

SUBTITLE F

**TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
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AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 8 Ill. Reg. 2157, effective February 7, 1984; emergency amendment at 9 Ill. Reg. 13371, effective August 16, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 7337, effective April 22, 1986; amended in R96-18 at 21 Ill. Reg. 6562, effective May 8, 1997; amended in R03-21 at 27 Ill. Reg. 18030, effective November 12, 2003; amended in R15-22 at 40 Ill. Reg. 6799, effective April 15, 2016; amended in R18-17 at 43 Ill. Reg. 8036, effective July 26, 2019; amended in R18-26 at 47 Ill. Reg. 7449, effective May 16, 2023.

SUBPART A: GENERAL PERMIT PROVISIONS

Section 602.101 Purpose

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

- a) A person must not *construct, install, or operate a community water supply without a permit granted by the Agency.* [415 ILCS 5/18(a)(3)]
- b) *Owners are required to submit plans and specifications to the Agency and obtain written approval before construction, installation, changes, or additions to a community water supply, except as provided in Section 602.104.* [415 ILCS 5/15(a)]

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.102 Community Water Supply Permits

A community water supply may seek the following types of permits issued by the Agency:

- a) Construction Permit, under Subpart B;
- b) Operating Permit, under Subpart C;
- c) Algicide Permit, under Subpart D;
- d) Aquatic Pesticide Permit, under Subpart E; or
- e) A special exception permit, under Subpart F.

(Source: Amended at 43 Ill. Reg. 8036, effective July 26, 2019)

Section 602.103 Public Water Supply Capacity Development

All new community water supplies must demonstrate technical, financial, and managerial capacity as a condition for issuance of construction and operating permits by the Agency. The demonstration must be consistent with the technical, financial and managerial provisions of the federal Safe Drinking Water Act (42 USC 300f), and regulations adopted by the Agency. [415 ILCS 5/15(b)]

(Source: Former Section repealed and new Section added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.104 Emergency Permits

- a) Whenever emergency conditions require immediate action, the Agency may issue construction and operating permits by telephone to the owner, official custodian, or Responsible Operator in Charge, with whatever special conditions the Agency considers necessary for the proper safeguarding of the health of the water consumers.
- b) Emergency conditions are hazards or threats to public health caused by:
 - 1) accidents;
 - 2) equipment failures;
 - 3) human error; or
 - 4) natural disasters.
- c) The Agency must 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 Agency's receipt and approval 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

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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 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.105 Standards for Issuance

- 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 to the following design criteria. When the design criteria in the documents listed in this subsection (a)(2) conflict, the applicant must comply with the design criteria listed in subsection (a)(2)(A).
 - A) Criteria promulgated by the Board under 35 Ill. Adm. Code 604;
 - B) Recommended Standards for Water Works, incorporated by reference at 35 Ill. Adm. Code 601.115; and
 - C) AWWA, ASTM, ANSI, or NSF standards incorporated by reference at 35 Ill. Adm. Code 601.115.

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- 3) When the documents listed in subsection (a)(2) do not provide design criteria for the proposed community water supply facility, the Agency must not issue the construction or operating permit unless the applicant submits adequate proof that the community water supply facility conforms to other design criteria that will produce consistently satisfactory results. When necessary for adequate proof, the Agency may require a pilot study.
 - 4) The Agency must not issue any construction permit required by this Part unless the applicant submits proof that all plan and specification documents required by this Section and Subpart B have been prepared by a person licensed under the Illinois Architecture Practice Act of 1989 [225 ILCS 305], the Professional Engineering Practice Act of 1989 [225 ILCS 325], the Structural Engineering Practice Act of 1989 [225 ILCS 340], the Professional Geologist Licensing Act [225 ILCS 745] (for site and groundwater conditions), or any required combination of these Acts.
 - 5) The Agency must not issue a construction permit unless the community water supply has filed a notification of ownership under 35 Ill. Adm. Code 603.101.
 - 6) The existence of a violation of the Act, Board rule, or Agency rule will not prevent the issuance of a construction permit if:
 - A) the applicant has been granted a variance or an adjusted standard from the rule by the Board;
 - B) the permit application is for the construction or installation of equipment to alleviate or correct a violation;
 - C) the permit application is for a water main extension to serve existing residences or commercial facilities when the permit applicant can show that those residences or commercial facilities are served by a source of water of a quality or quantity that violates the primary drinking water standards of 35 Ill. Adm. Code 611; or
 - D) the Agency determines the permit application is for the construction or installation of equipment necessary to produce water that is assuredly safe, as required by 35 Ill. Adm. Code 601.101.
- b) Algicide or Aquatic Pesticide Permit

The Agency must not issue an algicide or pesticide permit required by this Part unless the applicant submits adequate proof that the application of the algicide or aquatic pesticide will not cause a violation of the Act or Board or Agency rules.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.106 Restricted Status

- a) Restricted status is defined as the Agency determination, under Section 39(a) of the Act and Section 602.105, that a community water supply facility, or portion thereof, may no longer be issued a construction permit without causing a violation of the Act or Board or Agency rules. Violations of Board rules that can result in a restricted status determination include regulations establishing maximum contaminant levels, treatment techniques, source water quantity requirements, treatment unit loading rates, storage volume requirements, and minimum pressure for a distribution system.
 - 1) When the Agency cannot issue a construction permit to a community water supply because that issuance would extend an existing violation of the Act or Board or Agency rules, the Agency must place the community water supply on restricted status.
 - 2) Except as specified in Section 602.105(a)(6), the Agency must not issue a permit for water main extension construction when the water main would extend an existing violation of the Act or Board or Agency rules.
- b) The Agency must publish on its website and in the Environmental Register and update, at intervals of not more than three months, a comprehensive list of community water supplies subject to restrictive status. This list will be entitled the "Restricted Status List".
- c) The Agency must notify the owners or official custodian and Responsible Operator in Charge of a community water supply when the community water supply is initially placed on restricted status by the Agency.
- d) The restricted status list must include a statement of the potential or existing violation of the Act or Board regulations that caused the community water supply's inclusion on the list.
- e) Owners or official custodians of community water supplies that have been placed on restricted status must notify any person requesting construction of a water main extension of this status.

(Source: Amended at 43 Ill. Reg. 8036, effective July 26, 2019)

Section 602.106 Restricted Status

- a) Restricted status is defined as the Agency determination, under Section 39(a) of the Act and Section 602.105, that all or part of a community water supply facility may no longer be issued a construction permit without causing a violation of the Act or Board or Agency rules. Board rules whose violation can result in a restricted status determination include rules establishing maximum contaminant levels, treatment techniques, source water quantity requirements, treatment unit loading rates, storage volume requirements, and minimum pressure for a distribution system.
 - 1) When the Agency cannot issue a construction permit to a community water supply because that issuance would extend an existing violation of the Act or Board or Agency rules, the Agency must place the community water supply on restricted status.
 - 2) Except as specified in Section 602.105(a)(6), the Agency must not issue a permit for water main extension construction when the water main would extend an existing violation of the Act or Board or Agency rules.
- b) The Agency must publish on its website and in the Environmental Register and update, at intervals of not more than three months, a comprehensive list of community water supplies subject to restricted status. This list will be entitled the "Restricted Status List".
- c) The Agency must notify the owners or official custodian and Responsible Operator in Charge of a community water supply when the community water supply is initially placed on restricted status by the Agency.
- d) The restricted status list must include a statement of the potential or existing violation of the Act or Board rules that caused the community water supply's inclusion on the list.
- e) Owners or official custodians of community water supplies that have been placed on restricted status must notify any person requesting construction of a water main extension of this status.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.107 Critical Review

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

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.108 Right of Inspection

The permittee must allow the Agency and its duly authorized representatives to perform inspections as authorized by the Act, including:

- a) entering at reasonable times the permittee's premises where treatment or distribution facilities are located or where any activity is to be conducted under a permit;
- b) having access to and copying at reasonable times any records required to be kept under the terms and conditions of a permit;
- c) inspecting at reasonable times, including during any hours of operation:
 - 1) equipment constructed or operated under the permit;
 - 2) equipment or monitoring methodology; or
 - 3) equipment required to be kept, used, operated, calibrated, and maintained under the permit;

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- d) obtaining and removing at reasonable times samples of any raw or finished water or any discharge or emission of pollutants; and
- e) entering at reasonable times to use any photographic, recording, testing, monitoring, or other equipment to preserve, test, monitor, or record any raw or finished water or any activity, discharge, or emission authorized by a permit.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.109 Fees

- a) *Each applicant required to pay a fee must submit the fee to the Agency along with the permit application or as-built plans. The Agency must deny any construction permit application for which a fee is required that does not contain the appropriate fee.* [415 ILCS 5/16.1(a)]
- b) The following fees are required by the Act:
 - 1) *\$240 if the construction permit application is to install or extend water main that is more than 200 feet, but not more than 1,000 feet in length.* [415 ILCS 5/16.1(d)(1)]
 - 2) *\$720 if the construction permit application is to install or extend water main that is more than 1,000 feet but not more than 5,000 feet in length.* [415 ILCS 5/16.1(d)(2)]
 - 3) *\$1200 if the construction permit application is to install or extend water main that is more than 5,000 feet in length.* [415 ILCS 5/16.1(d)(3)]
- c) Any applicant who submits as-built plans to install or extend a water main must *pay the fees* listed in subsection (b). [415 ILCS 5/16.1(c)]
- d) *Each applicant for an emergency construction permit to install or extend a water main must submit the appropriate fee to the Agency within 10 calendar days from the date of issuance of the emergency permit.* [415 ILCS 5/16.1(c)]
- e) This Section does not apply to following:
 - 1) *any department, agency or unit of State government for installing or extending a water main;*

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- 2) *any unit of local government with which the Agency has entered into a written delegation agreement under Section 4 of the Act which allows such unit to issue construction permits under Title IV of the Act, or regulations adopted under Title IV (see, for example, 35 Ill. Adm. Code 690 or 35 Ill. Adm. Code Subtitle F generally), for installing or extending a water main; or*
- 3) *any unit of local government or school district for installing or extending a water main where both of the following conditions are met:*
 - A) *the cost of the installation or extension is paid wholly from monies of the unit of local government or school district, State grants or loans, federal grants or loans, or any combination thereof; and*
 - B) *the unit of local government or school district is not given monies, reimbursed or paid, either in whole or in part, by another person (except for State grants or loans or federal grants or loans) for the installation or extension. [415 ILCS 5/16.1(f)]*

(Source: Former Section repealed and new Section added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.110 Signatory Requirement for Permit Applications

All permit applications must be signed by the owner or official custodian of the community water supply, or by the owner's duly authorized agent, and must be accompanied by evidence of authority to sign the application.

(Source: Former Section 602.110 repealed and former Section 602.107 renumbered to Section 602.110 at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.111 Application Forms and Additional Information

The Agency may prescribe the form in which all information required under this Part must be submitted 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 Chapter.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.112 Filing and Final Action by Agency on Permit Applications

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- a) For permits without a fee under Section 602.109:
 - 1) An application for a permit is considered to be filed on the date of initial receipt by the Agency of the application documents. The Agency must send the applicant written notification of the receipt of the complete application.
 - 2) Except for emergency permits, applications for construction permits must be filed at least 90 days before the expected start of construction.
 - 3) If the Agency fails to take final action, by granting or denying the permit as requested or with conditions, within 90 days from the filing of the completed application, the applicant may consider the permit granted for one year.
 - 4) Any applicant for a permit may waive in writing the requirement that the Agency must take final action within 90 days from the filing of the application.
- b) For permits with a fee under Section 602.109:
 - 1) An application for a permit is considered to be filed on the date the Agency has received the application documents and required fee. The Agency must send the applicant written notification of the receipt of the complete application.
 - 2) Except for emergency construction permits, applications for construction permits must be filed at least 45 days before the expected start of construction.
 - 3) The Agency must deny construction permit applications that do not contain the entire fee.
 - 4) The Agency must take final action by granting or denying permits within 45 days after the filing of an application and the payment of the required fee. If the Agency fails to take final action within 45 days after filing the application and payment of the required fee, the applicant may consider the permit issued.
- c) The Agency must maintain a progress record of all permit applications, including interim and final action dates. This information is available to the applicant upon request.

- d) The Agency must send all notices of final action by U.S. mail. The Agency is considered to have taken final action on the date that the notice is mailed.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.113 Duration

- a) Construction Permits
 - 1) Construction permits for community water supply facilities expire one year after the date issued or renewed, unless construction has started. If construction does not start within one year after the 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 within one year after the construction permit was issued or renewed, the permit expires five years from the date issued or renewed. Afterward, 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 when work at the site has been initiated and proceeds in a reasonably continuous manner to completion.
- b) Operating permits will 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 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.114 Conditions

In addition to specific conditions authorized under this Part, the Agency may impose conditions in a permit necessary to accomplish the purposes of the Act and that are not inconsistent with regulations promulgated by the Board.

(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.115 Design, Operation, and Maintenance Criteria (Repealed)

(Source: Repealed at 43 Ill. Reg. 8036, effective July 26, 2019)

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 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 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.117 Existence of Permit No Defense

The existence of a permit under this Chapter is not a defense to a violation of the Act or a Board or Agency rule except for the requirements to secure construction, operating, algicide, aquatic pesticide, or emergency permits.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.118 Appeal of Final Agency Action on a Permit Application

- a) If the Agency denies a permit required under this Part, the applicant may petition the Board to appeal the Agency's final decision under Section 40 of the Act.
- b) An applicant may consider any condition imposed by the Agency in a permit as the Agency's refusal to grant a permit, which entitles the applicant to appeal the Agency's decision to the Board under Section 40 of the Act.
- c) All appeals must be filed with the Board within 35 days after the date on which the Agency served its decision on the applicant. *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)]

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.119 Revocations

Failure to comply with a permit condition, the Act, or a Board or Agency rule is grounds for an enforcement action as provided in the Act, including revocation of a permit. Revocation of a permit must be sought by filing a complaint with the Board under Title VIII of the Act.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.120 Limitations

Issuance of a permit under this Part does not relieve the applicant of the obligation to obtain other permits required from other State entities, the Agency, or local governing bodies.

(Source: Amended at 40 Ill. Reg. 6799, effective April 15, 2016)

SUBPART B: CONSTRUCTION PERMITS**Section 602.200 Construction Permit Requirement**

- a) A person must not cause or allow the construction of any new community water supply installation, or cause or allow the change of or addition to any existing community water supply, without a construction permit issued by the Agency.
- b) Construction permits must be obtained by the owner or official custodian of a community water supply:
 - 1) prior to beginning construction of any proposed community water supply;
 - 2) prior to all alterations, changes or additions to an existing community water supply that may affect the sanitary quality, mineral quality or adequacy of the community water supply;
 - 3) prior to adding new chemicals to the treatment process or changing the points of chemical application; and
 - 4) prior to rehabilitating a water main using a liner.
- c) Except as required by subsection (b), a construction permit is not needed for normal work items such as:

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- 1) installation of customer service connections to distribution system water mains;
 - 2) installation or replacement of hydrants and valves in the distribution system;
 - 3) repair of water mains, including replacement of existing water mains with mains of equivalent size pipe in the same location;
 - 4) routine maintenance of equipment, such as painting, reconditioning or servicing;
 - 5) replacement of chemical feeders, pumps, controls, filter media, softener resins, pipes and appurtenances that have the same rated capacity and specification as existing facilities previously permitted by the Agency; or
 - 6) installation or replacement of meters.
- d) All work performed on a community water supply must be in accordance with accepted engineering practices.

(Source: Amended at 43 Ill. Reg. 8036, effective July 26, 2019)

Section 602.205 Preliminary Plans

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

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.210 Construction Permit Applications

All applications for construction permits required under this Part must contain, when appropriate, the following information and documents:

- a) General information, including:
 - 1) name of the community water supply;
 - 2) community water supply identification number;
 - 3) the name and mailing address of the owner or official custodian of the community water supply; and
 - 4) name, scope and location of the project;
- b) Engineer's report as specified in Section 602.225;
- c) A summary of the design criteria as specified in Section 602.230;
- d) Specifications as specified in Section 602.235;
- e) Plans as specified in Section 602.240;
- f) Specific information for the type of construction, as follows:
 - 1) For source construction, information specified in Section 602.245;
 - 2) For the construction of treatment facilities, information specified in Section 602.250;
 - 3) For the construction of storage facilities, information specified in Section 602.255;
 - 4) For the construction of water mains, information specified in Section 602.260;
- g) Water purchase contracts between water supplies and/or inter-municipal agreements, when applicable;
- h) Evaluation of technical, managerial and financial capacity as specified in Section 602.103 for new community water supplies;

- i) Certification by each person signing the application that the information in the application is complete and accurate, and that the text of the application has not been changed from the Agency's official construction permit application form; and
- j) Any other information required by the Agency for proper consideration of the permit.

(Source: Amended at 43 Ill. Reg. 8036, effective July 26, 2019)

Section 602.215 Submission of Applications, Plans and Specifications

- a) Two copies of the completed application and of any required plans, specifications and supplemental schedules must be submitted to the Agency for review and approval.
- b) All permit applications must be mailed or delivered to the appropriate address designated by the Agency.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.220 Alterations

- a) Before any deviations from plans and specifications approved by the Agency are made, the owner or official custodian, or an authorized delegate, must make a written request for a supplemental permit. The written request must document all of the changes made to the previously approved plans and specifications. Only those changes identified will be considered for a supplemental permit.
- b) Revised plans or specifications must be submitted to and approved by the Agency with the supplemental permit request.
- c) The Agency must approve supplemental permit requests if those requests comply with Section 602.105 and this Subpart.
- d) A supplemental permit is not required for minor changes that will not affect the location, capacity, hydraulic conditions, water treatment processes or sanitary or mineral quality of the water to be delivered.
- e) A supplemental permit will not be granted to add water main after construction has begun, except for additional water main necessary due to a change in the

connection point to the existing water distribution system or due to a change in route or alignment. A new application for construction permit must be submitted for water main to serve additional users.

(Source: Amended at 43 Ill. Reg. 8036, effective July 26, 2019)

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 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 under Section 602.205. An Engineer's Report submitted under this Section must contain the information specified by this Section.

- a) General information, including:
 - 1) a description of the existing community water supply;
 - 2) a description of the 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;

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- 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;
 - 3) present and future water consumption values used as the basis of design;
 - 4) present and estimated future yield of the water sources for a community water supply; and
 - 5) estimated water loss in the distribution system based on available records.
- d) A justification for the project when two or more solutions exist for providing community water supply facilities, as directed under the Illinois Drinking Water Revolving Loan Funding Process (35 Ill. Adm. Code 662), each of which is feasible and practicable. The Engineer's Report must discuss the alternatives and provide reasons for selecting the one recommended, including financial considerations, operational requirements, operator qualifications, reliability, and water quality considerations.
- e) Sources of Water Supply. The Engineer's Report must describe the proposed source or sources of water supply to be developed and the reasons for their selection, and provide information as follows:
- 1) For surface water sources:
 - A) hydrological data, stream flow, and weather records;
 - B) safe yield, including all factors that may affect it;
 - C) documentation of the structural safety of any spillway or dam to assure that spillway or dam can continue to provide a source of water during extreme weather;
 - D) description of the watershed, noting any existing or potential sources of contamination (such as highways, railroads, chemical facilities, and land/water use activities) that may affect water quality;
 - E) summarized quality of the raw water, with special reference to fluctuations in quality and changing meteorological conditions; and

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- F) source water protection issues or measures, including erosion and siltation control structures, that need to be considered or implemented.
- 2) For groundwater sources:
- A) the sites considered;
 - B) advantages of the site selected;
 - C) the elevations above mean sea level of the site selected;
 - D) the probable character of geologic formations through which the source is to be developed;
 - E) hydrogeologic conditions affecting the site, such as anticipated interference between proposed and existing wells;
 - F) sources of possible contamination, such as sewers and sewage treatment/disposal facilities, highways, railroads, landfills, outcroppings of consolidated water-bearing formations, chemical facilities, waste disposal wells, and agricultural uses;
 - G) the test well depth and method of construction, including placement of liners or screens;
 - H) test pumping rates and their duration, including water levels and specific yield;
 - I) test well water quality information; and
 - J) wellhead protection measures being considered.
- f) Project sites, including:
- 1) a discussion of the various sites considered and the advantages of the chosen one;
 - 2) the proximity of residences, industries, and other establishments; and
 - 3) any potential sources of pollution that may influence the quality of the supply or interfere with the effective operation of the water works system,

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such as sewage absorption systems, septic tanks, privies, cesspools, sink holes, sanitary landfills, and refuse and garbage dumps.

- g) Proposed Treatment Processes. The Engineer's Report must describe all proposed treatment processes necessary to meet the requirements of this Chapter and provide any available supporting data.
- h) Automation. The Engineer's Report must provide supporting data justifying automatic equipment, including the servicing and operator training to be provided, and must provide for manual override of any automatic controls.
- i) Power. The Engineer's Report must include the following power description:
 - 1) the main source of power;
 - 2) dedicated standby power capable of providing power to operate the community water supply's water source, treatment plant, and distribution facilities during power outages; and
 - 3) outside emergency power sources that are available.-
- j) Soil characteristics, groundwater conditions, and foundation problems, including:
 - 1) the character of the soil through which water mains are to be laid;
 - 2) the foundation conditions prevailing at sites of proposed structures; and
 - 3) the approximate elevation of groundwater relative to mean sea level at its expected highest level in relation to subsurface structures.
- k) Flow requirements, including a hydraulic analysis based on flow demands and pressure requirements.

BOARD NOTE: Fire flows, when fire protection is provided, should meet the recommendations of Insurance Services Office, Inc. (also known as "ISO" or "Verisk") or other similar agency for the service area involved.

- l) Water Plant Wastes. When waste treatment facilities are necessary for the addition of a new process or an increase in water treatment plant capacity, those facilities must be included as part of the engineering plans and specifications, and the Engineer's Report must include the following:

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- 1) an estimate of the character and volume of the waste that will be generated and its proposed disposition; and
- 2) the type of waste treatment, discharge location, and frequency of discharge.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.230 Design Criteria

A summary of complete design criteria must be submitted for the proposed project containing, when applicable, the following:

- a) long term dependable yield of the source of supply;
- b) reservoir surface area, volume, and a volume versus depth curve;
- c) area of the watershed;
- d) estimated average and maximum daily water demands for the design period;
- e) number of proposed service connections;
- f) firefighting requirements;
- g) flash mix, flocculation and settling basin capacities;
- h) retention times;
- i) unit loadings;
- j) filter area and the proposed filtration rate;
- k) backwash rate;
- l) feeder capacities and ranges; and
- m) minimum and maximum chemical application rates.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.235 Specifications

- a) Complete detailed specifications must be supplied or referenced from Standard Specifications for Water and Sewer Main Construction in Illinois, incorporated by reference in 35 Ill. Adm. Code 601.115, for all community water supply construction.
- b) The specifications must have a professional seal and signature that satisfy Section 602.105(a)(4).

- c) Water main standard specifications that have been adopted by a community water supply or a consulting engineer may be submitted for review by the Agency. If approved standard specifications are kept on file with the Agency, the community water supply or consulting engineer need not resubmit the specifications unless changes occur. Standard specifications must equal or exceed the requirements of Section 602.105.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.240 Plans

- a) Unless otherwise specified by the Agency, plans submitted to the Agency must provide the following:
- 1) a suitable title;
 - 2) the name of the owner of the community water supply;
 - 3) the area or institution to be served;
 - 4) a scale;
 - 5) a north point;
 - 6) the data used;
 - 7) the boundaries of the municipality or area to be served;
 - 8) the date and the name and address of the designing engineer;
 - 9) a professional engineer's seal and signature to satisfy Section 602.105(a)(4);
 - 10) the locations and sizes of existing water mains;
 - 11) the locations and nature of existing water works structures and appurtenances affecting the proposed construction, noted on one sheet;
 - 12) the locations of any petroleum storage tanks within 400 feet of the proposed construction;

- 13) dimensions, elevations and explanatory notes; and
 - 14) details as specified in Sections 620.245 through Section 602.260.
- b) Plans must be drawn to a scale that will describe the proposed structures and equipment.
 - c) The size of plans submitted to the Agency must not exceed 24 inches by 36 inches.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.245 Source Construction Applications

- 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;

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- 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:
- 1) the latitude and longitude of the well location;
 - 2) the location and nature of all potential routes, potential primary sources, and potential secondary sources of contamination within 2,500 feet of the well location;
 - 3) for sites subject to flooding, the well casing heights and the maximum flood level based upon the highest flood level specified in the best available information, such as the flood of record, the 100-year flood projection, or the 500-year flood projection;
 - 4) a general aquifer description;
 - 5) the total well depth;
 - 6) the well casing diameter, material, depth, weight, height above ground, and thickness;
 - 7) the grout type, thickness, and depth;
 - 8) the screen diameter, material, slot size, and length, if applicable;
 - 9) temporary capping and security measures during well construction;
 - 10) proposed pump test procedures;
 - 11) sampling procedures, if necessary under 35 Ill. Adm. Code 611.212, for wells that may be subject to surface water influences;

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- 12) the type, design capacity, head rating, and depth of pump setting;
 - 13) the column pipe diameter, length, material, and joint;
 - 14) the discharge pipe diameter, depth of cover, material, and valving;
 - 15) the casing vent diameter;
 - 16) the airline length;
 - 17) the location of the raw water sample tap;
 - 18) a description of how the top of the well casing is sealed;
 - 19) a description of access to the well site; and
 - 20) well hydraulics and aquifer property data.
- c) The following information must be submitted on plans for well construction permit applications:
- 1) the well location with the following information:
 - A) a 2,500-foot radius showing the location of potential routes, potential primary sources, and potential secondary sources of contamination;
 - B) cleanup sites within 2,500 feet of the proposed well site with any of the following:
 - i) No Further Remediation (NFR) letter;
 - ii) Groundwater Management Zone (GMZ);
 - iii) Environmental Land Use Covenant (ELUC); or
 - iv) an ordinance that restricts the use of groundwater; and
 - C) a 400-foot radius showing the location of the sources of pollution listed in 35 Ill. Adm. Code 604.150(a);

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- 2) a cross-section of the well showing finished grade, natural ground surface, vent, casing, column pipe, screen, well depth, pump depth, grout, gravel pack, and discharge piping;
 - 3) all discharge piping, including pressure gauge, meter, sample tap, check valve, shut-off valve, and vacuum/air release valve, if applicable;
 - 4) well house construction, if provided;
 - 5) the locations of all electrical junction boxes;
 - 6) the locations of all observation wells; and
 - 7) piping showing the ability to pump to waste.
- d) The following information must be submitted on plans for surface water intake construction permit applications:
- 1) plan and profile views of the intake structure showing the location, elevation of intake ports, fish screens, valves, piping, and pumps, if applicable;
 - 2) for sites subject to flooding, the maximum flood level based upon the highest flood level specified in the best available information, such as the flood of record, the 100-year flood projection, or the 500-year flood projection;
 - 3) location of inspection manholes, if applicable; and
 - 4) location of chemical treatment, if applicable.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.250 Treatment Construction Applications

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

- a) all appurtenances, specific structures, or equipment having any connection with the planned water treatment improvements;

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- b) detailed hydraulic profiles of water flowing through treatment systems;
- c) schematic plumbing for all structures and equipment;
- d) location of feeders, piping layout, and points of application;
- e) locations of the sources of pollution listed in 35 Ill. Adm. Code 604.150(a);
- f) for sites subject to flooding, the maximum flood level based upon the highest flood level specified in the best available information, such as the flood of record, the 100-year flood projection, or the 500-year flood projection;
- g) security provisions; and
- h) stability and corrosion control:
 - 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);
 - O) Chlorine residual (free); and
- 2) a recommendation of the treatment necessary to reduce corrosion in household plumbing.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.255 Storage Construction Applications

The following information must be submitted on plans for the construction of storage facilities:

- a) storage capacity;
- b) plan and profile views showing the location, elevation, piping, access hatches, vents, overflows, safety appurtenances and sample taps;
- c) for below ground or partially below ground storage tanks, locations of the sources of pollution listed in 35 Ill. Adm. Code 604.150(a) within a 400-foot radius of the storage structure;
- d) security provisions;
- e) baffling arrangement, if applicable;
- f) for sites subject to flooding, the maximum flood level based upon the highest flood level specified in the best available information, such as the flood of record, the 100-year flood projection or the 500-year flood projection;
- g) for hydropneumatic tanks, the bypass piping, access manhole, drain, sight glass, pressure gauge, pressure relief valve, air compressor and housing;
- h) mixing systems, if applicable; and
- i) the ability to drain a storage tank without causing the pressure in the distribution system to drop below 20 psi.

(Source: Amended at 43 Ill. Reg. 8036, effective July 26, 2019)

Section 602.260 Water Main Construction Applications

- a) Water main construction permit applications must specify the following:
- 1) the existing population served by the present supply, and the population to be served by the water main extension;
 - 2) the average daily pumpage for the community water supply on an annual basis;
 - 3) the maximum daily pumpage;
 - 4) the capacity of the community water supply;
 - 5) the capacity of the raw water source;
 - 6) the capacity of the proposed water main;
 - 7) the normal expected operating pressure on the proposed water main;
 - 8) the minimum expected operating pressure on the proposed water main;
 - 9) the pressure at the point of connection at present maximum demand;
 - 10) the calculated pressure at the point of connection under maximum demand after installation of the water main;
 - 11) the size of the pipe and total feet of the water main;
 - 12) the pipe material and type of joint;
 - 13) the proposed depth below ground surface of the water main;
 - 14) sewer and water separation:
 - A) an indication of whether the minimum horizontal and vertical separation requirements in 35 Ill. Adm. Code 604.1440 have been met; and
 - B) an explanation of other measures taken to protect the water main if the separation requirements are not met;

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- 15) a disinfection plan that details the chemical to be used, initial disinfectant concentration, final disinfectant concentration and retention time in hours; and
 - 16) a water sampling plan to meet the requirements of Section 602.310.
- b) The following information must be submitted on plans with water main construction permit applications:
- 1) the border lines of the municipality, water district or area to be served;
 - 2) the size, length and identity of proposed water mains and water system structures;
 - 3) the elevation of water mains where necessary to show proper separation from sewers and the elevation of other water system structures;
 - 4) the location of existing or proposed streets;
 - 5) the location of storm, sanitary, combined and house sewers, septic tanks, disposal fields and cesspools;
 - 6) the location of pipelines and other sources containing hydrocarbons;
 - 7) the distance between the community water supply structures and the sources of pollution listed in 35 Ill. Adm. Code 604.150(a);
 - 8) stream crossings with elevations of the stream bed shown, including the normal, extreme high and extreme low water levels of the stream; and
 - 9) all appurtenances, specific structures or equipment having any connection with planned water mains and water system structures.

(Source: Amended at 43 Ill. Reg. 8036, effective July 26, 2019)

SUBPART C: OPERATING PERMITS

Section 602.300 Operating Permit Requirement

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water supply, or any new addition to an existing community water supply, for which a construction permit is required under this Part, without an operating permit issued by the Agency, or obtaining an operating permit-by-rule under Section 602.325.

- b) When a community water supply's construction project is not eligible for an operating permit-by-rule under Section 602.325, an operating permit application must be filed with the Agency when construction is complete. The operating permit must be obtained before the project is placed in service.
- c) Community water supplies projects identified in Section 602.325 may be placed into operation upon submission of the permit-by-rule certification to the Agency.
- d) Partial operating permits may be obtained under Section 602.320 or Section 602.325.

(Source: Amended at 43 Ill. Reg. 8036, effective July 26, 2019)

Section 602.305 Operating Permit Applications

- a) All applications for operating permits must be on Agency forms and must contain:
 - 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. If the project is only partially completed, the applicant must provide the information set forth in Section 602.320; and
 - 4) any other information required by the Agency for proper consideration of the permit, including the submission of the water sample results under Section 602.310.
- b) If the operating permit application is for the operation of a well, the application must include the following information in addition to the information required by subsection (a):
 - 1) final geologic well log;
 - 2) aquifer property data;

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- 3) lateral area of influence, as calculated under 35 Ill. Adm. Code 671.Subpart B;
- 4) delineated wellhead protection area;
- 5) pump test data:
 - A) the latitude and longitude of the observation well;
 - B) test pump capacity head characteristics;
 - C) static water level;
 - D) depth of pump settings; and
 - E) time of starting and ending each test cycle;
- 6) static water level in the production well and observation wells;
- 7) pumping water level in the production well;
- 8) transmissivity in gallons per day per foot of drawdown (GPD/ft);
- 9) hydraulic conductivity in gallons per day per square feet (GPD/ft²) or feet per day (ft/day);
- 10) saturated thickness of the aquifer (ft);
- 11) storage coefficient or specific yield (dimensionless);
- 12) recording and graphic evaluation of the following, at one-hour intervals or less:
 - A) pumping rate;
 - B) pumping water level;
 - C) drawdown;
 - D) water recovery rate and levels; and

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- E) specific capacity, measured in gallons per minute per foot (GPM/ft) of drawdown;
- 13) a determination of the regional groundwater gradient and flow direction:
- A) if the groundwater gradient and flow direction was estimated, provide the data, and the source of that data;
 - B) if the groundwater gradient and flow direction were not estimated, provide the longitude and latitude of the wells used, well logs, and the water elevations observed in the wells during the pump test;
 - C) provide the compass direction clockwise from north in degrees; and
 - D) provide the gradient;
- 14) geological data:
- A) a driller's log determined from samples collected at 5-foot intervals and each pronounced change in formation;
 - B) accurate geographical location, such as latitude and longitude or GIS coordinates;
 - C) records of drill hole diameters and depths;
 - D) order of size and length of casing, screens, and liners;
 - E) grouting depths;
 - F) formations penetrated;
 - G) water levels; and
 - H) location of any blast charges; and
- 15) analyses of water samples for the constituents listed in 35 Ill. Adm. Code 620.410(a) and (b).

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.310 Projects Requiring Disinfection

- a) Wells, water storage tanks, water treatment plants, and water mains must be disinfected in accordance with AWWA C651, C652, C653, or C654, incorporated by reference in 35 Ill. Adm. Code 601.115.
- b) Disinfection of a filter with granular activated carbon (GAC) must be completed before adding the GAC. Disinfection of an ion exchange unit must be completed before adding a resin with a low chlorine tolerance. Disinfection of a membrane unit must be completed before adding membrane material with a low chlorine tolerance. Care should be taken when handling the GAC, resin, or membrane to keep the material as clean as possible.
- c) Except as provided in Section 602.315, the permit applicant must verify disinfection before seeking an operating permit-by-rule under Section 602.235 or the issuance of an operating permit by the Agency for completed construction projects. Disinfection is verified when two consecutive water sample sets collected from the completed project at least 24 hours apart show the absence of coliform bacteria and the presence of a chlorine residual as required by 35 Ill. Adm. Code 604.725. A sample set consists of the following:
 - 1) For water mains, representative water samples must be collected from every 1,200 feet of new main along each branch and from the end of the line. The Agency may approve a different sampling plan on a site-specific basis.
 - 2) For water treatment plants, representative water samples must be collected from each aerator, detention tank, filter, ion exchange unit, and clearwell, from all other treatment components other than those not requiring disinfection under Section 602.315, and from the entry point to the distribution system.
- d) Analyses conducted under this Section must be performed by a certified laboratory.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.315 Projects Not Requiring Disinfection

Disinfection is not required for projects involving installation of equipment not in contact with finished water, which includes, but is not limited to, chemical feeders, coagulation basins and raw surface water transmission lines.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.320 Partial Operating Permits

- a) If all phases of a construction project will not be completed at one time, the Agency must issue a partial operating permit under Section 602.105 upon receipt of:
 - 1) a cover letter describing which sections of the project are completed;
 - 2) a general layout plan sheet of the project indicating the location of water mains, treatment processes, or storage facilities to be operated;
 - 3) a completed and signed operating permit application; and
 - 4) bacteriological analysis results from water samples collected from the completed section of the project verifying satisfactory disinfection in accordance with Section 602.310.
- b) Additional operating permits may be obtained in accordance with this Section as other portions of the project are completed.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.325 Operating Permit-by-Rule

- a) This Section implements the permit-by-rule program provided for in Section 39.12 of the Act for classes of community water supply operating permits. By fulfilling all of the requirements of this Section, a community water supply is considered to have met the requirements for obtaining an operating permit under Section 18(a)(3) of the Act and Section 602.300.
- 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:

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

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

SUBPART D: ALGICIDE PERMITS

Section 602.400 Algicide Permit Requirement-

- a) A person must not apply an algicide, copper sulfate, a copper sulfate-based product, or a copper sulfate chemical aid to any stream, reservoir, lake, pond, or other body of water used as a community water supply source without an Algicide Permit issued by the Agency.
- b) Permits issued under this Subpart D will be valid for community water supply sources only.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.405 Algicide Permit Applications

All applications for Algicide Permits must contain:

- a) the name and identification number of the Responsible Operator in Charge supervising the application of the copper sulfate, copper sulfate based products, or copper sulfate chemical aids;
- b) a statement describing the extent of the algae problem, history of any past algae problems, and past algicide treatments;
- c) a description of any adverse effects algae has had on the various treatment processes and on the finished water quality;
- d) a description of any fish kills that might have resulted from past use of copper sulfate, copper sulfate based products, and copper sulfate chemical aids;
- e) the location and volume of the body of water where the copper sulfate, copper sulfate based products, or copper sulfate chemical aids will be applied;
- f) the name of the source stream (if any);
- g) the amount of copper sulfate, copper sulfate based products, or copper sulfate chemical aids to be used for each treatment;

- h) the time interval between treatments;
- i) a copy of the applicant's authorization to discharge under an NPDES permit if the algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids is applied to a water of the United States;
- j) additional information requested by the Agency to assure the safety of a community water supply, as required by 35 Ill. Adm. Code 302.210; and
- k) any other information required by the Agency for proper consideration of the permit.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.410 Sampling

- a) The owner or official custodian, or an authorized delegate, must collect water samples for each application of copper sulfate, a copper sulfate-based product, or a copper sulfate chemical aid. Water samples must be collected at the locations and times established in this subsection (a).
 - 1) From the raw water intake, one sample must be collected before treatment.
 - 2) From the entry point to the distribution system, one sample must be collected:
 - A) approximately 24 hours following the copper sulfate treatment; and
 - B) approximately 48 hours following the copper sulfate treatment.
- b) The sample results must demonstrate that concentrations of copper do not pose a high health risk to water consumers in compliance with 35 Ill. Adm. Code 611.350(c)(2).

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.415 Required Permit Modification

After any Algicide Permit is issued, and before the permit expires, if there is any major change either in the operation of the community water supply or in algae growth that affects the use of the algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids, as

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outlined in the permit, the community water supply must submit an application for modification of its permit. This application must contain all the information required by Section 602.405.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

SUBPART E: OTHER AQUATIC PESTICIDE PERMITS

Section 602.500 Other Aquatic Pesticide Permit Requirement

- a) When the application of the pesticide will have an effect on any community water supply, a person must not apply an aquatic pesticide, other than an algicide, copper sulfate, a copper sulfate-based product, or a copper sulfate chemical aid, 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 means any measurable concentration of the pesticide in the intake water of the community water supply.
- b) A person must not apply an aquatic pesticide, other than an algicide, copper sulfate, a copper sulfate-based product, or a copper sulfate chemical aid, 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:
 - 1) for streams, the distance must be measured from the water supply intake to the downstream edge of the application area;
 - 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
 - 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).

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.505 Other Aquatic Pesticide Permit Application Contents

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

- a) The reasons for controlling the aquatic plant or animal nuisance.
- 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 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 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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- A) Pond locations must be given and described using the quarter section, section number, township, range, county, and township name.
 - B) The name of all public and food processing water supplies for a distance of 20 miles downstream of the pond to be treated must be provided.
- 3) The date and time required for each treatment.
- f) An inventory of the species, size, and population of animals or plants to be controlled.
- g) Contacts with Downstream Water Users
- 1) Written documentation showing that all water supplies described in Section 602.500 have been notified of the proposed treatment and provided details of possible adverse effects.
 - 2) The names of water supply operators who will be notified 24 hours before the aquatic pesticide application.
- h) Application and Precautions
- 1) A description of the method to be used to apply the pesticide.
 - 2) A description of the method to be used to protect humans and animals during the time toxic pesticide concentrations exist in the water.
 - 3) A description of the method to be used to remove dead plants or animals if these accumulations result in water quality deterioration.
 - 4) A description of the method to be used to retain water in the impoundment while toxic pesticide concentrations exist.
 - 5) A description of the method to be used for detoxification of the water in the event of water supply contamination.
 - 6) A description of the actions to be taken to ensure that tributary streams will not reintroduce the aquatic life being controlled following the

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application of the pesticide. If these actions cannot be taken, the anticipated frequency of retreatment must be stated.

- 7) A copy of the contingency plan to be followed by water plant operators for emergency water plant shut down or emergency operation.
- i) Water Characteristics and Chemistry
 - 1) The expected life of the pesticide's active ingredient and its decomposition products, considering characteristics of the water such as pH, dissolved oxygen, and temperature.
 - 2) A list of the limiting chemical constituents of the water to be treated that can hinder the effectiveness of the pesticide.
 - 3) A list of the short-term and chronic effects of the pesticide on people and animals.
 - 4) A description of the weather and stream flow conditions under which the pesticide must be applied.
 - 5) A list of the references used to obtain information required by subsections (i)(1) through (4).
 - j) Pesticide Dosage and Concentration
 - 1) A description of the pesticide dosage.
 - 2) A description of the concentration of the pesticide in the water immediately after application.
 - 3) A copy of the computations used to determine the concentration.
 - k) Stream and Impoundment Data
 - 1) Streams
 - A) The stream flow expected during pesticide application.
 - B) When stream flows are not available, data on high, average, and low stream flow conditions.

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- C) The specific quantity of discharge in cubic feet per second and the average stream velocity in feet per second.
- 2) Impoundments
 - 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 after each application of the aquatic pesticide. The report must include:
 - 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.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.510 Permits Under Public Health Related Emergencies

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

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

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

Section 602.515 State Agency Programs

The Departments of Public Health, Natural Resources and Agriculture may place on file with the Agency information required by Section 602.505(h), (i) and (j) for reference in future permit applications.

(Source: Added at 40 Ill. Reg. 6799, effective April 15, 2016)

Section 602.520 Extension of Permit Duration

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

- a) All requests for extensions of permit duration must:
 - 1) be in writing;

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- 2) list the reasons the aquatic pesticide could not be applied on the date permitted;
 - 3) give the new date the aquatic pesticide is to be applied;
 - 4) contain a statement that the aquatic pesticide will be applied in accordance with the conditions listed in the Aquatic Pesticide Permit; and
 - 5) contain the Aquatic Pesticide Permit Number, the name and Illinois Department of Agriculture license number of the applicator, and the signature of the applicant.
- b) Requests for extensions of permit duration may be made by telephone if:
- 1) the information listed in subsection (a) is stated; and
 - 2) the information listed in subsection (a) is transmitted in writing to the Division of Public Water Supplies Permit Section within five days after the date verbal approval for an extension of permit duration is given by the Agency.
- c) Applications for extensions of permit duration must not be granted if more than 60 days have elapsed from the date of aquatic pesticide application listed in the permit.
- d) Extensions of permit duration, if granted by the Agency, must be in writing and must state the time of the extension.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)

SUBPART F: SPECIAL EXCEPTION PERMITS

Section 602.600 Special Exception Permits

- a) Unless contained in a construction or operating permit, each Agency determination in 35 Ill. Adm. Code 604 and 611 is to be made by way of a written special exception permit (SEP) pursuant to Section 39(a) of the Act.
- b) A person must not cause or allow the violation of any condition of a SEP.
- c) The community water supply may appeal the denial of, or the conditions of, a SEP to the Board pursuant to Section 40 of the Act.
- d) A SEP may be initiated in either of the following ways:

- 1) by a written request from the community water supply; or
- 2) by the Agency, when authorized by Board rules.

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 47 Ill. Reg. 7449, effective May 16, 2023)

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

(Source: Repealed at 47 Ill. Reg. 7449, effective May 16, 2023)