

**Summary of Significant Proposed Revisions to Lake County Board of Health
Ordinance Article V – Regulation of Individual Sewage Disposal Systems and Registration and/or
Licensing of Individual Sewage Disposal System Professionals**

- ❑ **Title and terminology:** Throughout the Ordinance, in order to use terms consistent with those currently used in the industry, the term “Individual Sewage Disposal System” (ISD), has been replaced with “Onsite Wastewater Treatment System” (OWTS).
- ❑ **General:** Overall, the Ordinance revision seeks to attain the following objectives:
 - Incorporate a scientific and performance-based foundation for prescriptive designs while also allowing for performance-based designs for repairing failing systems;
 - Provide a clear hierarchy of how various system types are approved to repair failing systems when compliance is impossible;
 - Establish categories, approval conditions and design requirements for OWTSs;
 - Codify many existing policies and procedures;
 - Clarify or amend existing requirements, add or remove other requirements where needed;
 - Expand and clarify requirements for licensing of OWTS professionals
 - Clarify requirements for management of systems that require ongoing inspection and maintenance services
- ❑ In order to facilitate keeping the Ordinance current by making periodic amendments, **Section OWTS-104.1.8** creates a Technical Advisory Workgroup.
- ❑ **Section OWTS-202.0**, several definitions were added or clarified, most notably:
 - *Alteration/Replacement Onsite Wastewater Disposal System* – new category of system; previously a “repair”
 - *Atypical Wastewater Flow*
 - *Conceptual Site Plan*
 - *Failing OWTS*
 - *Imminent Health Hazard*
 - *Increased Water Usage*
 - *Maintenance and Management Activities* – distinction made between one-time and required ongoing activities
 - *New OWTS*
 - *OWTS*
 - *OWTS Component*
 - *Repair to an OWTS* – restricted to the replacement of non-soil treatment components
 - *Replacement OWTS* – new category of system; previously a “repair”
 - *Soil Classifier/Soil Scientist* – the two certifications were combined into a single definition to recognize equivalence, and are referenced as such throughout the Ordinance
 - *Square Footage of Building*
- ❑ **Section OWTS-301.3** (and references in other applicable sections) eliminates the requirement for a construction permit for repairs to OWTSs.
- ❑ **Section OWTS-301.3** clarifies when Public Sewer is considered available and when the Health Officer shall refuse to issue a permit for an OWTS.
- ❑ **Section OWTS-401.1** clarifies and specifies conditions that are considered to be unsanitary. It also establishes unsanitary or detrimental-to-health conditions as a public nuisance, in conjunction with the Lake County Public Nuisance Ordinance.

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- **Chapter 5** establishes and describes Project Approval Categories for Onsite Wastewater Disposal Systems. These categories coincide with the integrated project-based approach to development project permitting that has been implemented in the County for all development permitting agencies.
 - **Section OWTS-502.0: New OWTSs**
 - **Section OWTS-503.0: Replacement OWTSs**
 - Compliance Impossible Replacement System Hierarchy
 - Performance Based Systems
 - **Section OWTS-504.0: Alterations to Properties**
 - Replace Building Same Footprint
 - Conceptual Plans for square footage increase of 50% to 75%
 - This section allows a larger addition to be made and the existing OWTS to be used if a conceptual plan is submitted that establishes an acceptable OWTS can be installed if the alteration causes the existing system to fail
 - **Section OWTS-505.0: Repairs to OWTS**
 - **Section OWTS-506.0: Proposed Subdivisions**
 - **Section OWTS-507.0: Atypical Wastewater Flows**
 - Systems with greater than 1500 gallons per day flows, shared systems, community collection system, high strength wastewater, wastewater recycling/reuse.
 - **Section OWTS-508.0: Non Soil Based Systems**
 - Holding Tanks, Vault Privies, Surface Discharge Systems
 - **Section OWTS-509.0: Elimination of Abandoned Components**
 - New requirement for a plan, fee, and inspection to eliminate abandoned components.
 - **Section OWTS-510.0: Artificial Site Drainage**
- **Chapter 6** pertains to site suitability, primarily as it relates to soils. The most significant revision is that the required depth to seasonally saturated soil that is needed to be considered suitable was *reduced* from 12” to 6”. Additionally, requirements and stipulations for investigating a site that is not suitable in order to establish suitability are expanded and clarified.
- **Chapter 7** contains the design specifications the various types of OWTSs. The Chapter:
 - distinguishes between, and establishes general requirements for soil based and non-soil based treatment systems;
 - establishes performance objectives for all OWTSs;
 - contains prescriptive requirements for the design of all OWTSs, including repairs to systems and systems with atypical wastewater flow:
 - the current prescriptive design requirements are not significantly amended, but some new requirements are added or clarified;
 - one type of system, Type III Modified Mound, is added.
- The **current Chapter 8**, pertaining to Contingency Systems, was eliminated as requirements in this section were largely incorporated into other Chapters in the revision. The use of the term “Contingency System” was also discontinued.
- The **new Chapter 8** contains requirements for Plans and Other Site Information to be submitted with proposals to install, repair or construct an OWTS. The basic structure of the Chapter was essentially maintained, but it was expanded such that it establishes varying requirements for plans and other information based on the project and/or system type. For example, a lesser amount of information is required to be submitted for approval of a repair to an OWTS than is required for a new system.

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- ❑ **Chapter 9** contains Construction Requirements for OWTSs. The revisions to this Chapter are primarily clarifications.
- ❑ **Chapter 10** establishes requirements for materials used in the installation of OWTSs. While most of the changes to this Chapter are clarifications, Section OWTS-1002.4 was added to specify exterior grease interceptor sizing and capacity, as well as other relevant requirements pertaining to these treatment components.
- ❑ **Chapter 11** pertains to Licensing, Certification and Training of OWTS professionals. **Section OWTS-1101.2** establishes the following license categories, and provides the option for OWTS professionals to obtain combination licenses to conduct multiple types of services. The category of “Service Provider” is a new classification, but is consistent with pending requirements in the state private sewage code.
 - Soil Scientist/Classifier
 - OWTS Designer
 - OWTS Installation Contractor (formerly ISD System Contractor)
 - OWTS Designer/Installation Contractor (multiple license – new)
 - OWTS Installation Contractor/Service Provider (multiple license – new)
 - OWTS Designer/Installation Contractor/Service Provider (multiple license – new)
 - OWTS Pumper
- ❑ **Chapter 12** contains requirements for Waste Haulers and Septage Disposal. There are no substantive changes in this Chapter.
- ❑ **Chapter 13** contains requirements for System and System Component Management Activities. Management activities, as defined in Chapter 2, are “*routine or periodic action, as required by this Ordinance, taken by an appropriately licensed service provider or a homeowner to assure continued proper onsite wastewater treatment system performance, extend onsite wastewater treatment system longevity, and/or assure an onsite wastewater treatment system meets performance standards.*” The Chapter describes property owners responsibilities for managing systems containing a mechanical pre-treatment component including:
 - Assuring the component is serviced 2 times per year and that the reports are provided to the Department;
 - Submittal of effluent samples for laboratory analysis for compliance with performance standards;
 - Compliance, where appropriate, with the requirement to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the IEPA;
 - The pumping of holding tanks.
- ❑ **Chapter 14** contains requirements for the enforcement of the Ordinance. There are no substantive changes in this Chapter.
- ❑ **Chapter 15** establishes Fees and Administrative Procedures/Requirements. An addition to this Chapter is the inclusion of the option for the one-time renewal of a valid (not expired) approved site plan (previously not an option). This option would allow an applicant to extend the time for which the permit is valid by another two years.
- ❑ **Chapters 16 and 17** contain no substantive changes.

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- ❑ **Appendix A:** Adds three design manuals/references to the list of materials incorporated into the Ordinance.
- ❑ **Table B.1:** The existing Soil Type Table was updated to be a listing of Soil Reference Groups.
- ❑ **Table B.3:** Added table to establish and clarify what systems may be used in relation the wastewater application point and the depth to a limiting layer (Soil Treatment Credit Table).
- ❑ **Table B.4** establishes Discharge Effluent Limitations for surfacing discharging OWTSS.
- ❑ **Table C.1** contains changes and additions to the Design Daily Wastewater Flows for various uses in order to better determine size/capacity requirements for OWTSS. In the Residential Flow Table, the gallons per day for 2 and 3 bedrooms were reduced for consistency and to be more in accordance with nationally recognized rates.
- ❑ **Appendix D** contains revisions to the previously existing, and more limited minimum required setback distances.
- ❑ **Appendix E** contains updated/improved illustrations of various system design requirements.