable rules adopted pursuant to the
18 Illinois Environmental Protection Act, and the private sewage
19 disposal code promulgated hereunder by the Department. A person
20 who owns and occupies a single family dwelling and who
21 constructs, installs, maintains, services or cleans the
22 private sewage disposal system which serves his single family
23 residence shall not be required to be licensed under this Act,
24 however, such person shall comply with all other provisions of
25 this Act and the private sewage disposal code promulgated
26 hereunder by the Department.

27 Any person who constructs, installs, repairs, modifies, or
28 maintains a private sewage disposal system, other than a system
29 which serves his own single family residence, shall be licensed
30 by the Department as a Private Sewage System Installation

1 Contractor and any person who cleans or pumps waste from a
2 private sewage disposal system, other than a system which
3 serves his own single family residence, or hauls or disposes of
4 wastes removed therefrom shall be licensed by the Department as
5 a Private Sewage Disposal System Pumping Contractor in
6 accordance with this Act.

7 (b) No new private sewage disposal system shall be
8 installed by any person until drawings, specifications and
9 other information requested by the Department are submitted to
10 and reviewed by the Department and found to comply with the
11 private sewage disposal code, and until approval for the
12 installation of such system is issued by the Department.

13 (c) The licensing requirements of this Act shall not apply
14 to any person who cleans or pumps, hauls or disposes of waste
15 from chemical toilets located in an underground coal mine. This
16 waste shall be (i) transported to and disposed of at a sewage
17 treatment facility permitted by the Illinois Environmental
18 Protection Agency and located on the mine property, or (ii)
19 stored on-site in a sanitary manner pending removal and
20 subsequent disposal by a licensed private sewage disposal
21 pumping contractor.

22 (d) Beginning July 1, 2005, no person or private sewage
23 disposal system contractor may install a surface discharging
24 private sewage disposal system, unless the Department
25 determines that no feasible alternative to the surface
26 discharging private sewage disposal system is available and the
27 owner of the system fulfills the requirements stated in this
28 subsection and rules adopted pursuant this subsection. Before
29 July 1, 2005, the Department shall amend the private sewage
30 disposal code. The amendments shall include conditions and
31 criteria under which the Department may determine that no
32 feasible alternative to a surface discharge is available. The
33 Department shall do all of the following when establishing
34 rules to determine that no feasible alternative is available:

35 (1) Revise the private sewage disposal code to
36 encourage the connection of properties to decentralized

1 cluster systems or public sewers.

2 (2) Establish that soil evaluations shall be conducted
3 to determine if any combination of soil texture, structure,
4 topography, limiting layer, and permeability may be used to
5 support the use of a subsurface seepage system.

6 (3) Consider all available private sewage disposal
7 system technologies before allowing a new surface
8 discharge system.

9 (4) Establish procedures to approve designs capable of
10 meeting specific and measurable performance requirements
11 to expedite the reduction of surface discharge systems.

12 (5) Establish and require effluent reduction methods
13 when a surface discharge system is approved.

14 (6) Establish requirements to minimize surface
15 discharges that cross property lines, create nuisances,
16 and may create mosquito breeding areas that foster diseases
17 such as West Nile Virus and other mosquito borne diseases.

18 (e) Beginning July 1, 2005, no person may operate a surface
19 discharging private sewage disposal system, unless all of the
20 following conditions are met:

21 (1) The owner provides for the operation and
22 maintenance of the system by licensed and qualified persons
23 pursuant to rules adopted by the Department.

24 (2) Monitoring of the discharge is conducted.

25 (3) The owner or operator has applied for and received
26 a National Pollutant Discharge Elimination System Permit.

27 (4) The effluent quality meets the applicable
28 limitations of State and federal laws and rules.

29 Before July 1, 2005, the Department shall amend the private
30 sewage disposal code to include criteria for the maintenance,
31 operation, and monitoring of surface discharging private
32 sewage disposal systems installed or operated pursuant to
33 subsection (d).

34 (f) There is hereby created in the State treasury a special
35 fund to be known as the Private Sewage Disposal Program Fund.
36 All fees collected by the Department for exams, licenses,

1 permits, and fines in accordance with this Act shall be
2 deposited into the Fund and shall be appropriated by the
3 General Assembly to the Department. Gifts, grants, and moneys
4 from other governmental agencies may be deposited into the
5 Fund. Subject to appropriation, moneys from this Fund shall be
6 used by the Department to administer this Act, including
7 establishing and maintaining an NPDES Permit Program in
8 conjunction with the Illinois Environmental Protection Agency
9 and supporting private sewage disposal education and training.
10 Interest generated by this Fund shall be returned to the Fund.
11 Monies in the Fund shall be appropriated and used only for the
12 purposes stated in this Act.

13 (g) The Department shall not issue approval of a new
14 surface discharging private sewage disposal system on any
15 property platted or recorded after July 1, 2005, unless the
16 Department determines that no feasible alternative to the
17 surface discharging private sewage disposal system is
18 available and the owner of the system fulfills the requirements
19 stated in subsection (d) and rules adopted pursuant that
20 subsection. Assurance that connection to a public sewer,
21 decentralized cluster system, community sewer, or an
22 individual subsurface private sewage disposal system with a
23 dedicated alternative area shall be provided for newly platted
24 property, unless the Department determines that no feasible
25 alternative to the surface discharging private sewage disposal
26 system is available and the owner of the system fulfills the
27 requirements stated in subsection (d) and rules adopted
28 pursuant that subsection.

29 (h) In order to assure that the analysis of wastewater
30 samples submitted for NPDES permit compliance and for other
31 performance compliance is conducted properly, laboratories
32 that conduct wastewater testing shall be certified by the
33 Environmental Protection Agency to conduct this wastewater
34 analysis.

35 (i) It is the intent of this amendatory Act of the 93rd
36 General Assembly that (i) the number of new surface discharging

1 systems permitted by the Department be reduced to as few as
2 possible and (ii) the Department establish a program for
3 existing private sewage disposal systems with surface
4 discharges on or before July 1, 2005.

5 (Source: P.A. 86-1195.)

6 (225 ILCS 225/8) (from Ch. 111 1/2, par. 116.308)

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

10 (1) Make such inspections as are necessary to determine
11 satisfactory compliance with this Act and the private
12 sewage disposal code.

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

16 (3) Subject to constitutional limitations, by its
17 representatives after identification, enter at reasonable
18 times upon private or public property for the purpose of
19 inspecting and investigating conditions relating to the
20 administration and enforcement of this Act and the private
21 sewage disposal code.

22 (4) Institute or cause to be instituted legal
23 proceedings in the circuit court by the State's Attorney of
24 the county where such non-compliance occurred or by the
25 Attorney General of the State of Illinois in cases of
26 non-compliance with the provisions of this Act and the
27 private sewage disposal code.

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

31 (6) Adopt ~~minimum~~ performance standards for private
32 sewage disposal system contractors.

33 (7) Issue an annual license to every applicant who
34 complies with the requirements of this Act and the private
35 sewage disposal code and who pays the required annual

1 license fee.

2 (8) Collect an annual license fee in an amount
3 determined by the Department from each licensee ~~contractor~~
4 and any examination and reinstatement fees.

5 (9) Prescribe rules of procedure for hearings
6 following denial, suspension or revocation of licenses as
7 provided in this Act.

8 (10) Issue permits for the construction, installation,
9 operation, maintenance, monitoring, and management of
10 onsite wastewater treatment systems and shall establish a
11 fee for each permit issued. Operation, maintenance,
12 monitoring, and management permits shall include
13 performance requirements.

14 (11) Establish performance and maintenance
15 requirements specific to individual systems.

16 (12) Establish procedures to approve designs capable
17 of meeting specific and measurable performance
18 requirements.

19 (13) Require approved contingency plans to prevent
20 catastrophic failures.

21 (14) Administer a program for limited term operating
22 permits that are renewable upon documented compliance with
23 permit conditions and require system inspections at the
24 time of operating permit renewal.

25 (15) Establish and administer a program for time of
26 sale and change in use inspections.

27 (16) Administer a program for periodic compliance
28 monitoring and reporting.

29 (17) Maintain a construction permit file including
30 site evaluation, design, installation, inspection reports,
31 and record drawings of systems.

32 (18) Establish and administer a tracking system for
33 operating permits and residuals hauling and disposal and
34 establish fees for implementing this system.

35 (19) Establish standards for surface and subsurface
36 discharges from private sewage disposal systems.

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.