

Ordinance Regulating Onsite Wastewater Disposal in Logan County, Illinois

A. Goal:

To reduce or eliminate the risk of transmission of disease organisms and the nuisances resulting from exposure to improperly or inadequately treated domestic sewage. Additionally, to provide for the protection of the consumer and the environment by promoting the proper design and installation of private sewage disposal systems.

B. Scope:

An ordinance regulating the installation, construction, alteration, repair, modification, and extension of private sewage disposal systems and the servicing and maintenance of such systems within the limits of Logan County, Illinois as provided for in 55 ILCS 5/5-25013 and 225 ILCS 225/1.

C. Short Title:

This Ordinance shall be known as the "Ordinance Regulating Onsite Wastewater Disposal in Logan County, Illinois" and may be cited and referred to as "Logan County Private Sewage Ordinance" to the same effect.

D. Definitions:

When not in conflict with the context, and for the purpose of this Ordinance, words used in the present tense shall include the future; words used in the singular number shall include the plural; and words used in the plural shall include the singular. The word "shall" means the stated provision is mandatory and is not merely discretionary. Words not herein defined shall be interpreted in the manner of their common usage, and any conflict of interpretation shall be settled and resolved by the Health Officer.

- (1) "Authorized Representative" shall mean the legally designated Administrator(s) or the Acting Administrator(s) of the Logan County Department of Public Health and shall include those persons designated by the Administrator(s) or Acting Administrator(s) to enforce the provisions of this Ordinance.
- (2) "Bedroom" shall mean any room equipped with a closet that might reasonably be used as a sleeping room or any room that can be readily converted into a sleeping room. Rooms intended for use as kitchens, bathrooms, or laundry rooms, and rooms with large doorways or half walls such as family rooms and living rooms are excluded from the definition.
- (3) "Board of Health" shall mean the Logan County Board of Health.
- (4) "Department of Public Health" shall mean the Logan County Department of Public Health.
- (5) "Domestic Sewage" shall mean wastewater, including grey water, derived from dwellings, business or office buildings, institutions, food establishments, and similar facilities.
- (6) "Effluent" shall mean liquid waste discharged from a private sewage disposal system or a component.

- (7) "Grey Water" shall mean wastewater such as dishwater, laundry waste, shower waste, and other wastewater not containing fecal matter.
- (8) "Health Officer" shall mean the person or persons who have been designated by the Logan County Board of Health to administer the affairs of the Logan County Department of Public Health.
- (9) "Human Waste" shall mean undigested food and by-products of metabolism that are passed out of the human body.
- (10) "Install" shall mean the act of installation, as defined in this Section.
- (11) "Installation" shall mean construction, alteration, modification, repair, replacement, or extension.
- (12) "ILCS" shall mean Illinois Compiled Statutes.
- (13) "Licensed Environmental Health Practitioner" shall mean a person that meets the licensing requirements established in the Licensed Environmental Health Practitioner Act, 225 ILCS 37
- (14) "Non-Surface Discharging Private Sewage Disposal System" shall mean those private sewage disposal systems that receive domestic sewage having no ground surface discharge.
- (15) "Permit" shall mean written authorization by the Logan County Department of Public Health or its authorized representative to alter, construct, install, modify, repair, or extend a private sewage disposal system.
- (16) "Person" shall mean 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.
- (17) "Population Equivalent" shall mean an average waste loading, equivalent to that amount of waste produced by one person which is defined as 100 gallons per day or that amount of waste containing 0.17 pounds BOD₅ (five day biochemical oxygen demand) and 0.20 pounds of suspended solids.
- (18) "Private Sewage Disposal System" shall mean any sewage handling or treatment facility receiving domestic sewage from less than fifteen (15) people and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.
- (19) "Public Sewer System" shall mean any sewage handling or treatment facility operating and maintained under permit from the Illinois Environmental Protection Agency and may be called "Community Sewer System" to the same effect.
- (20) "Property Line" shall mean that geographic line of a parcel or lot upon which a dwelling exists or may be lawfully constructed; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.
- (21) "Septage" shall mean the solid and liquid wastes removed from private sewage disposal systems.
- (22) "Sewage" shall mean human wastes or other liquid waste from residences, business buildings, industrial establishments, or other places .
- (23) "Surface Discharging Private Sewage Disposal System" shall mean those private sewage disposal systems that receive domestic sewage from less than 15 people or population equivalent and have a ground surface discharge.
- (24) "Waste" shall mean either human waste or domestic sewage, or both.

E. Adoption By Reference:

In addition to those provisions set forth herein, this Ordinance shall be interpreted and enforced in accordance with the provisions set forth in the unabridged form of the "Illinois Private Sewage Disposal Act and Code, 2003, and any subsequent amendments or revisions thereto, three (3) copies of which shall be kept on file in the office of the Logan County Clerk, which are hereby adopted and incorporated herein by reference as part of this Ordinance.

F. Permits:

- (1) It shall be unlawful for any person to install private sewage disposal systems within Logan County unless said person holds a valid permit issued by the Department of Public Health stating the name of such person for which the specific installation is permitted. Said permit shall indicate a maximum permissible waste loading or specifications for the minimum size, type and location of private sewage disposal systems to serve the intended use.
- (2) A Private Sewage Disposal Permit shall only be issued to a Private Sewage Disposal System Installation Contractor registered with the Department of Public Health or a property owner installing a sewage disposal system that serves the property owner's own personally occupied single-family residence.
- (3) It shall be the responsibility of the Registered Private Sewage Disposal System Installation Contractor to insure that a Private Sewage Disposal System Permit has been issued for installation of the private sewage disposal system and to follow the conditions of said permit. In the event that the homeowner installs the private sewage disposal system, it shall be the responsibility of the owner to insure that a permit has been issued for said installation. Failure to obtain a Private Sewage Disposal System Permit prior to installation of the private sewage disposal system or failure to follow the conditions of said permit shall constitute a violation of this Ordinance and penalty action may be taken.
- (4) There shall be a fee charged for the permit required in this Ordinance. The amount of the fee shall be approved by the Logan County Board of Health and will be posted at the Department of Public Health on the "Logan County Department of Public Health Fees For Service Schedule". The fee shall be submitted to the Department of Public Health and shall be deposited in the Department of Public Health Fund. Once a Private Sewage Disposal System Permit is issued, no fees shall be refunded. If the Private Sewage Disposal System Permit is denied, the fee shall be returned to the issuer of the fee.
- (5) All completed applications for a Private Sewage Disposal System Permit granted under the provisions of this Ordinance shall be in writing on forms provided by the Department of Public Health and submitted to the Department of Public Health. Completed permit applications shall be signed by the applicant and shall include the following:
 - (a) Name and address of the property owner and address location of the proposed site of installation;
 - (b) Complete plan of the proposed private sewage disposal system attesting to its compliance with the minimum standards of this Ordinance;
 - (c) An accurate drawing containing the following information:
 - (i) location of surrounding buildings;

- (ii) property lines;
 - (iii) slope of the land;
 - (iv) possible sources of groundwater contamination (ie: wells, ponds, cisterns, etc), including those on neighboring properties
 - (v) proposed system
 - (vi) measurements for all setbacks
- (d) Results of soil investigation performed as outlined in Section 905.55(a) of the Illinois Private Sewage Disposal Code, 2003, or latest edition thereof;
- (e) Such other information as may be required by the Department of Public Health to substantiate that the proposed installation complies with the minimum standards of this Ordinance;
- (f) Fee as outlined in Section (4) of this Section.
- (6) The Department of Public Health may refuse to grant a permit for the installation of a private sewage disposal system where a public or community sewer system is available. A public or community sewer system shall be deemed available when a public sewer line is within any street, alley, right of way, or easement that adjoins or abuts the premises for which the permit is requested or when the improvement to be served is located within a reasonable distance of a public sewer line to which a connection is practical and permitted by the controlling authority for the sewer. A reasonable distance for the purpose of this provision shall be deemed to not be greater than 300 feet for a single-family residence and not greater than 1,500 feet for a commercial establishment, subdivision, or multi-family dwelling.
- (7) The Department of Public Health shall approve or deny the permit application, or respond to the applicant with a requirement for additional information needed to approve or deny the permit application, within fifteen (15) working days of receipt of the last item submitted by the applicant as required by Section F(5) of this Ordinance.
- (8) Any Private Sewage Disposal System Permit approved and issued by the Department of Public Health is valid for a period of twelve (12) months from date of issuance. If installation has not been completed within this period, said permit is void unless an extension has been granted by the Department of Public Health.

G. Design/Installation Requirements

- (1) The absorption capacity of the soil shall be determined from the results of a soil investigation. Soil investigation shall be performed as outlined in Section 905.55(a) of the Illinois Private Sewage Disposal Code, 2003, or latest edition thereof. The Department of Public Health shall have the right to supervise any soil investigation.
- (2) In the event that conflicting soil investigation data is provided for a given site, the Department of Public Health shall determine which results shall prevail. If conflicting soils investigation information is provided about a given site, a National Resources Conservation Service soil scientist may be requested to provide professional information.
- (3) Soil investigation shall be performed within 5 years prior to permit application. In the event that the area undergoing soil analysis is altered after the soil investigation is performed, the Department of Public Health may require additional soil investigation to ensure that results have not been affected. Such alterations to the area of the soil investigation that may require additional analysis include but

are not limited to the addition of fill material, construction, compaction, or altering waterways in the area of the soil investigation.

- (4) Surface discharges from buried sand filters, recirculating sand filters, Class I aerobic treatment plants, or other approved private sewage disposal systems shall be permitted only on properties that are deemed unsuitable for a subsurface seepage system. Factors which may qualify a lot as unsuitable for subsurface seepage system include, but are not limited to:
 - (a) insufficient area based upon soil investigation information;
 - (b) unsuitable soil as determined by soil investigation information;
 - (c) topography limitations.
- (5) All surface discharges shall be disinfected prior to discharge as outlined in Section 950.120(b) through (f) of the Illinois Private Sewage Disposal Code.
- (6) Class I aerobic treatment plants shall have a minimum of two hundred (200) square feet of subsurface seepage field installed following the aerobic treatment plant and prior to the chlorine feeder.
- (7) Where effluent is discharged to the ground surface and the effluent leaves the property, additional requirements may be imposed by the Department of Public Health in order to protect against nuisance conditions.
- (8) Requirements established in (1)-(7) of this Section shall apply to all private disposal systems installed in Logan County, Illinois after the effective date of this Ordinance.

H. Septage Application to Agricultural Land

- (1) Where septage is applied to agricultural land, septage shall be applied as outlined in Section 905.170(f)(2) of the Illinois Private Sewage Disposal Code, 2003, or latest edition thereof.
- (2) For all agricultural land sites proposed for septage application after the effective date of this Ordinance, compliance with the depth to the ground water table or to fractured limestone formations, as established by the Illinois Private Sewage Disposal Code, Section 905.170(f)(2), shall be determined by soil investigation. The soil investigation report shall include site characteristics as outlined in 905.55(a)(1)(D) of the Illinois Private Sewage Disposal Code, 2003, or latest edition thereof, performed by individuals as outlined in 905.55(a)(2) of the Illinois Private Sewage Disposal Code, 2003, or latest edition thereof. One (1) soil investigation boring per acre shall be taken in the area to be utilized for septage application and, in the event where all soil profiles in the area are not represented in said soil investigation, additional soil investigation borings shall be taken where the soil profile changes, as defined by the Soil Survey of Logan County, 2008, or latest edition thereof.
- (3) In the event that conflicting soil investigation data is provided for a given site, the Department of Public Health shall determine which results shall prevail. If conflicting soils investigation information is provided about a given site, a National Resources Conservation Service soil scientist may be requested to provide professional information.

I. Contractor Registration

- (1) All Private Sewage Disposal System Installation Contractors installing a private sewage disposal system within Logan County must be registered with the Department of Public Health on forms provided by the Department of Public Health. The registration form will include but not be limited to the contractor name, business address, mailing address, and business telephone number. A copy of the Illinois Private Sewage System Installation Contractor License, valid for the year for which the installation contractor is applying, shall be submitted with the application.
- (2) All Private Sewage Disposal System Pumping Contractors pumping, cleaning, transporting and disposing of sewage within Logan County must be registered with the Logan County Department of Public Health on forms provided by the Logan County Department of Public Health. The registration form will include but not be limited to the contractor name, business address, mailing address, and business telephone number. A copy of the Private Sewage System Pumping Contractor License, valid for the year for which the pumping contractor is applying, shall be submitted with the application.
- (3) All Private Sewage Disposal System Installation Contractor Registration Certificates and Private Sewage Disposal System Pumping Contractor Registration Certificates shall expire December 31 of the year for which it is issued.

J. Suspension or Revocation of Registration

- (1) For serious or repeated violation(s) of any of the requirements of this Ordinance, or for the interference with the Authorized Representative of the Department of Public Health in the performance of that Authorized Representative's duties, the Private Sewage Disposal Installation Contractor Registration Certificate and/or Private Sewage Disposal System Pumping Contractor Registration Certificate may be suspended or revoked after the opportunity of a hearing has been provided by the Health Officer. Prior to such action the Health Officer shall notify the contractor in writing stating the reasons for which the Registration Certificate is subject to suspension or revocation and said notification shall also state the Registration Certificate will be suspended immediately and/or revoked at the end of thirty (30) days following service of such notice unless a request for a hearing is filled with the Health Officer.
- (2) A Private Sewage Disposal System Installation Contractor Registration Certificate and/or Private Sewage Disposal System Pumping Contractor Registration Certificate may be suspended for cause pending its revocation or hearing relative thereto where a clear and present danger to the public health is preliminarily found to exist by the Health Officer.

K. Compliance and Performance

- (1) It shall be unlawful to discharge untreated or improperly treated sewage or effluent from any septic tank, or any other waste water source, directly into any stream, ditch, ground surface, sink hole or abandoned well, or to allow the contents of any privy vault, septic tank, or seepage pit to become dangerous or prejudicial to the public health.

- (2) All private sewage disposal systems within the limits of Logan County, Illinois shall be installed, maintained, and serviced by an individual with a valid Private Sewage Disposal System Installation Contractor's Registration Certificate. All such systems shall be pumped, cleaned, and the contents hauled and disposed of by individuals with a valid Private Sewage Disposal System Pumping Registration Certificate; provided a homeowner may install, maintain, service, pump and clean a private sewage disposal system that serves his own personally occupied single-family residence.
- (3) All septic tank and/or aerobic treatment units manufactured, sold, offered for sale, or delivered in Logan County shall comply with the provisions in this Ordinance.
- (4) All operational inspections pertaining to the sale of a home, real estate transaction, and/or real estate improvements, shall be conducted by a Private Sewage Disposal Installation Contractor registered with the Department of Public Health, Licensed Environmental Health Practitioner, or an authorized representative of the Department of Public Health. All operational inspection reports shall be submitted to the Logan County Department of Public Health within 30 days of performing the operational inspection on forms provided by the Department of Public Health.
- (5) If a new home or dwelling structure is to be connected to an existing on-site private sewage disposal system, the system must first be assessed by an Illinois Licensed Private Sewage Disposal Installation Contractor to determine if it will meet the current sizing and construction requirements and is in good working order. Such assessment may require a soil investigation. The contractor assessment is to be forwarded to the Logan County Department of Public Health in writing within 30 days after such assessment is conducted using forms provided by the Department of Public Health. Any such system which is determined to be undersized or does not meet current construction requirements shall be brought to compliance, prior to serving the home or dwelling, in accordance with the Ordinance Regulating Onsite Wastewater Disposal in Logan County, Illinois and Part 950 Illinois Private Sewage Disposal Code.

L. Plat Review

- (1) There shall be a fee charged for the Plat Review. The amount of the fee shall be approved by the Logan County Board of Health and will be posted at the Department of Public Health on the "Logan County Department of Public Health Fees For Service Schedule". The fee shall be submitted to the Department of Public Health and shall be deposited in the Department of Public Health Fund. Once investigation of a Plat Review has been initiated by the Department of Public Health, no fees shall be refunded.
- (2) Where community sewer system is not available, the width and area of all lots shall be sufficient to permit the installation of a non-surface discharging private sewage disposal system and an area for a replacement non-surface discharging private sewage disposal system that meet requirements established by this Ordinance and the Illinois Private Sewage Disposal Code.
- (3) Soil investigation, performed as outlined in Section 905.55(a) of the Illinois Private Sewage Disposal Code, 2003, or latest edition thereof, shall be used to determine soil suitability for a non-surface discharging system. One (1) soil investigation boring shall be taken at each proposed lot and, in the event where all soil profiles

in the area are not represented in said soil investigation, additional soil investigation borings shall be taken where the soil profile changes, as defined by the Soil Survey of Logan County, 2008, or latest edition thereof. However, in no case shall fewer than three (3) soil investigation borings be tested.

- (4) The Department of Public Health shall have the right to supervise any soil investigation. Additional soil investigation borings may be required by the Department of Public Health with or without the recommendation of the person performing the soil investigation in order to identify all soil types present.
- (5) Soil investigation borings shall not be conducted in a flood plain.
- (6) Soil investigation reports shall include dates and Global Positioning System location of each soil investigation boring.
- (7) Preliminary Plat Review shall be submitted no less than thirty (30) days prior to Final Plat Review. At minimum, the following information shall be submitted for the Preliminary Plat Review:
 - (b) Name of the subdivision and legal description;
 - (c) Indication of the type of water supply, city or private, and proposed location of wells and/or water lines;
 - (d) Topographical map certified by an Illinois Registered Professional Engineer showing contours at two (2) foot intervals. The map shall indicate road ditches, drainage ways, wooded areas, storm sewers, detention ponds, wetlands streams, flood water runoff channels, and flood plains at the established high water elevations;
 - (e) Marked location of each soil investigation boring on the contour map;
 - (f) Numbered lots to scale;
 - (g) Marked areas of existing fill with the month and year which it was put in place;
 - (h) Areas of proposed or anticipated fill and probable depth;
 - (i) Soil analysis reports as outlined in (2) through (5) of this Section
 - (j) Fee as outlined in (1) of this Section.
- (8) Review of the Preliminary Plat and notice of any deficiencies, required alterations, or requirement of additional information necessary for review shall be made within thirty (30) days of receipt by the Department of Public Health. Review of the final plats or requirement of additional information necessary for review shall be made within fifteen (15) working days of receipt by the Department of Public Health.

M. Inspections

- (1) The Department of Public Health is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.
- (2) The owner and/or occupant of a property shall give the Department of Public Health access to property and any building thereon for the purpose of making inspections that are necessary to determine compliance with the provisions of this Ordinance.
- (3) The Department of Public Health shall have the authority to constitutional limitations, by its representatives after identification, to enter at reasonable times upon private or public property and building for the purposes of inspecting and investigating conditions relating to the administration and enforcement of this Ordinance. The Department of Public Health shall be allowed to collect effluent

samples or conduct any necessary tests, including dye tests, upon any property and any building thereon to determine compliance with the provisions of this Ordinance.

- (4) The Department of Public Health shall be permitted to inspect the installation of a private sewage disposal system at any stage of installation. Before backfilling is started, but after complete installation of the private sewage disposal system or portion thereof, an inspection shall be made by the Department of Public Health to determine compliance with the provisions of this Ordinance. Any person who backfills or covers any portion of a private sewage disposal system without authorization by the Department of Public Health shall be in violation of this Ordinance. In such case, the Department of Public Health may require uncovering of the covered portion, and all costs incurred by such action shall be the responsibility of the person deemed in violation of this requirement by the Department of Public Health.

N. Hearings

- (1) Any person affected by any order or notices issued by the Department of Public Health in connection with the enforcement of any Section of this Ordinance, may file in the office of the Department of Public Health a written request for a hearing before the Health Officer. The Health Officer shall hold a hearing at a time and place designated by him/her within thirty (30) days from the date of which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of the hearing, the Health Officer finds that a strict compliance with the order or notice would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, and as a condition for such action may, where he deems it necessary, make requirements which are additional to those prescribed in this Ordinance for the purpose of properly protecting the public health. The Health Officer shall render a decision within ten (10) days after the date of the hearing, which shall be reduced to writing and placed on file in the office of the Department of Public Health as a matter of public record and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail. Any person aggrieved by the decision of the Health Officer may seek relief there from through a hearing before the Board of Health.
- (2) Any person aggrieved by the decision of the Health Officer rendered as a result of a hearing held in accordance with this Section may file in the office of the Department of Public Health written request for a hearing at a time and place designated by the President of the Board of Health within sixty (60) days of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of facts elicited as a result of the hearing, the Board of Health finds that strict compliance with the decision of the Health Officer would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by granting a

variance from the decision of the Health Officer, the Board of Health may grant a variance and as a condition for such variance, may where it deems necessary, make requirements which are additional to those prescribed by this Ordinance, all for the purpose of protecting the public health. The Board of Health shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Department of Public Health and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

O. Penalties

- (1) The Department of Public Health may assess civil fines against any person who violates any provision of this Ordinance. The amount of the fine shall not exceed \$1,000 for each violation in addition to \$100 per day for each day the violation continues.
- (2) The Logan County State's Attorney shall bring such actions in the name of the people of the State of Illinois or may bring action or to enjoin the operation of any such person causing such violation.

P. Conflicts

- (1) If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared to be severable.