

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

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

1 public hearing shall be given by the Department to those who  
2 file a request for a notice of any such hearings.

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

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

6 (415 ILCS 5/3.487 new)

7 Sec. 3.487. Surface discharging private sewage disposal  
8 system. "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 (415 ILCS 5/12) (from Ch. 111 1/2, par. 1012)

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

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

20 (b) Construct, install, or operate any equipment,  
21 facility, vessel, or aircraft capable of causing or  
22 contributing to water pollution, or designed to prevent water  
23 pollution, of any type designated by Board regulations, without

1 a permit granted by the Agency, or in violation of any  
2 conditions imposed by such permit.

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

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

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

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

24 No permit shall be required under this subsection and under  
25 Section 39(b) of this Act for any discharge for which a permit  
26 is not required under the Federal Water Pollution Control Act,

1 as now or hereafter amended, and regulations pursuant thereto.

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

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

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

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

1 regulations or standards adopted by the Board or of any order  
2 adopted by the Board with respect to the UIC program.

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

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

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

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

24 Section 99. Effective date. This Act takes effect January  
25 1, 2011.