

ILLINOIS POLLUTION CONTROL BOARD  
October 15, 2015

IN THE MATTER OF: )  
)  
PUBLIC WATER SUPPLIES: PROPOSED ) R15-22  
AMENDMENTS TO 35 ILL. ADM. CODE ) (Rulemaking - Water)  
PARTS 601, 602, AND 603 )

Proposed Rule. First Notice.

OPINION AND ORDER OF THE BOARD (by G.M. Keenan):

On May 8, 2015, the Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal to amend Parts 601, 602, and 603 of the Board’s rules governing public water supplies (35 Ill. Adm. Code 601, 602, 603). Accompanying the proposal was a statement of reasons (SR). *See* 35 Ill. Adm. Code 102.202 (Proposal Contents for Regulations of General Applicability).

The Agency states that the proposed amendments are intended to (1) update Parts 601 through 603; (2) consolidate the community water supply permitting rules in Parts 652 and 602; and (3) amend Part 603 to be consistent with recent amendments to the Public Water Supply Operations (PWSO) Act, 415 ILCS 45 (2012). SR at 1. Part 601 would be amended to add a new section for incorporation by reference of national standards published by the American Water Works Association, the American Society for Testing and Materials, the American National Standards Institute, the National Sanitation Foundation International, and the Recommended Standards for Water Works. SR at 6-7; *see also id.* at 32-33 (listing 20 documents proposed for incorporation by reference). According to the Agency, many of these documents contain design standards that, under the proposed rules, would have to be met for a construction permit to issue. *Id.*

The Agency further explains that currently the Board’s permitting rules are found in Part 602 while the Agency’s permitting requirements are located in Part 652 (35 Ill. Adm. Code 652). The amendments would consolidate all permitting requirements into a single part—Part 602, with five new subparts—after which the Agency would repeal Part 652 except for Sections 652.701 and 652.702. SR at 2-3. The Agency explains that the latter two sections concern capacity development and are not proposed for inclusion in amended Part 602. SR at 5. According to the Agency, the proposed amendments will give community water supplies a “succinct, compact set of permitting regulations” in Part 602 and make Agency review of permit applications more efficient. SR at 4-5.

The updates regarding the PWSO Act include adding the new term Responsible Operator in Charge (ROINC), a position that a community water supply must designate to the Agency and that directly supervises the water treatment facilities or distribution facilities, or both, of the community water supply. SR at 5-6. The proposal would also spell out the ROINC’s duties and areas of responsibility. SR at 6. The Agency further proposes a new concept: an

“administrative contact” that a community water supply could designate to serve as agent of the owner or official custodian; notice by the Agency on the administrative contact would be considered notice on the owner or official custodian. *Id.* Today, the Board proposes the amendments, with the changes noted below, for first-notice publication in the *Illinois Register*.

## **PROCEDURAL BACKGROUND**

### **Procedural History**

On May 8, 2015, the Agency filed a proposal to amend Parts 601, 602, and 603 of the Board’s public water supplies rules. The Agency’s filing included a Statement of Reasons and the proposed amendments. (Prop.) On May 21, 2015, the Board accepted the proposal for hearing. On May 26, 2015, the hearing officer issued an order scheduling two hearings: the first on July 2, 2015 in Chicago and the second on August 17, 2015 in Springfield.

In a letter dated May 28, 2015, the Board requested that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the Agency’s rulemaking proposal as required by Section 27(b) of the Act. 415 ILCS 5/27(b) (2012). The Board asked that DCEO determine by July 10, 2015 whether it would conduct such a study. The Board received no response from DCEO.

On May 28, 2015, the Agency pre-filed the testimony of David McMillan and David Cook for the first hearing. On June 25, 2015, the hearing officer issued an order including an Attachment A listing Board questions on the Agency’s proposal and pre-filed testimony (1st Board Questions).

The first hearing took place as scheduled on July 2, 2015 and the Board received the transcript (Tr. 1) on July 7, 2015. During the hearing, the hearing officer admitted into the record three exhibits, the pre-filed testimony of David McMillan (Exh. 1), the pre-filed testimony of David Cook (Exh. 2) and the Agency’s responses to Board questions (Exh. 3).

The second hearing took place as scheduled on August 17, 2015 and the Board received the transcript (Tr. 2) on August 20, 2015. On August 26, 2015, the hearing officer issued an order setting a deadline of September 9, 2015 for the filing of post-hearing comments.

On September 9, 2015, the Board received post-hearing comments from the Agency (PC 7).

### **Filing Comments on the Board’s First-Notice Proposal**

First-notice publication of the Board’s proposal in the *Illinois Register* will start a period of at least 45 days during which any person may file a public comment with the Board, regardless of whether the person has already filed a public comment. 5 ILCS 100/5-40(b) (2014). The Board encourages persons to file public comments on the proposed amendments. The docket number for this rulemaking, R15-22, should be indicated on the public comment. Public comments may be filed with the Clerk of the Board at the following address:

Pollution Control Board  
John Therriault, Clerk  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website, [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Questions about electronic filing should be directed to the Clerk's Office at (312) 814-3629. Public comments and all other filings with the Clerk must be served on the hearing officer and on those persons on the Service List for this rulemaking. The current version of the Service List for R15-22 is available on COOL.

## **STATUTORY AND REGULATORY BACKGROUND OF PROPOSAL**

### **Public Water Supply Permitting Regulations**

Permitting regulations for public water supplies are spread across Chapter I (Parts 601-620) and Chapter II (Parts 651-691) of Subtitle F. The Agency's permitting rules are in Part 652 and the Board's permitting rules are in Part 602. Similarly, the Agency's introduction and definitions are found in Part 651 and the Board's introduction and definitions are found in Part 601.

The Agency's Part 652 concerns the following types of permits: construction, operation, emergency, aquatic pesticide, and algicide. The Board's Part 602 concerns these types of permits as well, except it does not contain a provision for aquatic pesticide permits.

### **Public Water Supply Operations Act**

Amendments to the PWSO Act became effective on August 4, 2014. P.A. 98-856 (S.B. 2770). The prior version of this statute required each public water supply to have a competent water supply operator on staff. The amended statute changes the terminology of this requirement, introducing the ROINC. Under the amended statute, the community water supply shall designate a ROINC who supervises the treatment and distribution facility of the supply. 415 ILCS 45/1(1) (2014). Current Board regulations do not use this terminology.

### **Agency Proposal**

The Agency's proposal seeks to streamline sections of the existing permitting regulations and incorporate terminology from the amended PWSO Act. The permitting rules are proposed to be consolidated into a single part—Part 602. The Agency will repeal Part 652 should its requirements be consolidated into Part 602 through this rulemaking. The proposal also incorporates terminology from the amended PWSO Act into Part 603. Finally, the proposal includes provisions for incorporation by reference of various national water standards into Part 601.

## SECTION-BY-SECTION SUMMARY OF AGENCY PROPOSAL

### Part 601: Introduction

#### Section 601.101: General Requirements

The Agency proposes only non-substantive, simplifying amendments to Section 601.101's references to "Environmental Protection Act" and the "Pollution Control Board." SR at 7.

#### Section 601.102: Applicability and Organization of this Chapter

**Subsection (a).** The Agency proposes to rename as subsection (a) existing Section 601.102. SR at 7. The Agency further proposes adding "groundwater" to subsection (a), as this "current applicability section" does not mention groundwater but the Board's regulations include, in Parts 615-20, rules governing groundwater protection. SR at 7.

**Subsection (b).** The Agency proposes adding a subsection (b) to Section 601.102, which would set "forth the organization of Chapter I, and an explanation of the contents of each part." SR at 7. Subsection (b) would do this in 10 subsections, each devoted to a part in Parts 601-03, 607, 611, 615, 616, 617, 618, and 620. Based on these additions, the Agency proposes adding "Organization of this Chapter" to the heading of this section. *Id.*

#### Section 601.104: Analytical Testing

The Agency proposes to replace this section's reference to "physical, chemical, bacteriological, and microscopic analyses" with "monitoring and testing." SR at 8. In addition, Section 601.104 cites the federal National Primary Drinking Water Regulations, 40 C.F.R. § 141. The Agency proposes to replace this reference with a cite to 35 Ill. Adm. Code 611, where the Board has adopted regulations "identical-in-substance" to the federal drinking water regulations. SR at 8. The Agency also proposes shortening "Environmental Protection Agency" to "Agency" in this provision. *Id.* Under the Agency's original proposal, the amended subsection (a) would provide as follows:

- a) To determine compliance with these rules and regulations, all sampling, ~~monitoring and testing and physical, chemical, bacteriological, and microscopic analyses~~ shall be made according to the methods described in 35 Ill. Adm. Code 611 ~~the National Primary Drinking Water Regulations (40 CFR 141)~~ and any other methods specifically approved by the ~~Environmental Protection Agency~~ (Agency). Prop. at 3.

The Agency's proposal also seeks to amend subsection (b) of this Section, to correct a typographical error and to replace "these rules and regulations" with "35 Ill. Adm. Code 611". *Id.*

In a question pre-filed for the first hearing, the Board asked the Agency to clarify whether “these rules and regulations” in subsection (a) means “rules and regulations under 35 Ill. Adm. Code Subtitle F,” and if so, whether the Agency would object to amending its proposal accordingly. 1st Board Questions at 2-3. Specifically, the Board asked whether it would be acceptable to the Agency to add “public water supplies” before “rules and regulations,” immediately followed by “under 35 Ill. Adm. Code Subtitle F”. *Id.* The Agency responded that it had no objection to the proposed amendments, other than that “public water supplies” should be “community water supplies.” Exh. 3 at 2. Therefore, the Board changes the Agency’s proposal to include the additional language.

### **Section 601.105: Definitions**

The Agency proposes adding introductory language clarifying that the definitions in this section apply only to the terms as they are used in Parts 601, 602, 603, and 607 unless a different meaning is clear from the context. SR at 8. The proposal also makes the definitions subsection (a) of Section 601.105, and adds new subsections (b) and (c). These subsections would provide, respectively, that terms not defined in subsection (a) have the meaning defined in 35 Ill. Adm. Code 611, and if undefined in Part 611, the definition given in The Water Dictionary. The Agency further notes that it proposes to incorporate by reference, in proposed Section 601.115, The Water Dictionary, and that “terms not specifically defined in proposed Section 601.105 or Part 611 will have the meaning in The Water Dictionary.” *Id.*; Prop. at 8. The Agency adds that other parts of Subtitle F of the Board’s public water supply regulations have their own definition sections. *Id.*

In addition, the Agency proposes deleting definitions of the following terms: “dose equivalent,” “gross alpha particle activity,” “halogen,” “man-made beta particle and photon emitters,” “maximum residence time concentration,” “maximum total trihalomethane potential,” “recurring contamination,” “rem,” “total trihalomethanes,” and “trihalomethane.” SR at 9. The Agency asserts that these terms are “not used in the Agency’s proposal” and should not “be retained.” *Id.*

In a pre-filed question, the Board asked whether any of the terms proposed to be deleted are used in other parts of the Subtitle F regulations, and if so, whether they should be retained. 1st Board Questions at 3. In response, the Agency explained that the terms are not used in any of the provisions to which the proposed definitions in Section 601.105 apply, *i.e.*, Parts 601 through 603 and 607. Exh. 3 at 3. The Agency added that when it proposes a new Part 604, additional terms that would be used in that part will be proposed to be defined in Part 601. *Id.*

**Aquifer Property Data.** The Agency proposes to add “aquifer property data” to the list of defined terms. SR at 8. The proposal defines this phrase to mean “the porosity, hydraulic conductivity, transmissivity, storage coefficient of an aquifer, head and hydraulic gradient.” Prop. at 3.

**Certified Laboratory.** The Agency proposes amending the existing definition of this term as follows:

~~“Certified Laboratory” means any laboratory certified pursuant to Section 4(o) of the Act [415 ILCS 5/4(o)], or certified by USEPA approved by Agency, the Illinois Department of Nuclear Safety or the Illinois Department of Public Health for the specific parameters to be examined, as set out in rules adopted pursuant to the Illinois Administrative Procedure Act [5 ILCS 100]. Prop. at 3.~~

The Agency explains that it seeks to “update” this definition by removing reference to the Illinois Department of Nuclear Safety, which “no longer exists.” SR at 8.

**Chlorine.** The Agency proposes to add to Section 601.105 a definition of “chlorine” taken from current Section 651.102 of the Agency rules for public water supplies (35 Ill. Adm. Code 651.102), without modification. Accordingly, that definition would provide as follows:

“Chlorine demand” means the difference between the amount of chlorine applied to a given water and the amount of total available chlorine remaining at the end of the contact period. All test conditions (contact time, pH and temperature) shall be given in expressing the chlorine demand in a given water.

“Combined chlorine” means the reaction product formed when chlorine has reacted with ammonia to form chloramines.

“Free chlorine” means the residual chlorine existing in water as the sum of hypochlorous acid and hypochlorite ion.

“Total chlorine” means the sum of the free chlorine and the combined chlorine. Prop. at 4.

**Community Water Supply.** The Agency proposes to add “community water supply” to the list of defined terms. SR at 8. The proposal defines this phrase as “a public water supply *which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents.* [415 ILCS 5/3.145] Prop. at 4 (italics in original).

**Cross-connection.** The Agency proposes to add to Section 601.105 a definition of “cross-connection” taken from current Section 651.102 of the Agency rules for public water supplies (35 Ill. Adm. Code 651.102), with some modifications. The proposed definition provides as follows:

“Cross-connection” means any physical connection or arrangement between two otherwise separate piping systems, one which contains potable water and another which contains water of unknown or questionable safety, steam, or one or more gases; chemicals or other substances where flow from one system to the other is possible.

“Direct cross-connection” means a cross-connection formed when a piping system containing potable water is physically joined to another piping

system containing water of unknown or questionable safety, steam, or one or more gases, chemicals or other substances.

“Indirect cross-connection” means a cross-connection formed when water of unknown or questionable safety, steam or one or more gases, chemicals or other substances from one piping system can be forced, drawn by vacuum or otherwise introduced into another piping system containing potable water. Prop. at 4.

**Disinfectant.** The Agency proposes changing one word in the existing definition of “disinfectant,” to mean “any ~~agent~~oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone, added to water in any part of the treatment or distribution process, which is intended to kill or inactivate pathogenic microorganisms.” SR at 8; Prop. at 4-5.

**Head.** In a question pre-filed for the first hearing, the Board asked the Agency to comment on whether a definition of “head” or “hydraulic head” should be added to Section 601.105(a), since the Agency proposes to define each of the aquifer properties other than “head.” 1st Board Questions at 3. The Agency responded that it has “no objection” to adding a definition of “head,” which would provide that “Head means the sum of the elevation head, pressure head, and velocity head at a given point in an aquifer.” Exh. 3 at 3.

**Hydraulic Conductivity.** The Agency proposes to add “hydraulic conductivity” to the list of terms in Section 601.105. SR at 8. The proposal defines this phrase to mean “the rate of flow in gallons per day (gpd) through a cross section of one square foot (ft<sup>2</sup>) under a unit hydraulic gradient (gpd/ft<sup>2</sup>).” Prop. at 5

**Hydraulic Gradient.** The Agency proposes to add “hydraulic gradient” to the list of terms in Section 601.105. SR at 8. The proposal defines this phrase to mean “the rate of change of total head per unit distance of flow in a given direction.” Prop. at 5.

**Infrastructure.** The Agency proposes to add to Section 601.105 a definition of “infrastructure” taken from current Section 651.102 of the Agency rules for public water supplies (35 Ill. Adm. Code 651.102), with a minor modification. The proposed definition provides as follows:

“Infrastructure” means all mains, pipes, and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended to be used for the purpose of furnishing water for drinking or general domestic use. Prop. at 5.

**Maximum Average Daily Demand.** In post-hearing comments relating to the second hearing, the Agency proposes to add a definition of “Maximum Average Daily Demand” to clarify what “criteria the Agency will use to calculate if a water system is exceeding 80 percent of the rated capacity of a treatment unit or pump.” PC 7 at 1. The proposed

definition would define this term as “the maximum consecutive seven day production period.” *Id.*

**New Community Water Supply.** The Agency proposes to add “new community water supply” to the list of terms in Section 601.105. SR at 8. The proposal defines this phrase to mean,

beginning after October 1, 1999, all new community water supplies and those water supplies that expand their infrastructure to serve or intend to serve at least 15 service connections used by residents or regularly serves at least 25 residents. Any water supply not currently a community water supply that adds residents so that the total served is 25 residents or more without constructing additional infrastructure will become a community water supply, but will not be required to demonstrate capacity under 35 Ill. Adm. Code 602.103 unless the community water supply is on restricted status as required by 35 Ill. Adm. Code 602.106. Prop. at 6.

**Non-Community Water Supply.** The Agency proposes to add “non-community water supply” to the list of terms in Section 601.105. SR at 8. The proposal defines this phrase to mean “*a public water supply that is not a community water supply.* [415 ILCS 5/3.145].” Prop. at 6 (italics in original).

**Official Custodian.** The Agency proposes amending the existing definition of this term as follows:

“Official Custodian” means an individual who is an~~any~~ officer of an entity ~~that organization which is the owner or operator of a~~ community~~public~~ water supply, and acts as the owner’s agent in matters concerning the community water supply~~who has direct administrative responsibility for the supply.~~ [415 ILCS 45/9.4]. Prop. at 6.

These modifications are intended to make the definition match the “statutory definition in” the PWSO Act, 415 ILCS 45. SR at 8-9.

**Porosity.** The Agency proposes to add “porosity” to the list of defined terms. SR at 8. The proposal defines the term as “the percentage of the bulk volume of a rock or soil that is occupied by interstices, whether isolated or connected.” Prop. at 6. The Agency had no objection to a public commenter’s proposal to clarify this definition’s language. Public Comment #6, IEPA’s Response to Comments and Board Questions at First Hearing (PC 6) at 1-2. The Board thus makes this change to the proposed rule.

**Public Water Supply.** The Agency proposes to add “public water supply” to the list of defined terms. SR at 8. The proposal quotes the definition of this term in Section 3.28 of the PWSO Act (415 ILCS 5/3.28 (2014)).

**Responsible Operator in Charge.** The Agency proposes to add “Responsible Operator in Charge” to the list of defined terms. SR at 8. The proposal defines this term to mean “an



individual who is designated as a [ROINC] of a community water supply pursuant to” the PWSO Act (415 ILCS 45/9.6 (2014)) and Part 603. Prop. at 7.

**Service Connection.** The Agency proposes amending the existing definition of this term to read, “the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user through a water service line.” SR at 8; Prop. at 7.

**Storage Coefficient.** The Agency proposes to add “storage coefficient” to the list of defined terms. SR at 8. The proposal defines this term as “the volume of water an aquifer releases from or takes into storage per unit surface area of the aquifer per unit change in head.” Prop. at 7.

**Supply.** In the existing definition, referring to “a public water supply,” the Agency proposes only to replace “public” with “community.” Prop. at 7.

**Transmissivity.** The Agency proposes to add “transmissivity” to the list of defined terms. SR at 8. The proposal defines this term to mean “the rate in gallons per minute (gpm), at which water is transmitted through a unit width, in feet (ft), of an aquifer under a unit hydraulic gradient (gpm/ft).” Prop. at 7. The Agency had no objection to a public commenter’s proposal to clarify this definition’s language. PC 6 at 1-2. The Board thus makes this change to the proposed rule.

**Water Service Line.** The Agency proposes to add “water service line” to the list of defined terms. SR at 8. The proposal defines this term as “any pipe from the water main or source of potable water supply that serves or is accessible to not more than one property, dwelling, or rental unit of the user.” Prop. at 8.

**Well Hydraulics.** The Agency proposes to add “well hydraulics” to the list of defined terms. SR at 8. The proposal defines this term as “equations that are applied to understand the effect that a pumping well structure has on inducing the movement of water through permeable rock formations, certain aquifer properties, to determine the rate of withdrawal of such well.” Prop. at 8. The Agency clarified this definition’s language in response to a public comment. The Agency provided language akin to, but not identical to, the commenter’s proposal. PC 6 at 1-2. The Board finds this is appropriate and thus makes this change to the proposed rule.

**Wellhead Protection Area or WHPA.** The proposal defines this term to mean “the surface and subsurface recharge area surrounding a community water supply well or well field, delineated outside of any applicable setback zones (pursuant to Section 17.1 of the Act [415 ILCS 5/17.1]) pursuant to Illinois’ Wellhead Protection Program, through which contaminants are reasonably likely to move toward such well or well field.” Prop. at 8.

**Wellhead Protection Measures.** The Agency proposes to add a definition of “wellhead protection measures.” SR at 8; Prop. at 6. The proposal defines this term to mean “management practices needed to mitigate existing and future threats to the water quality within the delineated WHPA.” SR at 8; Prop. at 8.

**Wellhead Protection Program.** The Agency proposes to add a definition of “wellhead protection program.” SR at 8; Prop. at 8. This term is proposed to be defined as “the

wellhead protection program for the State of Illinois, approved by USEPA under Section 1428 of the SDWA, 42 U.S.C. § 300h-7.” Prop. at 8.

### **Section 601.115: Incorporation By Reference**

The Agency proposes to add a new section incorporating by reference a number of materials pursuant to Section 5-75 of the Illinois Administrative Procedure Act, (5 ILCS 100/5-75 (2014)). SR at 9, 32. These include a number of design standards published by various organizations, including the American Water Works Association (AWWA) (fifteen); the American Society for Testing and Materials (ASTM) (one); the American National Standards Institute (ANSI) (fifteen); and the National Science Foundation International (NSF) (two). Also proposed for incorporation by reference are The Water Dictionary, published by AWWA, and a publication on polices for review of plans and specifications for public water supplies, published by the Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers. *Id.*

### **Part 602: Permits**

The Agency proposes to revise existing Subpart A of Part 602 and to add Subparts B through E, each addressing different kinds of permits. SR at 9-10. In particular, Subpart B would cover construction permits; Subpart C would regulate operating permits; Subpart D would contain algicide permit provisions; and Subpart E would contain other aquatic pesticide permit provisions. *Id.*

### **Section 602.101: Purpose**

The Agency proposes to change the title of this section from “Construction Permit” to “Purpose” and to move the language of existing Section 602.101 in its entirety into proposed Section 602.200. In its place, proposed Section 602.101 would set forth a “statement of purpose”: to “establish and enforce minimum standards for the permitting of community water supplies.” SR at 10.

### **Section 602.102: Community Water Supply Permits**

The Agency states that it is proposing a separate Subpart C for operating permit provisions. Accordingly, the Agency proposes changing the title of this section from “Operating Permit” to “Community Water Supply Permits,” and moving the existing language to proposed Section 602.300. In its place, the proposed section would include an explanation of the different types of community water supply permits. SR at 10.

### **Section 602.103: Community Water Supply Capacity Development**

The Agency states that it is proposing a separate Subpart D for algicide permit provisions, and therefore seeks to change the title of proposed Section 602.103 as set forth above. In addition, the Agency proposes moving the contents of existing Section 602.103 to proposed Section 602.400. In its place, the proposed section would add “capacity development

requirement as stated in the Act,” requiring an applicant to submit proof of the community water supply’s proper construction. SR at 10-11, *citing* 415 ILCS 5/15(b) (2014).

#### **Section 602.104: Emergency Permits**

The Agency proposes to make changes and add clarifications to the subsection concerning emergency permits. As proposed, the official custodian and ROINC could obtain emergency permits. The proposed regulation lists conditions where the Agency will grant an emergency permit, taken from Section 625.301(a). The proposal also clarifies that the Agency can grant an emergency permit for activities other than construction, lists the Agency’s contact information, and includes information about the fee for the emergency permit, based on 415 ILCS 5/16.1. SR at 11.

#### **Section 602.105: Standards of Issuance**

The Agency proposes to reorganize and clarify existing provisions on standards of issuance for construction and operating permits and proposes to add provisions on standards of issuance for algicide and aquatic pesticide permits.

The proposal combines several separate subsections concerning construction and operating permits in the existing regulation into one subsection. The existing regulation notes that the permit applicant may submit compliance with “criteria that will produce consistently satisfactory results” to prove compliance with design standards. The proposal specifically incorporates by reference standards deemed to prove compliance, including the Recommended Standard for Water Works. SR at 11-12. The proposal also newly requires applicants to submit a statement of ownership and provides instances where construction permits may be granted to a community supply currently in violation of the Act, including when the applicant has a variance and the construction is intended to correct a violation. SR at 12.

The proposed provisions on standards of issuance for algicide and aquatic pesticide permits require that the permitted activity will not cause a violation of the Act, Board regulation, or Agency regulation. *Id.*

The proposal also removes existing subsections that expired on December 8, 2009. *Id.*

#### **Section 602.106: Restricted Status**

The original proposal lists violations that will place a community water supply on restricted status. The list is based, in part, on Sections 652.401 and 652.402. The non-exclusive list includes violating a maximum contaminant level, treatment techniques, source water quantity requirements, and loading rates. The proposal also provides for the restricted status list to be published on the Agency’s website; existing regulations provide for the list to be published in the Environmental Register. The proposal also removes subsections that are no longer applicable. SR at 12-13. The Agency also has no objection to continuing publication in the *Environmental Register*. Exh. 3 at 4.

After the first hearing, the Agency revised the proposal to clarify that “restricted status can apply to only a portion of a community water supply,” so construction permits that would not extend a violation could be issued. Public Comment #5, IEPA’s Comments Post-First Hearing Comments (PC 5) at 5.

### **Section 602.107: Critical Review**

The proposal moves existing Section 602.107 (Signatory Requirement for Permit Applications) to Section 602.110. The proposed Section 602.107 provides that a community water supply is placed on the critical review list when Agency records indicate the supply is approaching a violation of the Act or Board regulations. The proposal also provides for publishing the critical review list on the Agency’s website. SR at 13.

The Agency made its proposal more precise after the first hearing, instead proposing to place “systems that exceed 80 percent of any Board or Agency capacity requirement” on the critical review list. PC 5 at 4.

### **Section 602.108: Right of Inspection**

The proposal merges the requirements in existing Section 602.108 (Construction Permit Applications) with Subpart B of Part 602. In its place, the proposal inserts existing Section 652.114 concerning Right of Inspection. Under the proposed section, the Agency would be authorized to perform inspections, including entering the community water supply at reasonable times, accessing records, inspecting equipment, obtaining water samples, and taking pictures. SR at 13-14.

### **Section 602.109: Fees**

The proposal repeals existing Section 602.109 concerning operating permit regulations, consolidating those regulations in Subpart C of Part 602. The new Section 602.109 establishes fee regulations for fees created by statute in 415 ILCS 5/16.1. SR at 14.

### **Section 602.110: Signatory Requirement for Permit Applications**

The proposal repeals existing Section 602.110 (Algicide Permit Applications) and consolidates its requirements in proposed Subpart D of Part 602. The proposed Section 602.110 contains signatory requirements currently in Section 602.107. SR at 14.

### **Section 602.111: Application Forms and Additional Information**

The proposal adds language allowing the Agency to require additional information from applicants as necessary on a case-by-case basis. *Id.*

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

The proposed Section 602.112, based on existing Section 652.109, consolidates existing regulations for applications without a fee and adds regulations for applications with a fee, including a deadline for Agency action regarding applications with a fee. *Id.*

#### **Section 602.113: Duration**

The proposal clarifies the dates when construction permits expire and is based on existing Section 652.112. SR at 15. The Agency did not object to making all algicide permits five years in length, as suggested by a public comment. PC 6 at 5. The Board thus makes this change to the proposed rule.

#### **Section 602.114: Conditions**

The proposal makes non-substantive amendments clarifying existing regulations. SR at 15.

#### **Section 602.115: Design, Operation, and Maintenance Criteria**

The proposal changes the term public water supplies to the term community water supplies. SR at 15.

#### **Section 602.116: Requirement for As-Built Plans**

The proposal requires as-built plans to be submitted if construction had been completed without a permit. Existing regulations give the Agency discretion to require these plans. SR at 15. The Agency proposed additional language for greater specificity in its comments after the first hearing. PC 5 at 8.

#### **Section 602.117: Existence of Permit No Defense**

The existing Section 602.117 lists types of permits that are not defenses to certain violations. The proposal adds aquatic pesticide permits to this list and newly provides that permits are not a defense to violations of Agency regulations. SR at 16.

#### **Section 602.118: Appeal of Final Agency Action on a Permit Application**

The proposal specifically provides that permit denials are appealable to the Board and provides a deadline for any appeals. *Id.*

#### **Section 602.119: Revocations**

The proposal makes non-substantive clean-up amendments to Section 602.119. *Id.*

**Section 602.120: Limitations**

The existing Section 602.120 lists permits issued by other state agencies that may be required by community water supplies. The proposal eliminates this list and instead generally notes that community water supplies may require other permits. *Id.*

**Section 602.200: Construction Permit Requirement**

The proposal requires a construction permit for the construction, change, or addition of a community water supply. A permit must be obtained before beginning construction, adding new chemicals, or changing the point of chemical application. The proposal does not require a construction permit for various other modifications to a community water supply. All work, whether it requires a permit or not, must be done according to accepted engineering practices. Provisions from existing Section 602.101 have been relocated to this section in the proposal. SR at 16-17. The Agency did not object to a proposal by a commenter to make the language more precise. PC 6 at 7-8. The Board thus makes this change to the proposed rule.

**Section 602.205: Preliminary Plan**

The proposal, based on Section 652.103, provides that a community water supply can submit preliminary plans to expedite Agency review of the final construction permit application. The Agency did not object to a proposal by a commenter to make the language more precise. PC 6 at 8. The Board thus makes this change to the proposed rule.

**Section 602.210: Construction Permit Applications**

The proposal lists information that must be included in a construction permit application, including general applicant information, an engineer report summary of the design criteria, specifications, plans, specific information for the type of construction, and applicant signature. SR at 17. This section is based on existing Section 602.108 and Subpart A of Part 652. The Agency did not object to a proposal by a commenter to make the language more precise. PC 6 at 8. The Board thus makes this change to the proposed rule.

**Section 602.215: Submission of Application, Plans, and Specifications**

The proposal requires the applicant to submit two copies of the completed application, plans, and specifications to the Agency for review, consistent with Section 652.102. SR at 18.

**Section 602.220: Alterations**

The proposed section, based on Section 652.108, requires a community water supply to request a supplemental construction permit before altering approved construction plans and specifications. Exceptions include minor changes that will not affect the location, capacity, hydraulic conditions, water treatment process, or sanitary or mineral quality of the water to be delivered. *Id.*

**Section 602.225: Engineer's Report**

The proposal allows the Agency to request an engineer's report from the community water supply. The Agency may request a report for the construction of a new water supply, a new source location, or a new water treatment process. The proposal also provides for required contents of the engineer's report. *Id.* The Agency did not object to proposals by a commenter to make the language more precise. PC 6 at 9-10. The Board thus makes this change to the proposed rule.

**Section 602.230: Design Criteria**

The proposal requires the applicant to include certain information in the design criteria that must be included with the construction permit application. SR at 18.

**Section 602.235: Specifications**

The proposal requires that specifications, which must be included under proposed Section 602.210, have a professional seal and signature of an architect or an engineer. SR at 18-19. Proposed Section 602.235 is based on Section 652.106. The Agency did not object to a proposal by a commenter to make the language more precise. PC 6 at 10. The Board thus makes this change to the proposed rule.

**Section 602.240: Plans**

The proposed Section 602.210 requires that the construction permit application include plans. This proposed Section 602.240 specifies information that must be included in those plans. SR at 19. Proposed Section 602.240 is based on Section 652.105.

**Section 602.245: Source Construction Applications**

The proposal states what must be included in source construction applications, including the information that must be on the application and the information that must be on the plans. *Id.* The Agency did not object to proposals by a commenter to make the language more precise. PC 6 at 11. The Board thus makes this change to the proposed rule.

**Section 602.250: Treatment Construction Applications**

The proposal requires that treatment construction applications must have plans that include all appurtenances, detailed hydraulic profiles of water flowing through the treatment system, schematic plumbing for all structures and equipment, locations of sources of pollution, maximum flood levels, and security provisions. SR at 19. The Agency did not object to a proposal by a commenter to make the language more precise. PC 6 at 11. The Board thus makes this change to the proposed rule.

### **Section 602.255: Storage Construction Applications**

The proposal requires that a storage construction permit application include plans showing the storage capacity, location, elevation piping, vents, overflows, safety appurtenance, and sampling taps. For below-ground storage, the plans must show the location of sources of pollution. For hydropneumatic tanks, the plans must show the bypass piping, access manhole, drain, sight glass, pressure gauge, pressure relief valve, air compressor, and housing. The plans must also show how the structure can be drained without pressure in the distribution system dropping below 20 psi. SR at 20. The Agency did not object to a proposal by a commenter to make the language more precise. PC 6 at 11. The Board thus makes this change to the proposed rule.

### **Section 602.260: Water Main Construction Applications**

The proposal requires that a water main construction permit application include certain additional information and requires that such information be included on the construction plans. SR at 20. The Agency did not object to a proposal by a commenter to make the language more precise. PC 6 at 11-12. The Board thus makes this change to the proposed rule.

### **Section 602.300: Operating Permit Requirement**

The Agency proposes to combine the requirements of Section 602.101 and 652.201 into a new section 602.300. SR at 21. Proposed subsection (a) of 602.300 updates the language of Section 602.101 to require operating permits for all projects required to obtain a construction permit. *Id.* Proposed subsections (b) and (c) are based on Section 652.201 and require that the community water supply must submit the operating permit application when the construction is complete and before placing the project in service. *Id.* Proposed subsection (d) addresses partial operating permits. The Board's current rules did not address partial operating permits, but the Agency's rules allowed such permits for water main extensions in Section 652.205. *Id.* The Agency states that the applicant may now obtain partial operating permits pursuant to proposed Section 602.320. *Id.*

### **Section 602.305: Operating Permit**

The Agency states that Section 602.305 contains the requirements for operating permit applications. SR at 21. The Agency proposes that current requirements of the Board found in Section 602.109 should be incorporated into Section 602.305. *Id.* This Section also contains updated ROINC terminology which now reads "responsible operator in charge". *Id.* The Agency states that a new subsection, regarding applications for the operation of a well, has also been added. *Id.* The Agency did not object to a proposal by a commenter to clarify the rule. PC 6 at 12. The Board thus makes this change to the proposed rule.

### **Section 602.310: Project Requiring Disinfection**

The Agency states that Section 602.310 concerns disinfection standards which will require satisfactory disinfection to be demonstrated upon the completion of construction of a



facility that produces, contains, treats, or carries water that must be bacteriologically safe. SR at 21. The Board's current operating permit rules found in Part 602 do not differentiate between projects requiring disinfection and projects not requiring disinfection. *Id.* The Agency states that this distinction should be included in the Board's rules because this requirement is currently in Part 652. *Id.* at 21-22. The Agency further states that the language for this Section is based on the language found in Section 652.203 and also included specific provisions for disinfection of a filter, membrane unit, and ion exchange. *Id.* The Agency proposes that subsection (c)(1)-(2) of 602.310 should also contain language specifying where the representative samples must be taken to demonstrate satisfactory disinfection. *Id.* at 22. The Agency did not object to a proposal by a commenter to make the language more precise. PC 6 at 13. The Board thus makes this change to the proposed rule.

#### **Section 602.315: Projects Not Requiring Disinfection**

The Agency states that Section 602.315 is based on the language found in Section 652.204 and concerns projects not requiring disinfection. SR at 22. These projects include the installation of equipment that does not come into contact with finished water, including but not limited to chemical feeders, coagulation basins, and raw surface water transmission lines. *Id.*

#### **Section 602.320: Partial Operating Permit**

The Agency states that Section 602.320 is based on the language found in Section 652.205. SR at 22. The proposed section concerns construction permits that may cover a project with multiple phases that are completed at different times. *Id.* This section allows the Agency to grant a partial operating permit if the community water supply submits information specifying which phases have been completed, an operating permit application, plans specifying the phases to be partially operated, and evidence of satisfactory disinfection, if required. *Id.* The Agency states that this section will give the community water supply an option of obtaining partial operating permits for each phase. *Id.*

#### **Section 602.400: Algicide Permit Requirement**

The proposal prohibits unpermitted application of algicide, copper sulfate, copper sulfate-based products, or copper sulfate chemical aids to water used by a community water supply. SR at 23.

#### **Section 602.405: Algicide Permit Application**

The proposal lists information that must be submitted in an algicide permit application. SR at 23. In the Agency's comments after the first hearing, it proposed to add language specifying that the information must "assure the safety of a community water supply, as required by 35 Ill. Adm. Code 302.210." PC 5 at 7. The Board thus makes this change to the proposed rule.

**Section 602.410: Sampling**

The proposal requires a community water supply to sample every time an algicide is applied. Samples must be taken at specific times and locations. SR at 23. The original proposal provided that the samples be submitted to a certified laboratory, but the Agency removed this requirement from the proposal in response to a commenter. PC 6 at 14.

**Section 602.415: Required Permit Modification**

The proposal requires an algicide permit be modified should there be a major change in the operation of the community water supply or the algae growth. SR at 23-24.

**Section 602.500: Other Aquatic Pesticide Permit Requirement**

The proposal prohibits unpermitted application of aquatic pesticides to a drinking water source if the application results in a measurable concentration of pesticides. A permit must also be obtained before application within 20 miles upstream of a lake. SR at 24.

**Section 602.505: Other Aquatic Pesticide Permit Application Contents**

The proposal lists information that must be included in an aquatic pesticide permit. *Id.* In the Agency's comments after the first hearing, the Agency proposed to add language specifying that the information must "assure the safety of a community water supply, as required by 35 Ill. Adm. Code 302.210." PC 5 at 7. The Board thus makes this change to the proposed rule.

**Section 602.510: Permits under Public Health-Related Emergencies**

The proposal allows the Agency to issue an aquatic pesticide permit by telephone in case of emergency. SR at 25.

**Section 602.515: State Agency Programs**

The proposal allows certain state agencies to place information required for aquatic pesticide permits on file with the Agency to prevent duplicative resubmittal. *Id.*

**Section 602.520: Extension of Permit Duration**

The proposal allows a community water supply to seek an extension for an aquatic pesticide permit under certain circumstances. *Id.*

## **Part 603: Ownership and Responsible Personnel**

### **Section 603.101: Ownership**

The proposal modifies terminology in this section to be consistent with the rest of the regulation. *Id* at 26.

### **Section 603.102: Administrative Contact**

The proposal repeals this section, which contained terminology no longer used. In its place, the proposal defines the “administrative contact,” an agent acting on behalf of the official owner or custodian of a community water supply. *Id*. The Agency expressed no objection to including “administrative contact” in the definitions section. Exh. 3 at 11. The Board thus makes this change to the proposed rule.

### **Section 603.103: Responsible Operator in Charge**

The proposal changes terminology in this section to match the new terminology in the PWSO Act – ROINC. SR at 26.

### **Section 603.104: Exempt Community Water Supplies**

The proposal lists those community water supplies exempt from the Responsible Operator in Charge Requirement. *Id* at 27.

### **Section 603.105: Notification of Change of Ownership or Responsible Operator in Charge**

The proposal, clarifying existing language, requires notice within 15 days after the ownership or ROINC changes. *Id*.

## **TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS**

### **Economic Impact Study**

As required by Section 27(b) of the Act (415 ILCS 5/27(b) (2014)), the Board in a letter dated May 28, 2015 requested that DCEO determine by July 10, 2015 whether it would conduct such a study. The Board has received no response to this request from DCEO. During each hearing, the hearing officer afforded those present an opportunity to address the Board’s request for a study and DCEO’s lack of a response. Tr. 1 at 28:2-5; Tr. 2 at 20:2-24. No participant offered testimony or comment on the request or response. *Id*.

### **Technical Feasibility**

The Agency states that the “proposed regulations do not require the installation of any particular technology.” SR at 27.

### **Economic Reasonableness**

The Agency states that it “believes the proposed rulemaking will lower the previous compliance costs,” but notes “it is difficult to quantify the economic costs associated with compliance.” SR at 27.

### **BOARD DISCUSSION**

#### **Public Comments**

The Agency agreed to make certain changes to its proposal in response to public comment. For example, the Agency did not object to making all algicide permits five years in length, a revision to Section 602.113 suggested by a public comment. PC 6 at 5. These revisions suggested by commenters and agreed to by the Agency are described in the section-by-section summary above. The Agency also clarified certain aspects of the rulemaking proposal in response to requests from commenters. In other instances, the Agency declined to make changes suggested by commenters. Below, the Board will make findings in those instances where the Agency declined to change its proposal.

#### **Mr. Mensing’s Comments**

The comments of Roger Mensing, P.E. of Curry & Associates Engineering, Inc., filed July 28, 2015 generally concern design, operation, and maintenance of community water supplies. The Agency stated that the comments are “more appropriate for the follow-up rulemaking that will become 35 Ill. Adm. Code 604.” PC 6 at 1. The Board finds that Mr. Mensing’s comments are best suited for the Part 604 rulemaking on design, operation, and maintenance regulations that the Agency will propose in the near future. *See* Tr. 2 at 10:21-11:14.

#### **Mr. Groncki’s Comments**

The Agency accepted most of the language changes proposed by Jeff Groncki, President of the Illinois/Indiana Section of the American Institute of Professional Geologists, filed July 27, 2015. The Agency offered alternative language changes to two specific proposals Mr. Groncki made, the definition of “well hydraulics” in Section 601.105 and approval of a professional geologist in Section 602.105(a)(3). PC 6 at 1-2. The Board finds in favor of these alternative language changes.

#### **Capt. Curry’s Comments**

The Agency did not accept or declined to respond to some of the comments made by Capt. Michael D. Curry, as a citizen. (Corrected comments filed on July 28, 2015 (PC 4).) The Board makes the following findings regarding each unaccepted proposed revision:

Capt. Curry commented regarding the Agency’s methods of incorporation by reference. PC 4 at 1-2. The Agency properly declines to incorporate later amendments or editions of

materials. 35 Ill. Adm. Code 601.115. Furthermore, the Board notes that it is appropriate to wait for public review of the Recommended Standards for Water Works until a future rulemaking concerning proposed revisions to Part 604. PC 6 at 3.

Factors regarding restricted status for community water supplies were appropriately addressed at the first hearing and the rules properly anticipate the hypothetical examples on restricted status raised by Capt. Curry. PC 6 at 4.

The language currently proposed by the Agency concerning the 80 percent exceedance is sufficient at this time and Capt. Curry's concerns on this topic are proper to address in the future Part 604 rulemaking. PC 6 at 4-5.

The Board agrees with the Agency that re-issuing a permit for use of a similar chemical at a community water supply is unnecessary. PC 6 at 7.

The details in the Agency's proposed Section 602.225 concerning submittal of an Engineer's Report are sufficiently clear. PC 6 at 9.

Capt. Curry's concerns related to proposed revisions to Sections 602.225(e)(1), (e)(2), and (f) are proper to address in the future Part 604 rulemaking. PC 6 at 9-10.

The Agency's rationale in retaining the language concerning bacterial growth in Section 602.310(d)(1) is appropriate. PC 6 at 13.

The Agency's proposed changes to Section 602.107(a) regarding the 80-percent exceedance rate, described in PC 7 at 1, sufficiently respond to Capt. Curry's comments and proposed revisions made at the second hearing. Tr. 2 at 21:7-22:14.

### **Standard Specifications for Water and Sewer Main Construction in Illinois**

The Agency revised its proposed Section 602.235 to reference (without incorporating the document by reference) specific standards for community water supply construction entitled "Standard Specifications for Water and Sewer Main Construction in Illinois," though it states that it is unable to provide copies of this standard due to budgetary reasons. PC 6 at 10. The Board has found the seventh edition of the standard specifications available to purchase for a reasonable price and will purchase them on its own initiative. The Board has added these standards to the list of documents incorporated by reference in Section 601.115.

### **Non-Substantive Changes**

The Board also made several non-substantive changes to the rule language as proposed by the Agency. Most notably, the Board has changed the term "shall" in many places where it appears in the rule to "must." For example, in Section 602.102, existing rule states that "The provisions of this Chapter shall apply..." The Board has changed the proposed Section 602.102 to instead state that "The provisions of this Chapter must apply..."

### **Technical Feasibility and Economic Reasonableness**

The Board has reviewed the record in this proceeding on the issues of technical feasibility and economic reasonableness. The Board finds that the Agency's proposal, with changes described above, implements statutory and regulatory revisions and amends the Board's public water supplies rules in a manner that is technically feasible and economically reasonable.

### **Conclusion**

The Board proposes for first notice amendments to Parts 601, 602, 603 of the Board's regulations governing public water supplies. The Board must allow a comment period of at least 45 days following publication in the *Illinois Register*, during which anyone may file public comments with the Board. Instructions on how to file a comment are at the beginning of this order in the "Procedural Background" section.

### **ORDER**

The Board directs the Clerk to cause first-notice publication of the following proposed amendments to Parts 601, 602, and 603 of the Board's public water supply regulations in the *Illinois Register*. Proposed additions to Parts 601, 602, and 603 are underlined and proposed deletions appear stricken.

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

PART 601  
INTRODUCTION

**Section**

601.101	General Requirements
601.102	<u>Applicability and Organization of this Chapter</u>
601.103	Severability
601.104	Analytical Testing
601.105	Definitions
<u>601.115</u>	<u>Incorporation by Reference</u>

601.APPENDIX A   References to Former Rules

**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 at 2 Ill. Reg. 36, p. 72, effective August 29, 1978; amended at 3 Ill. Reg. 13, p. 236, effective March 30, 1979; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 6 Ill. Reg. 14344, effective November 3, 1982; amended in R84-12 at 14 Ill. Reg. 1379, effective January 8, 1990;

amended in R89-5 at 16 Ill. Reg. 1585, effective January 10, 1992; amended in R96-18 at 21 Ill. Reg. 6537, effective May 8, 1997; amended in R15-22 at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

### **Section 601.101 General Requirements**

Owners and official custodians of a public water supply in the State of Illinois must provide pursuant to the ~~Environmental Protection Act [415 ILCS 5] (Act), the Pollution Control Board (Board)~~ Rules, and the Safe Drinking Water Act (42 U.S.C. 300f et seq.) continuous operation and maintenance of public water supply facilities so that the water shall be assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

### **Section 601.102 Applicability and Organization of this Chapter**

- a) The provisions of this Chapter must apply to groundwater and public water supplies, as defined in the Act, except for those designated as non-community water supplies. A public water supply must be considered to end at each service connection.
- b) The Board regulations adopted in this Chapter are organized as provided in this Section.
  - 1) Part 601 of this Chapter contains definitions, analytical testing requirements, and incorporation by reference applicable to Parts 601, 602, 603 and 607.
  - 2) Part 602 of this Chapter contains permitting requirements and standards for community water supplies and technical, financial, and managerial capacity requirements for new community water supplies.
  - 3) Part 603 of this Chapter contains ownership and responsible personnel requirements for community water supplies.
  - 4) Part 607 of this Chapter contains requirements for emergency operation and cross connection control.
  - 5) Part 611 of this Chapter contains regulations identical in substance with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) pursuant to Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (SDWA) (42 USC 300g-1(b), 300g-3(c), 300g-6(a), and 300j-4(a)). Part 611 establishes primary drinking water regulations and includes definitions and incorporation by reference applicable to Part 611.

- 6) Part 615 of this Chapter contains requirements and standards for the protection of groundwater for certain types of existing facilities or units located wholly or partially within a setback zone or a regulated recharge area. Part 615 includes definitions and incorporation by reference applicable to Part 615.
- 7) Part 616 of this Chapter contains requirements and standards for the protection of groundwater for certain types of new facilities or units located wholly or partially within a setback zone or a regulated recharge area. Part 616 includes definitions applicable to Part 616.
- 8) Part 617 of this Chapter contains the requirements and standards for regulated recharge areas. Part 617 includes definitions and incorporation by reference applicable to Part 617.
- 9) Part 618 of this Chapter contains requirements and standards for maximum setback zones. Part 618 includes definitions applicable to Part 618.
- 10) Part 620 of this Chapter contains the method of classification of groundwater, nondegradation provisions, the groundwater quality standards, and procedures and protocols for the management and protection of groundwater. Part 620 includes definitions and incorporation by reference applicable to Part 620.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

#### **Section 601.104 Analytical Testing**

- a) To determine compliance with these community water supplies rules and regulations under 35 Ill. Adm. Code Subtitle F, all sampling, monitoring and testing and ~~physical, chemical, bacteriological, and microscopic analyses~~ must be made according to the methods described in 35 Ill. Adm. Code 611 the National Primary Drinking Water Regulations (40 CFR 141) and any other method specifically approved by the ~~Environmental Protection Agency (Agency)~~.
- b) All ~~analyses~~ analyses for substances other than those listed in 35 Ill. Adm. Code 611 ~~these rules and regulations~~ must be performed by methods acceptable to the Agency.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

#### **Section 601.105 Definitions**



- a) For purposes of Parts 601, 602, 603 and 607 of this Chapter, unless a different meaning of a word or term is clear from the context:

"Act" means the Environmental Protection Act, as amended, [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency

"Aquifer property data" means the porosity, hydraulic conductivity, transmissivity, storage coefficient of an aquifer, head and hydraulic gradient."

"Board" means the Illinois Pollution Control Board.

"Boil Order" means a notice to boil all drinking and culinary water for at least five minutes before use, issued by the proper authorities to the consumers of a public water supply affected, whenever the water being supplied may have become microbiologically contaminated

"Certified Laboratory" means any laboratory certified pursuant to Section 4(o) of the Act [415 ILCS 5/4(o)], or certified by USEPA-approved by Agency, the Illinois Department of Nuclear Safety or the Illinois Department of Public Health for the specific parameters to be examined, as set out in rules adopted pursuant to the Illinois Administrative Procedure Act [5 ILCS 100].

"Chlorine"

"Chlorine demand" means the difference between the amount of chlorine applied to a given water and the amount of total available chlorine remaining at the end of the contact period. All test conditions (contact time, pH and temperature) must be given in expressing the chlorine demand in a given water.

"Combined chlorine" means the reaction product formed when chlorine has reacted with ammonia to form chloramines.

"Free chlorine" means the residual chlorine existing in water as the sum of hypochlorous acid and hypochlorite ion.

"Total chlorine" means the sum of the free chlorine and the combined chlorine.

"Confined Geologic Formations" are geologic water bearing formations protected against the entrance of contamination by other geologic formations.

"Community Water Supply" or "CWS" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. [415 ILCS 5/3.145]

"Cross-connection"

"Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems, one which contains potable water and another which contains water of unknown or questionable safety, steam, or one or more gases; chemicals or other substances where flow from one system to the other is possible.

"Direct cross-connection" means a cross-connection formed when a piping system containing potable water is physically joined to another piping system containing water of unknown or questionable safety, steam, or one or more gases, chemicals or other substances.

"Indirect cross-connection" means a cross-connection formed when water of unknown or questionable safety, steam or one or more gases, chemicals or other substances from one piping system can be forced, drawn by vacuum or otherwise introduced into another piping system containing potable water.

"Disinfectant" means any ~~agent~~<sup>oxidant</sup>, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone, added to water in any part of the treatment or distribution process, which is intended to kill or inactivate pathogenic microorganisms.

~~"Dose Equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission of Radiological Units and Measurements (ICRU).~~

~~"Gross Alpha Particle Activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.~~

~~"Gross Beta Particle Activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.~~

"Groundwater" means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 3.64 of the Act).

~~"Halogen" means one of the chemical elements chlorine, bromine or iodine.~~

"Head" means the sum of the elevation head, pressure head, and velocity head at a given point in an aquifer.

"Hydraulic conductivity" means the rate of flow in gallons per day (gpd) through a cross section of one square foot (ft<sup>2</sup>) under a unit hydraulic gradient (gpd/ft<sup>2</sup>).

"Hydraulic gradient" means the rate of change of total head per unit distance of flow in a given direction.

"Infrastructure" means all mains, pipes, and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended to be used for the purpose of furnishing water for drinking or general domestic use.

~~"Man-Made Beta Particle and Photon Emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, National Bureau of Standards (NBS) Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.~~

"Maximum Average Daily Demand" or "Maximum Demand" means the maximum consecutive seven day production period.

~~"Maximum Residence Time Concentration (MRTC)" means the concentration of total trihalomethanes found in a water sample taken at a point of maximum residence time in the public water supply distribution system.~~

~~"Maximum Total Trihalomethane Potential (MTP)" means the maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after 7 days at a temperature of 25 degrees C or above.~~

"New community water supply" means, beginning after October 1, 1999, all new community water supplies and those water supplies that expand their infrastructure to serve or intend to serve at least 15 service connections used by residents or regularly serves at least 25 residents. Any water supply not currently a community water supply that adds residents so that the total served is 25 residents or more without constructing additional infrastructure will become a community water supply, but will not be required to demonstrate capacity under 35 Ill. Adm. Code 602.103 unless the community water supply is on restricted status as required by 35 Ill. Adm. Code 602.106.

"Non-community water supply" means *a public water supply that is not a community water supply.* [415 ILCS 5/3.145]

"Official Custodian" means an individual who is ~~an~~ any officer of an entity that ~~organization which is the owner or operator of a community public water supply, and acts as the owner's agent in matters concerning the community water~~

~~supply who has direct administrative responsibility for the supply. [415 ILCS 45/9.4]~~

~~"Persistent Contamination" exists when analysis for total coliform is positive in one or more samples of a routine sample set, and when three or more subsequent repeat samples indicate the presence of contamination.~~

~~"Picoeerie (pCi)" means that quantity of radioactive material producing 2.22 nuclear transformations per minute.~~

~~"Point Of Maximum Residence Time" means that part of the active portion of the distribution system remote from the treatment plant where the water has been in the distribution system for the longest period of time.~~

~~"Porosity" means the percentage of the bulk volume of a rock or soil that is occupied by interstices, whether isolated or connected.~~

"Public Water Supply" (PWS) means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. (Section 3.28 of the Act)

~~"Recurring Contamination" exists when analysis of total coliform is positive in one or more samples of a routine sample set, if this occurs four or more times in a twelve consecutive month period.~~

~~"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.~~

"Responsible Operator in Charge" means an individual who is designated as a Responsible Operator in Charge of a community water supply pursuant to the Public Water Supply Operations Act [415 ILCS 45/1] and Part 603. [415 ILCS 45/9.6]

"Sell Water" means to deliver or provide potable water, obtained from a public water supply subject to these regulations, to the consumer, who is then individually or specifically billed for water service, or where any monetary assessment is levied or required and specifically used for water service. Water supply facilities owned or operated by political subdivisions, homeowners associations, and not-for-profit associations, as well as privately owned utilities regulated by the Illinois Commerce Commission, are considered to sell water whether or not a charge is specifically made for water.

"Service Connection" is the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user through a water service line.

"Storage coefficient" means the volume of water an aquifer releases from or takes into storage per unit surface area of the aquifer per unit change in head.

"Surface Water" means all tributary streams and drainage basins, including natural lakes and artificial reservoirs, which may affect a specific water supply above the point of water supply intake.

"Surface Water Supply Source" means any surface water used as a water source for a public water supply.

"Supply" means a community public water supply.

~~"Total Trihalomethanes (TTHM)" means the sum of the concentration in milligrams per liter of the trihalomethane compounds trichloromethane (chloroform), dibromochloromethane, bromodichloromethane and tribromomethane (bromoform), rounded to two significant figures.~~

"Transmissivity" means the rate in gallons per minute (gpm), at which water is transmitted through a unit width, in feet (ft), of an aquifer under a unit hydraulic gradient (gpm/ft).

~~"Trihalomethane (THM)" means one of the family of organic compounds named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.~~

"Water Main" means any pipe for the purpose of distributing potable water which serves or is accessible to more than one property, dwelling, or rental unit, and is exterior to buildings.

"Water Service Line" means any pipe from the water main or source of potable water supply that serves or is accessible to not more than one property, dwelling, or rental unit of the user.

"Well hydraulics" means equations that are applied to understand the effect that a pumping well structure has on inducing the movement of water through permeable rock formations, certain aquifer properties, to determine the rate of withdrawal of such well. This term is inclusive of equations that quantify wellbore skin effects/well loss.

"Wellhead protection area" or "WHPA" means the surface and subsurface recharge area surrounding a community water supply well or well field, delineated outside of any applicable setback zones (pursuant to Section 17.1 of the Act [415 ILCS

5/17.11) pursuant to Illinois' Wellhead Protection Program, through which contaminants are reasonably likely to move toward such well or well field.

"Wellhead protection measures" means management practices needed to mitigate existing and future threats to the water quality within the delineated WHPA.

"Wellhead protection program" means the wellhead protection program for the State of Illinois, approved by USEPA under Section 1428 of the SDWA, 42 USC 300h-7.

- b) Terms not specifically defined in subsection (a), will have the meaning defined in 35 Ill. Adm. Code 611.
- c) Terms not specifically defined in subsections (a) or (b) will have the meaning specified in The Water Dictionary, incorporated by reference in Section 601.115.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

### **Section 601.115 Incorporation by Reference**

- a) Abbreviations and short-name listing of references. The following names and abbreviated names, presented in alphabetical order, are used in this Chapter to refer to materials incorporated by reference:

"ANSI" means those standards published by American National Standards Institute (ANSI).

"ASTM" means those standards published by American Society for Testing and Materials (ASTM)

"AWWA" means those standards published by the American Water Works Association.

"Recommended Standards" means "Recommended Standards for Water Works—Policies for the Review and Approval of Plans and Specifications for Public Water Supplies."

- b) The Agency incorporates the following material by reference.

ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, (610) 832-9500.

ASTM D 2241-09, Standard Specification for Poly(Vinyl Chloride) (PVC) Pressure-Rated Pipe (SDR Series), approved December 1, 2009.

AWWA. American Water Works Association et al., 6666 West Quincy Ave., Denver, CO 80235 (303-794-7711)

ANSI/AWWA A100-06, Water Wells, approved February 2, 2006, effective August 1, 2006.

ANSI/AWWA B100-09, Granular Filter Material, approved January 25, 2009, effective March 1, 2010.

ANSI/AWWA C151/A21.51-09, Ductile-Iron Pipe, Centrifugally Cast, approved January 25, 2009, effective September 1, 2009.

ANSI/AWWA C200-12, Steel Water Pipe, 6 In. (150mm) and Larger, approved June 10, 2012, effective September 1, 2012.

ANSI/AWWA C301-07, Prestressed Concrete Pressure Pipe, Steel-Cylinder Type, approved January 21, 2007, effective June 1, 2007.

ANSI/AWWA C651-05, Disinfecting Water Mains, approved January 16, 2005, effective June 1, 2005.

ANSI/AWWA C652-11, Disinfection of Water Storage Facilities, approved June 12, 2011, effective October 1, 2011.

ANSI/AWWA C653-03, Disinfection of Water Treatment Plants, approved January 19, 2003, effective June 1, 2003.

ANSI/AWWA C654-03, Disinfection of Wells, approved January 19, 2003, effective November 1, 2003.

AWWA C900-07 Polyvinyl Chloride (PVC) Pressure Pipe and Fabricated Fittings, 4 In. Through 12 In. (100 mm Through 300 mm), for Water Transmission and Distribution, 2007

ANSI/AWWA C905-10, Polyvinyl Chloride (PVC) Pressure Pipe and Fabricated Fittings, 14 In. Through 48 In. (350 mm Through 1,200 mm), approved January 17, 2010, effective April 1, 2010.

AWWA C906-07 Polyethylene (PE) Pressure Pipe and Fittings 4 In. (100 mm) Through 63 In. (1,600 mm) for Water Distribution and Transmission, 2007

ANSI/AWWA D100-11, Welded Carbon Steel Tanks for Storage, approved January 23, 2011, effective July 1, 2011.

ANSI/AWWA D103-09, Factory Coated Bolted Carbon Steel Tanks for Water Storage, approved January 25, 2009, effective November 1, 2009.

ANSI/AWWA D107-10, Composite Elevated Tanks for Water Storage, approved January 17, 2010, effective December 1, 2010.

"The Water Dictionary" 2nd Edition, 2010.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor, Michigan 48113-0140 (734-769-8010).

NFS/ANSI 60-2013 Drinking Water Treatment Chemicals-Health Effects, April, 2014

NSF/ANSI 61- 2013, Drinking Water System Components-- Health Effects, March, 2014.

"Recommended Standards for Water Works—Policies for the Review and Approval of Plans and Specifications for Public Water Supplies," 2012 Edition, Great Lakes--Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, Health Research Inc., Health Education Services Division, P.O. Box 7126, Albany, NY 12224, (518) 439-7286.

"Standard Specifications for Water and Sewer Main Construction in Illinois," 7th Edition., 2014, Illinois Society of Professional Engineers, 100 East Washington Street, Springfield, Illinois 62701, (217) 544-7424.

- c) No later amendments or editions of the materials listed in subsection (b) are incorporated.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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

PART 602  
 PERMITS

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Appendix A

References to Former Rules

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. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL PERMIT PROVISIONS

**Section 602.101 Purpose~~Construction Permit~~**

The purpose of this Part is to establish and enforce minimum standards for the permitting of community water supplies.

- a) No person shall *construct, install, or operate a community water supply without a permit granted by the Agency.* 415 ILCS 5/18(a)(3)~~No person shall cause or allow the construction of any new public water supply installation or cause or allow the change of or addition to any existing public water supply, without a construction permit issued by the Environmental Protection Agency (Agency). Public water supply installation, change, or addition shall not include routine maintenance, service pipe connections, hydrants and valves, or replacement of equipment, pipe, and appurtenances with equivalent equipment, pipe, and appurtenances.~~
- 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. 415 ILCS 5/15(a)~~All work performed on a public water supply shall be in accordance with accepted engineering practices.~~

- c) Whenever emergency conditions require immediate action, the Agency may issue construction and operating permits by telephone to the owner or official custodian, or Responsible Operator in Charge, with whatever special conditions the Agency deems to be necessary for the proper safeguarding of the health of the water consumers.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.102 Community Water Supply Permits~~Operating Permit~~**

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

- a) Construction Permit, pursuant to Subpart B of this Part;  
 b) Operating Permit, pursuant to Subpart C of this Part;  
 c) Algicide Permit, pursuant to Subpart D of this Part; or  
 d) Aquatic Pesticide Permit, pursuant to Subpart E of this Part.

~~No owner or operator of a public water supply shall cause or allow the use or operation of any new public water supply, or any new addition to an existing supply, for which a Construction Permit is required under this Part, without an Operating Permit issued by the Agency.~~

(Source: Section repealed, new section adopted at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.103 Public Water Supply Capacity Development~~Algicide Permit~~**

~~*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, managerial provision of the federal Safe Drinking Water Act, (P.L. 93-523), and regulations adopted by the Agency. [415 ILCS 5/15(b)].*~~  
~~No algicide shall be applied to any stream, reservoir, lake, pond, or other body of water used as a public water supply source without an Algicide Permit issued by the Agency. Copper sulfate and potassium permanganate are the only algaecides which may be used in public water supplies. Permits issued under this Section will be valid for public water supply sources only.~~

(Source: Section repealed, new section adopted at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **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 or official

custodian, operator, or Responsible Operator in Charge~~person in responsible charge~~, with whatever special conditions the Agency deems to be necessary for the proper safeguarding of the health of the water consumers.

- 1) ~~As-built plans and specifications covering the work performed under the telephone permit must be submitted to the Agency as soon as reasonably possible.~~
  - 2) ~~Modifications required by the Agency after review of the submission shall be made promptly.~~
- 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, in writing, within ten days of issuance, its granting of an emergency ~~construction~~ permit. Said confirmation ~~will~~may be conditioned upon the receipt and approval, by the Agency, of as-built plans and specifications.
- d) As-built plans and specifications covering the work performed under the emergency permit and any information required by special conditions in the emergency permit must be submitted to the Agency within 60 days of issuance of the emergency permit unless otherwise stated by the Agency in writing.
- e) The Agency may request the community water supply make modifications after review of the as-built plans and specifications covering the work performed under the emergency permit. Modifications must be made within 90 days of 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; or
  - 2) after normal business hours, the State emergency number, (217) 782-3637 (STA-EMER), or 1-800-782-7860.
- 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 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 602.105 Standards for Issuance

a) Construction Permits and Operating Permits:

- 1) The Agency must not ~~issuegrant~~ any construction or operating permit required by this Part unless the applicant submits adequate proof that the ~~community~~public water supply will be constructed, modified or operated so as not to cause a violation of the ~~Environmental Protection Act [415 ILCS 5]~~ or Board rules.
- 2)~~b)~~ Except as provided in subsection (a)(3), theThe Agency must not ~~issuegrant~~ any construction or operating permit required by this Part unless the applicant submits adequate proof that the ~~community~~public water supply facility conforms to the following design criteria. When the design criteria in the documents listed below conflict, the design criteria listed in subsection (a)(2)(A) must be complied with.
  - A) Criteria promulgated by the Agency under Section 39(a) of the Act or Section 602.115;
  - B) Recommended Standards for Water Works, incorporated by reference at 35 Ill. Adm. Code 601.115, and
  - C) AWWA, ASTM, ANSI or NSF/NFS standards incorporated by reference at 35 Ill. Adm. Code 601.115;
- 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~~D)~~ or is based on such other design criteria which the applicant proves will produce consistently satisfactory results.
- 4)~~e)~~ The Agency must not ~~issuegrant~~ any construction permit required by this Part unless the applicant submits proof that ~~all~~any plan and specification documents required by this Section and Subpart B of this Part~~Section 602.108~~ have been prepared by a person ~~licensed~~qualified under the Illinois Architecture Practice Act [225 ILCS 305], the Illinois Professional Engineering Practice Act [225 ILCS 325], the Illinois Structural Engineering Licensing Act [225 ILCS 340], or, for site and groundwater conditions, under the Professional Geologist Licensing Act [225 ILCS 745], or any required combination thereof.

- 5) The Agency must not issue a construction permit unless the community water supply has filed a notification of ownership pursuant to 35 Ill. Adm. Code 603.101.
- 6) The existence of a violation of the Act, Board regulation, or Agency regulation will not prevent the issuance of a construction permit if:
- A) the applicant has been granted a variance or an adjusted standard from the regulation by the Board;
  - B) the permit application is for 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 where the permit applicant can show that those residences or commercial facilities are being served by a source of water of a quality or quantity which violates the primary drinking water standards of 35 Ill. Adm. Code 611; or
  - D) the Agency determines the permit application is for 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, Board regulation, or Agency regulation.

- d) Until December 8, 2003, the Agency shall not deny for the following reasons any construction or operating permit required by this Part:
- 1) the radium-226 level is less than or equal to 20 pCi/L;
  - 2) the radium-228 level is less than or equal to 20 pCi/L; or
  - 3) the gross alpha particle activity level minus the radium-226 level is less than or equal to 15 pCi/L.
- e) From December 8, 2003, until December 8, 2009, the Agency may issue a construction or operating permit to a public water supply that exceeds the maximum contaminant level (MCL) for combined radium (radium-226 and radium-228) of 5 pCi/L, the MCL for gross alpha particle activity of 15 pCi/L, or

~~the MCL for uranium of 30 µg/L (35 Ill. Adm. Code 611.330) if the supply is bound to comply with the MCL pursuant to a specific schedule under:~~

- ~~1) A Compliance Commitment Agreement executed pursuant to Section 31 of the Act [415 ILCS 5/31]; or~~
- ~~2) An enforceable court order after referral by the Agency.~~

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_ )

### **Section 602.106 Restricted Status**

- a) Restricted status must be defined as the Agency determination, pursuant to Section 39(a) of the Act and Section 602.105, that a ~~community~~public water supply facility, or portion thereof, may no longer be issued a construction permit without causing a violation of the Act, ~~Board or Agency rules~~this Chapter. Violations of Board rules that can result in a restricted status determination include, but are not limited to, 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 such issuance would extend an existing violation of the Act or Board rules, the Agency must place the community water supply on restricted status.
  - 2) Except as specified in Section 602.105(a)(5) of this Part, the Agency must not issue a permit for water main extension construction where the water main would extend an existing violation of the Act or Board rules.
- b) The Agency must publish on its website and in the Environmental Register and update~~make available to the public~~ at intervals of not more than ~~three~~six months, a comprehensive ~~and up-to-date~~ list of community water supplies subject to restrictive status ~~and the reasons why~~. This list will be entitled the "Restricted Status List."
- c) The Agency must notify the owner or official custodians and the Responsible Operator in Charge of community water supplies 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.

- f) Owners or official custodians of community water supplies which have been placed on restricted status must notify any person requesting construction of a water main extension of this status.

~~Until December 8, 2003, the Agency shall not place public water supplies on restricted status when:~~

- 1) ~~the radium-226 level is less than or equal to 20 pCi/L;~~
- 2) ~~the radium-228 level is less than or equal to 20 pCi/L; or~~
- 3) ~~the gross alpha particle activity level minus the radium-226 level is less than or equal to 15 pCi/L.~~

- e) ~~From December 8, 2003, until December 8, 2009, the Agency shall not place a public water supply on restricted status for exceeding the maximum contaminant level (MCL) for combined radium (radium-226 and radium-228) of 5 pCi/L, the MCL for gross alpha particle activity of 15 pCi/L, or the MCL for uranium of 30 µg/L (35 Ill. Adm. Code 611.330) if the supply is bound to comply with the MCL pursuant to a specific schedule under:~~

- 1) ~~A Compliance Commitment Agreement executed pursuant to Section 31 of the Act [415 ILCS 5/31]; or~~
- 2) ~~An enforceable court order after referral by the Agency.~~

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.107 Critical Review ~~Signatory Requirement for Permit Applications~~**

- a) The Agency must publish in the Environmental Register and on its webpage at the same frequency as the Restricted Status List, a list of those community water supplies which Agency records indicate exceed 80percent of the rate of any of the quantity requirements in the Board's or Agency's. This list will be entitled the "Critical Review List".
- b) The Critical Review List must include a description of the cause 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 which have been placed on critical review status must notify any person requesting construction of a water main extension of this status.



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

(Source: Section 602.107 remembered to Section 602.110, new section 602.107 adopted at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.108 Right of Inspection ~~Construction Permit Applications~~**

The permittee must allow the Agency and its duly authorized representatives to perform inspections in accordance with its authority under the act, including but not limited to:

- a) entering at reasonable times the permittee's premises where treatment or distribution facilities are located or where any activity is to be conducted pursuant to 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;
- d) obtaining and removing at reasonable times samples of any raw or finished water, discharge or emission of pollutants;
- e) entering at reasonable times to use any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring or recording any raw or finished water, activity, discharge or emission authorized by a permit.

~~All applications for any construction permit required under this Chapter shall contain, where appropriate, the following information and documents:~~

- a) ~~A summary of the design basis;~~
- b) ~~Operation requirements;~~
- e) ~~General layout;~~

- d) Detailed plans;
- e) Specifications;
- f) ~~A professional seal to satisfy Section 602.105(e) requirements;~~
- g) ~~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~~
- h) Any other information required by the Agency for proper consideration of the permit.

(Source: Section repealed, new section adopted at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.109 Fees Operating Permit Applications**

- 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 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 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 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) of this Section. [415 ILCS 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 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;
- 2) any unit of local government with which the Agency has entered into a written delegation agreement under Section 4 of this Act which allows such unit to issue construction permits under this Title, or regulations adopted hereunder, 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 16.1 (f)]

All applications for operating permits shall contain:

- a) ~~The name and certificate number of the certified operator in responsible charge on the operational staff of the public water supply or the name and registration number of the registered person in responsible charge for supplies which are exempt from the requirement for a certified operator; and~~
- b) ~~the name and location of the public water supply;~~
- e) ~~the construction permit number under which the public water supply was constructed; and~~
- d) ~~any other information required by the Agency for proper consideration of the permit.~~

(Source: Section repealed, new section adopted at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 602.110 ~~602.107~~ Signatory Requirement for Permit Applications ~~Algieide Permit Applications~~**

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

- a) ~~All applications for algieide permits shall contain:~~

- 1) ~~the name and certificate number of the certified operator supervising the application of the algicide;~~
  - 2) ~~a statement describing the extent of the algae problem, history of any past algae problems, and algicide treatments, and a description of any fish kills which have resulted from treatments in the past; and~~
  - 3) ~~adequate information to support exceeding the limits as stated in 35 Ill. Adm. Code 302: Water Quality Standards.~~
- b) ~~After any algicide permit is issued, and before the permit expires by its stated terms, if there is any major change either in the operation of the public water supply, or in algae growth, which affects the use of the algicide as outlined in the permit, the public water supply shall submit an application for modification of its permit. This application shall contain all of the information required by this subsection (b) and subsection (a) above.~~
- e) ~~Any algicide permit issued under this Section shall exempt the permittee from obtaining an aquatic pesticide permit as provided in 35 Ill. Adm. Code 652.601.~~

(Source: Section repealed, Section 601.110 renumbered from Section 601.107 at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **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~~~~may adopt procedures requiring~~ such additional information as is necessary to determine whether the ~~community~~public water supply system will meet the requirements of the Act and this Chapter.

(Source: amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

- a) For permits without a fee under Section 602.109 of this Part:
- 1) An application for a permit must be deemed 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 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 ninety days from the filing of the application, the applicant may deem the permit granted.
  - 4) Any applicant for a permit may waive in writing the requirement that the Agency must take final action within ninety days from the filing of the application.
- b) For permits with a fee under Section 602.109 of this Part:
- 1) An application for a permit must be deemed 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 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 of the filing of an application and the payment of the required fee. If the Agency fails to take final action within 45 days of filing the application and payment of the required fee, the applicant may deem 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 must be deemed to have taken final action on the date that the notice is mailed.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.113 Duration**

- a) Construction Permits
- 1) Construction permits for community water supply facilities expire one year from the date of issuance or renewal unless construction has started. ~~shall be valid for the start of construction within one year from the date of issuance and~~ If construction does not commence within one year from the date of issuance or renewal, the permit may be renewed for additional one

year periods at the discretion of the Agency upon written request of the applicant.

- 2) If construction commences within one year from the date of issuance or renewal of the construction permit, the permit expires five years from the date of issuance or renewal. ~~Construction, once started, may continue for four years without permit renewal and~~ Thereafter, the permit may be renewed for periods specified by the Agency at its discretion upon written request of the applicant for each permit renewal.
- 3) For the purposes of this Section, construction must be deemed commenced when work at the site has been initiated and proceeds in a reasonably continuous manner to completion.
- b) ~~Operating permits~~ Operation Permits—Operation Permits must be valid until revoked unless otherwise stated in the permit.
- c) ~~Algicide Permits—Algicide permits~~ be issued for fixed terms of five years ~~shall be valid for the period stated in the permit, but in no case longer than five years.~~
- d) Aquatic pesticide permits must be valid for a fixed term, not to exceed one year.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 602.114 Conditions (Repealed)**

~~In addition to specific conditions authorized under this Part, the Agency may impose such conditions in a permit as may be necessary to accomplish the purposes of the Act and as are not inconsistent with regulations promulgated by the Illinois Pollution Control Board (Board).~~

(Source: Repealed at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 602.115 Design, Operation, and Maintenance Criteria**

- a) The Agency may adopt criteria in rules for the design, operation, and maintenance of ~~community~~ public water supply facilities as necessary to insure safe, adequate, and clean water. These criteria must be revised from time to time to reflect current engineering judgment and advances in the state of the art.
- b) Before adopting new criteria or making substantive changes to any of its rules for ~~community~~ public water supplies, the Agency must comply with the provisions of the Administrative Procedure Act [5 ILCS 100].

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 602.116 Requirement for As-Built Plans**

Whenever a community water supply has been constructed without a construction permit as required by Section 602.101 of this Part or an emergency permit pursuant to Section 602.104 of this Part, the community water supply must submit to the Agency ~~may require submission of~~ 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)(3)~~602.105(e)~~. 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 ~~This does not relieve the owner or official custodian from any liability for construction of the supply without a permit.~~

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.117 Existence of Permit No Defense**

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

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.118 Appeals of Final Agency Action on a Permit Application~~from Conditions~~**

- a) If the Agency denies a permit required under this Part, the applicant may petition the Board to appeal the Agency’s final decision pursuant to Section 40 of the Act.
- b) An applicant may consider any condition imposed by the Agency in a permit issued pursuant to this Part as a refusal by the Agency to grant a permit, which shall entitle the applicant to appeal the Agency's decision to the Board pursuant to 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.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.119 Revocations**

Violation of any permit conditions or failure to comply with the Act, Board regulation or Agency regulation ~~any rule or regulation of this Chapter~~ must be grounds for enforcement actions as provided in the Act, including revocation of a permit. Revocation of a permit ~~Such enforcement actions~~ must be sought by filing a complaint with the Board pursuant to Title VIII of the Act.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 602.120 Limitations (Repealed)**

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. Any permit issued under this Part shall not be considered to be valid unless and until all applicable permits from State agencies, including but not limited to those listed below, have been applied for:

AGENCY	PERMIT DESCRIPTION
Illinois Commerce Commission	Certificate of Convenience and Necessity
Dept. of Natural Resources Office of Water Resources	Changes to Existing Waterways

(Source: Repealed at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

- a) No person must 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 which may affect the sanitary quality, mineral quality or adequacy of the community water supply; and
  - 3) prior to adding new chemicals to the treatment process or changing the points of chemical application.
- c) A construction permit is not needed for normal work items such as:
  - 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 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: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **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 shall 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, the documents must include a description of alternate solutions, a discussion of the alternatives and reasons for selecting the alternative recommended.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 602.210 Construction Permit Applications**

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

- a) General information, including but not limited to:
  - 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 of this Part;
- c) A summary of the design criteria as specified in Section 602.230 of this Part;
- d) Specifications as specified in Section 602.635 of this Part;
- e) Plans as specified in Sections 602.240 of this Part;
- f) Specific information for the type of construction, as follows:
  - 1) For source construction, information specified in Section 602.245 of this Part;
  - 2) For the construction of treatment facilities, information specified in Section 602.250 of this Part;
  - 3) For the construction of storage facilities, information specified in Section 602.255 of this Part;
  - 4) For the construction of water mains, information specified in Section 602.260 of this Part.
- g) Water purchase contracts between water supplies and/or inter-municipal agreements, where applicable;
- h) Evaluation of technical, managerial, and financial capacity as specified in Section 602.103 of this Part 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: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.215 Submission of Applications, Plans and Specifications**

- a) Two copies of the completed application, and 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. \_\_\_\_\_, effective \_\_\_\_\_)

### **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.
- 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 such requests comply with Section 602.105 of this Part and this Subpart.
- d) A supplemental permit is not required for minor changes which will not affect the location, capacity, hydraulic conditions, water treatment processes or sanitary or mineral quality of the water to be delivered.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.225 Engineer's Report**

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

- a) General information, including:
- 1) a description of existing community water supply;
  - 2) a description of sewerage facilities;
  - 3) a description of the municipality or area to be served; and
  - 4) the name and mailing address of the owner or official custodian of the community water supply.
- b) The extent of 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 which are likely to be required in the near future.
- c) Water consumption data, including:
- 1) population trends as indicated by available records;
  - 2) an estimate of the number of consumers based on population trends who will be served by the proposed or expanded water supply system 20 years in the future;
  - 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 where two or more solutions exist for providing community water supply facilities, as directed under the Illinois Drinking Water Revolving Loan Funding Process, 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 structural safety of any spillway or dam to assure the 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, land/water use activities, etc.) which may affect water quality;
  - E) summarized quality of the raw water with special reference to fluctuations in quality, changing meteorological conditions, etc.; and
  - 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 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 advantages of the recommended ones;

- 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 effective operation of the water works system, such as sewage absorption systems, septic tanks, privies, cesspools, sink holes, sanitary landfills, and refuse and garbage dumps etc.
- g) Proposed Treatment Processes. The Engineer's Report must describe all proposed treatment processes for providing the quality desired from the specific raw water under consideration and any available data proving the capability of providing the treatment.
- 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 for 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 which are available.
- j) Soil, 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 sub-surface 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 the Illinois Insurance Services Office 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 report must include the following:

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

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.230 Design Criteria**

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

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

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **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)(3) of this Part.
- c) Water main standard specifications which 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 of this Part.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **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) datum 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)(3);
  - 10) the locations and size 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 Section 620.245 through Section 602.260 of this Part.
- b) Plans must be drawn to a scale which 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. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.245 Source Construction Applications**

Construction permit applications for the construction of a new or the modification of an existing well or surface water intake must include the information specified by this Section.

- a) 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 maximum flood level based upon best available information including, but not limited to, the flood of record, 100 or 500 year flood projections;
  - 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;
  - 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.
- b) The following information must be submitted on plans for well construction permit applications:
- 1) the well location and a 2,500 foot radius showing the location of potential routes, potential primary sources, and potential secondary sources of contamination;
  - 2) the well location and a 400 foot radius showing the location of the sources of pollution listed in Table A of 35 Ill. Adm. Code 653.118;
  - 3) 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;
  - 4) all discharge piping including pressure gauge, meter, sample tap, check valve, shut-off valve and vacuum/air release valve, if applicable;
  - 5) well house construction, if provided;
  - 6) the locations of all electrical junction boxes;
  - 7) the locations of all observation wells; and

- 8)     piping showing the ability to pump to waste.
- c)     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)     location of inspection manholes, if applicable; and
  - 3)     location of chemical treatment, if applicable;

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **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;
- 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 Table A of 35 Ill. Adm. Code 653.118;
- f)     for sites subject to flooding, the maximum flood level based upon best available information including, but not limited to, the flood of record, 100 or 500 year flood projections; and
- g)     security provisions.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **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 Table A of 35 Ill. Adm. Code 653.118 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 best available information including, but not limited to, the flood of record, 100 or 500 year flood projections; and
- 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: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **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 653.119 of this Part have been met; and
    - B) an explanation of other measures taken to protect the water main if the separation requirements are not met;
  - 15) a disinfection plan which 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 of this Part.
- 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 source containing hydrocarbons;

- 7) the distance between the community water supply structures and the sources of pollution listed in Table A of 35 Ill. Adm. Code 653.118;
- 8) stream crossings with elevations of the stream bed shown, including the normal, extreme high and extreme low water levels of the stream.
- 9) all appurtenances, specific structures or equipment having any connection with planned water mains and water system structures.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### SUBPART C: OPERATING PERMITS

#### **Section 602.300 Operating Permit Requirement**

- a) No person shall cause or allow the use or operation of any new community 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.
- b) The operating permit application must be filed with the Agency when construction is complete.
- c) The operating permit must be obtained before the project is placed in service.
- d) Partial operating permits may be obtained pursuant to Section 602.320 of this Part.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 602.305 Operating Permit Applications**

- a) All applications for operating permits must contain:
  - 1) the name, signature, and identification number of the Responsible Operator in Charge pursuant to 35 Ill. Adm. Code 603;
  - 2) the community water supply's name, address, identification number and project name;
  - 3) the construction permit number, type of construction permit, and date the construction permit was issued;
  - 4) 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 of this Part; and

- 5) any other information required by the Agency for proper consideration of the permit, including, but not limited, to the submission of the water sample results pursuant to Section 602.310 of this Part.
- b) If the operating permit application is for the operation of a well, the operating permit application must include the following information in addition to the information required by subsection (a) of this Section:
- 1) final geologic well log;
  - 2) aquifer property data;
  - 3) lateral area of influence, as calculated pursuant to 35 Ill. Adm. Code 671.Subpart B;
  - 4) delineated well head protection area; and
  - 5) analyses of water samples for the constituents listed in 35 Ill. Adm. Code 620.410(a) and (b).

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.310 Projects Requiring Disinfection**

- a) Satisfactory disinfection as specified in this Section must be demonstrated before the issuance of an operating permit for completed construction projects where facilities produce, contain, treat or carry water that must be bacteriologically safe. This includes but is not limited to water mains, filters, finished water storage tanks and wells.
- b) Disinfection of a filter with granular activated carbon (GAC) must be completed prior to adding the GAC. Disinfection of an ion exchange unit must be completed prior to adding a resin with a low chlorine tolerance. Disinfection of a membrane unit must be completed prior to 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 specified in subsection (d) of this Section, satisfactory disinfection is demonstrated when two consecutive water sample sets collected from the completed project at least 24 hours apart indicate no bacterial growths as measured by the membrane filter technique or no tubes positive as measured by the presumptive test, fermentation tube method, as set forth in 35 Ill. Adm. Code 611. 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, clearwell, and all other treatment components other than those not requiring disinfection under Section 602.315, and from the entry point to the distribution system.
- d) For water main construction projects at existing community water supplies practicing chlorination in accordance with 35 Ill. Adm. Code 611.240, satisfactory disinfection is demonstrated when
- 1) one water sample set from the completed project collected in accordance with subsection (c)(1) of this Section indicates no bacterial growths as measured by the membrane filter technique or no tubes positive as measured by the presumptive test, fermentation tube method as set forth in 35 Ill. Adm. Code 611; and
- 2) Adequate chlorine residual is present at the point of connection. Adequate chlorine residuals exist in a distribution system when there is a minimum of 0.2 mg/l free chlorine residual for water supplies practicing free chlorination or 0.5 mg/l combined chlorine residual for water supplies practicing combined chlorination.
- e) If the analyses pursuant to subsection (d) of this Section indicate the presence of bacterial growth, the community water supply must do the following to demonstrate satisfactory disinfection:
- 1) resample at the sampling point indicating contamination and at every sampling point downstream of the point indicating contamination.
- 2) submit a general layout sheet of the project indicating the location of all water mains to be operating; and
- 3) submit evidence to the Agency that two consecutive water sample sets collected as specified in subsection (e)(1) of this Section indicated no bacterial growths as measured by the membrane filter technique or no tubes positive as measured by the presumptive test, fermentation tube method as set forth in 35 Ill. Adm. Code 611.
- f) Analyses conducted pursuant to this Section must be performed by a certified laboratory.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **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. \_\_\_\_\_, effective \_\_\_\_\_)

### **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 pursuant to Section 602.105 of this Part 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 analyses results from water samples collected from the completed section of the project verifying satisfactory disinfection in accordance with Section 602.310 of this Part.
- b) Additional operating permits may be obtained in accordance with this Section as other portions of the project are completed.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **SUBPART D: ALGICIDE PERMITS**

### **Section 602.400 Algicide Permit Requirement**

- a) No person must apply algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids to any stream, reservoir, lake, pond, or other body of water used as a community water supply source without an Algicide Permit issued by the Agency.
- b) Permits issued under this Subpart D will be valid for community water supply sources only.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.405 Algicide Permit Applications**

All applications for Algicide Permits must contain, at a minimum:

- 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 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; and
- k) any other information required by the Agency for proper consideration of the permit.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.410 Sampling**

- a) The owner or official custodian, or an authorized delegate, must collect water samples for each application of copper sulfate, copper sulfate based products, or copper sulfate chemical aids. Water samples must be collected at the following locations and times:
  - 1) From the raw water intake, one sample must be collected before treatment;
  - 2) From the entry point to the distribution system;

- A) One sample must be collected approximately 24 hours following the copper sulfate treatment.
  - B) One sample must be collected 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.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **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 which affects the use of the algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids as 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 of this Part.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART E: OTHER AQUATIC PESTICIDE PERMITS**

### **Section 602.500 Other Aquatic Pesticide Permit Requirement**

- a) No person shall apply an aquatic pesticide, other than an algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids to any stream, reservoir, lake, pond or other body of water used as a community water supply source without an Aquatic Pesticide Permit issued by the Agency, where the application of the pesticide will have an effect on any community water supply. Effect must be defined as any measurable concentration of the pesticide in the intake water of the community water supply.
- b) No person shall apply an aquatic pesticide, other than an algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids, within 20 miles upstream of a public or food processing water supply intake without an Aquatic Pesticide Permit issued by the Agency. The 20 mile upstream distance must be measured as follows:
  - 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;

- 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: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **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
  - 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 which restrict the types of pesticides which 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 ingredient(s), and name(s) of decomposition product(s).
  - 2) The United States Environmental Protection Agency (USEPA) Registration Number for the pesticide.
  - 3) A description of the steps to be followed in preparing and applying the pesticide, including but not limited to proportions, mixing and precautions

in preparation. A copy or facsimile of the label containing such 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 United States Geological Survey (USGS) topographic map reproduction or an accurately drawn map of larger scale. Include the location(s) and provide the name of the owner(s) of all water intakes for a distance of 20 miles downstream of each area to be treated.
- 2) Ponds under ten acres to be treated, but which are not used as a water source for public or food processing, must be described using a map of the pond, its tributaries and the surrounding area.
  - 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) A list of 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 of this Part have been notified of the proposed treatment and provided details of possible adverse effects.
- 2) The name(s) of water supply operator(s) 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 should 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 insure that tributary streams will not reintroduce the aquatic life being controlled following application of the pesticide. If these actions cannot be taken, state the anticipated frequency of retreatment.
  - 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 which 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 for the preceding subsection (i)(1) through (4) of this Section.
- 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.
- 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) List the reference sources or the name and qualifications of the person supplying stream flow and impoundment data.

1) Additional Information and Reports

- 1) Additional information must be provided to the Agency upon request to assure the safety of a community water supply as required by 35 Ill. Adm. Code 302.210. A copy of the applicant's authorization to discharge under an NPDES permit must be submitted if the aquatic pesticide is applied to a water of the United States.
- 2) A report letter must be filed with the Agency within 30 days following each application of the aquatic pesticide. The report must include but not be limited to:
  - A) the names and addresses of the applicant and applicator;
  - B) the aquatic pesticide application permit number;
  - C) the date of aquatic pesticide application;

- D) the name and amount of aquatic pesticide applied; and
- E) a description of any mishap which endangered a community water supply and a chronology of the steps taken to correct the problem.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **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 in writing the granting of an emergency Aquatic Pesticide Permit within ten days of issuance.
- b) A written report containing the same information required for a permit application under Section 602.505 of this Part must be made to the Agency within 30 days following pesticide application.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **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. \_\_\_\_\_, effective \_\_\_\_\_)

### **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;
  - 2) list the reason(s) 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 provided:
- 1) the information listed in (a) above is stated; and
- 2) the information listed in (a) above is transmitted in writing to the Division of Public Water Supplies Permit Section within five days of 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: Added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

PART 603  
 OWNERSHIP AND RESPONSIBLE PERSONNEL

Section	
603.101	Ownership
603.102	<u>Administrative Contact</u> <del>Responsible Personnel</del>
603.103	<u>Responsible Operator in Charge</u> <del>Certified Operator</del>
603.104	<u>Exempt Community Water Supply</u> <del>Registered Person in Responsible Charge</del>
603.105	Notification of Change of Ownership or <u>Responsible Operator in Charge</u> <del>Responsible Personnel</del>

603.APPENDIX: References to Former Rules

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 in R96-18 at 21 Ill. Reg. 6558, effective May 8, 1997; amended in R15-22 at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

### Section 603.101 Ownership

- a) To assure the continued maintenance and operation of community~~public~~ water supplies, each community water supply must be under the individual direct supervision of a municipal or private corporation, individual private ownership, or a regularly organized body governed by a constitution and by-laws requiring regular election of officers.
- b) ~~The body exercising such direct supervision over a community water supply must file with the Environmental Protection Agency (Agency) a statement of ownership before commencing construction of any community public water supply facility. Public water supplies in existence on December 21, 1974, shall file a statement of ownership with the Agency no later than ninety days after that date.~~
- c) The body filing ~~such~~ a statement of ownership under subsection (b) of this Section must be considered to be the owner of the community water supply until such time as a notification of change of ownership is received, in accordance with Section 603.105 of this Part.
- d) The owner or official custodian the Responsible Operator in Charge and individual designated in responsible charge pursuant to Sections 603.103 of this Part ~~or 603.104~~ must be jointly accountable for the proper operation of the community water supply.

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 603.102 Administrative Contact~~Responsible Personnel~~

The owner or official custodian of a community water supply may designate, on forms provided by the Agency, an individual to act as agent of the owner or official custodian for all matters related to the community water supply. The designated agent must be known as the Administrative Contact of the community water supply. Any notice provided to the Administrative Contact must be considered notice to the owner or official custodian. An individual's designation as Administrative Contact must remain in effect until the Agency receives written notice otherwise.

~~Each public water supply shall have designated an individual in responsible charge of the operation of that supply properly qualified and registered pursuant to Public Water Supply Operations Act [415 ILCS 45], with all provisions of the Public Water Supply Operations Act complied with.~~

(Source: Section repealed, new section adopted at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 603.103 Responsible Operator in Charge ~~Certified Operator~~**

- a) Under the Public Water Supply Operations Act, all portions of a community water supply system must be under the direct supervision of a Responsible Operator in Charge. [415 ILCS 45/1].
- b) Each ~~community~~ public water supply, unless exempted under Section 603.104, must designate:
- 1) one Responsible Operator in Charge who directly supervises both the treatment and distribution facilities of the community water supply; or
  - 2) one Responsible Operator in Charge who directly supervises the treatment facilities of the community water supply and one Responsible Operator in Charge who directly supervises the distribution facilities of the community water supply.
- c) The Responsible Operator in Charge must ~~have~~ a certified operator, qualified and registered in accordance with the Public Water Supply Operations Act and 35 Ill. Adm. Code 681, designated in responsible charge of the supply's operation.
- d) The Responsible Operator in Charge must be on the community water supply's operational staff or be providing services to the community water supply under a contract approved by the Agency pursuant to 35 Ill. Adm. Code 681.1015.
- e) ~~b)~~ The owner or official custodian and the Responsible Operator in Charge ~~certified operator designated in responsible charge~~ must file a signed statement identifying the Responsible Operator in Charge ~~certified operator in responsible charge~~ on forms provided by the Agency.
- 1) ~~Both the treatment and distribution facilities of each supply must have responsible personnel indicated.~~
  - 2) ~~One properly certified operator may supervise both the treatment and distribution facilities of the supply.~~
- f) ~~e)~~ Each individual who is a Responsible Operator in Charge for a community water supply is jointly accountable with the owner of the community water supply for the proper operation of the portions of the community water supply over which he or she has been designated as the Responsible Operator in Charge. [415 ILCS 45/1.1(a)] Completion of the above forms must indicate acceptance of the duties and responsibilities for the proper operation and maintenance of the public water supply facilities by both owner or official custodian and certified operator.

- g) Responsible Operator in Charge must submit to the Agency, in accordance with Board rules, consumer confidence reports, monthly operating reports, and drinking water compliance monitoring results, such as corrosion control reports and monitoring results. [415 ILCS 45/1.1(b)(3)]

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

**Section 603.104 Exempt Community Water Supply ~~Registered Person in Responsible Charge~~**

Pursuant to Section 9.1 of the Public Water Supply Operations Act, a community water supply is not required to have a Responsible Operator in Charge if it:

- a) consists only of distribution and storage facilities and does not have any collection and treatment facilities;
- b) obtains all of its water from, but is not owned or operated by, a community water supply that is required to employ a Class A, Class B, Class C, or Class D community water supply operator;
- c) does not sell water to any person; and
- d) is not a carrier that conveys passengers in interstate commerce. [415 ILCS 45/9.2]
- a) ~~A public water supply may seek an exemption from the requirement of a certified operator in responsible charge.~~
- b) ~~Each public water supply seeking such exemption shall so request in writing to the Agency.~~
- e) ~~Each public water supply exempted from the certified operator requirement by the Agency, pursuant to the Public Water Supply Operations Act, shall have either a certified operator or person registered in accordance with the Public Water Supply Operations Act, designated in responsible charge of the supply's operation.~~
- d) ~~Each public water supply exempted by the Agency and retaining a registered person in responsible charge shall file with the Agency a signed statement identifying the registered person in responsible charge on forms provided by the Agency. Such statement shall also be signed by the registered person in responsible charge.~~

- 1) ~~Both the treatment and distribution facilities of each supply must have responsible personnel indicated.~~
  - 2) ~~One properly registered person in responsible charge may supervise both the treatment and distribution facilities of the supply.~~
- e) ~~Completion of the above forms shall indicate acceptance of the duties and responsibilities for the proper operation and maintenance of the public water supply facilities by both owner or official custodian and registered person in responsible charge.~~

(Source: Section repealed, new section adopted at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

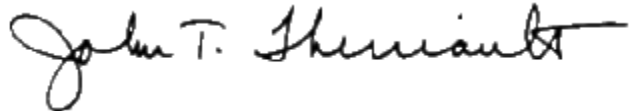
**Section 603.105 Notification of Change of Ownership or Responsible Operator in Charge Responsible Personnel**

- a) Within fifteen days after any change in ownership of a community water supply, the new owner must notify the~~The Agency shall be notified within fifteen days,~~ on forms supplied by the Agency, ~~by the owner of a community public water supply~~ of changes in ownership.
- b) Within fifteen days after any change in the Responsible Operator in Charge, the owner or official custodian and the new Responsible Operator in Charge must notify the~~The Agency shall be notified within fifteen days,~~ on forms supplied by the Agency, of the changes in responsible personnel, ~~and who may be contacted in the event such contact is required.~~
- e) ~~No notification shall be considered valid unless the new owner or responsible personnel indicates acceptance of these responsibilities and duties in the notification document.~~

(Source: Amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 15, 2015, by a vote of 5-0.




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John T. Therriault, Clerk  
Illinois Pollution Control Board