

Chapter 19•ONSITE WASTEWATER TREATMENT SYSTEMS*

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ARTICLE I. GENERAL

Section: 19-1 Enabling Statutes

225ILCS 225 Private Sewage Disposal Licensing Act
55ILCS 5/25 County and Multi-County Health Departments

Section: 19-2 Intent

This Chapter is enacted in order to manage the risk of disease transmission as well as reduction of adverse environmental conditions created by the improper treatment of domestic sewage, through the proper design, installation, operation, and maintenance of onsite wastewater treatment systems within the boundaries of Peoria County.

Section: 19-3 Scope

A Chapter of the Peoria County Code regulating the construction, repair, or alteration of onsite wastewater treatment systems and the servicing of such systems.

Section: 19-4 Adopted by Reference

In addition to those provisions set forth herein, this Chapter hereby adopts by reference and incorporates the current edition and subsequent revisions of, and shall be interpreted and enforced in accordance with the provisions set forth in the following:

"State of Illinois, Private Sewage Disposal Code 77 ILL ADM. Code Part 905"

"Peoria County, Chapter 20 Unified Development Chapter, Article 3.14.2 Suitability of Land for Subdivision Development and Article 8.3.4 Utilities 2. Sanitary Sewers"

Section: 19-5 Definitions

As used in this Chapter, the following terms shall mean as indicated below:

1. **Authorized representative:** Those persons designated by the Board or Health Department Administrator to enforce the provisions of this Chapter.
2. **Board:** The Peoria County Board of Health.
3. **Common drains:** An underground, enclosed conduit designed to carry liquids in addition to effluent. Examples of common drains include storm tiles, field tiles, and village common collectors.
4. **Effluent:** Wastewater outflow treated or untreated from a septic tank or other component of an onsite wastewater treatment system.
5. **Health authority:** The Administrator of the Health Department or its Authorized Representative.
6. **Health Department:** The Peoria City/County Health Department, an agency of the Peoria County Board of Health.
7. **Onsite wastewater treatment system:** See "Private Sewage Disposal System" in the Private Sewage Disposal Licensing Act 225 ILCS 225
8. **Permit:** The document issued by the Health Authority that authorizes a person to construct, repair, or alter an onsite wastewater treatment system under this chapter.
9. **Property:** All or part of a tract of land for which legal title has been recorded.
10. **Public health hazard:** A condition that is deemed dangerous or prejudicial to public health resulting from exposure to raw, untreated, or improperly treated wastewater or effluent.
11. **Repair:** The replacement of an onsite wastewater treatment system component, such as but not limited to the septic tank or, the treatment system, is a repair. However, the replacement of sub-components, such as baffles, switches, pipes, pumps, valves, and filter replacements as well as the servicing of the system, tank pumping, maintenance, and adjustments are not considered a repair.
12. **Sanitary sewer:** An Illinois Environmental Protection Agency permitted community or public sewer system.

Section: 19-6 Sanitary Sewer

The Health Authority or its authorized representative may refuse to grant a permit for the construction, repair, or alteration of an onsite wastewater treatment system where sanitary sewer system is available. A sanitary sewer shall be deemed available when a sanitary sewer line is in place within any street, alley, right-of-way or easement that adjoins or abuts the property for which the permit is requested, or when the property to be served is located within a reasonable distance of a sanitary sewer system to which connection is practical and is permitted by the controlling authority for the sanitary sewer.

A reasonable distance for the purpose of this provision shall be deemed to be not greater than three hundred (300) feet of the property boundary for a single family residence and not greater than one thousand (1,000) feet of the property boundary for a non-residential establishment or multifamily dwelling. If connection from the property to the sanitary sewer cannot be made with an individual line that conforms to current standards then an onsite wastewater treatment system may be installed.

ARTICLE II. ADMINISTRATION

Division 1: General

Section: 19-7 Use of proper onsite wastewater treatment system required.

No person shall discharge or cause to be discharged untreated wastewater or the effluent from any onsite wastewater treatment system, directly or indirectly, to any stream, ditch, lake, pond, bathing area, ground surface or abandoned well, or maintain or operate an onsite wastewater treatment system in such a manner that it becomes offensive, dangerous or prejudicial to public health. Repeated pumping of a septic tank to prevent such public nuisance or hazard because of system failure is not an acceptable remedy.

Section: 19-8 Application of Chapter to existing onsite wastewater treatment systems

- A. An onsite wastewater treatment system that existed prior to the effective date of this Chapter is subject to the regulations that were in existence at the time of issuance of the installation permit or if no permit was issued, at the time the system was first used.
- B. When a component of an existing onsite wastewater treatment system must be repaired or replaced, it shall be the property owner's responsibility to provide evidence that the existing system does not create a public health hazard.

Division 2: Permits

Section: 19-9 Permitting

In accordance with the State of Illinois Private Sewage Disposal Code 77 Ill Adm. Code Part 905, it shall be unlawful for any person to construct or repair an onsite wastewater treatment system within Peoria County, unless said person holds a valid permit issued by the Health Authority or its authorized representative.

The construction or repair of an onsite wastewater treatment system shall not commence until a permit is first obtained from the Health Department. A permit for construction, repair or alteration of an onsite wastewater treatment system will be valid for a period of 12 months from the date of issuance. If construction is not started within this time period, the permit will become void.

Section: 19-10 Permit requirement

- A. It is the responsibility of the property owner to obtain a permit before any construction or repair of an onsite wastewater treatment system is initiated. Failure by the property owner to obtain a permit before construction, repair, or alteration of an onsite wastewater treatment system begins shall be considered a violation of this Chapter.
- B. If applicable, the proposed construction or repair must also meet all appropriate regulatory requirements, such as National Pollutant Discharge Elimination System (NPDES) General Permit for surface discharging onsite wastewater treatment systems.
- C. Effective January 1, 2015: Prior to putting the system into operation, the property owner must submit proof of completing an onsite wastewater treatment system operation and maintenance education experience approved by the Health Authority.
- D. It shall be the responsibility of the Illinois Licensed Private Sewage Disposal System Installation Contractor to ensure that a permit has been issued for said construction or repair; and to follow conditions of the permit.
- E. Any person desiring a permit to construct or repair an onsite wastewater treatment system within the scope of this Chapter shall make written application to the Health Authority, on an application form provided by the Health Authority, which shall at minimum include:
 - 1. Name and address of the property owner, location of the proposed site of construction or repair including 911 address and parcel identification number.
 - 2. Complete description of the proposed treatment system attesting to its compliance with the minimum standards of this Chapter.

3. An accurate drawing containing the following information:
 - a) location of all surrounding buildings;
 - b) property lines;
 - c) contours as shown on Peoria County GIS normally two (2) foot elevations;
 - d) measurements for all mandated code setbacks, including but not limited to all possible routes of groundwater contamination (i.e. wells, ponds, cisterns, water lines, etc.);
 - e) proposed location of onsite wastewater treatment system; and
 - f) location of soil analysis test holes, if applicable.
4. The results of a soil analysis must be submitted prior to the issuance of a permit. Soil analysis shall be performed according to the provisions of the Illinois Department of Public Health, Private Sewage Disposal Licensing Act and Code, if applicable.
5. Signature of the property owner and Licensed Private Sewage Disposal Installation Contractor if used, affirming the information submitted is correct to the best of their knowledge.
6. The Permit application fee.

Applications will not be considered for approval if any part is incomplete including appropriate signatures. Notice of an incomplete application will be provided to the home owner and contractor by Peoria City/County Health Department.

Section: 19-11 Fees

- A. **Authority to Establish Fees:** Pursuant to the Counties Code, 55 ILCS 5/5-25013, the Peoria County Board shall establish fees that are reasonable and necessary to provide the services and required activities. A fee schedule shall be maintained in the office of the County Clerk and the Health Department. The fee schedule shall be available for review and copy by the public and is incorporated herein by reference.
- B. **Permit Application Fee:** Once a permit has been issued by the Health Department, the fee is not refundable.
- C. **Variance Application Fee:** The fee for the review of a variance application is not refundable.
- D. **Subdivision Application Fee:** The fee for the review of a proposed subdivision development is not refundable.
- E. **Contractor Registration Fee:** The fee for the registration of Private Sewage Disposal Installation and Pumping Contractor is not refundable.

Section: 19-12 Permit action

- A. The Health Authority shall take action and reply to the applicant on all complete applications within ten (10) business days of receipt of application.
- B. An additional fifteen (15) business days may be required to take action on applications submitted with a variance request.
- C. In situations where a potential public health hazard exists, the time frames for permitting may be reduced.

Section: 19-13 Revocation or suspension of permit

The Health Department shall have the authority to revoke and/or suspend a permit when it has been issued in error or when the provisions of this Chapter are violated including the submission of incorrect information or when site disturbance, including soil filling, cutting, or compaction has occurred. The reason for the revocation or suspension of said permit shall be sent to the applicant at the address provided on the permit application and the Private Sewage Disposal Installation Contractor. Revocation will only be used when all other remedies have been exhausted.

Section: 19-14 Variances

If circumstances exist which make compliance with the requirements of this Chapter impractical or impossible, a person may request the Health Authority review a proposal for modification of the requirements.

Such requests shall be made by submitting the following:

1. A written request describing why the variance from Chapter requirements is necessary.
2. A plan drawn to scale.
3. Pertinent data to support the request.
4. A written plan describing how deviations from Chapter requirements will still maintain adequate protection against potential public health hazards.
5. The owner's and Private Sewage Disposal Installation Contractor's signatures on the Variance Request Application.
6. The Variance Application fee.

DIVISION 3: Design and Installation

Section: 19 -15 Minimum size

The minimum required square foot for any subsurface absorption onsite wastewater treatment system shall be 200 square feet.

Section: 19-16 Installation inspection

The Licensed Private Sewage Disposal Installation Contractor or property owner who was approved to complete the work for the installation or repair of the onsite wastewater treatment system shall be present at the time of the installation inspection by the Health Authority.

Section: 19-17 Common drains

The use of common drains to move or discharge effluent from an onsite wastewater treatment system off the property shall be prohibited.

Section: 19-18 Flood hazard areas

The provisions of this section apply only in duly designated flood hazard areas as identified by Federal Emergency Management Agency National Flood Insurance Program one-hundred year flood elevation maps, as determined by the Peoria County Flood Plan Administrator or designee.

All new and replacement onsite wastewater treatment systems shall be designed, located, and constructed, to minimize impairment and infiltration of flood waters.

Any system affected by flood waters must be inspected post flood to identify any potential public health hazards. The inspection must be conducted by a Peoria County Registered Private Sewage Disposal Installation Contractor and the report submitted to the Health Authority within sixty (60) days.

Section: 19-19 Aerobic treatment plant

Aerobic treatment plants approved under this Chapter shall discharge to one of the following:

1. A subsurface discharging system designed and constructed to be at least two-thirds (2/3) the size determined necessary by soil evaluation.
2. An Illinois raised filter bed preceded by an approved aeration batch treatment plant.
3. Other approved subsurface treatment system.

Section: 19-20 Surface discharges

Surface discharges of treated effluent shall only be permitted on properties which are deemed unsuitable for a subsurface discharging system by the Health Authority.

When a surface discharge is allowed, the requirements in Section 19-21 of this Chapter shall be met.

Section: 19-21 Surface discharge effluent reduction

The design of the effluent reduction area must comply with the requirements of the Private Sewage Disposal Code for subsurface seepage system construction requirements except as listed below.

1. The effluent reduction system shall be designed to prevent effluent that enters the effluent reduction absorption area from surface discharging.
2. A minimum of one (1) foot of separation shall be maintained from the limiting layer.
3. A minimum of one hundred (100) square feet of effluent reduction absorption field per bedroom for residential and 1 square foot per five (5) gallons of wastewater for non residential must be installed.
4. When effluent reduction is used, the disinfection device shall be the last treatment system component prior to the surface discharge point.

ARTICLE III. Installer and pumper registration

Section: 19-22 Registration of contractors

- A. All onsite wastewater treatment systems within the limits of Peoria County shall be constructed or repaired, or serviced by a Licensed Private Sewage Disposal System Installation Contractor. All such systems shall be pumped, cleaned and the contents hauled and disposed only by a Licensed Private Sewage Disposal System Pumping Contractor. However, a homeowner may install and/or service a treatment system which services the homeowner's personal single-family residence.
- B. No Private Sewage Disposal System Installation Contractor or Private Sewage Disposal System Pumping Contractor shall operate in Peoria County until such contractor has a valid license issued by the Illinois Department of Public Health and has registered with the Health Department. All such registrations shall expire on December 31 of each year. Any Private Sewage Disposal System Installation or Pumping Contractor constructing, repairing, inspecting, or servicing an onsite wastewater treatment system or pumping, hauling, or disposing of domestic sewage in the County of Peoria must have a valid Certificate of Registration.
- C. As a condition of registration, Private Sewage Disposal System Installation and Pumping Contractors agree to submit copies of all inspection reports that identify a potential public health hazard to the Health Authority for review and final determination.
- D. The Health Department shall maintain a roster of all Private Sewage Disposal Installation and/or Pumping Contractors registered in the County.
- E. For serious or repeated violations of any of the requirements of this Chapter, or for interference with the Health Authority in the performance of its duties, a Private Sewage Disposal Installation Contractor or a Private Sewage Disposal System Pumping Contractor may have his/her registration revoked after an opportunity for a hearing has been provided by

the Health Authority. Prior to such action, the Health Authority shall notify the contractor, in writing, stating the reasons for which the registration is subject to revocation and advising that the registration shall be revoked at the end of five (5) business days following service of such notice, unless a request for a hearing is filed with the Health Authority, by the holder, within said five-day period. A registration may be suspended for cause pending its revocation or a hearing relative thereto if, in the opinion of the Health Authority, such action is reasonably necessary to protect the health, safety and welfare of the citizens.

ARTICLE IV. Subdivision lots

Section: 19-23 Lot Size

- A. All lots not served by sanitary sewer must have an area available which will provide sufficient space to install, maintain and repair an onsite wastewater treatment system. Subdivisions not served by sanitary sewer platted twelve (12) months or more after the adoption of this Chapter shall provide: a designated full size onsite wastewater treatment system area and one (1) full onsite wastewater treatment system replacement area in suitable soils as confirmed by onsite soils evaluation on each lot. Designated area shall be preserved for its original intent.
- B. There shall be a sufficient number of soil borings throughout the proposed development for platting so as to allow intensive mapping of soil characteristics and limiting factors related to suitability for onsite wastewater treatment systems. The location of all borings shall be shown on the soil map overlay. Soil borings shall be conducted as outlined in the Illinois Department of Public Health Private Sewage Disposal Licensing Act and Code Section 905.55 part a) soil investigations.

Section: 19-24 Plats

- A. **Final plat certificate:** The final plat must have a certificate for the Health Authority's approval which specifies all requirements and conditions for the approval of an individual onsite wastewater treatment system, as specified in Chapter 19 in the Peoria County Code, along with the one (1) copy of the final plat.
- B. **Review of preliminary plats, construction plans and reports:** The Health Authority's review of preliminary plats and construction plans shall be completed within twenty (20) business days of receipt of plans.

Article V. Enforcement

Section: 19-25 Right of entry for inspections

- A. As a condition of applying for an installation permit, or if a potential public health hazard exists, the Health Authority or its authorized representative shall have the authority to enter any property at any reasonable time to inspect for health and sanitation purposes to determine compliance with provisions of this Chapter.
- B. It shall be the duty of the owner or occupant of the property to give the Health Authority or its authorized representative free access to the property. The right to enter does not include the right to enter an occupied private residence or associated structure absent permission or an inspection warrant. The owner or agents shall produce permit documents and required records at the request of the Health Authority.

Section: 19-26 Final approval

Final approval of any construction or repair required herein shall be given only if, after a visual inspection, the onsite wastewater treatment system is found to comply with the applicable provisions of this Chapter. Copies of all final inspection documentation shall be provided to the property owner and installation contractor.

Section: 19-27 Covering installation prior to approval

An inspection shall be made by the Health Authority or authorized representative to determine if full compliance of the Chapter has been met before any back filling of the onsite wastewater treatment system is started. If it is found that the permit holder or installer has violated any provisions hereof, the Health Authority or its authorized representative may require uncovering of any covered portion, and all costs incurred by such an action shall be the responsibility of the violator deemed in violation of this requirement. The Health Authority or its authorized representative shall be permitted to inspect the installation of an onsite wastewater treatment system at any stage of construction. If, after fifteen (15) business days' written notice, a person has not uncovered an onsite wastewater treatment system, the permit is automatically invalidated. The Health Authority may elect to have the system uncovered at the expense of the property owner or licensed contractor. The failure of the property owner or licensed contractor to pay such costs within thirty (30) days shall result in execution of a lien against the property.

Section: 19-28 Violations

It shall be unlawful for any person to fail to correct any conditions described in a notice issued pursuant to this Chapter within the time limit specified in such notice and in the manner specified in such notice.

Section: 19-29 Notice

Whenever the Health Authority determines that a violation of any provision of this Chapter has occurred, the Health Authority shall give notice to the person responsible for such violation. The notice shall:

1. Be in writing.
2. Include a statement of the reasons for issuance of the notice.
3. Allow reasonable time as determined by the Health Authority for performance of any action required.
4. Be served upon the person responsible for the violation. Notice shall have been properly served upon the person responsible for the violation when a copy thereof has been sent by certified mail to his/her last known address as furnished to the Health Authority or when he/she has been served with such notice by any other method authorized by laws of this state. The property owner shall be copied on all correspondence.
5. Contain an outline of remedial action, which is required to effect compliance with the rules and regulations adopted as a part of this Code.

Section: 19-30 Hearings before Health Authority

A property owner in conjunction with the Private Sewage Disposal Installation Contractor affected by any order or notice issued by the Health Authority in connection with the enforcement of this Chapter may file in the office of the Health Authority a written request for a hearing before the Health Authority within ten (10) business days of the service of the order or notice.

The Health Authority shall hold a hearing at a time and place designated by him/her within thirty (30) business days from 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) business days prior to the date on which the hearing is to be held.

If, as a result of the hearing, the Health Authority finds that strict compliance with the order or notice would cause undue hardship on the petitioner and that public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Health Authority may modify or withdraw the order or notice, and as a condition for such action may, where deemed necessary, make requirements which are additional to those prescribed in this chapter for the purpose of properly protecting public health.

The Health Authority shall render a written decision within ten (10) business days after the date of the hearing, and place it on file in the office of the Health Department as a matter of public record.

Any person aggrieved by the decision of the Health Authority may seek relief there from through a hearing before the Board of Health.

Section: 19-31 Appeals

The property owner in conjunction with the Private Sewage Disposal Installation Contractor may appeal the decision of the Health Authority by filing said appeal within thirty (30) business days with the Health Department.

The petitioner shall be notified of the time and place of the hearing not less than five (5) business days prior to the date on which the hearing is to be held.

If the Board of Health finds that strict compliance with the decision of the Health Authority would cause undue hardship on the petitioner, and that public health would be adequately protected and substantial justice done by granting a variance from the decision of the Health Authority, 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 Chapter for the purpose of properly protecting public health.

The Board of Health shall render a written decision within ten (10) business days after the date of the hearing and place same on file in the office of the Health Department. A copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

Section: 19-32 Conflict of Chapter

In any case where a provision of this Chapter is found to be in conflict with a provision of any Code of Peoria County existing on the effective date of this Chapter, the provision which, in the judgment of the Health Authority or its authorized representative, establishes that the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Chapter is found to be in conflict with a provision of any other Chapter or Code of Peoria County existing on the effective date of the Chapter which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Chapter shall be deemed to prevail.

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter should be declared invalid by a court of competent jurisdiction for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter which shall remain in full force and effect and, to this end, the provisions of this Chapter are hereby declared to be severable.

Section 19-33 Penalty

Any person who violates any provision of this Chapter shall be guilty of a Class A Misdemeanor and shall be fined a minimum of one hundred (100) dollars.

Each day a violation remains uncorrected shall constitute a separate offense. The State's Attorney of Peoria County shall bring such actions in the name of the People of the State of Illinois or may bring action for an injunction to restrain such violation or to enjoin the operation of any such establishment causing such violation.

Peoria City/County Environmental Health Fees

Onsite Wastewater Treatment Program

Permit Application Fee: \$200.00

Variance Application Fee: \$75.00

Subdivision Application Fee: \$100.00 plus
\$5.00 per lot after 15 lots

(Only applies to subdivision served by onsite wastewater treatment systems
and/or private water wells)

Contractor Registration Fee: \$50.00