

AN ACT concerning regulation.

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

Section 5. The Private Sewage Disposal Licensing Act is amended by changing Sections 3 and 8 as follows:

(225 ILCS 225/3) (from Ch. 111 1/2, par. 116.303)

Sec. 3. As used in this Act, unless the context otherwise requires:

(1) "Domestic Sewage" means waste water derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.

(2) "Director" means Director of the Illinois Department of Public Health.

(3) "Department" means the Illinois Department of Public Health.

(4) "Human Wastes" means undigested food and by-products of metabolism which are passed out of the human body.

(5) "Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois or any Department thereof, or any other entity.

(6) "Population Equivalent" means an average waste loading

equivalent to that produced by one person which is defined as 100 gallons per day.

(7) "Private Sewage Disposal System" means any sewage handling or treatment facility receiving domestic sewage from less than 15 people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

(8) "Private Sewage Disposal System Installation Contractor" means any person constructing, installing, repairing, modifying, or maintaining private sewage disposal systems.

(9) "Property Owner" means the person in whose name legal title to the real estate is recorded.

(10) "Waste" means either human waste or domestic sewage or both.

(11) "Private Sewage Disposal System Pumping Contractor" means any person who cleans or pumps waste from a private sewage disposal system or hauls or disposes of wastes removed therefrom.

(12) "Alternative private sewage disposal system" means any system designed to address a unique circumstance where the prescriptive requirements of the private sewage disposal code does not apply, where the final treatment and discharge is free flowing through native soil, and where (i) the projected wastewater is likely to be atypical of residential or domestic

wastewater in that flow may exceed 1500 gallons per day; (ii) the 5-day biochemical oxygen demand of the wastewater may exceed 300 milligrams per liter; (iii) any portion of the system is to be shared by 2 or more owners; or (iv) any portion of the treated wastewater is proposed for recycling or reuse.

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

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

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

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

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

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

(4) Institute or cause to be instituted legal proceedings in the circuit court by the State's Attorney of the county where such non-compliance occurred or by the Attorney General

of the State of Illinois in cases of non-compliance with the provisions of this Act and the private sewage disposal code.

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

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

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

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

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

(10) Authorize the use of alternative private sewage disposal systems that are designed by a professional engineer licensed under the Professional Engineering Practice Act of 1989 or an environmental health practitioner licensed under the Environmental Health Practitioner Licensing Act and accepted by the Department on a case-by-case basis where the proposed design reasonably addresses issues particular to the proposed system, including without limitation flow volume projections, wastewater composition and pretreatment, treatment and flow in the subsurface environment, and system ownership and

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maintenance responsibility.

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

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