



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5319

Introduced 2/8/2012, by Rep. Dave Winters

SYNOPSIS AS INTRODUCED:

70 ILCS 2405/7

from Ch. 42, par. 306

Amends the Sanitary District Act of 1917. Authorizes the board of trustees of a sanitary district to enter into an agreement to sell, convey, or disburse treated wastewater with any public or private entity located within or outside of the boundaries of the sanitary district. Further provides that any use of treated wastewater by any public or private entity shall be subject to the orders of the Pollution Control Board. Effective immediately.

LRB097 16313 KMW 61467 b

1 AN ACT concerning local government.

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

4 Section 5. The Sanitary District Act of 1917 is amended by
5 changing Section 7 as follows:

6 (70 ILCS 2405/7) (from Ch. 42, par. 306)

7 Sec. 7. The board of trustees of any sanitary district
8 organized under this Act shall have power to provide for the
9 disposal of the sewage thereof including the sewage and
10 drainage of any incorporated city, town or village within the
11 boundaries of such district and to save and preserve the water
12 supplied to the inhabitants of such district from contamination
13 and for that purpose may construct and maintain an enclosed
14 conduit or conduits, main pipe or pipes, wholly or partially
15 submerged, buried or otherwise, and by means of pumps or
16 otherwise cause such sewage to flow or to be forced through
17 such conduit or conduits, pipe or pipes to and into any ditch
18 or canal constructed and operated by any other sanitary
19 district, after having first acquired the right so to do, or
20 such board may provide for the drainage of such district by
21 laying out, establishing, constructing and maintaining one or
22 more channels, drains, ditches and outlets, for carrying off
23 and disposing of the drainage (including the sewage) of such

1 district together with such adjuncts and additions thereto as
2 may be necessary or proper to cause such channels or outlets to
3 accomplish the end for which they are designed, in a
4 satisfactory manner, including pumps and pumping stations and
5 the operation of the same. Such board may also treat and purify
6 such sewage so that when the same shall flow into any lake or
7 other water-course, it will not injuriously contaminate the
8 waters thereof, and may adopt any other feasible method to
9 accomplish the object for which such sanitary district may be
10 created, and may also provide means whereby the sanitary
11 district may reach and procure supplies of water for diluting
12 and flushing purposes; provided, however, that nothing herein
13 contained shall be construed to empower or authorize such board
14 of trustees to operate a system of waterworks for the purposes
15 of furnishing or delivering water to any such municipality or
16 to the inhabitants thereof. Nothing in this Act shall require a
17 sanitary district to extend service to any individual residence
18 or other building within the district, and it is the intent of
19 the Illinois General Assembly that any construction
20 contemplated by this Section shall be restricted to
21 construction of works and main or interceptor sewers, conduits,
22 channels and similar facilities, but not individual service
23 lines. Nothing in this Act contained shall authorize the
24 trustees to flow the sewage of such district into Lake
25 Michigan.

26 Every such sanitary district shall proceed as rapidly as is

1 reasonably possible to provide sewers and a plant or plants for
2 the treatment and purification of its sewage, which plant or
3 plants shall be of suitable kind and sufficient capacity to
4 properly treat and purify such sewage so as to conduce to the
5 preservation of the public health, comfort and convenience and
6 to render the sewage harmless, insofar as is reasonably
7 possible, to animal, fish and plant life. Any violation of this
8 proviso and any failure to observe and follow same, by any
9 sanitary district organized under this Act, shall be held, and
10 is hereby declared, to be a business offense and fined on the
11 part of the sanitary district not less than \$1,000 nor more
12 than \$10,000, and the trustees thereof may be ousted from
13 office as trustees of the district by an order of the court
14 before whom the cause is heard. Upon the complaint of the
15 Environmental Protection Agency it shall be the duty of the
16 Pollution Control Board to cause the foregoing provisions to be
17 enforced in accordance with Section 31 of the "Environmental
18 Protection Act". Nothing in this Act contained shall be
19 construed as superseding or in any manner limiting the
20 provisions of the "Environmental Protection Act".

21 The board of trustees of any sanitary district formed under
22 this Act may also enter into an agreement to sell, convey, or
23 disburse treated wastewater to any public or private entity
24 located within or outside of the boundaries of the sanitary
25 district. Any use of treated wastewater by any public or
26 private entity shall be subject to the orders of the Pollution

1 Control Board. The agreement may not exceed 20 years.

2 In providing works for the disposal of industrial sewage,
3 commonly called industrial wastes, in the manner above provided
4 whether the industrial sewage is disposed of in combination
5 with municipal sewage or independently, the Sanitary District
6 shall have power to apportion and collect therefor, from the
7 producer thereof, fair additional construction, maintenance
8 and operating costs over and above those covered by normal
9 taxes, and in case of dispute as to the fairness of such
10 additional construction, maintenance and operating costs, then
11 the same shall be determined by a board of three engineers, one
12 appointed by the sanitary district, one appointed by such
13 producer or producers or their legal representatives, and the
14 third to be appointed by the two engineers selected as above
15 described. In the event the two engineers so selected shall
16 fail to agree upon a third engineer then upon the petition of
17 either of the parties the circuit judge shall appoint such
18 third engineer. A decision of a majority of the board shall be
19 binding on both parties and the cost of the services of the
20 board shall be shared by both parties equally.

21 In providing works, including the main pipes referred to
22 above, for the disposal of raw sewage, in the manner above
23 provided, whether such sewage is disposed of in combination
24 with municipal sewage or independently, the Sanitary District
25 shall have power to collect a fair and reasonable charge for
26 connection to its system in addition to those charges covered

1 by normal taxes, for the construction, expansion and extension
2 of the works of the system, the charge to be assessed against
3 new or additional users of the system and to be known as a
4 connection charge. Such construction, expansion and extension
5 of the works of the system shall include proposed or existing
6 collector systems and may, at the discretion of such District,
7 include connections by individual properties. The charge for
8 connection shall be determined by the District and may equal or
9 exceed the actual cost to the District of the construction,
10 expansion or extension of the works of the system required by
11 the connection. The funds thus collected shall be used by the
12 Sanitary District for its general corporate purposes with
13 primary application thereof being made by the necessary
14 expansion of the works of the system to meet the requirements
15 of the new users thereof.

16 (Source: P.A. 85-1209.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.