



Rep. Michael Tryon

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LRB095 06804 RAS 35232 a

1 AMENDMENT TO HOUSE BILL 3128

2 AMENDMENT NO. _____. Amend House Bill 3128 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) "NPDES" means the National Pollutant Discharge
3 Elimination System.

4 (13) "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 the Environmental Protection Act.

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

9 (225 ILCS 225/7) (from Ch. 111 1/2, par. 116.307)

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

23 (b) The Department is expressly prohibited from amending
24 the private sewage disposal code by rule if there are increases
25 in the land density requirements. Amendments that increase the

1 land density requirements must be approved by the Illinois
2 General Assembly.

3 (c) Beginning January 1, 2009, a surface discharging
4 private sewage disposal system shall not be installed by any
5 person without the issuance of a coverage letter under a NPDES
6 permit issued by the Illinois Environmental Protection Agency,
7 and the private sewage disposal code must be so amended.

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

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

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

20 (415 ILCS 5/3.487 new)

21 Sec. 3.487. Surface discharging private sewage disposal
22 system. "Surface discharging private sewage disposal system"
23 means a sewage disposal system that discharges to waters of the
24 State, as that term is used in subsection (f) of Section 12 of

1 this Act.

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

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

4 (1) that pollution of the waters of this State constitutes
5 a menace to public health and welfare, creates public
6 nuisances, is harmful to wildlife, fish, and aquatic life,
7 impairs domestic, agricultural, industrial, recreational, and
8 other legitimate beneficial uses of water, depresses property
9 values, and offends the senses;

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

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

17 (4) that it would be inappropriate and misleading for the
18 State of Illinois to issue permits to contaminant sources
19 subject to such federal law, as well as State law, which do not
20 contain such terms and conditions as are required by federal
21 law, or the issuance of which is contrary to federal law;

22 (5) that the Federal Water Pollution Control Act, as now or
23 hereafter amended, provides that NPDES permits shall be issued
24 by the United States Environmental Protection Agency unless (a)
25 the State is authorized by and under its law to establish and

1 administer its own permit program for discharges into waters
2 within its jurisdiction, and (b) pursuant to such federal Act,
3 the Administrator of the United States Environmental
4 Protection Agency approves such State program to issue permits
5 which will implement the provisions of such federal Act;

6 (6) that Part C of the Safe Drinking Water Act (P.L.
7 93-523), as amended, provides that the United States
8 Environmental Protection Agency shall implement the UIC
9 program authorized therein unless (a) the State is authorized
10 by and under its law to establish and administer its own UIC
11 program, and (b) pursuant to such federal Act, the
12 Administrator of the United States Environmental Protection
13 Agency approves such State program which will implement the
14 provisions of such federal Act;

15 (7) that it is in the interest of the People of the State
16 of Illinois for the State to authorize such NPDES and UIC
17 programs and secure federal approval thereof, and thereby to
18 avoid the existence of duplicative, overlapping or conflicting
19 state and federal statutory permit systems;

20 (8) that the federal requirements for the securing of such
21 NPDES and UIC permit program approval, as set forth in the
22 Federal Water Pollution Control Act, as now or hereafter
23 amended, and in the Safe Drinking Water Act (P.L. 93-523), as
24 amended, respectively, and in regulations promulgated by the
25 Administrator of the United States Environmental Protection
26 Agency pursuant thereto are complex and detailed, and the

1 General Assembly cannot conveniently or advantageously set
2 forth in this Act all the requirements of such federal Act or
3 all regulations which may be established thereunder; and

4 (9) compliance with the federal Clean Water Act dictates
5 that the Illinois Environmental Protection Agency require
6 NPDES permits for surface discharging private sewage disposal
7 systems.

8 (b) It is the purpose of this Title to restore, maintain
9 and enhance the purity of the waters of this State in order to
10 protect health, welfare, property, and the quality of life, and
11 to assure that no contaminants are discharged into the waters
12 of the State, as defined herein, including, but not limited to,
13 waters to any sewage works, or into any well, or from any
14 source within the State of Illinois, without being given the
15 degree of treatment or control necessary to prevent pollution,
16 or without being made subject to such conditions as are
17 required to achieve and maintain compliance with State and
18 federal law; and to authorize, empower, and direct the Board to
19 adopt such regulations and the Agency to adopt such procedures
20 as will enable the State to secure federal approval to issue
21 NPDES permits pursuant to the provisions of the Federal Water
22 Pollution Control Act, as now or hereafter amended, and federal
23 regulations pursuant thereto and to authorize, empower, and
24 direct the Board to adopt such regulations and the Agency to
25 adopt such procedures as will enable the State to secure
26 federal approval of the State UIC program pursuant to the

1 provisions of Part C of the Safe Drinking Water Act (P.L.
2 93-523), as amended, and federal regulations pursuant thereto.

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

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

14 Section 99. Effective date. This Act takes effect June 30,
15 2008."