

TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: WATER WELLS

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§ 50.01 PURPOSE.

This chapter is established to eliminate disease transmission and chemical poisons through provision of a safe, potable, adequate supply of water for drinking, culinary and sanitary purposes for every individual within the health jurisdiction.
(Ord. 08-10, passed 3-17-2008)

§ 50.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMUNITY WATER SYSTEM. A public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents at least 60 days a year.

COUNTY HEALTH DEPARTMENT. The Effingham County Health Department.

NON-COMMUNITY WATER SYSTEM. A public water system that is not a community water system, that has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days a year.

PUBLIC WATER SYSTEM. A system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 60 days per year. The term **PUBLIC WATER SYSTEM** includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

SEMI-PRIVATE WATER SYSTEM. A water supply which is not a public water system, yet which services a segment of the public other than an owner-occupied single-family dwelling.

WATER WELL. Any excavation that is drilled, cored, bored, driven, dug or otherwise constructed for the division, artificial recharge or acquisition of ground water, but does not include wells for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarry or for inserting media to repressure oil or natural gas bearing formations or for storing petroleum products, or monitoring wells.

(Ord. 08-10, passed 3-17-2008)

§ 50.03 ADOPTION BY REFERENCE.

In addition to those provisions set forth, this chapter shall be interpreted and enforced in accordance with provisions set forth in the following statutes, rules and regulations of the State Department of Public Health and any subsequent amendments revisions thereto, which publications are incorporated herein and adopted by reference as part of this chapter.

(A) Illinois Water Well Construction Code (77 Ill. Adm. Code 920);

(B) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925);

(C) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895);

(D) Drinking Water Systems Code (77 Ill. Adm. Code 900); and

(E) Surface Source Water Treatment Code (77 Ill. Adm. Code 930).

(Ord. 08-10, passed 3-17-2008)

§ 50.04 WATER SUPPLY LOCATION, CONSTRUCTION AND REPAIR.

(A) *Water wells.* Except as otherwise herein provided, the location, construction, repair and disinfection of water wells, and the installation of water well pumps, shall be in accordance with the

requirements set forth by the State Department of Public Health, State Water Well Construction Code (77 Ill. Adm. Code 920) and State Water Well Pump Installation Code (77 Ill. Adm. Code 925), which are hereby made part of this chapter by reference. Copies of said regulations shall be available at the County Health Department office. Wells that are abandoned shall be sealed in a manner prescribed by the State Water Well Construction Code.

(B) *Surface water supplies.* All water systems which receive their source of water from ponds, lakes, streams, rivers or other surface collectors of water shall be designed, constructed and operated in accordance with the State Department of Public Health Surface Source Water Treatment Code (77 Ill. Adm. Code 930).

(C) *Cisterns.* Cisterns shall not be used for a water supply except where adequate groundwater resources are not available. Cistern water and surface water supplies shall receive treatment in accordance with the State Department of Public Health Surface Source Water Treatment Code (77 Ill. Adm. Code 930).

(Ord. 08-10, passed 3-17-2008)

§ 50.05 DISINFECTION AND ANALYSIS.

All components of a new water well construction and/or modification shall be thoroughly disinfected with a strong chlorine solution which will yield a dosage of at least 100 parts per million to the water in the well and piping system. After purging the water system of any chlorine residual, a water sample shall be taken and analyzed by a certified laboratory and satisfactory results obtained prior to utilizing the water system for drinking and culinary purposes. The copy of the analysis shall be filed with the County Health Department. The water obtained from a semi-private water supply shall meet the requirements of the Public Area Sanitary Practice Code, § 895.20b, and the water obtained from a private well shall meet the bacteriological and nitrate requirements of the Primary Drinking Water Standards (35 Ill. Adm. Code 611). The water from a private water system, having surface water as its source, shall meet the nitrate/nitrite, bacteriological and turbidity requirements of the Primary Drinking Water Standards (35 Ill. Adm. Code 611). This will bring this section up to date with the current references for water quality.

(Ord. 08-10, passed 3-17-2008)

§ 50.06 EXEMPTIONS.

The requirement for permit in this chapter shall not be applicable to wells intended to serve a community public water supply system, and to monitoring wells.

(Ord. 08-10, passed 3-17-2008)

§ 50.07 STORAGE AND WATER LINES.

A minimum storage capacity excluding the water heater of 50 gallons for each residence served, maintained at a minimum pressure of 20 pounds per square inch, shall be provided.
(Ord. 08-10, passed 3-17-2008)

§ 50.08 PERMIT REQUIRED.

(A) No water well shall be constructed or deepened in this county, except in accordance with these regulations, and it shall be unlawful to proceed with the construction of a potable water well without first obtaining a permit from the County Health Department.

(B) All wells and pumps shall be maintained in a safe condition by the owner.

(C) A non-community public water supply shall not be operated without first obtaining a permit from the State Department of Public Health.
(Ord. 08-10, passed 3-17-2008) Penalty, see § 50.99

§ 50.09 APPLICATION FOR PERMIT.

Application for permits shall be in writing and in such form that shall be prescribed by the County Health Department. Cost for the permit shall be the current state fee for the same permit.
(Ord. 08-10, passed 3-17-2008)

§ 50.10 REQUIRED INSPECTION.

The County Health Department shall be notified by telephone or in writing at least 48 hours prior to the commencement of any work to construct or deepen a water well for which a permit has been issued, or to seal a water well, boring or monitoring well.
(Ord. 08-10, passed 3-17-2008)

§ 50.11 LICENSING OF WELL DRILLERS AND PUMP INSTALLERS.

All individuals who construct water wells and install well pumps shall be licensed by the State Department of Public Health in accordance with the Water Well and Pump Installation Contractor's License Act (225 ILCS 345/1).
(Ord. 08-10, passed 3-17-2008)

§ 50.99 PENALTY.

Any person violating any provision of this chapter, upon conviction, shall be fined not less than \$100, nor more than \$750. Each day the violation continues shall constitute a distinct and separate offense.

(Ord. 08-10, passed 3-17-2008)

CHAPTER 51: PRIVATE SEWAGE DISPOSAL

Section

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§ 51.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED REPRESENTATIVE. The legally designated Administrator or the Acting Administrator of the Effingham County Health Department, and shall include those persons designated by the Administrator or Acting Administrator to enforce the provision of this chapter.

BOARD OF HEALTH. The Effingham County Board of Health or its authorized representative(s).

DOMESTIC SEWAGE. Waste water derived principally from dwellings, business or office buildings, institutions, food service establishments and similar facilities.

EFFLUENT RECEIVING TRENCH. A subsurface seepage field, seepage bed or graveless seepage system used to reduce the amount of treated effluent discharged to the ground surface from an approved private sewage disposal system.

HEALTH AUTHORITY. The person or persons who have been designated by the Board of Health to administer the affairs of the Health Department.

HEALTH DEPARTMENT. The Effingham County Health Department, including its duly authorized representative(s).

HOME OWNER. A contract-for-deed buyer or a person who holds legal title to a residential structure which is to be used or is used for his or her personal, single-family residence.

HOME OWNER INSTALLED SYSTEM. A private sewage disposal system installed by a home owner for his or her personal single-family residence.

MODIFY. Any change in the design or components of a private sewage disposal system requiring a permit herein defined.

OPERATIONAL INSPECTION. An inspection of the private sewage disposal system to determine compliance with this chapter by the Health Department.

PERMIT. A written permit issued by the Health Department permitting the construction of a private sewage disposal system under this chapter.

PRIVATE SEWAGE DISPOSAL SYSTEM. Any sewage handling or treatment facility receiving domestic sewage at a volume less than 1,500 gallons per day and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR. Any person excavating, constructing, installing, repairing, modifying or maintaining private sewage disposal systems.

PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR. Any person who cleans or pumps waste from a private sewage disposal system or hauls or disposes of wastes removed therefrom.

(Ord. 04-106, passed 10-18-2014)

§ 51.02 ADOPTION BY REFERENCE.

This chapter shall adopt by reference and shall be interpreted and enforced in accordance with provisions set forth in the current, unabridged form of the State Department of Public Health, Private Sewage Disposal Licensing Act and Code, being 225 ILCS 225 and any subsequent amendments or revisions thereto, which is incorporated herein and adopted by reference as part of this chapter, three certified copies of which shall be on file in the office of the County Clerk.

(Ord. 04-106, passed 10-18-2014)

§ 51.03 REQUIRED AREA.

(A) *Lot size.* Minimum lot size for a residential structure requiring a private sewage disposal system, shall be one acre in size or as established by the county subdivision ordinance (Chapter 150 of this code of ordinances), whichever is greater. A larger area may be required for such lots if, in the opinion of the Health Department, there are other factors of drainage, soil conditions or other conditions which may cause potential health problems. Lots platted and on record before the effective date of this chapter, for which sewage plans were approved, will receive a variance from this section. A smaller lot may be requested if a soil investigation or percolation tests performed according to the Private Sewage Disposal Licensing Act and Code determine the soil is suitable for a subsurface seepage field, or if a community sewage collection system is proposed. If soils are suitable for a subsurface seepage field, a surface discharging system may be installed providing it is immediately followed by a seepage field designed and constructed to be at least two-third the size determined necessary by § 905.60 of the Private Sewage Code. A variance may be granted if, in the opinion of the Health Department, it is impractical or impossible to comply with the code and an approved system can be installed and no potential health hazards will exist; however, the area shall be large enough to provide for a second private sewage disposal system of a size and type equivalent to the minimum system approved for the lot.

(B) *Subdivisions.* The Health Department shall require persons who subdivide property to furnish information concerning soil absorption capacities, or require changes in a proposed subdivision plat, to reasonably ascertain that each lot of said proposed subdivision will be able to support the installation and subsequent use of an approved private sewage disposal system as defined in the State Department of Public Health Private Sewage Disposal Licensing Act and Code.

(Ord. 04-106, passed 10-18-2014)

§ 51.04 PERMIT REQUIREMENTS.

(A) It shall be unlawful for any person to construct, alter or extend individual domestic sewage disposal systems within the county unless he or she holds a valid permit issued by the Health Department stating the name of such person for which the specific construction, alteration or extension is proposed.

(B) All applications for permits granted under the provision of this chapter shall be made to the Health Department.

(C) A permit shall only be issued to a homeowner and/or a licensed private sewage disposal system installation contractor installing a sewage disposal system.

(D) Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:

(1) Name and address of the applicant and location of the proposed site of construction, alteration or extension as proposed; and

(2) Complete plan of the proposed disposal facility, with substantiating date, if necessary, attesting to its compliance with the minimum standards of this chapter.

(E) The Health Department may refuse to grant a permit for the construction of a private sewage disposal system where a sanitary sewage system is available. A 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 premises for which the permit is requested, or when the improvement to be served is located within a reasonable distance of a public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for the purpose of this provision shall be deemed to be not greater than 200 feet for a single-family residence and not greater than 1,000 feet for a commercial establishment, subdivision or multi-family dwelling.

(F) The Health Department shall act upon all applications within 15 days of receipt thereof.

(G) Said permit to construct is valid for a period of six months from date of issuance. If construction has not started within this period, the permit is void.

(H) Soil evaluations, as required by this chapter, shall be performed according to the provisions of the Illinois Private Sewage Licensing Act and Code, being 225 ILCS 225. Percolation tests may be performed by private sewage disposal system installation contractors holding a valid private sewage disposal system installation contractor license or the homeowner. The Health Department reserves the right to determine the validity of any test and in cases where more than one set of tests are performed the Health Department shall determine which test results shall prevail. The Health Department shall be notified at least one day prior to the performance of all tests and may supervise any test.

(I) The Health Department shall be notified of any modification, change or repair to any private sewage disposal system by either a homeowner or contractor to determine whether that modification, change or repair requires a permit as set forth in this chapter. The routine cleaning of disposal system components, replacing septic tank covers, or rodding out inlet and outlets, does not require a construction permit as defined in this chapter.

(J) There shall be a \$100 fee charged for the initial construction permit, alteration or extension of an individual sewage system as approved by the Health Department. The fee shall be collected by the Health Department at the time an application for permit is submitted.

(Ord. 04-106, passed 10-18-2014) Penalty, see § 51.99

§ 51.05 COMPLIANCE AND PERFORMANCE.

(A) All private sewage disposal systems within the limits of the county shall be installed, modified or serviced by an individual with a valid private sewage disposal system installation contractor license; and all such systems shall be pumped, cleaned and the contents disposed of by individuals with a valid private sewage disposal system pumping contractor's license; provided, however, that a homeowner may install and/or service a private sewage disposal system which serves his or her own personal single-family residence.

(B) All septic tank and/or aerobic units manufactured, sold, offered for sale or delivered in the county shall comply with provisions in this chapter.

(C) Any private sewage disposal system designed to surface discharge permitted on or after the effective date of this chapter shall not discharge any effluent directly into any body of water where full body contact activities are allowed. A discharge within 75 feet of the above shall be considered a direct discharge to the receiving body of water.

(D) When the discharge from any private sewage disposal system designed to surface discharge may leave the homeowner's property, that discharge shall first enter an effluent receiving trench of no less than 100 square feet per bedroom. The effluent receiving trench shall be installed so when full the effluent discharge will bypass the trench. The final discharge to the surface shall be chlorinated. The final discharge from a private sewage disposal system shall remain on the property of the homeowner.

(E) It shall be unlawful to discharge untreated sewage or the effluent from any septic tank directly or indirectly to any stream, ditch, ground surface, sink hole or abandoned well, or to allow the contents of any privy vault, or septic tank or to emit offensive odors, to become objectionable, dangerous or prejudicial to the public health.

(F) Private sewage disposal systems constructed prior to the effective date of this chapter shall be updated to comply with the requirements of this chapter when they require a permit to repair or replace that system.

(G) It shall be the duty of the owner or occupant of a property to give the Health Department free access at reasonable times to any property that has a private sewage disposal system on it for the purpose of making such inspections as are necessary to determine compliance with the requirements of this chapter. If the Health Department is denied access to the property, it may, to the extent provided by law, obtain an administrative search warrant with the assistance of the State's Attorney Office for the purposes of this chapter's enforcement (225 ILCS 225/8(3)).

(Ord. 04-106, passed 10-18-2014) Penalty, see § 51.99

§ 51.06 ISSUANCE OF NOTICE.

(A) Whenever the Health Department determines that a violation of any provision of this chapter has occurred, the Health Department shall give notice to the person responsible for such violation; this 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 Department for performance of any act it required;

(4) Be served upon the person responsible for the violation(s); provided that such notice shall have been properly served upon the person responsible for the violations when a copy thereof has been sent by registered or certified mail to his or her last known address as furnished to the Health Department or when he or she has been served with such notice by any other method authorized by laws of this state; and

(5) Contain an outline of remedial action which is required to effect compliance with this chapter.

(B) It shall not be a prerequisite to enforcement of the penalty provisions of this chapter that the Health Department first resort to the notice procedure set forth in division (A) above.
(Ord. 04-106, passed 10-18-2014)

§ 51.07 HEARINGS.

(A) *Hearings before the Health Authority.* Any person affected by an order or notice issued by the Health Department in connection with the enforcement of any section of this chapter, may file in the office of the Health Department a written request for a hearing before the Health Authority. The Health Authority shall hold a hearing at a time and place designated by the Health Department within 30 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 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 the 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. The Health Authority shall render a decision within ten days after the date of the hearing which shall be reduced to writing and placed 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 therefrom through a hearing before the Board of Health.

(B) *Hearing before the Board of Health.* Any person aggrieved by the decision of the Health Authority rendered as the result of a hearing held in accordance with this section may file in the office of the Health Department a written request for a hearing before the Board of Health at a time and place designated by the Secretary of the Board of Health within 30 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 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 the 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. The Board of Health will render a decision within ten days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

(Ord. 04-106, passed 10-18-2014)

§ 51.08 CONFLICT.

In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the county existing on the effective date of this chapter, the provision which, in the judgment of the Health Authority establishes 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 ordinance or code of the county existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of the health and safety of the people, and provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

(Ord. 04-106, passed 10-18-2014)

§ 51.99 PENALTY.

(A) Any person who violates any provision of this chapter may be fined a sum of up to \$500 for each offense. Each day of the violation shall constitute a separate offense.

(B) The State's Attorney of the county may bring such actions in the name of the people of the state or may bring action for injunctive relief to restrain such violation. Additionally, any person who violates any provision of this chapter may be penalized in accordance with the State Department of Public Health Private Sewage Disposal Licensing Act and Code, § 19 (225 ILCS 225/19).

(C) All monies collected from fines under this chapter shall be deposited to the County Health Department Fund.

(Ord. 04-106, passed 10-18-2014)

CHAPTER 52: SOLID WASTE; LANDFILLS

Section

Solid Waste Disposal Facilities

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SOLID WASTE DISPOSAL FACILITIES

§ 52.01 PURPOSE.

The county, a unit of local government as defined in the Local Solid Waste Disposal Act, being 415 ILCS 10 has elected to establish a fee with regard to the permanent disposal of solid waste. The fees collected shall be used for solid waste management purposes, including long-term monitoring and maintenance of landfills, planning, implementation, inspecting, enforcement and other activities consistent with the Solid Waste Management Act, being 415 ILCS 20 and the Local Solid Waste Disposal Act, being 415 ILCS 10.

(Ord. passed 9-19-2005)

§ 52.02 FEE.

All solid waste disposed of within the county at a solid waste disposal facility, except for exempted materials, shall be subject to the following fee schedule:

\$0.60 per cubic yard	If more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year, unless the owner or operator weighs the quantity of solid waste received with a device for which certification has been obtained under the Weights and Measurement Act, in which case a fee shall be \$1.27 per ton of solid waste permanently disposed of.
\$33,350	If more than 100,000 cubic yards, but more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.
\$15,500	If more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.
\$4,650	If more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.
\$650	If not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.
The county elects to impose the maximum allowable rate per ton or cubic yard as set by statute under this chapter. To-wit, any increase in the allowable rate per cubic yard or ton by statute shall automatically raise the rate per cubic yard or ton in the ordinance to the maximum allowable rate, unless by ordinance, the County Board, prior to the effective date of such change, elects to impose a lower rate per ton or cubic yard than the maximum allowable rate.	

(Ord. passed 9-19-2005)

§ 52.03 EXEMPTIONS.

(A) The County Board shall grant the following exemptions.

(1) Any solid waste meeting all of the following criteria:

(a) Permanent disposal of the solid waste is pursuant to a written contract between the owner or operator of the sanitary landfill and some other person, or transport of the solid waste is pursuant to a written contract between the transporter and some other person;

(b) The contract for permanent disposal or transport of solid waste was lawfully executed on or before December 31, 1986, and by its express terms continues beyond January 1, 1987, or was lawfully executed during 1987 or 1988 and by its express terms continues beyond January 1, 1989;

(c) The contract for permanent disposal or transport of solid waste establishes a fixed fee or compensation, does not allow the operator or transporter to pass the fee through to another party, and does not allow voluntary cancellation or re-negotiation of the compensation or fee during the term of the contract; and

(d) The contract was lawfully executed on or before December 31, 1986, and has not been amended at any time after that date, or was lawfully executed during 1987 or 1988 and has not been amended on or after January 1, 1989.

(2) Exemptions granted under this provision shall cause the solid waste received by an owner or operator of a sanitary landfill pursuant to a contract exempted under this section to be disregarded in calculating the volume or weight of solid waste permanently disposed of during a calendar year.

(3) Applications for exemptions under this provision may be granted retroactively. Applications for retroactive or prospective exemptions must be received by the State Environmental Protection Agency before March 1, 1989.

(4) It shall be the duty of an owner or operator of a sanitary landfill to keep accurate records and to prove to the satisfaction of the I.E.P.A. and the county the volume or weight of solid waste received under an exemption during a calendar year.

(5) Exemptions under this provision shall expire upon the expiration, renewal or amendment of the exempted contract, whichever occurs first.

(B) The fee shall not apply to:

(1) Waste which is hazardous waste;

(2) Waste which is pollution control waste;

(3) Waste from recycling, reclamation or reuse processes which have been approved by the I.E.P.A. as being designed to remove any contaminant from wastes so as to render such wastes reusable, provided that the process renders at least 50% of the waste reusable;

(4) Non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the I.E.P.A., or

(5) Any landfill which is permitted by the I.E.P.A. to receive only demolition or construction debris or landscape waste.

(C) (1) An exemption shall apply to permanent disposal or transport of solid waste meeting all of the following criteria:

(a) The waste is non-putrescible and homogenous and does not contain free liquids;

(b) Combustion of the waste would not provide practical energy recovery or practical reduction in volume; and

(c) The applicant for exemption demonstrates that it is not technologically and economically reasonable to recycle or reuse the waste.

(2) Exemptions granted under this provision shall cause the solid waste exempted under division (A)(2) above which is permanently disposed of by an owner or operator of a sanitary landfill to be disregarded in calculating the volume or weight of solid waste permanently disposed of during a calendar year.

(3) It shall be the duty of an owner or operator of a sanitary landfill to keep accurate records and to prove to the satisfaction of the I.E.P.A. and the county the volume or weight of solid waste received under an exemption during a calendar year.

(Ord. passed 9-19-2005)

§ 52.04 FEE IMPOSED.

The fee imposed (per volume or weight) shall be calculated by the solid waste disposal facility. The facility shall keep the tonnage or volume per quarter and the exempt material to be subtracted from the total volume or tonnage per quarter. The solid waste disposal facility shall file with the County Clerk a record of total tons or cubic yards of solid waste received each day during each quarter, tons or cubic yards exempted from tax and tons or cubic yards subject to tax, with a monthly and quarterly total.

(Ord. passed 9-19-2005)

§ 52.05 PAYMENT OF FEES.

All fees required to be paid pursuant to the terms of § 52.02 shall be due and owing on the fifteenth of the month following the preceding quarter year in which the solid waste volume or weight is calculated; pursuant to the following schedule: payment shall be due April 15 for January 1 through March 31; July 15 for April 1 through June 30; October 15 for July 1 through September 30; January 15 for October 1 through December 31 of each year. All calculations shall run pursuant to the quarter calendar year beginning in the calendar year 1994. The first payment shall be due and owing under this chapter on January 15, 1995 from the fourth quarter calendar year 1994. Fees shall be payable to the County Treasurer.

(Ord. passed 9-19-2005)

§ 52.06 DEPOSIT OF FEES.

All fees collected pursuant to this ordinance shall be deposited by the County Treasurer in a special fund designated as the County Local Solid Waste Fee Fund.

(Ord. passed 9-19-2005)

§ 52.07 EXPENDITURE OF COLLECTED FEES.

The expenditure of any fees collected shall be by the direction and with the approval of the County Board pursuant to purposes allowed by statute.
(Ord. passed 9-19-2005)

SANITARY LANDFILLS

§ 52.20 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AQUIFER. A geologic formation, group of formations or part of a formation capable of yielding groundwater.

BOARD. The County Board of Effingham County or any department, agency or other county entity duly delegated the authority to perform acts hereunder by the Effingham County Board.

CONTAINMENT. Any solid, semisolid, liquid or gaseous matter, or any odor, radioactive material, pollutant (as defined in the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.)) as in effect, hazardous waste (as defined by the Federal Solid Waste Disposal Act (42 U.S.C. §§ 6901 et seq.)) any constituent of a hazardous waste, radioactive waste or any combination thereof, from whatever source, that:

- (1) Is injurious to human health, plant or animal life, or property;
- (2) Interferes unreasonably with the enjoyment of life or property; or
- (3) Is otherwise violative of this chapter.

COUNTY. Effingham County, Illinois.

DISPOSAL. The discharge, deposit, injection, spilling, leaking, handling or placing of a solid waste, hazardous waste or radioactive waste into or on any land or water so that such waste, or any constituent of such waste, may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

HAZARDOUS WASTE. A solid waste or combination of solid wastes that, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

(1) Cause or significantly contribute to an increase in mortality or increase in serious, irreversible or incapacitating reversible, illness; or

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise handled or managed.

HAZARDOUS WASTE LAND DISPOSAL FACILITY. A plant or site where hazardous waste is subjected to final land disposal, irrespective of whether the facility was intended for the land disposal of hazardous wastes.

LAND DISPOSAL FACILITY. A plant or site at which solid waste, hazardous waste or radioactive waste is intentionally or unintentionally placed into or on any land or water, including, but not limited to, landfills. The term does not include underground storage tanks as defined by 40 C.F.R. § 280.12.

LANDFILL. A land disposal facility where solid waste, hazardous waste or radioactive waste is placed in or on land for final disposal, and which is not a pile, a land treatment facility, as defined in 40 C.F.R. § 260.10, a surface impoundment, a salt dome formation, a salt bed formation, an underground mine or a cave.

LEACHATE. Any liquid, including any suspended components in the liquid, that has percolated through or drained from solid, hazardous or radioactive waste at a land disposal facility.

OPEN DUMP. The consolidation of solid waste, hazardous waste or radioactive waste from one or more sources or the disposal of solid waste, hazardous waste or radioactive waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other approved land disposal method as prescribed by applicable state federal laws or regulations, and that is established and maintained without daily cover sufficient to prevent the escape of dust, odors, contaminants or solid wastes, hazardous wastes or radioactive wastes.

OPEN DUMPING. The act of disposing of any solid waste, hazardous waste or radioactive waste at an open dump.

OPERATOR. The person responsible for the overall operation of a hazardous waste, solid waste or radioactive wasteland disposal facility.

OWNER. The person who owns a hazardous waste, solid waste or radioactive wasteland disposal facility or part of a facility.

PERSON. An individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, school city, town, school town, school district, school corporation, county, any consolidated unit of government, political subdivision, state agency or any other legal entity.

RADIOACTIVE WASTE. High-level radioactive waste, as defined in the Nuclear Waste Policy Act of 1982, as amended, 42 U.S.C. § 10101(12) and low-level radioactive waste as defined in the Nuclear Waste Policy Act of 1982, as amended, 42 U.S.C. § 10101(16).

SOLID WASTE. Any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining or agricultural operations, or from community activities.

SOLID WASTE LAND DISPOSAL FACILITY. A plant or site where solid waste is subjected to final land disposal, irrespective of whether the facility was intended for the land disposal of solid wastes.

UPPERMOST AQUIFER. The geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer, within a land disposal facility's property boundary.

WATER POLLUTION.

(1) Actual or threatened alteration of the physical, thermal, chemical, biological, bacteriological or radioactive properties of any waters; or

(2) The discharge or threatened discharge of any contaminant into any waters that does or can create a nuisance or render the waters harmful, detrimental or injurious to:

(a) Public health, safety or welfare;

(b) Domestic, commercial, industrial, agricultural, recreational or other legitimate uses;

or

(c) Livestock, wild animals, birds, fish or aquatic life.

WATERS. The accumulation of water, surface and underground, natural and artificial, public and private, or parts thereof, including aquifers, that are wholly or partially within, flow through, or border upon the county. The term includes private ponds, reservoirs, surface impoundments, structures or facilities built for collection or diversion of run-off at any land disposal facility that drain into any other "waters" as defined herein.

WORKING FACE. The portion of a land disposal facility where the solid and/or hazardous waste is deposited.

(Prior Code, § 31-1-1)

§ 52.21 DUTIES OF THE COUNTY BOARD.

(A) The Board shall conduct a program of continuing surveillance monitoring and inspection of land disposal facilities and actual or threatened sources of environmental pollution caused by the release of solid, hazardous or radioactive waste from land disposal facilities in violation of this chapter.

(B) The Board shall carry out the duties and exercise the powers provided in this chapter.

(C) The Board shall establish and administer monitoring and reporting requirements as necessary to carry out the duties and exercise the powers provided in this chapter.

(Prior Code, § 31-1-2)

§ 52.22 ACTS PROHIBITED.

(A) No person may cause, allow or threaten disposal of any solid waste, hazardous waste or radioactive waste into the air, waters or land of the county, except in accordance with a permit issued by the State Environmental Protection Agency, the U.S. Environmental Protection Agency, or other federal, state or local administrative agency possessing authority to issue permits governing such activities.

(B) No person may deposit any solid waste, hazardous waste or radioactive waste upon the land in such manner as would create surface water pollution and/or air pollution in the county, except as specifically provided for in a permit issued by an administrative agency possessing the requisite permitting authority.

(C) No person may cause or allow the open dumping of solid waste, hazardous waste or radioactive waste or maintain an open dump in the county.

(D) No person may expose solid waste, hazardous waste or radioactive waste to the open air in such place or manner as would create water pollution and/or air pollution, including the release of any dust or noxious odor in the county, except as specifically provided for in a permit issued by an administrative agency possessing requisite permitting authority.

(E) No person may handle, dispose of or cause or allow the release of solid waste, hazardous waste or radioactive waste so as to pollute any aquifer or part of any aquifer in the county.

(Prior Code, § 31-1-3) Penalty, see § 52.99

§ 52.23 STANDARDS APPLICABLE TO SOLID WASTE, HAZARDOUS WASTE AND RADIOACTIVE WASTE LAND DISPOSAL FACILITIES.

(A) (1) Land disposal facilities are prohibited unless duly permitted and authorized by the U.S. Environmental Protection Agency, State Environmental Protection Agency, State Department of Nuclear

Safety, or other federal, state or local governmental agency having authority over the location in which a facilities is or shall be located, the construction of such facility, and the operation of such facility.

(2) Any land disposal facility in existence as of January 1, 1994 and not authorized under division (A)(1) above shall be closed and the owner or operator shall commence removal of the solid waste, hazardous waste or radioactive waste, and removal or cleanup of any contaminated soil or groundwater in accordance with all applicable federal, state and local requirements, no later than March 1, 1994. The owner and/or operator of any landfill or land disposal facility coming into existence after January 1, 1994 and not authorized under division (A)(1) above shall immediately remove all solid waste, hazardous waste or radioactive waste and clean up or remove any contaminated soil and/or groundwater in accordance with all applicable federal, state and local requirements.

(B) All land disposal facilities in the county shall be operated so as to prevent the unauthorized release or escape of leachate into the surrounding soils, surface, water or groundwater.

(C) (1) All land disposal facilities in the county shall demonstrate through a program of groundwater monitoring that groundwater directly beneath the facility is free of contaminants or leachate emanating therefrom. Groundwater monitoring wells installed pursuant to this division (C)(1) must be constructed, operated and sampled in accordance with all applicable state and federal requirements.

(2) Owners and operators of land disposal facilities not in existence prior to January 1, 1994 must submit a groundwater monitoring plan to the Board for approval no later than 90 days prior to the commencement of operations.

(3) The Board shall review and approve or disapprove groundwater monitoring plans submitted pursuant to division (C)(2) above within 60 days after submittal. In the event the Board disapproves of such program, it shall notify the owner and operator submitting the program of the specific deficiencies in the submittal. The owner and operator shall submit a revised monitoring plan for Board approval within 30 days of receiving a notice of deficiency. No land disposal facility shall commence operations without Board approval of a groundwater monitoring program.

(4) The owner or operator may submit a groundwater monitoring plan contained in a permit issued by the U.S. Environmental Protection Agency or the State Environmental Protection Agency. Such plan must conform to the specific requirements of this division (C) in order to be approved by the Board.

(5) The owner and operator may appeal adverse Board decisions under this division (C) by petitioning the Board for an evidentiary hearing. Such hearing shall be conducted pursuant to applicable county and state procedures.

(D) (1) All trucks carrying solid waste, hazardous waste or radioactive waste to land disposal facilities and landfills in the county and using any streets within the county shall be operated so as to prevent the release or escape of solid wastes, hazardous wastes, radioactive wastes, odors, dust and debris. Upon leaving the land disposal facility, such trucks must be clean and free of solid waste and

hazardous waste and radioactive waste, dirt, cover material, truck wash water and other debris. Truck wash water shall not be permitted to drip on any street in the county.

(2) Trucks carrying solid waste, hazardous waste or radioactive waste to land disposal facilities in the county shall not use routes adjacent to schools, hospitals or nursing homes.

(3) All trucks transporting solid wastes, hazardous wastes or radioactive wastes within the boundaries of the county shall be attended at all times by competent personnel knowledgeable in the handling of the material being transported as well as appropriate health, environmental and safety procedures in the event of an accident, spill, release, leak or other such emergency.

(E) (1) All trains transporting solid wastes, hazardous wastes or radioactive wastes within the boundaries of the county shall be attended at all times by competent personnel knowledgeable in the handling of the material being transported as well as appropriate health, environmental and safety procedures in the event of an accident, spill, release, leak or other such emergency.

(2) At no time shall a train transporting solid wastes, hazardous wastes or radioactive wastes within the boundaries of the county be physically stopped at any location other than its destination except in the event of, or to prevent, an accident, spill, release, leak or other such emergency.

(3) Under no circumstances shall a train transporting solid wastes, hazardous wastes or radioactive wastes within the boundaries of the county be physically stopped so as to block any federal, state or county highway, or other road deemed by the county or the municipalities within the county to be a "significant" roadway for a period in excess of ten minutes.

(F) Land disposal facilities shall be operated so as to prevent the unauthorized release or escape of any solid waste, hazardous waste or radioactive waste, dust, smoke, odors and fumes from any part of the facility.

(G) Surface and storm water runoff from land disposal facilities is prohibited unless authorized by a national pollutant discharge elimination system permit issued by the U.S. Environmental Protection Agency, the State Environmental Protection Agency or other duly authorized entity.

(H) In the event of an unauthorized release of solid waste, hazardous waste or radioactive waste, or of leachate, at a land disposal facility, the owner or operator shall immediately notify the state police and shall immediately cease all discharges to surface waters until the leachate released is remediated fully and the owner or operator can demonstrate, through sampling and analysis, that any discharge to surface waters is free of solid waste, hazardous waste and radioactive waste.

(I) In the event of an unauthorized release of solid waste, hazardous waste or radioactive waste, or of leachate, at a land disposal facility that enters the groundwater or escapes the landfill boundaries, the owner or operator shall immediately notify the Fire Department having jurisdiction over its facility and shall immediately commence off-site soil, air and groundwater sampling to determine the areal extent of the release. The owner or operator shall report all sampling results to the Board. As soon as

practicable after the release, the owner and/or operator shall submit a written proposal to the Board setting forth the sampling program. If the Board determines that additional sampling is required, the Board shall so notify the owner or operator.

(J) No land disposal facility in the county shall emit or cause to be emitted any light or noise which unreasonably interferes with any lawful business or activity or is injurious to the health or well-being of any person. Except for necessary maintenance to prevent the release or escape of solid waste, hazardous waste or radioactive waste or other pollutants, or activities necessary to comply with the requirements of the Board, land disposal facilities shall conduct no commercial operations between the hours of 6:00 p.m. and 7:00 a.m. Except as necessary to maintain security or to comply with the requirements of the Board, lights shall be off when the land disposal facility is not in operation.

(K) All land disposal facilities in the county shall maintain adequate fencing and security to prevent uncontrolled access to the facility. At a minimum, security fences shall be eight feet high and maintained in good repair sufficient to prevent injury by unauthorized persons. All gates shall remain dosed except as necessary to carry out landfill operations. When closed, gates shall be locked securely so as to prevent entry by unauthorized persons.

(Prior Code, § 31-1-4)

§ 52.24 ENFORCEMENT.

(A) The Board, on receipt of information of any alleged violation of this chapter, may initiate an investigation.

(B) If an investigation discloses a possible violation, the Board shall notify the alleged violator in writing that the Board believes a violation may exist and offer the alleged violator an opportunity to correct the violation voluntarily and, if appropriate, pay a penalty under § 52.99. The Board shall extend this offer for 60 days. The alleged violator need not admit that a violation occurred. If the alleged violator does not correct the violation voluntarily within the 60-day period, the Board may proceed under division (C) below to issue a notice and order.

(C) If an alleged violator fails to correct voluntarily a violation alleged or pay a fine assessed pursuant to division (B) above, the Board may issue a written notice, by certified mail with return receipt requested, addressed to the alleged violator at the last known place of residence or place of business, specifying the provision of this chapter allegedly violated. The notice shall include a statement of the manner in which, and the extent to which, the violation exists, and shall set a date and time for an evidentiary hearing on the violation at least 60 days after the date of the notice. The notice of the Board shall also include an order either requiring that specific action be taken to correct the violation, or assessing a civil penalty under § 52.99, or both.

(D) (1) An order of the Board under this chapter cannot take effect until after the alleged violator has had an opportunity to be heard at a public hearing before the Board. The Board shall provide for publication of a notice of a hearing held under this section in at least one county newspaper. The time and place of hearing shall be set in the notice issued to the alleged violator under division (C) above, and

shall be restated in the publication of notice required under this division (D). The Board may, in its discretion, send notice of the hearing to other interested parties including, but not limited to, persons affected by the alleged violation.

(2) (a) Before the hearing on a notice and order issued under division (C) above, the Board shall grant a petition for intervention and identify the petitioner in the record of proceeding as a party if the petition:

1. Is submitted in writing to the Board, with copies mailed to all parties named in the original notice of hearing; and

2. States facts demonstrating that the petitioner is aggrieved or adversely affected by the alleged violation or the proposed order.

(b) The Board, at least 24 hours before the beginning of the hearing, shall issue an order granting or denying each pending petition for intervention. The Board shall promptly give notice of an order granting or denying intervention to the petitioner for intervention and to all parties.

(3) Prior to the hearing, the Chairperson of the Board, subject to Board approval, shall designate a qualified individual to act as the hearing officer for that hearing only. The person designated as hearing officer is subject to disqualification for bias, prejudice or interest in the outcome of the proceedings, upon the petition of any party to the proceedings submitted to the Board, stating specific facts to support disqualification. Notice of the designation of a hearing officer shall be given to all parties at least five days before the hearing. In the event the Board grants a petition for disqualification, the Board shall postpone the hearing for a period of time sufficient to designate a new hearing officer and to provide notice of such designation under this division (D).

(4) The hearing officer shall regulate the course of the hearing in an informal manner, without recourse to the technical, common law rules of evidence applicable to civil actions in the courts. To the extent necessary for full disclosure of all relevant facts and issues, the hearing officer shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence. The hearing officer may impose conditions upon a party necessary to avoid unreasonably burdensome or repetitious presentations by the party.

(5) The hearing officer may give non-parties an opportunity to present oral or written statements at the hearing following the presentation of evidence by the parties. If the hearing officer proposes to consider a statement by a non-party, the Board shall give all parties an opportunity to challenge or rebut it.

(6) The Board shall have the hearing recorded at the county's expense. The Board is not required, at its expense, to prepare a transcript. Any party, at that party's expense, may cause a reporter approved by the Board to prepare a transcript from the Board's record, or cause additional recordings to be made during the hearing if the making of additional recordings does not cause distraction or disruption.

(7) A violation of this chapter must be proven by a preponderance of the evidence. The hearing officer must base his or her ruling upon a preponderance of the evidence. The hearing officer shall prepare a final written order including separately stated findings of fact for all aspects of the Board's order under division (C) above no later than 30 days following the hearing. Findings must be based exclusively upon evidence of record in the proceedings. The hearing officer may accept and consider proposed findings submitted by the parties following the hearing.

(8) The hearing officer's order shall become the final order of the Board for purposes of enforcing this chapter, and shall be entered by the Board effective on the day the order is issued by the hearing officer. The Board shall cause copies of the final order to be delivered to each party.

(9) The Board shall maintain an official record of each proceeding under this section. The record shall consist of notices of all proceedings, petitions and intermediate rulings, evidence received or considered, proposed findings and any final order. The agency record described in this division (D)(9) constitutes the exclusive basis for judicial review of a proceeding under this section.

(E) (1) A person who receives a penalty under this section may appeal the Board's final order imposing the penalty.

(2) An appeal under this division (E) must be filed not more than 60 days after the day on which the Board enters its final order.

(F) In accordance with the procedures set forth in this section, the Board shall issue and enter an order which may include direction to cease and desist from violations of this chapter, impose monetary penalties in accordance with § 52.99, and mandate corrective action to alleviate the violation.
(Prior Code, § 31-1-5) Penalty, see § 52.99

§ 52.25 FEES.

As compensation to the Board for its services in the enforcement of this chapter, the Board may assess upon the owner of a land disposal facility the following fees and charges:

(A) Fifty dollars for each inspection necessary to determine compliance with this chapter;

(B) Five dollars for each time a first-class letter is mailed to an owner or operator; and

(C) Upon a determination of a violation of this chapter, \$1,000 for each administrative hearing under this chapter.
(Prior Code, § 31-1-7) (Ord. 93-27, passed 8-16-1993)

§ 52.99 PENALTY.

Any person who violates any provision of this chapter is liable for civil penalties not to exceed \$2,500 per day of any violation, which may be recovered in administrative proceedings under § 52.24. In assessing a penalty hereunder, the Board shall take into consideration the nature, severity and potential health and environmental consequences of the violation, the culpability of the owner/operator in the violation, and the past compliance history of the facility.

(Prior Code, § 31-1-6)