



Rep. Michael Tryon

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09500HB3728ham001

LRB095 11446 RAS 34758 a

1 AMENDMENT TO HOUSE BILL 3728

2 AMENDMENT NO. _____. Amend House Bill 3728 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 Septic System" means a septic
5 system that discharges liquid waste directly or indirectly to a
6 collection tile, a natural drainage way, or the waters of the
7 State.

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 septic
4 system that enters waters of the State shall not be installed
5 by any person without the issuance of a coverage letter under a
6 general NPDES permit issued by the Illinois Environmental
7 Protection Agency, and the private sewage disposal code must be
8 so amended.

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

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

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

22 (415 ILCS 5/3.487 new)

23 Sec. 3.487. Surface discharging septic system. "Surface
24 discharging septic system" means a septic system that

1 discharges liquid waste directly or indirectly to a collection
2 tile, a natural drainage way, or the waters of the State.

3 (415 ILCS 5/11) (from Ch. 111 1/2, par. 1011)

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

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

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

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

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

23 (5) that the Federal Water Pollution Control Act, as now or
24 hereafter amended, provides that NPDES permits shall be issued
25 by the United States Environmental Protection Agency unless (a)

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

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

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

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

1 Agency pursuant thereto are complex and detailed, and the
2 General Assembly cannot conveniently or advantageously set
3 forth in this Act all the requirements of such federal Act or
4 all regulations which may be established thereunder; and

5 (9) compliance with the federal Clean Water Act dictates
6 that the Illinois Environmental Protection Agency issue a
7 general NPDES permit for surface discharging private sewage
8 disposal systems that discharge into waters of the State.

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

1 federal approval of the State UIC program pursuant to the
2 provisions of Part C of the Safe Drinking Water Act (P.L.
3 93-523), as amended, and federal regulations pursuant thereto.

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

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

15 (415 ILCS 5/12) (from Ch. 111 1/2, par. 1012)

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

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

23 (b) Construct, install, or operate any equipment,
24 facility, vessel, or aircraft capable of causing or
25 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) Install a surface discharging septic system without an
14 NPDES permit issued by the Agency under Section 39 of this Act
15 for such installation, or in violation of any term or condition
16 imposed by the permit, or in violation of any NPDES permit
17 filing requirement established under Section 39 of this Act, or
18 in violation of any regulations adopted by the Board or of any
19 order adopted by the Board with respect to the NPDES program.

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

21 Section 99. Effective date. This Act takes effect June 30,
22 2008.".