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## Guidance Document for the issuance of a private sewage disposal system with a surface discharge. Private Sewage Disposal Program

The United States Environmental Protection Agency has issued National Pollutant Discharge Elimination System (NPDES) Permit No. ILG62 for new and replacement surface discharging private sewage disposal systems that discharge pollutants to waters of the United States. The permit took effect February 10, 2014. No new or replacement private sewage disposal system may be constructed without coverage under this permit if the private sewage disposal system discharges pollutants to the waters of the United States.

The determination of whether pollutants from a discharging system will enter the waters of the United States must be made by the potential discharger, which in most cases is the property owner. In some situations, making this determination may be difficult. The Illinois Department of Public Health (Department) or a local health department may aid the property owner in making this determination by providing guidance materials or referrals to appropriate individuals, but the Department and local health departments do not, in most circumstances, have the resources or expertise to make this determination.

Under Section 225 ILCS 225/7(c) of the Private Sewage Disposal Licensing Act and Section 905.115 of the Private Sewage Disposal Code (Code), neither the Department nor a local health department may issue a permit for the construction of a private sewage disposal system with a discharge that enters the waters of the United States unless this system has coverage under NPDES Permit No. ILG62.

If the property owner determines that pollutants from the discharging system will not enter the waters of the United States, the Department or local health department may issue a construction permit without evidence of coverage under NPDES Permit No. ILG62. In this case, the Department recommends that the local health department require the property owner to certify that he or she:

- is aware of the requirements of the National Pollutant Discharge Elimination System permit program,
- is familiar with the definition of waters of the United States, and
- has made the determination that the pollutants from the discharging system will not enter the waters of the United States.

This certification should be included with the construction permit application. This certification/declaration may be an additional document or incorporated on to the application for

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construction. Please see the following for some recommended language:

My signature above certifies that:

- A. I am aware of and assume responsibility for: proper upkeep and service of this private sewage disposal system in accordance with the Private Sewage Disposal Licensing Act (225 ILCS 225) and Section 905.20 q) of the Code (77 Ill. Adm. Code 905) and compliance with any USEPA & IEPA permits required for this system and compliance with all requirements of said permits as outlined in Section 905.115 of the Code.
- B. I am aware of the requirements of the NPDES permit program and am familiar with the definition of "Waters of the United States."
- C. I have made the determination that the discharge of this system:
  - WILL enter waters of the United States
  - WILL NOT enter water of the United States

If the discharge of this system will enter the waters of the United States, I also certify that I have obtained from the USEPA coverage for this system under NPDES Permit No. ILG62. **The Department recommends home/property owners' use all resources at their disposal, the following are a few that may be available:**

- **Contact a professional individual that can help determine waters of the United States.**
  - **Illinois Professional Engineer**
  - **License Environmental Health Practitioner**
  - **Illinois Soil Classifier**
  - **USEPA Staff**
- **Have a soil analysis conducted on the property.**
- **Have a site evaluation conducted.**