

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE A: GENERAL PROVISIONS

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 174

DELEGATION OF CONSTRUCTION AND OPERATING PERMIT AUTHORITY
FOR SANITARY AND COMBINED SEWERS AND WATER MAIN EXTENSIONS

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AUTHORITY: Implementing and authorized by Section 4(g) of the Environmental Protection Act (Ill. Rev. Stat., 1987, ch. 111 1/2, par. 1004(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 7300, effective May 27, 1983; amended at 14 Ill. Reg. 4891, effective March 16, 1990.

SUBPART A: INTRODUCTION

Section 174.101 Purpose

These rules set forward the requirements and procedures for the delegation of Agency authority to grant construction and operating permits for sanitary and combined sewers, sewer system lift stations, and water main extensions.

Section 174.102 Definitions

All definitions in 35 Ill. Adm. Code 301 and 601 apply to these rules.

SUBPART B: STANDARD CONDITIONS FOR SANITARY
AND COMBINED SEWER PERMIT DELEGATION

Section 174.201 Applicability

- a) The Agency may enter into an agreement to delegate authority to issue permits for sewers required under 35 Ill. Adm. Code 309.202, 309.203, and 309.205 with any unit of local government which holds an National Pollution Discharge Emission System (NPDES) permit to operate one or more wastewater treatment plants provided that the entity submits an application which meets the requirements of Section 174.401.
- b) No delegation agreement shall include the power to issue the following:
 - 1) "construct only" permits as defined by the Agency's Guidelines for Notification of Restricted Status or Critical Review Pursuant to the Requirements of Rule 604 of Chapter 3, WPC-4.
 - 2) permits for the construction for facilities funded in whole or in part by the Illinois Anti Pollution Bond Act, (Ill. Rev. Stat. 1981, ch. 127 par. 451 et. seq.) or under Title 2 of the Clean Water Act, (33 U.S. C. 1251 et seq. (Supp 1980-1981)).
- c) The requirements that follow shall constitute the standard conditions of such an agreement. The Agency and the local unit of government may agree to conditions in addition to these.

Section 174.202 Technical Staff

- a) The applicant shall employ a qualified technical staff which

assures the permit application reviews are properly conducted and permits are properly issued.

- b) All technical staff involved in the review of applications and issuance of permits shall be employed full time by the applicant. Firms on retainer shall not be considered to be employed full time.
- c) There shall be one person from the technical staff that is in responsible charge of the review of applications and issuance of permits. This person shall be a registered Professional Engineer of Illinois and shall have at least two years of experience in the preparation or approval of plan documents for sanitary or combined sewers in Illinois.
- d) If the unit of local government prepares its own plan documents for constructing sewer extensions or lift stations, there shall be one person designated as being in responsible charge of the preparation of those documents. This person shall be a registered Professional Engineer of Illinois and shall have at least two years experience in the preparation and approval of plan documents for sanitary and combined sewers in Illinois. This person shall not be the same person who is in responsible charge of the issuance of permits.

Section 174.203 Required Documents

- a) The applicant shall maintain the following documents and make them available for Agency inspection at reasonable times in accordance with Ill. Rev. Stat. 1981, Ch. 111 1/2, par. 1004(d).
- b) The applicant shall adopt by ordinance and maintain standard specifications for material and workmanship for the design and construction of sewer lines, mains and appurtenances. These standards shall be at least as stringent as Agency standards which have been promulgated in the Agency's Recommended Standards for Sewage Works and Design Criteria for Pressure Sewer Systems, 35 Ill. Adm. Code 374.
- c) The applicant must maintain an atlas or other documentation of the sewage collection and treatment system owned and operated by the applicant which shows the items listed in Subsection (c)(1).
 - 1) This shall show all known parts of the system including but not limited to:
 - A) the location and names of all streets, stream crossings and named water courses;
 - B) public water supply wells, treatment works, intake structures and storage tanks;
 - C) sanitary sewers, combined sewers and storm sewers if tributary to combined sewers, pumping stations, and forcemains, indicating size of sanitary and combined sewers, trunk sewers and interceptor sewers and capacity of pumping stations;
 - D) on system overflow points;
 - E) sewage works, lagoons and on-system excess flow treatment units;
 - F) subsurface disposal fields;
 - G) flood plains and storm water retention basins.
 - 2) This documentation shall be provided with an index.
 - 3) If the information required by Subsection 174.203(c)(1) is not available at the time of the application, the applicant shall develop updated documentation containing these

requirements when it applies for renewal.

Section 174.204 Permit Requirements

A unit of local government to which permitting authority is delegated shall not grant permits under authority delegated by this agreement unless the following conditions have been met:

- a) Any permit issued shall be consistent with 35 Ill. Adm. Code 309.202, 309.203 and 309.205.
- b) The design construction and installation of all sanitary combined sewers covered by any permit issued shall be consistent with those same Rules, with the current edition of the Illinois Recommended Standards for Sewage Works, Standard Specifications for Water and Sewer Main Construction, local standards and specifications and with the Design Criteria for Pressure Sewer Systems, 35 Ill. Adm. Code 374.
- c) No permit shall be issued unless there is sufficient capacity in the treatment and collection system to receive the flow. The capacity shall be as determined by the Agency in accordance with WPC-4.
- d) No permit shall be issued for sanitary or combined sewers which would be constructed or would serve an area outside the approved Facilities Planning Area for the sewage collection system to which they would directly discharge or would otherwise conflict with a plan approved under Section 208(b) of the Clean Water Act.
- e) Trustees of a land trust who apply for a permit relating to the land which is the subject of the trust, must identify and define the interest of each beneficiary as required by "An Act to require disclosure, under certification of perjury, of all beneficial interests in real property held in a land trust in certain cases", (Ill. Rev. Stat. 1981 ch. 148, par. 72).

Section 174.205 Identification

For each construction and operating permit issued the unit of local government shall identify the project by a unique log number and permit number in a manner designated by the Agency as compatible with the Agency's permitting system.

Section 174.206 Notice of Permits

The unit of local government shall notify the Agency monthly of all permit applications under review and the issuance or denial of all permits by submitting the information on a form approved by the Agency including the log number, the date of final action, the name(s) of permittee(s) and the permit number and by submitting copies of all permits issued and denials.

Section 174.207 Permit Forms

Permits shall be written on forms approved by the Agency.

Section 174.208 Permit for Ownership and Operation

- a) Units of local government shall be deemed to have a permit for ownership and operation of new construction providing the following requirements are met:
 - 1) Downstream facilities which provide sufficient capacity as

determined by the Agency in accordance with WPC-4 have been constructed and are operational including the treatment plant, and

- 2) All easements and dedications have been secured which are necessary to provide the local unit of government permanent access to the permitted facilities.
- b) The permitting authority shall be responsible for assuring proper operation and maintenance of all permitted projects immediately when the project goes into service.

Section 174.209 Training

The Agency may provide initial assistance, training, and consultation to employees of the unit of local government in organizing and managing the permit system depending upon whether such assistance is requested and upon the availability of Agency staff. Any training program shall be outlined in the agreement.

SUBPART C: STANDARD CONDITIONS FOR WATER MAIN EXTENSION PERMIT DELEGATION

Section 174.301 Applicability

- a) The Agency may enter into an agreement to delegate authority to issue permits required under 35 Ill. Adm. Code 602.101 and 602.102 for water main extensions with any unit of local government which is the owner of official custodian of a public water supply, provided that the entity submits an application which meets the requirements of Section 174.401.
- b) The requirements that follow shall constitute the minimum standard conditions of such an agreement. The Agency and the local unit of government may agree to additional conditions.

Section 174.302 Technical Staff

- a) The applicant shall employ a qualified technical staff which assures that permit application reviews are properly conducted and that permits are properly issued.
- b) Except as provided otherwise in subsection (d):
 - 1) All technical staff involved in the review of applications and issuance of permits must be employed full time by the unit of local government.
 - 2) Consultants on retainer will not be considered to be employed full time.
- c) Qualifications
 - 1) There shall be one person from the technical staff who is in responsible charge of the review of permit applications and issuance of permits.
 - 2) The person described in subsection (c)(1) shall be a registered Professional Engineer in Illinois and shall have at least two years of experience in the preparation of water main plan documents for Illinois public water supplies.
- d) Use of Consultants
 - 1) The unit of local government may retain the services of a full or part-time consultant to meet the requirements set forth in subsection (c)(1) if the consultant meets the

qualifications set forth in subsection (c)(2).

- 2) If the unit of local government proposes to use a full or part-time consultant in accordance with subsection (d)(1), the unit of local government shall provide to the Agency a copy of the contract between the unit of local government and the consultant. The contract shall, at a minimum, require the consultant to perform all technical services necessary to obtain and retain delegated permit authority under Subparts C, D, and E.
- e) If the unit of local government prepares its own plan documents for constructing water main extensions, there shall be at least one person on the technical staff who is in responsible charge of the preparation of these documents. This person shall be a registered Professional Engineer in Illinois and shall have at least two years of experience in the preparation of water main plan document for Illinois public water supplies. This person shall not be the same person designated in subsection (c). No person shall issue a permit for water main construction designed by or under their own supervision.
- f) There shall be at least one certified public water supply operator of the proper class on the technical staff to comply with requirements of 35 Ill. Adm. Code 603.102.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990)

Section 174.303 Required Documents

The applicant shall maintain the following documents and make them available for Agency inspection at reasonable times in accordance with Section 4(d) of the Act.

- a) The applicant shall maintain standard specifications for water main construction which require that all design, construction and installation shall be in accordance with 35 Ill. Adm. Code: Subtitle F, Chapters I and II.
- b) The applicant shall maintain an atlas of the distribution system.
 - 1) This shall show all parts of the system, including but not limited to:
 - A) the location and names of all streets and bridges, culverts and water courses;
 - B) the location and size of water mains, valves, hydrants and other appurtenances;
 - C) wells and intake structures;
 - D) pump stations and water treatment plants;
 - E) any conditions or installations which may deleteriously affect the public water supply distribution system.
 - 2) The atlas shall contain an indexing system to allow for rapid location of water mains. If it is not possible to prepare a single sheet atlas, a sectionalized atlas may be used, provided that an index sheet showing the location of the various sections in relation to each other is provided.
 - 3) The atlas may be maintained on microfiche, sectionalized if desirable.
 - 4) If the applicant possesses a sewer map or atlas it shall be included as an addendum to the water main atlas.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990)

Section 174.304 Permit Requirements

A local unit of government to which permit authority is delegated shall not grant permits unless the following conditions have all been met:

- a) Any permit issued must be consistent with Section 39 of the Act, 35 Ill. Adm. Code 602.101, 602.102 and 35 Ill. Adm. Code: Subtitle F, Chapter II.
- b) Plans prepared for each water main extension project shall bear the professional seal of the person responsible for preparation of the plan documents.
- c) Trustees of a land trust who apply for a permit relating to the land which is the subject of the trust, must identify and define the interest of each beneficiary as required by Section 2 of "An Act to require disclosure, under certification of perjury, of all beneficial interests in real property held in a land trust in certain cases", (Ill. Rev. Stat. 1987 ch. 148, par. 72).

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990)

Section 174.305 Restricted Status or Critical Review

Public water supplies which are on the Restricted Status or Critical Review List (35 Ill. Adm. 602.106, 652.401, or 652.402) are not eligible for delegation.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990)

Section 174.306 Identification

For each construction and operating permit issued, the unit of local government shall identify the project by a unique project number and permit number in a manner designated by the Agency as compatible with the Agency's permitting system.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990)

Section 174.307 Permit Forms

Permits shall be written on forms provided by the Agency.

Section 174.308 Annual Reports

By February 1 of each year, the unit of local government shall submit an annual report containing the following:

- a) Preliminary plans which indicate the location of anticipated water main construction for the ensuing 12 months. This may be updated to add or delete anticipated extensions by the public water supply at any time;
- b) Plan documents as described in 35 Ill. Adm. Code 652.104, 652.105, 652.106, and 652.107 for all water main extensions constructed in the preceeding year along with the identification numbers, dates of initial operation, reports of bacteriological analyses, length and size of water main, and estimated population served by the new main;
- c) Reports of bacteriological analysis performed according to Section 174.309(a); and
- d) A list of construction and operating permits issued.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990)

Section 174.309 Routine Operation

- a) Water samples shall be collected from the completed main in accordance with 35 Ill. Adm. Code 652.203.
- b) If there are changes in construction from the preliminary plans described in Section 174.308 the Agency shall be notified of those changes within 10 days after construction has begun.
- c) If the construction shown in the as-built plans filed in the annual report does not conform to the approved specifications or 35 Ill. Adm. Code: Subtitle F, Chapters I and II, corrections shall be made consistent with those regulations.
- d) The atlas is to be updated at least once every five years and a copy sent to the Permit Section Manager, Division of Public Water Supplies (DPWS).

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990)

Section 174.310 Operating Permits

Public water supplies which have been delegated construction permit authority by this Agency may also issue operating permits for new construction provided the following requirements are met:

- a) The newly installed water main is flushed to remove foreign material introduced into the water main during construction and chlorinated for disinfection purposes;
- b) Bacteriological analyses are performed on a sufficient number of representative water samples collected from the newly constructed water main to demonstrate satisfactory disinfection; and
- c) The water main is not placed into operation until such time as the bacteriological analyses required in Subsection (b) indicates that the water is safe for drinking.

SUBPART D: APPLICATION AND AGREEMENT

Section 174.401 Application Requirements

In order to enter into a delegation agreement, the applicant must submit a letter requesting delegation and include:

- a) A statement that the technical staff is in the full time employ of the applicant or a copy of the contract between the consultant and the unit of local government pursuant to Section 174.302(d);
- b) The name, registration number, and qualifications of the person(s) who will be responsible for
 - 1) the issuance of the construction and operating permits, and,
 - 2) if applicable, the preparation of plan documents;
- c) A resolution by the governing body of the unit of local government or existing ordinance authorizing the chief officer of the applicant to designate persons to sign permits on behalf of the applicant;
- d) Standard specifications adopted by the unit of local government for sewer or water main construction, whichever is applicable, at least as stringent as Agency standards, or a certification that the applicant has adopted such specifications by ordinance;
- e) A certification that the applicant possesses an atlas or other

- documents as required by Sections 174.203(c)(1) or 174.303(b);
- f) Administrative Procedures
 - 1) For sewer permits, those procedures that will be used to process applications;
 - 2) For water main extension permits, those procedures that will be used to correlate permitted projects with corresponding plan documents and bacteriological analysis report sheets;
 - g) Capacity Information
 - 1) For sewer permit delegation, a certification that by issuance of a construction permit the applicant acknowledges adequate capacity in its wastewater collection system and at its treatment plant as required by 35 Ill. Adm. Code 309.222(b).
 - 2) For water main extension delegation, a report which provides information as to raw and finished water production capacity, average daily demand, peak monthly demand, peak day demand, peak hour demand, number of service connections, population served, and pressures in the distribution system.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990)

Section 174.402 Agreement

- a) If the Agency decides on the basis of the application that the applicant has the capability to administer a permit program in that it meets the requirements of Subparts B or C it will agree to enter into a delegation agreement.
- b) The Agency shall prepare the delegation agreement. This document shall include the conditions set forward in these rules and any other related conditions which the parties decide will further the agreement.
- c) This document shall not be effective until it has been signed, first by an authorized representative of the unit of local government, and then by the the Director of the Agency.

Section 174.403 Amendments

- a) Either the Agency or the unit of local government may propose an amendment to the agreement, which shall become effective when both parties sign a document embodying the amendment, or at any other later mutually agreeable date.
- b) Changes to standard specifications for water main construction shall be made by amending the delegation agreement.

Section 174.404 Duration

- a) The delegation agreement shall be valid for a period not to exceed five years.
- b) If the unit of local government requests renewal of the agreement it must file a full application at least six months before the expiration date of the agreement.
- c) If the Agency and the unit of local government decide to renew the agreement, a new document shall be executed at least 90 days before the expiration date of the previous agreement.

Section 174.405 Termination

Either party may terminate the delegation agreement by providing the other party ninety days notice in writing.

SUBPART E: AGENCY REVIEW

Section 174.501 Agency Inspection

The Agency may inspect at all reasonable times in accordance with Section 4(d) of the Act all permit files held by the unit of local government regarding issued permits or permit applications and plan documents and may inspect the permitted facilities.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990)

Section 174.502 Appeals of Permits

If a decision of the unit of local government regarding a permit issued or denied under this Part is appealed pursuant to Section 40 of the Act, the unit of local government shall appear as co-respondent in the action and, in instances where the unit of local government has elected to retain the services of a consultant in accordance with Section 174.302(d), the consultant shall also appear.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990)