

From: [McGill, Richard](#)
To: [Brown, Don](#)
Cc: [Horton, Vanessa](#)
Subject: FW: R18-26 proposed first notice changes
Date: Monday, February 27, 2023 5:01:57 PM
Attachments: [image001.png](#)
[35-602 Board responses.pdf](#)
[35-602RG-P r01 \(46-22\).pdf](#)

Good evening, Mr. Clerk:

Please docket this email exchange with JCAR, including the two attachments, as a public comment in R18-26.

Thank you.

Richard R. McGill, Jr.
Senior Attorney for Research & Writing
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, Illinois 60605
richard.mcgill@illinois.gov (312) 814-6983



From: McGill, Richard
Sent: Monday, February 27, 2023 4:47 PM
To: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Subject: RE: R18-26 proposed first notice changes

Good evening, Jonathan:

I've attached two documents. The first document contains Board staff responses to your proposed Part 602 changes emailed to me on June 24, 2022. The second document is the JCAR line-numbered r01 referenced in your changes and our responses. Our responses include related changes prompted by your suggestions.

Thank you for your careful review. Please let me know if you have any questions.

Best regards,

Richard

Richard R. McGill, Jr.
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From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Sent: Friday, June 24, 2022 9:39 AM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] R18-26 proposed first notice changes

Here are some possible technical changes, sorted by Part, for the Board to consider. Any of these changes that you wish to make can be simply copied into your first notice changes document.

Thanks in advance for your consideration.

Sincerely,

Jonathan C. Eastvold, Ph.D.
Rules Analyst III

Illinois General Assembly
Joint Committee on Administrative Rules
700 Stratton Building
Springfield IL 62706
217-524-9010

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From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Sent: Friday, June 24, 2022 9:39 AM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] R18-26 proposed first notice changes

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Board staff responses and related changes (2/27/23) appear in bold, red font below.

Rulemaking: Permits (35 Ill. Adm. Code 602; 46 Ill. Reg. 8628)

Changes:

1. In line 106, after "*changes*" add a comma.
 - a. Agree.**
 - b. In line 84, strike "5" and add "5/17 and 27".**
 - c. In line 102, strike "No" and add "A". Strike "shall" and add "must not".**
 - d. In line 108, strike the period.**
2. In line 116, strike the comma.
 - a. Agree.**
 - b. In line 117, strike "deems to be" and add "considers".**
3. In line 132, after "the" add "Agency's". **a. Agree.** Strike ", by the Agency,". **b. Agree.**
4. In line 143, strike the comma.
Agree.
5. In line 166, after "modified" add a comma.
Agree.
6. In line 181, after "ANSI" add a comma.

Agree.

7. In line 194, after "Act" add "of 1989".
Agree.
8. In line 195, strike "Illinois". **a. Agree.** After "Act" add "of 1989". **b. Agree.**
9. In line 196, strike "Illinois". **a. Agree.** Strike "Licensing" and add "Practice". **b. Agree.** After "Act" add "of 1989". **c. Agree.**
10. In lines 196-197, strike "or, for site and groundwater conditions, under".
Agree.
11. In line 198, after "745]" add "(for site and groundwater conditions)".
Agree.
12. In lines 204, 205, and 208, strike "regulation" and add "rule".
Agree.
13. In line 210, after "for" add "the".
Agree.
14. In line 216, strike "being".
Agree.
15. In line 220, after "for" add "the".
Agree.
16. In line 227, strike the comma and add "or". **a. Agree.** After "Board" add "or Agency".
b. Agree. Change "rule" to "rules". **c. Agree.**
17. In lines 227-228, strike ", or Agency regulation".
Agree.
18. In line 235, after "that" add "all or part of".
Agree.
19. In line 235, strike ", or portion".
Agree.
20. In line 236, delete "of" and strike the comma.
Agree.
21. In line 237, strike "Violations of". **a. Agree.** Strike "that" and add "whose violation". **b. Agree.**

22. In line 238, strike "regulations" and add "rules".
Agree.
23. In line 254, strike "restrictive" and add "restricted".
Agree.
24. In line 262, strike "regulations" and add "rules".
Agree.
25. In line 275, strike "those". **a. Agree.** After "that" add "according to". **b. Agree.** Strike "indicate". **c. Agree.**
d. In lines 295-96, strike "but not limited to".
26. In line 311, after "calibrated" add a comma.
Agree.
27. In line 315, after "discharge" add a comma.
Disagree. In line 314, strike the comma and add "or any".
28. In line 318, after "monitoring" add a comma.
Agree.
29. In lines 318-319, strike "for the purpose of preserving, testing, monitoring or recording" and add "to preserve, test, monitor, or record".
a. Agree.
b. In line 319, after "water" strike the comma and add "or any". After "discharge" add a comma.

Lines 327-328: "and may require additional information..." → Can you provide examples in a parenthetical? If not, this second clause should probably come out (see next item). **See response 30(a).**

30. In lines 327-328, strike "and may require such additional information as is necessary to determine whether the community water supply will meet the requirements of the Act and this". **a. Disagree. No examples of "such additional information" were provided in the record of this non-substantive rulemaking. But none are necessary for the rule. Section 602.111 provides a standard. The phrase "such additional information" is tied to "as is necessary to determine whether the community water supply will meet the requirements of the Act and this Chapter." Delete "Subtitle". b. Agree. Restore "Chapter".**
31. In line 336, after "for" add "a".
a. Agree.
b. Delete "will be" and add "is".
32. In line 338, after "of" add "the".

Agree (after the first “of”).

33. In lines 346-347, strike "a period of".
 - a. Agree.**
 - b. In line 346, strike “deem” and add “consider”.**
34. In line 357, after "of" add "the".
 - a. Agree.**
 - b. In line 370, strike “deem” and add “consider”.**
35. In line 377, strike the second "must" and add "will".

Disagree. In lines 377-78, strike “must be deemed” and add “is considered”.
36. In line 387, strike "from" and add "after".

Agree.
37. In line 389, strike "from the date" and add "after the". **a. Agree.** Delete "issued or renewed" and reinstate "issuance or renewal". **b. Agree.**
38. In line 393, strike "from the date" and add "after".

Agree.

Line 421: "within a time limit set by the Agency" → Based on what standards? Can a general range of what time limits might be imposed be added to rule? **The Board has no basis in this non-substantive rulemaking record on which to impose a range of time limits. In line 421, after “a” add “reasonable”.**

39. In line 430, after "Act" strike the comma and add "or a". **a. Agree.** After "Board" add "or Agency rule". **b. Agree.** Strike "regulation, or Agency regulation". **c. Agree.**

d. In line 429, change “Subtitle does” to “Chapter is”. Strike “constitute”.
40. In line 431, after "pesticide" add a comma.

Agree.
41. In lines 441-442, strike "a refusal by the Agency" and add "the Agency's refusal". **a. Agree.** Strike "that", delete "must", strike "entitle", and add ", which entitles". **b. Agree.**

c. In line 446, after the period add “*However, the 35-day period to appeal may be extended for an additional period not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the initial appeal period. [415 ILCS 5/40(a)(1)]*”
42. In line 452, strike the comma and add "or a". **a. Disagree. Strike “Violation of any permit conditions or failure” and add “Failure”. After “with” add “a permit condition”. After “Act,” add “or a”. After "Board" strike "regulation" and add "or Agency rule".** **b. Agree.**

c. In line 453, delete “will”. Strike “be” and add “is”. After “for” add “an”. Strike

“actions” and add “action”.

43. In lines 452-453, strike "or Agency regulation".

Agree.

44. In line 466, after "plans" add a comma.

Agree.

45. In line 471, after "alternatives" add a comma.

a. Agree.

b. In line 480, strike “, but are not limited to,”.

46. In lines 488 and 490, after "of" add "the".

Agree.

47. In line 510, after "trends" add a comma.

Agree.

Lines 524-525: "Illinois Drinking Water Revolving Loan Funding Process" → Please add cross-reference to applicable IAC provisions. 35 Ill. Adm. Code 662 **Agree. In line 525, after “Process” add “(35 Ill. Adm. Code 662)”.**

48. In line 528, after "reliability" add a comma.

Agree.

49. In line 536, after "flow" add a comma.

Agree.

50. In line 540, after the first "of" add "the".

Agree.

51. In line 541, strike "the" and add "that".

a. Agree.

b. In line 546, after “facilities,” add “and”. Strike “, etc.”.

52. In line 549, after "water" add a comma.

a. Agree.

b. In line 550, after “quality” strike the comma and add “and”. Strike “, etc.”.

53. In line 563, after "of" add "the".

Agree.

54. In line 571, after "contamination" add a comma.

Agree.

55. In line 573, strike "water bearing" and add "water-bearing".

Agree.

56. In line 588, after "and" add "the".

Agree.

57. In line 591, after "industries" add a comma.

Agree.

58. In line 594, after "with" add "the".

a. Agree.

b. In line 596, strike “, etc”.

59. In line 600, after "and" add "provide".

a. Agree.

b. Delete “Subtitle” and restore “Chapter”.

60. In line 604, strike the second "for" and add "of".

Agree.

61. In line 611, after "plant" add a comma.

Agree.

62. In line 616, after "conditions" add a comma.

Agree.

63. In line 628, strike "should" and add "must".

Disagree. The change, which would purport to impose an independent requirement in an agency note, is substantive and therefore beyond the scope of this rulemaking.

64. In line 629, strike "Insurance Services Office" and add "Department of Insurance".

Agree.

65. In line 640, after "location" add a comma.

Agree.

66. In line 706, after "thickness" add a comma.

Agree.

Line 708: Does "length" refer to the screen or the slot? **The screen.**

67. In line 708, after "size" add a comma.

Agree.

68. In lines 719 and 721, after "material" add a comma.

a. Agree.

b. In line 758, strike “cross-section” and add “cross section”.

69. In line 760, after "pack" add a comma.
Agree.
70. In line 763, after "valve" add a comma.
Agree (after the second "valve").
71. In line 777, after "piping" add a comma.
Agree.
72. In line 796, after "structures" add a comma.
Agree.
73. In line 803, after "layout" add a comma.
Agree.

Lines 869-870: Please specify the additional information, or types of information, that will be required on this Agency form. **No examples of "other information" were provided in the record of this non-substantive rulemaking. But none are necessary for the rule. Section 602.305(a)(4) provides a standard. The phrase "other information" is tied to "for proper consideration of the permit." The same text appears in existing Sections 602.210(j) and 602.405(k).**

74. In lines 869-870, strike "any other information required by the Agency for proper consideration of the permit, including".
Disagree. See response immediately above.
75. In line 884, strike "well head" and add "wellhead".
Agree.
76. In line 930, strike "was" and add "were".
Agree.
77. In line 931, after "logs" add a comma.
Agree.
78. In line 942, strike "at".
Agree.
79. In line 944, after "location" add a comma.
Agree.
80. In line 949, after "screens" add a comma.
Agree.
81. In line 967, after "C653" add a comma.

Agree.

82. In lines 971, 972, and 973, strike "prior to" and add "before".

Agree.

83. In line 974, strike "should" and add "must". **a. Disagree. The change is substantive and therefore beyond the scope of this rulemaking.** After "resin" add a comma. **b.**

Agree.

84. In line 991, after "unit" add a comma.

Agree.

85. In line 1010, after "processes" add a comma.

Agree.

86. In line 1014, strike "analyses" and add "analysis".

Agree.

87. In line 1045, after "submit" add "the".

Agree.

88. In line 1084, strike "sulfate based" and add "sulfate-based".

a. Agree.

b. After "apply" add "an".

c. After "sulfate," add "a".

89. In line 1085, after "pond" add a comma.

a. Agree.

b. Strike "products" and add "product".

c. After ", or" add "a".

d. Strike "aids" and add "aid".

90. In line 1097, after the first comma add "a". **a. Agree.** Strike "sulfate based products" and add "sulfate-based product". **b. Agree.** After "or" add "an". **c. Disagree. After "or" add "a".**

91. In line 1098, strike "aids" and add "aid".

a. Agree.

b. In line 1103, after "system" add a comma.

92. In line 1124, strike "sulfate based products" and add "sulfate-based product".

a. Agree.

b. After "sulfate," add "a".

c. After "or" add "a".

93. In line 1125, strike "aids" and add "aid".

- a. Disagree. Strike “aids” and add “aid.”**
- b. After “pond” add a comma.**

94. In line 1127, strike "is defined as" and add "means".
Agree.
95. In line 1131, after the first comma add "a". **a. Agree.** Strike "sulfate based products" and add "sulfate-based product". **b. Agree.** After "or" add "an". **c. Disagree.** After “or” add “a”. Strike "aids" and add "aid". **d. Agree.**
96. In line 1133, strike "20 mile" and add "20-mile".
Agree.
97. In lines 1139 and 1141, strike "straight line" and add "straight-line".
Agree.
98. In line 1159, strike the comma.
Agree.
99. In line 1162, after "number" add a comma.
Agree.
100. In line 1170, after "address" add a comma.
Agree.
101. In line 1186, after "mixing" add a comma.
a. Agree.
b. Strike “, but not limited to,”.
102. In line 1193, strike "(USGS)".
Agree.
103. In line 1200, after "tributaries" add a comma.
Agree.
104. In line 1203, after "county" add a comma.
Agree.
105. In line 1212, after "size" add a comma.
Agree.
106. In line 1232, strike "should" and add "if".
Agree.
107. In line 1240, strike "insure" and add "ensure".
Agree.

108. In line 1241, after "following" add "the".
Agree.
109. In line 1252, after "oxygen" add a comma.
Agree.
110. In line 1257, strike "short term" and add "short-term".
Agree.
111. In line 1281, after "average" add a comma.
Agree.
112. In line 1289, after "depth" add a comma.
Agree.
113. In line 1294, after "spillway" add a comma.
Agree.

Lines 1311-1313: What kind of additional information? Please specify. **No examples of “[a]dditional information” were provided in the record of this non-substantive rulemaking. But none are necessary for the rule. Section 602.505(I)(1) provides a standard. The phrase “[a]dditional information” is tied to “to assure the safety of a community water supply as required by 35 Ill. Adm. Code 302.210.”**

114. In line 1317, strike "following" and add "after".
Agree.
115. In line 1369, after "applicator" add a comma.
a. Agree.
b. In line 1381, delete “will” and add “must”.
116. In line 1407, strike "regulations" and add "rules".
Agree.

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 602
PERMITS

SUBPART A: GENERAL PERMIT PROVISIONS

10	Section	
11	602.101	Purpose
12	602.102	Community Water Supply Permits
13	602.103	Public Water Supply Capacity Development
14	602.104	Emergency Permits
15	602.105	Standards for Issuance
16	602.106	Restricted Status
17	602.107	Critical Review
18	602.108	Right of Inspection
19	602.109	Fees
20	602.110	Signatory Requirement for Permit Applications
21	602.111	Application Forms and Additional Information
22	602.112	Filing and Final Action by Agency on Permit Applications
23	602.113	Duration
24	602.114	Conditions (Repealed)
25	602.115	Design, Operation and Maintenance Criteria (Repealed)
26	602.116	Requirement for As-Built Plans
27	602.117	Existence of Permit No Defense
28	602.118	Appeal of Final Agency Action on a Permit Application
29	602.119	Revocations
30	602.120	Limitations

SUBPART B: CONSTRUCTION PERMITS

34	Section	
35	602.200	Construction Permit Requirement
36	602.205	Preliminary Plans
37	602.210	Construction Permit Applications
38	602.215	Submission of Applications, Plans and Specifications
39	602.220	Alterations
40	602.225	Engineer's Report
41	602.230	Design Criteria
42	602.235	Specifications
43	602.240	Plans

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- 44 602.245 Source Construction Applications
- 45 602.250 Treatment Construction Applications
- 46 602.255 Storage Construction Applications
- 47 602.260 Water Main Construction Applications

48

49

SUBPART C: OPERATING PERMITS

50

51 Section

- 52 602.300 Operating Permit Requirement
- 53 602.305 Operating Permit Applications
- 54 602.310 Projects Requiring Disinfection
- 55 602.315 Projects Not Requiring Disinfection
- 56 602.320 Partial Operating Permits
- 57 602.325 Operating Permit-by-Rule

58

59

SUBPART D: ALGICIDE PERMITS

60

61 Section

- 62 602.400 Algicide Permit Requirement
- 63 602.405 Algicide Permit Applications
- 64 602.410 Sampling
- 65 602.415 Required Permit Modification

66

67

SUBPART E: OTHER AQUATIC PESTICIDE PERMITS

68

69 Section

- 70 602.500 Other Aquatic Pesticide Permit Requirement
- 71 602.505 Other Aquatic Pesticide Permit Application Contents
- 72 602.510 Permits Under Public Health Related Emergencies
- 73 602.515 State Agency Programs
- 74 602.520 Extension of Permit Duration

75

76

SUBPART F: SPECIAL EXCEPTION PERMITS

77

78 Section

- 79 602.600 Special Exception Permits

80

81 602.APPENDIX A References to Former Rules [\(Repealed\)](#)

82

83 AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental
84 Protection Act [415 ILCS 5].

85

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86 SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg.
87 11497, effective September 14, 1982; amended at 8 Ill. Reg. 2157, effective February 7, 1984;
88 emergency amendment at 9 Ill. Reg. 13371, effective August 16, 1985, for a maximum of 150
89 days; amended at 10 Ill. Reg. 7337, effective April 22, 1986; amended in R96-18 at 21 Ill. Reg.
90 6562, effective May 8, 1997; amended in R03-21 at 27 Ill. Reg. 18030, effective November 12,
91 2003; amended in R15-22 at 40 Ill. Reg. 6799, effective April 15, 2016; amended in R18-17 at
92 43 Ill. Reg. 8036, effective July 26, 2019; amended in R18-26 at 46 Ill. Reg. _____, effective
93 _____.

94
95 **SUBPART A: GENERAL PERMIT PROVISIONS**

96
97 **Section 602.101 Purpose**

98
99 The purpose of this Part is to establish ~~and enforce~~ minimum standards for the permitting of
100 community water supplies. The definitions in 35 Ill. Adm. Code 601.105 apply to this Part.

- 101
102 a) No person shall *construct, install, or operate a community water supply without a*
103 *permit granted by the Agency.* [415 ILCS 5/18(a)(3)]
104
105 b) *Owners are required to submit plans and specifications to the Agency and obtain*
106 *written approval before construction, installation, changes or additions to a*
107 *community water supply, except as provided in Section 602.104.* [415 ILCS
108 5/15(a)].

109
110 (Source: Amended at 46 Ill. Reg. _____, effective _____)

111
112 **Section 602.104 Emergency Permits**

- 113
114 a) Whenever emergency conditions require immediate action, the Agency may issue
115 construction and operating permits by telephone to the owner, official custodian,
116 or Responsible Operator in Charge, with whatever special conditions the Agency
117 deems to be necessary for the proper safeguarding of the health of the water
118 consumers.
119
120 b) Emergency conditions are hazards or threats to public health caused by:
121
122 1) accidents;
123
124 2) equipment failures;
125
126 3) human error; or
127
128 4) natural disasters.

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- c) The Agency ~~must~~ shall confirm to a permit applicant, in writing, within 10 days after issuance, its granting of an emergency permit. The confirmation will be conditioned upon the receipt and approval, by the Agency, of as-built plans and specifications.
 - d) As-built plans and specifications covering the work performed under the emergency permit and any information required by special conditions in the emergency permit must be submitted to the Agency within 60 days after issuance of the emergency permit, unless otherwise stated by the Agency in writing.
 - e) The Agency may request that the community water supply make modifications after review of the as-built plans and specifications covering the work performed under the emergency permit. Modifications must be made within 90 days after the Agency's written request, unless otherwise stated by the Agency.
 - f) The Agency can be contacted by calling:
 - 1) Bureau of Water, Division of Public Water Supplies Permit Section (217/782-1724); or
 - 2) after normal business hours, the State emergency number (217/782-3637 (STA-EMER) or 800/782-7860).
 - g) *Each applicant for an emergency permit to install or extend a water main must submit the appropriate fee, as specified in Section 16.1 of the Act, to the Agency within 10 calendar days from the date of issuance of the emergency construction permit. [415 ILCS 5/16.1]*

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 602.105 Standards for Issuance

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171
- a) Construction Permits and Operating Permits
 - 1) The Agency must not issue any construction or operating permit required by this Part unless the applicant submits adequate proof that the community water supply will be constructed, modified or operated so as not to cause a violation of the Act or Board rules.
 - 2) Except as provided in subsection (a)(3), the Agency must not issue any construction or operating permit required by this Part unless the applicant submits adequate proof that the community water supply facility conforms

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- 172 to the following design criteria. When the design criteria in the documents
173 listed in this subsection (a)(2) conflict, the applicant must comply with the
174 design criteria listed in subsection (a)(2)(A).
175
- 176 A) Criteria promulgated by the Board under 35 Ill. Adm. Code 604;
177
 - 178 B) Recommended Standards for Water Works, incorporated by
179 reference at 35 Ill. Adm. Code 601.115; and
180
 - 181 C) AWWA, ASTM, ANSI or NSF standards incorporated by
182 reference at 35 Ill. Adm. Code 601.115.
183
- 184 3) When the documents listed in subsection (a)(2) do not provide design
185 criteria for the proposed community water supply facility, the Agency
186 must not issue the construction or operating permit unless the applicant
187 submits adequate proof that the community water supply facility conforms
188 to other design criteria that will produce consistently satisfactory results.
189 When necessary for adequate proof, the Agency may require a pilot study.
190
- 191 4) The Agency must not issue any construction permit required by this Part
192 unless the applicant submits proof that all plan and specification
193 documents required by this Section and Subpart B have been prepared by
194 a person licensed under the Illinois Architecture Practice Act [225 ILCS
195 305], the Illinois Professional Engineering Practice Act [225 ILCS 325],
196 the Illinois Structural Engineering Licensing Act [225 ILCS 340], or, for
197 site and groundwater conditions, under the Professional Geologist
198 Licensing Act [225 ILCS 745], or any required combination of these Acts.
199
- 200 5) The Agency must not issue a construction permit unless the community
201 water supply has filed a notification of ownership under 35 Ill. Adm. Code
202 603.101.
203
- 204 6) The existence of a violation of the Act, Board regulation, or Agency
205 regulation will not prevent the issuance of a construction permit if:
206
- 207 A) the applicant has been granted a variance or an adjusted standard
208 from the regulation by the Board;
209
 - 210 B) the permit application is for construction or installation of
211 equipment to alleviate or correct a violation;
212
 - 213 C) the permit application is for a water main extension to serve
214 existing residences or commercial facilities when the permit

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215 applicant can show that those residences or commercial facilities
216 are being served by a source of water of a quality or quantity that
217 violates the primary drinking water standards of 35 Ill. Adm. Code
218 611; or

219
220 D) the Agency determines the permit application is for construction or
221 installation of equipment necessary to produce water that is
222 assuredly safe, as required by 35 Ill. Adm. Code 601.101.
223

224 b) Algicide or Aquatic Pesticide Permit
225 The Agency must not issue an algicide or pesticide permit required by this Part
226 unless the applicant submits adequate proof that the application of the algicide or
227 aquatic pesticide will not cause a violation of the Act, Board ~~rule~~regulation, or
228 Agency regulation.
229

230 (Source: Amended at 46 Ill. Reg. _____, effective _____)
231

232 **Section 602.106 Restricted Status**
233

234 a) Restricted status is defined as the Agency determination, under Section 39(a) of
235 the Act and Section 602.105, that a community water supply facility, or portion
236 ~~of~~hereof, may no longer be issued a construction permit without causing a
237 violation of the Act or Board or Agency rules. Violations of Board rules that can
238 result in a restricted status determination include regulations establishing
239 maximum contaminant levels, treatment techniques, source water quantity
240 requirements, treatment unit loading rates, storage volume requirements, and
241 minimum pressure for a distribution system.
242

243 1) When the Agency cannot issue a construction permit to a community
244 water supply because that issuance would extend an existing violation of
245 the Act or Board or Agency rules, the Agency must place the community
246 water supply on restricted status.
247

248 2) Except as specified in Section 602.105(a)(6), the Agency must not issue a
249 permit for water main extension construction when the water main would
250 extend an existing violation of the Act or Board or Agency rules.
251

252 b) The Agency must publish on its website and in the Environmental Register and
253 update, at intervals of not more than three months, a comprehensive list of
254 community water supplies subject to restrictive status. This list will be entitled
255 the "Restricted Status List".
256

257 c) The Agency must notify the owners or official custodian and Responsible

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258 Operator in Charge of a community water supply when the community water
259 supply is initially placed on restricted status by the Agency.

- 260
- 261 d) The restricted status list must include a statement of the potential or existing
262 violation of the Act or Board regulations that caused the community water
263 supply's inclusion on the list.
 - 264
 - 265 e) Owners or official custodians of community water supplies that have been placed
266 on restricted status must notify any person requesting construction of a water
267 main extension of this status.

268
269 (Source: Amended at 46 Ill. Reg. _____, effective _____)
270

271 **Section 602.107 Critical Review**

- 272
- 273 a) The Agency must publish in the Environmental Register and on its webpage, at
274 the same frequency as the Restricted Status List under Section 602.106(b), a list
275 of those community water supplies that Agency records indicate exceed 80
276 percent of the rate of any of the quantity requirements in the Board's or Agency's
277 rules. This list will be entitled the "Critical Review List".
 - 278
 - 279 b) The Critical Review List must include a description of the cause of the
280 community water supply's inclusion on the list.
 - 281
 - 282 c) The Agency must notify the owner or official custodian and the Responsible
283 Operator in Charge of the community water supply when the community water
284 supply is initially placed on critical review status by the Agency.
 - 285
 - 286 d) Owners or official custodians of community water supplies that have been placed
287 on critical review status must notify of this status any person requesting
288 construction of a water main extension.

289
290 (Source: Amended at 46 Ill. Reg. _____, effective _____)
291

292 **Section 602.108 Right of Inspection**

293
294 The permittee must allow the Agency and its duly authorized representatives to perform
295 inspections as authorized by ~~in accordance with its authority under~~ the Act, including but not
296 limited to:

- 297
- 298 a) entering at reasonable times the permittee's premises where treatment or
299 distribution facilities are located or where any activity is to be conducted
300 under ~~pursuant to~~ a permit;

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- 301
302 b) having access to and copying at reasonable times any records required to be kept
303 under the terms and conditions of a permit;
304
305 c) inspecting at reasonable times, including during any hours of operation:
306
307 1) equipment constructed or operated under the permit;
308
309 2) equipment or monitoring methodology; or
310
311 3) equipment required to be kept, used, operated, calibrated and maintained
312 under the permit;
313
314 d) obtaining and removing at reasonable times samples of any raw or finished water,
315 discharge or emission of pollutants; and
316
317 e) entering at reasonable times to use any photographic, recording, testing,
318 monitoring or other equipment for the purpose of preserving, testing, monitoring
319 or recording any raw or finished water, activity, discharge or emission authorized
320 by a permit.

321
322 (Source: Amended at 46 Ill. Reg. _____, effective _____)
323

324 **Section 602.111 Application Forms and Additional Information**

325
326 The Agency may prescribe the form in which all information required under this Part ~~must~~shall
327 be submitted and may require such additional information as is necessary to determine whether
328 the community water supply will meet the requirements of the Act and this ~~Subtitle~~Chapter.
329

330 (Source: Amended at 46 Ill. Reg. _____, effective _____)
331

332 **Section 602.112 Filing and Final Action by Agency on Permit Applications**

- 333
334 a) For permits without a fee under Section 602.109:
335
336 1) An application for permit ~~will be considered~~shall be deemed to be filed on
337 the date of initial receipt by the Agency of the application documents. The
338 Agency ~~must~~shall send the applicant written notification of receipt of the
339 complete application.
340
341 2) Except for emergency permits, applications for construction permits must
342 be filed at least 90 days before the expected start of construction.
343

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- 344 3) If the Agency fails to take final action, by granting or denying the permit
345 as requested or with conditions, within 90 days from the filing of the
346 completed application, the applicant may deem the permit granted for a
347 period of one year.
348
349 4) Any applicant for a permit may waive in writing the requirement that the
350 Agency must take final action within 90 days from the filing of the
351 application.
352
353 b) For permits with a fee under Section 602.109:
354
355 1) An application for a permit is considered~~must be deemed~~ to be filed on the
356 date the Agency has received the application documents and required fee.
357 The Agency must send the applicant written notification of receipt of the
358 complete application.
359
360 2) Except for emergency construction permits, applications for construction
361 permits must be filed at least 45 days before the expected start of
362 construction.
363
364 3) The Agency must deny construction permit applications that do not
365 contain the entire fee.
366
367 4) The Agency must take final action by granting or denying permits within
368 45 days after the filing of an application and the payment of the required
369 fee. If the Agency fails to take final action within 45 days after filing the
370 application and payment of the required fee, the applicant may deem the
371 permit issued.
372
373 c) The Agency must maintain a progress record of all permit applications, including
374 interim and final action dates. This information is available to the applicant upon
375 request.
376
377 d) The Agency must send all notices of final action by U.S. mail. The Agency must
378 be deemed to have taken final action on the date that the notice is mailed.
379

380 (Source: Amended at 46 Ill. Reg. _____, effective _____)
381

Section 602.113 Duration

- 382
383
384 a) Construction Permits
385
386 1) Construction permits for community water supply facilities expire one

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year from the date ~~issued or renewed~~~~of issuance or renewal~~, unless construction has started. If construction does not ~~start~~~~commence~~ within one year from the date ~~issued or renewed~~~~of issuance or renewal~~, the permit may be renewed for additional one year periods at the discretion of the Agency, upon written request of the applicant.

2) If construction ~~starts~~~~commences~~ within one year from the date ~~of issuance or renewal~~~~of~~ the construction permit was issued or renewed, the permit expires five years from the date ~~issued or renewed~~~~of issuance or renewal~~. ~~Afterward~~~~Thereafter~~, the permit may be renewed for periods specified by the Agency at its discretion, upon written request of the applicant.

3) For the purposes of this Section, construction is considered to have started~~must be deemed commenced~~ when work at the site has been initiated and proceeds in a reasonably continuous manner to completion.

b) Operating permits ~~will~~~~shall~~ be valid until revoked unless otherwise stated in the permit.

c) Algicide permits must be issued for fixed terms of five years.

d) Aquatic pesticide permits must be valid for a fixed term, not to exceed one year.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 602.116 Requirement for As-Built Plans

If any portion of a community water supply has been constructed without a construction permit as required by Section 602.101, or an emergency permit issued ~~under~~~~pursuant to~~ Section 602.104, the community water supply must submit to the Agency as-built plans and specifications and a construction permit application. As-built plans and specifications must be prepared by a qualified person as described in Section 602.105(a)(4). All plans and specifications submitted to the Agency under this Section must be clearly marked "as-built" or "record drawings". Any deficiencies requiring correction, as determined by the Agency, must be corrected within a time limit set by the Agency. Submission of as-built plans and the correction of any deficiencies does not relieve the owner or official custodian from any liability for construction without a permit.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 602.117 Existence of Permit No Defense

The existence of a permit under this ~~Subtitle does~~~~Chapter shall~~ not constitute a defense to a

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430 violation of the Act, Board regulation, or Agency regulation except for the requirements to
431 secure construction, operating, algicide, aquatic pesticide or emergency permits.

432
433 (Source: Amended at 46 Ill. Reg. _____, effective _____)
434

435 **Section 602.118 Appeal of Final Agency Action on a Permit Application**
436

- 437 a) If the Agency denies a permit required under this Part, the applicant may petition
438 the Board to appeal the Agency's final decision ~~underpursuant to~~ Section 40 of the
439 Act.
440
441 b) An applicant may consider any condition imposed by the Agency in a permit as a
442 refusal by the Agency to grant a permit that ~~mustshall~~ entitle the applicant to
443 appeal the Agency's decision to the Board ~~underpursuant to~~ Section 40 of the Act.
444
445 c) All appeals must be filed with the Board within 35 days after the date on which
446 the Agency served its decision on the applicant.
447

448 (Source: Amended at 46 Ill. Reg. _____, effective _____)
449

450 **Section 602.119 Revocations**
451

452 Violation of any permit conditions or failure to comply with the Act, Board regulation or Agency
453 regulation ~~willshall~~ be grounds for enforcement actions as provided in the Act, including
454 revocation of a permit. Revocation of a permit ~~mustshall~~ be sought by filing a complaint with
455 the Board ~~underpursuant to~~ Title VIII of the Act.
456

457 (Source: Amended at 46 Ill. Reg. _____, effective _____)
458

459 **SUBPART B: CONSTRUCTION PERMITS**
460

461 **Section 602.205 Preliminary Plans**
462

- 463 a) To expedite the review of subsequent construction permit application plan
464 documents, preliminary plans may be submitted prior to the submission of a
465 construction permit application. No construction permit ~~mayshall~~ be issued until
466 the completed application, required fee, plans and specifications have been
467 submitted.
468
469 b) If preliminary plans are submitted, as directed under the Illinois Drinking Water
470 Revolving Loan Funding Process (see 35 Ill. Adm. Code 664), the documents
471 must include a description of alternate solutions, a discussion of the alternatives
472 and reasons for selecting the alternative recommended.

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(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 602.225 Engineer's Report

Upon request from the Agency, an applicant for a construction permit must submit an Engineer's Report. Types of construction projects for which the Agency may request an Engineer's Report include, but are not limited to, the construction of a new community water supply, a new source location, or a new water treatment process other than chemical feeding only. The Engineer's Report may be submitted as a preliminary plan ~~underpursuant to~~ Section 602.205. An Engineer's Report submitted ~~underpursuant to~~ this Section must contain the information specified by this Section.

- a) General information, including:
 - 1) a description of existing community water supply;
 - 2) a description of sewerage facilities;
 - 3) a description of the municipality or area to be served; and
 - 4) the name and mailing address of the owner or official custodian of the community water supply.

- b) The extent of the community water supply system, including:
 - 1) a map of the area to be served with water and any provisions for extending the community water supply system;
 - 2) maps of additional areas to be served and an appraisal of the future requirements for service; and
 - 3) present and prospective industrial and commercial water supply needs that are likely to be required in the near future.

- c) Water consumption data, including:
 - 1) population trends as indicated by available records;
 - 2) an estimate of the number of consumers, based on population trends, who will be served by the proposed or expanded water supply system 20 years in the future;

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- 516 3) present and future water consumption values used as the basis of design;
517
518 4) present and estimated future yield of the water sources for a community
519 water supply; and
520
521 5) estimated water loss in the distribution system based on available records.
522
523 d) A justification for the project when two or more solutions exist for providing
524 community water supply facilities, as directed under the Illinois Drinking Water
525 Revolving Loan Funding Process, each of which is feasible and practicable. The
526 Engineer's Report must discuss the alternatives and provide reasons for selecting
527 the one recommended, including financial considerations, operational
528 requirements, operator qualifications, reliability and water quality considerations.
529
530 e) Sources of Water Supply. The Engineer's Report must describe the proposed
531 source or sources of water supply to be developed and the reasons for their
532 selection, and provide information as follows:
533
534 1) For surface water sources:
535
536 A) hydrological data, stream flow and weather records;
537
538 B) safe yield, including all factors that may affect it;
539
540 C) documentation of structural safety of any spillway or dam to assure
541 the spillway or dam can continue to provide a source of water
542 during extreme weather;
543
544 D) description of the watershed, noting any existing or potential
545 sources of contamination (such as highways, railroads, chemical
546 facilities, land/water use activities, etc.) that may affect water
547 quality;
548
549 E) summarized quality of the raw water with special reference to
550 fluctuations in quality, changing meteorological conditions, etc.;
551 and
552
553 F) source water protection issues or measures, including erosion and
554 siltation control structures, that need to be considered or
555 implemented.
556
557 2) For groundwater sources:
558

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- 559 A) the sites considered;
560
561 B) advantages of the site selected;
562
563 C) the elevations above mean sea level of site selected;
564
565 D) the probable character of geologic formations through which the
566 source is to be developed;
567
568 E) hydrogeologic conditions affecting the site, such as anticipated
569 interference between proposed and existing wells;
570
571 F) sources of possible contamination such as sewers and sewage
572 treatment/disposal facilities, highways, railroads, landfills,
573 outcroppings of consolidated water bearing formations, chemical
574 facilities, waste disposal wells, and agricultural uses;
575
576 G) the test well depth and method of construction, including
577 placement of liners or screens;
578
579 H) test pumping rates and their duration, including water levels and
580 specific yield;
581
582 I) test well water quality information; and
583
584 J) wellhead protection measures being considered.
585
586 f) Project sites, including:
587
588 1) a discussion of the various sites considered and advantages of the chosen
589 one;
590
591 2) the proximity of residences, industries and other establishments; and
592
593 3) any potential sources of pollution that may influence the quality of the
594 supply or interfere with effective operation of the water works system,
595 such as sewage absorption systems, septic tanks, privies, cesspools, sink
596 holes, sanitary landfills, and refuse and garbage dumps, etc.
597
598 g) Proposed Treatment Processes. The Engineer's Report ~~must~~shall describe all
599 proposed treatment processes necessary to meet the requirements of this
600 SubtitleChapter and any available supporting data.
601

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- 602 h) Automation. The Engineer's Report must provide supporting data justifying
603 automatic equipment, including the servicing and operator training to be provided,
604 and must provide for manual override for any automatic controls.
605
 - 606 i) Power. The Engineer's Report must include the following power description:
607
 - 608 1) the main source of power;
 - 609
 - 610 2) dedicated standby power capable of providing power to operate the
611 community water supply's water source, treatment plant and distribution
612 facilities during power outages; and
 - 613
 - 614 3) outside emergency power sources that are available.
615
 - 616 j) Soil characteristics, groundwater conditions and foundation problems, including:
617
 - 618 1) the character of the soil through which water mains are to be laid;
 - 619
 - 620 2) the foundation conditions prevailing at sites of proposed structures; and
621
 - 622 3) the approximate elevation of groundwater relative to mean sea level at its
623 expected highest level in relation to subsurface structures.
624
 - 625 k) Flow requirements, including a hydraulic analysis based on flow demands and
626 pressure requirements.
627
- 628 BOARD NOTE: Fire flows, when fire protection is provided, should meet the
629 recommendations of the Illinois Insurance Services Office or other similar agency
630 for the service area involved.
631
- 632 l) Water Plant Wastes. When waste treatment facilities are necessary for the
633 addition of a new process or an increase in water treatment plant capacity, those
634 facilities must be included as part of the engineering plans and specifications, and
635 the Engineer's Report must include the following:
636
 - 637 1) an estimate of the character and volume of the waste that will be generated
638 and its proposed disposition; and
 - 639
 - 640 2) the type of waste treatment, discharge location and frequency of discharge.
641

642 (Source: Amended at 46 Ill. Reg. _____, effective _____)
643

644 **Section 602.245 Source Construction Applications**

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- a) Construction permit applications for the construction of a new_ or the modification of an existing_ well or surface water intake; or the construction of a water main to transport water purchased from another community water supply must include the following:
 - 1) Existing and proposed finished water quality, including:
 - A) Hardness;
 - B) Calcium;
 - C) Alkalinity;
 - D) pH;
 - E) Orthophosphate;
 - F) Silicate;
 - G) Total Dissolved Solids;
 - H) Oxidation-reduction potential (ORP);
 - I) Temperature;
 - J) Chloride;
 - K) Sulfate;
 - L) Iron;
 - M) Manganese;
 - N) Chlorine residual (total); and
 - O) Chlorine residual (free).
 - 2) A recommendation of the treatment necessary to reduce corrosion in household plumbing.
- b) Well construction permit applications must specify the following:

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- 688 1) the latitude and longitude of the well location;
- 689
- 690 2) the location and nature of all potential routes, potential primary sources,
- 691 and potential secondary sources of contamination within 2,500 feet of the
- 692 well location;
- 693
- 694 3) for sites subject to flooding, the well casing heights and the maximum
- 695 flood level based upon the highest flood level specified in the best
- 696 available information, such as the flood of record, the 100-year flood
- 697 projection, or the 500-year flood projection;
- 698
- 699 4) a general aquifer description;
- 700
- 701 5) the total well depth;
- 702
- 703 6) the well casing diameter, material, depth, weight, height above ground,
- 704 and thickness;
- 705
- 706 7) the grout type, thickness and depth;
- 707
- 708 8) the screen diameter, material, slot size and length, if applicable;
- 709
- 710 9) temporary capping and security measures during well construction;
- 711
- 712 10) proposed pump test procedures;
- 713
- 714 11) sampling procedures, if necessary under 35 Ill. Adm. Code 611.212, for
- 715 wells that may be subject to surface water influences;
- 716
- 717 12) the type, design capacity, head rating, and depth of pump setting;
- 718
- 719 13) the column pipe diameter, length, material and joint;
- 720
- 721 14) the discharge pipe diameter, depth of cover, material and valving;
- 722
- 723 15) the casing vent diameter;
- 724
- 725 16) the airline length;
- 726
- 727 17) the location of the raw water sample tap;
- 728
- 729 18) a description of how the top of the well casing is sealed;
- 730

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- 731 19) a description of access to the well site; and
732
733 20) well hydraulics and aquifer property data.
734
735 c) The following information must be submitted on plans for well construction
736 permit applications:
737
738 1) the well location with the following information:
739
740 A) a 2,500-foot radius showing the location of potential routes,
741 potential primary sources, and potential secondary sources of
742 contamination;
743
744 B) cleanup sites within 2,500 feet of the proposed well site with any
745 of the following:
746
747 i) No Further Remediation (NFR) letter;
748
749 ii) Groundwater Management Zone (GMZ);
750
751 iii) Environmental Land Use Covenant (ELUC); or
752
753 iv) an ordinance that restricts the use of groundwater; and
754
755 C) a 400-foot radius showing the location of the sources of pollution
756 listed in 35 Ill. Adm. Code 604.150(a);
757
758 2) a cross-section of the well showing finished grade, natural ground surface,
759 vent, casing, column pipe, screen, well depth, pump depth, grout, gravel
760 pack and discharge piping;
761
762 3) all discharge piping, including pressure gauge, meter, sample tap, check
763 valve, shut-off valve and vacuum/air release valve, if applicable;
764
765 4) well house construction, if provided;
766
767 5) the locations of all electrical junction boxes;
768
769 6) the locations of all observation wells; and
770
771 7) piping showing the ability to pump to waste.
772

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- 773 d) The following information must be submitted on plans for surface water intake
774 construction permit applications:
775
776 1) plan and profile views of the intake structure showing the location,
777 elevation of intake ports, fish screens, valves, piping and pumps, if
778 applicable;
779
780 2) for sites subject to flooding, the maximum flood level based upon the
781 highest flood level specified in the best available information, such as the
782 flood of record, the 100-year flood projection, or the 500-year flood
783 projection;
784
785 3) location of inspection manholes, if applicable; and
786
787 4) location of chemical treatment, if applicable.
788

789 (Source: Amended at 46 Ill. Reg. _____, effective _____)
790

791 **Section 602.250 Treatment Construction Applications**
792

793 The following information must be submitted on plans for the construction of treatment
794 facilities:
795

- 796 a) all appurtenances, specific structures or equipment having any connection with
797 the planned water treatment improvements;
798
799 b) detailed hydraulic profiles of water flowing through treatment systems;
800
801 c) schematic plumbing for all structures and equipment;
802
803 d) location of feeders, piping layout and points of application;
804
805 e) locations of the sources of pollution listed in 35 Ill. Adm. Code 604.150(a);
806
807 f) for sites subject to flooding, the maximum flood level based upon the highest
808 flood level specified in the best available information, such as the flood of record,
809 the 100-year flood projection, or the 500-year flood projection;
810
811 g) security provisions; and
812
813 h) stability and corrosion control:
814
815 1) existing and proposed finished water quality, including:

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- 816
817 A) Hardness;
818
819 B) Calcium;
820
821 C) Alkalinity;
822
823 D) pH;
824
825 E) Orthophosphate;
826
827 F) Silicate;
828
829 G) Total Dissolved Solids;
830
831 H) Oxidation-reduction potential (ORP);
832
833 I) Temperature;
834
835 J) Chloride;
836
837 K) Sulfate;
838
839 L) Iron;
840
841 M) Manganese;
842
843 N) Chlorine residual (total);
844
845 O) Chlorine residual (free); and
846
847 2) a recommendation of the treatment necessary to reduce corrosion in
848 household plumbing.

849
850 (Source: Amended at 46 Ill. Reg. _____, effective _____)

851
852 **SUBPART C: OPERATING PERMITS**

853
854 **Section 602.305 Operating Permit Applications**

- 855
856 a) All applications for operating permits must be on ~~forms prescribed by the~~ Agency
857 [forms](#) and must contain:
858

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- 859 1) the community water supply's name, address, identification number and
860 project name;
861
862 2) the construction permit number, type of construction permit, and date the
863 construction permit was issued;
864
865 3) an explanation of the status of the construction project. If the project is
866 only partially completed, the applicant must provide the information set
867 forth in Section 602.320; and
868
869 4) any other information required by the Agency for proper consideration of
870 the permit, including the submission of the water sample results under
871 Section 602.310.
872
- 873 b) If the operating permit application is for the operation of a well, ~~the application~~
874 ~~operating permit application~~ must include the following information in addition to
875 the information required by subsection (a):
876
- 877 1) final geologic well log;
878
879 2) aquifer property data;
880
881 3) lateral area of influence, as calculated under 35 Ill. Adm. Code
882 671.Subpart B;
883
884 4) delineated well head protection area;
885
886 5) pump test data:
887
888 A) the latitude and longitude of the observation well;
889
890 B) test pump capacity head characteristics;
891
892 C) static water level;
893
894 D) depth of pump settings; and
895
896 E) time of starting and ending each test cycle;
897
898 6) static water level in the production well and observation wells;
899
900 7) pumping water level in the production well;
901

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- 902 8) transmissivity in gallons per day per foot of drawdown (GPD/ft);
903
904 9) hydraulic conductivity in gallons per day per square feet (GPD/ft²) or feet
905 per day (ft/day);
906
907 10) saturated thickness of the aquifer (ft);
908
909 11) storage coefficient or specific yield (dimensionless);
910
911 12) recording and graphic evaluation of the following, at one-hour intervals or
912 less:
913
914 A) pumping rate;
915
916 B) pumping water level;
917
918 C) drawdown;
919
920 D) water recovery rate and levels; and
921
922 E) specific capacity, measured in gallons per minute per foot
923 (GPM/ft) of drawdown;
924
925 13) a determination of the regional groundwater gradient and flow direction:
926
927 A) if the groundwater gradient and flow direction was estimated,
928 provide the data, and the source of that data;
929
930 B) if the groundwater gradient and flow direction was not estimated,
931 provide the longitude and latitude of the wells used, well logs and
932 the water elevations observed in the wells during the pump test;
933
934 C) provide the compass direction clockwise from north in degrees;
935 and
936
937 D) provide the gradient;
938
939 14) geological data:
940
941 A) a driller's log determined from samples collected at 5-foot intervals
942 and at each pronounced change in formation;
943

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- 944 B) accurate geographical location such as latitude and longitude or
- 945 GIS coordinates;
- 946
- 947 C) records of drill hole diameters and depths;
- 948
- 949 D) order of size and length of casing, screens and liners;
- 950
- 951 E) grouting depths;
- 952
- 953 F) formations penetrated;
- 954
- 955 G) water levels; and
- 956
- 957 H) location of any blast charges; and
- 958
- 959 15) analyses of water samples for the constituents listed in 35 Ill. Adm. Code
- 960 620.410(a) and (b).
- 961

962 (Source: Amended at 46 Ill. Reg. _____, effective _____)

963

964 **Section 602.310 Projects Requiring Disinfection**

- 965
- 966 a) Wells, water storage tanks, water treatment plants, and water mains must be
- 967 disinfecting in accordance with AWWA C651, C652, C653 or C654, incorporated
- 968 by reference in 35 Ill. Adm. Code 601.115.
- 969
- 970 b) Disinfection of a filter with granular activated carbon (GAC) must be completed
- 971 prior to adding the GAC. Disinfection of an ion exchange unit must be completed
- 972 prior to adding a resin with a low chlorine tolerance. Disinfection of a membrane
- 973 unit must be completed prior to adding membrane material with a low chlorine
- 974 tolerance. Care should be taken when handling the GAC, resin or membrane to
- 975 keep the material as clean as possible.
- 976
- 977 c) Except as provided in Section 602.315, the permit applicant must verify
- 978 disinfection before seeking an operating permit-by-rule under Section 602.235 or
- 979 the issuance of an operating permit by the Agency for completed construction
- 980 projects. Disinfection is verified when two consecutive water sample sets
- 981 collected from the completed project at least 24 hours apart show the absence of
- 982 coliform bacteria and the presence of a chlorine residual as required by 35 Ill.
- 983 Adm. Code 604.725. A sample set consists of the following:
- 984
- 985 1) For water mains, representative water samples must be collected from
- 986 every 1,200 feet of new main along each branch and from the end of the

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987 line. The Agency may approve a different sampling plan on a site-specific
988 basis.

989
990 2) For water treatment plants, representative water samples must be collected
991 from each aerator, detention tank, filter, ion exchange unit and clearwell,
992 from all other treatment components other than those not requiring
993 disinfection under Section 602.315, and from the entry point to the
994 distribution system.

995
996 d) Analyses conducted under this Section must be performed by a certified
997 laboratory.

998
999 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1000

Section 602.320 Partial Operating Permits

1001

1002
1003 a) If all phases of a construction project will not be completed at one time, the
1004 Agency must issue a partial operating permit ~~underpursuant to~~ Section 602.105
1005 upon receipt of:

1006
1007 1) a cover letter describing which sections of the project are completed;

1008
1009 2) a general layout plan sheet of the project indicating the location of water
1010 mains, treatment processes or storage facilities to be operated;

1011
1012 3) a completed and signed operating permit application; and

1013
1014 4) bacteriological analyses results from water samples collected from the
1015 completed section of the project verifying satisfactory disinfection in
1016 accordance with Section 602.310.

1017
1018 b) Additional operating permits may be obtained in accordance with this Section as
1019 other portions of the project are completed.

1020
1021 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1022

Section 602.325 Operating Permit-by-Rule

1023

1024
1025 a) ~~This~~~~The purpose of this~~ Section ~~implements~~~~is to implement~~ the permit-by-rule
1026 program provided for in Section 39.12 of the Act for classes of community water
1027 supply operating permits. By fulfilling all of the requirements of this Section, a
1028 community water supply is considered to have met the requirements for obtaining
1029 an operating permit under Section 18(a)(3) of the Act and Section 602.300.

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- b) A community water supply is eligible to obtain an operating permit-by-rule if the construction project for which the Agency granted a construction permit is for any of the following projects:
 - 1) Water main extensions; or
 - 2) Projects not requiring disinfection specified in Section 602.315.
 - c) A community water supply is not eligible to obtain an operating permit-by-rule if the construction project involves a water main that connects two or more community water supplies.
 - d) Upon issuance of a construction permit, the Agency may notify an eligible community water supply that it may not seek a permit-by-rule if the community water supply has failed to submit information required by Agency or Board rules in the two years preceding the Agency's notification.
 - e) For construction projects that contain both permit-by-rule eligible and non-eligible components, a community water supply may obtain a partial operating permit-by-rule for the eligible portions of the project.
 - f) A community water supply eligible for a permit-by-rule under subsection (b) that does not elect to obtain a permit-by-rule, must obtain an operating permit issued by the Agency before commencing operations.
 - g) Permit-by-Rule Certification. Any community water supply seeking to obtain an operating permit-by-rule must submit a certification, on [Agency forms](#) ~~prescribed by the Agency~~, specifying the following:
 - 1) the community water supply's name, address, identification number and project name;
 - 2) the construction permit number, type of construction permit, and date the construction permit was issued;
 - 3) an explanation of the status of the construction project and, if the project is only partially completed, the information set forth in Section 602.320;
 - 4) a statement attesting to compliance with Section 602.310, if disinfection is required; and
 - 5) the submission of the water sample results required by Section 602.310.

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1073
1074 h) The community water supply may begin operation of a permit-by-rule eligible
1075 construction project immediately after it files the certification required by
1076 subsection (g).

1077
1078 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1079

1080 SUBPART D: ALGICIDE PERMITS

1081
1082 **Section 602.400 Algicide Permit Requirement**

1083
1084 a) ~~A~~~~No~~ person ~~must not~~~~shall~~ apply algicide, copper sulfate, copper sulfate based
1085 products, or copper sulfate chemical aids to any stream, reservoir, lake, pond or
1086 other body of water used as a community water supply source without an Algicide
1087 Permit issued by the Agency.

1088
1089 b) Permits issued under this Subpart D will be valid for community water supply
1090 sources only.

1091
1092 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1093

1094 **Section 602.410 Sampling**

1095
1096 a) The owner or official custodian, or an authorized delegate, must collect water
1097 samples for each application of copper sulfate, copper sulfate based products, or
1098 copper sulfate chemical aids. Water samples must be collected at the locations
1099 and times established in this subsection (a).

1100
1101 1) From the raw water intake, one sample must be collected before treatment.

1102
1103 2) From the entry point to the distribution system one sample must be
1104 collected:

1105
1106 A) ~~One sample must be collected~~ approximately 24 hours following
1107 the copper sulfate treatment; and;

1108
1109 B) ~~One sample must be collected~~ approximately 48 hours following
1110 the copper sulfate treatment.

1111
1112 b) The sample results must demonstrate that concentrations of copper do not pose a
1113 high health risk to water consumers in compliance~~accordance~~ with 35 Ill. Adm.
1114 Code 611.350(c)(2).
1115

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1116 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1117

SUBPART E: OTHER AQUATIC PESTICIDE PERMITS

1119

Section 602.500 Other Aquatic Pesticide Permit Requirement

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1122

a) When the application of the pesticide will have an effect on any community water supply, ~~no~~ person must not shall apply an aquatic pesticide, other than an algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids to any stream, reservoir, lake, pond or other body of water used as a community water supply source without an Aquatic Pesticide Permit issued by the Agency. Effect is defined as any measurable concentration of the pesticide in the intake water of the community water supply.

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b) ~~A~~No person must not shall apply an aquatic pesticide, other than an algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids, within 20 miles upstream of a public or food processing water supply intake without an Aquatic Pesticide Permit issued by the Agency. The 20 mile upstream distance must be measured as follows:

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1) for streams, the distance must be measured from the water supply intake to the downstream edge of the application area;

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2) for impoundments, the distance must be measured as the straight line distance over water from the intake to the nearest edge of the application area or, if the shape of the impoundment will not allow a straight line measurement over water, the distance must be measured as the shortest distance over water between the intake and the application area; and

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3) for streams tributary to impoundments, the distance must be the sum of the stream distance plus the shortest line distance described in subsection (b)(2).

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(Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 602.505 Other Aquatic Pesticide Permit Application Contents

1152

All applications for Aquatic Pesticide Permits must contain, at a minimum:

1154

a) The reasons for controlling the aquatic plant or animal nuisance.

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b) Applicant Information

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- 1) The applicant must be the official custodian of, or have control over the waters to which the aquatic pesticide is applied.
 - 2) The application must contain the name, address, telephone number and signature of the applicant. If the applicant's signature cannot be obtained, the application must be accompanied by a signed statement that the applicant has requested or approved the use of the aquatic pesticide for the times and locations identified in the application.
- c) Applicator Information
- 1) The name, address and telephone number of the applicator.
 - 2) The applicator's Illinois Department of Agriculture license number.
 - 3) A list of the limitations imposed by the applicator's license that restrict the types of pesticides that may be used by the applicator.
- d) General Information
- 1) A description of the aquatic pesticide by trade name, chemical name or name of active ingredients, and names of decomposition products.
 - 2) The U.S. Environmental Protection Agency (USEPA) Registration Number for the pesticide.
 - 3) A description of the steps to be followed in preparing and applying the pesticide, including, but not limited to, proportions, mixing and precautions in preparation. A copy or facsimile of the label containing this information may be used to satisfy this requirement.
- e) Time and Location of Treatment
- 1) A depiction of the area or areas to be treated on a U.S. Geological Survey (USGS) topographic map reproduction or an accurately drawn map of larger scale. The depiction must include the locations and provide the name of the owners of all water intakes for a distance of 20 miles downstream of each area to be treated.
 - 2) Ponds under 10 acres to be treated, but that are not used as a water source for public or food processing water supplies, must be described using a map of the pond, its tributaries and the surrounding area.

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- 1202 A) Pond locations must be given and described using the quarter
1203 section, section number, township, range, county and township
1204 name.
1205
- 1206 B) The name of all public and food processing water supplies for a
1207 distance of 20 miles downstream of the pond to be treated must be
1208 provided.
1209
- 1210 3) The date and time required for each treatment.
1211
- 1212 f) An inventory of the species, size and population of animals or plants to be
1213 controlled.
1214
- 1215 g) Contacts with Downstream Water Users
1216
- 1217 1) Written documentation showing that all water supplies described in
1218 Section 602.500 have been notified of the proposed treatment and
1219 provided details of possible adverse effects.
1220
- 1221 2) The names of water supply operators who will be notified 24 hours before
1222 the aquatic pesticide application.
1223
- 1224 h) Application and Precautions
1225
- 1226 1) A description of the method to be used to apply the pesticide.
1227
- 1228 2) A description of the method to be used to protect humans and animals
1229 during the time toxic pesticide concentrations exist in the water.
1230
- 1231 3) A description of the method to be used to remove dead plants or animals
1232 should these accumulations result in water quality deterioration.
1233
- 1234 4) A description of the method to be used to retain water in the impoundment
1235 while toxic pesticide concentrations exist.
1236
- 1237 5) A description of the method to be used for detoxification of the water in
1238 the event of water supply contamination.
1239
- 1240 6) A description of the actions to be taken to insure that tributary streams will
1241 not reintroduce the aquatic life being controlled following application of
1242 the pesticide. If these actions cannot be taken, the anticipated frequency
1243 of retreatment ~~must~~ shall be stated.
1244

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- 1245 7) A copy of the contingency plan to be followed by water plant operators for
1246 emergency water plant shut down or emergency operation.
1247
- 1248 i) Water Characteristics and Chemistry
1249
- 1250 1) The expected life of the pesticide's active ingredient and its decomposition
1251 products, considering characteristics of the water such as pH, dissolved
1252 oxygen and temperature.
1253
- 1254 2) A list of the limiting chemical constituents of the water to be treated that
1255 can hinder the effectiveness of the pesticide.
1256
- 1257 3) A list of the short term and chronic effects of the pesticide on people and
1258 animals.
1259
- 1260 4) A description of the weather and stream flow conditions under which the
1261 pesticide must be applied.
1262
- 1263 5) A list of the references used to obtain information required by subsections
1264 (i)(1) through (4).
1265
- 1266 j) Pesticide Dosage and Concentration
1267
- 1268 1) A description of the pesticide dosage.
1269
- 1270 2) A description of the concentration of the pesticide in the water
1271 immediately after application.
1272
- 1273 3) A copy of the computations used to determine the concentration.
1274
- 1275 k) Stream and Impoundment Data
1276
- 1277 1) Streams
1278
- 1279 A) The stream flow expected during pesticide application.
1280
- 1281 B) When stream flows are not available, data on high, average and
1282 low stream flow conditions.
1283
- 1284 C) The specific quantity of discharge in cubic feet per second and the
1285 average stream velocity in feet per second.
1286
- 1287 2) Impoundments

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- A) The surface area, average depth, maximum depth and volume of the impoundment.
 - B) The flow expected into and out of the impoundment during the time the pesticide will be active, including the flows attributed to contributing streams, flow over the spillway and water withdrawn by individual users.
 - C) Information pertinent to the segment in question when only part of the impoundment will be treated.
 - D) A depiction of the water flow patterns to the water supply intake on a map of the impoundment.
 - E) An estimate of the minimum time required for the aquatic pesticide to reach the water supply intake.
- 3) A list of the reference sources or the name and qualifications of the person supplying stream flow and impoundment data.
- 1) Additional Information and Reports
- 1) Additional information must be provided to the Agency upon request to assure the safety of a community water supply as required by 35 Ill. Adm. Code 302.210. A copy of the applicant's authorization to discharge under an NPDES permit must be submitted if the aquatic pesticide is applied to a water of the United States.
 - 2) A report letter must be filed with the Agency within 30 days following each application of the aquatic pesticide. The report must include, ~~but is~~ **not limited to:**
 - A) the names and addresses of the applicant and applicator;
 - B) the aquatic pesticide application permit number;
 - C) the date of aquatic pesticide application;
 - D) the name and amount of aquatic pesticide applied; and
 - E) a description of any mishap that endangered a community water supply and a chronology of the steps taken to correct the problem.

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1331
1332 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1333

1334 **Section 602.510 Permits Under Public Health Related Emergencies**
1335

1336 The Agency may issue Aquatic Pesticide Permits by telephone whenever public health is
1337 immediately endangered by an aquatic pest such as a disease-carrying organism. Aquatic
1338 Pesticide Permits issued by telephone must have special conditions for safeguarding downstream
1339 public and food processing water supplies.

- 1340
- 1341 a) The Agency must confirm to the applicant in writing the granting of an
 - 1342 emergency Aquatic Pesticide Permit within 10 days after issuance.
 - 1343
 - 1344 b) A written report containing the same information required for a permit application
 - 1345 under Section 602.505 must be ~~submitted~~made to the Agency within 30 days
 - 1346 following pesticide application.
 - 1347

1348 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1349

1350 **Section 602.520 Extension of Permit Duration**
1351

1352 The Agency may extend the duration of an Aquatic Pesticide Permit when circumstances beyond
1353 the control of the applicant prevent the aquatic pesticide application during the time specified in
1354 the permit.

- 1355
- 1356 a) All requests for extensions of permit duration must:
1357
 - 1358 1) be in writing;
 - 1359
 - 1360 2) list the reasons the aquatic pesticide could not be applied on the date
 - 1361 permitted;
 - 1362
 - 1363 3) give the new date the aquatic pesticide is to be applied;
 - 1364
 - 1365 4) contain a statement that the aquatic pesticide will be applied in accordance
 - 1366 with the conditions listed in the Aquatic Pesticide Permit; and
 - 1367
 - 1368 5) contain the Aquatic Pesticide Permit Number, the name and Illinois
 - 1369 Department of Agriculture license number of the applicator and the
 - 1370 signature of the applicant.
 - 1371
 - 1372 b) Requests for extensions of permit duration may be made by telephone ~~if~~provided:
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- 1374 1) the information listed in subsection (a) is stated; and
- 1375
- 1376 2) the information listed in subsection (a) is transmitted in writing to the
- 1377 Division of Public Water Supplies Permit Section within five days after
- 1378 the date verbal approval for an extension of permit duration is given by the
- 1379 Agency.
- 1380
- 1381 c) Applications for extensions of permit duration ~~will~~**shall** not be granted if more
- 1382 than 60 days have elapsed from the date of aquatic pesticide application listed in
- 1383 the permit.
- 1384
- 1385 d) Extensions of permit duration, if granted by the Agency, must be in writing and
- 1386 must state the time of the extension.
- 1387

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART F: SPECIAL EXCEPTION PERMITS

Section 602.600 Special Exception Permits

- 1394 a) Unless contained in a construction or operating permit, each Agency
- 1395 determination in 35 Ill. Adm. Code 604 and 611 is to be made by way of a written
- 1396 special exception permit (SEP) pursuant to Section 39(a) of the Act.
- 1397
- 1398 b) ~~A~~**No** person ~~must not~~**may** cause or allow the violation of any condition of a SEP.
- 1399
- 1400 c) The community water supply may appeal the denial of, or the conditions of, a
- 1401 SEP to the Board pursuant to Section 40 of the Act.
- 1402
- 1403 d) A SEP may be initiated in either of the following ways:
- 1404
- 1405 1) by a written request from the community water supply; or
- 1406
- 1407 2) by the Agency, when authorized by Board regulations.
- 1408

BOARD NOTE: The Board does not intend by any provision of this Part to require that the Agency exercise its discretion and initiate a SEP under subsection (d)(2). Rather, the Board intends to clarify by subsection (d)(2) that the Agency may initiate a SEP without receiving a request from the supplier.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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1417 **Section 602.APPENDIX A References to Former Rules (Repealed)**

1418
1419 ~~The following table is provided to aid in referencing former Board rule numbers to section~~
1420 ~~numbers pursuant to codification.~~

1421
~~Chapter 6: Public Water Supplies~~ ~~Ill. Adm. Code~~
~~Part II: Permits~~ ~~Part 602~~

Rule 201	Section 602.101
Rule 202	Section 602.102
Rule 203	Section 602.103
Rule 204	Section 602.108
	Section 602.109
	Section 602.110
Rule 205	Section 602.107
Rule 206	Section 602.111
	Section 602.112
Rule 207	Section 602.105
Rule 208	Section 602.113
Rule 209	Section 602.116
Rule 210	Section 602.114
Rule 211	Section 602.118
Rule 212	Section 602.115
Rule 213	Section 602.104
Rule 214	Section 602.119
Rule 215	Section 602.120

1422
1423 (Source: Repealed at 46 Ill. Reg. _____, effective _____)