

ILLINOIS POLLUTION CONTROL BOARD  
January 21, 2016

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. Second Notice.

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

On May 8, 2015, the Illinois Environmental Protection Agency (Agency) proposed to amend Parts 601, 602, and 603 of the Board's rules governing public water supplies (35 Ill. Adm. Code 601, 602, 603). On October 15, 2015, the Board adopted a first-notice opinion and order and submitted proposed amendments for publication in the *Illinois Register*. Today, the Board submits proposed amendments, with limited modifications to the first-notice proposal, to the Joint Committee on Administrative Rules (JCAR) for second-notice review.

The Board's first-notice opinion includes a review of the relevant statutory and regulatory background at page 3 and a summary of the Agency's proposal at pages 4-19. The Board does not repeat those summaries here.

Below, the Board first provides the procedural background of this proceeding. This is followed by a summary and discussion of the public comments received at first notice and changes to the proposed amendments made at second notice. The Board then considers the amendments' technical feasibility and economic reasonableness. Finally, the Board concludes the opinion and directs the Clerk to submit the proposed amendments to second-notice review by JCAR.

**PROCEDURAL BACKGROUND**

**Procedural History**

As noted above, on May 8, 2015, the Agency filed its proposal to amend Parts 601 through 603, along with a statement of reasons (SR) and proposed amendments (Prop.). On May 21, 2015, the Board accepted the proposal for hearing. By order of May 26, 2015, the hearing officer scheduled hearings on July 2, 2015 in Chicago, and 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) (2014). 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 directing the Agency to respond to Board questions on the Agency's proposal and pre-filed testimony.

The first hearing took place as scheduled on July 2, 2015 and the Board received the transcript on July 7, 2015. During the hearing, the hearing officer admitted three exhibits into the record: 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 on August 20, 2015. The hearing officer admitted three exhibits into the record: the Agency's post-first-hearing comments (Exh. 4), the Agency's responses to Board questions issued after the first hearing (Exh. 5), and an Agency errata sheet correcting typographical errors in the original proposal (Exh. 6). On August 26, 2015, the hearing officer set a deadline of September 9, 2015 for post-hearing comments to be filed.

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

On October 15, 2015, the Board adopted its first-notice opinion and order and invited public comment. Public Water Supplies: Proposed Amendments to 35 Ill. Adm. Code Parts 601, 602, and 603, R15-22 (Oct. 15, 2015) (First Notice). The proposed amendments appeared in the *Illinois Register* on November 6, 2015. The Board set a deadline of 45 days following *Illinois Register* publication (December 21, 2015) to file public comments. The Board received comments from the Agency (PC 8) and JCAR staff (PC 9).

## **BOARD DISCUSSION**

### **First-Notice Public Comments**

#### **Agency (PC 8)**

In its first-notice comments, the Agency generally supports the Board's first-notice proposal, but asks that the Board make 11 discrete changes to the proposal. PC 8 at 1-4. The Agency explains that these proposed changes would in some cases reinstate omitted rule language that was either proposed by the Agency or accepted in response to various commenters' suggestions. In other cases, the Agency's proposed changes remove language that, according to the Agency, the Board erroneously added at first notice. *E.g., id.* at 2 (requesting that "except for the provisions defined in Section 602.104" be added to Section 602.101(b) as proposed by a pre-first-notice commenter); *id.* at 3-4 (asking that the Board strike the second sentence of Section 603.103(f), to match the Agency's original proposal).

The Board finds all of the Agency's proposed amendments appropriate. Each instance of rule language proposed or omitted at first notice that the Agency seeks to strike or restore was inadvertently included or omitted at first notice. Accordingly, at second notice the Board incorporates the Agency's proposed changes to the first-notice proposal.

## **JCAR (PC 9)**

On December 11, 2015, JCAR staff posed by e-mail 24 questions regarding specific provisions in each of Parts 601 through 603 of the public water supplies rules. The questions were added to the docket as a public comment (PC 9).

Many of JCAR’s questions ask the Board to make changes, some technical and others more substantive, to the rules proposed at first notice. *E.g.*, PC 9 at 1 (regarding Section 602.109(e)(2), asking the Board to add a “cross-reference” to “regulations adopted under Title IV” of the Act). Others relate to the policies reflected in particular provisions of the first-notice proposal. *E.g.*, *id.* at 2 (regarding proposed Section 602.520(c), asking why the provision does not allow applications for extension of aquatic pesticide permits after 60 days). The Board addresses JCAR’s queries below according to the section involved.

**Section 601.102(b).** JCAR questions the need for the “detailed description of the Chapter’s organization.” PC 9 at 1. While this proposed subsection’s overview of the regulations governing public water supplies (*i.e.*, 35 Ill. Adm. Code 601 to 620) may not be strictly necessary, it is a helpful guide to the rules—which include both general regulations and “identical-in-substance” ones. The Board declines to strike proposed Section 601.102(b).

**Section 601.115(a).** JCAR asks why “NSF” is omitted from the list of abbreviations in this subsection. PC 9 at 1. The Board agrees that “NSF” (for the National Science Foundation) should be included here and adds it at second notice.

JCAR also questions whether the listed abbreviations such as ASTM stand for the “standard-issuing organizations themselves” rather than the standards that the organizations issue. PC 9 at 1. Although these abbreviations may be more commonly used as shorthand for the organizations as JCAR suggests, it is reasonable to use the abbreviations as the Agency proposed, as long as that use is explained. Proposed Section 601.115(a) does so. The Board also notes that one of the listed abbreviations—“Recommended Standards”—does refer to standards rather than the issuing organization, complicating any attempt to make the abbreviations uniformly refer to the standard-issuing organizations rather than the standards themselves.

**Section 601.115(b).** JCAR questions why the abbreviations in Section 601.115(a) are spelled out in Section 601.115(b). However, including both the abbreviated and full terms the first time each term appears enhances clarity. Furthermore, the full standard-issuing organizational name is part of each organization’s mailing address, which must be specified in provisions that incorporate an organization’s standard by reference. *See* 5 ILCS 5-75(a) (2014).

**Section 602.104(c).** JCAR asks whether the Board could cross-reference “early in this Part” the applicable Definitions section (Section 601.105). PC 9 at 1. Nevertheless, the Board is not persuaded that a cross-reference is needed here. Section 601.105 (“Definitions”) falls within Part 601 (“INTRODUCTION”), the opening Part of the Board’s public water supplies regulations. Moreover, Section 601.105 expressly states that it applies to Part 602, among other Parts in Chapter I of the public water supplies rules.

With respect to Section 602.104(c) specifically, JCAR asks the Board to clarify to whom the Agency must confirm the granting of an emergency construction permit. PC 9 at 1. The Board believes, however, that the rule in its entirety clearly indicates that the applicant for an emergency permit—whether the owner, official custodian, or Responsible Operator in Charge—receives the required confirmation. The Board need not modify this proposed rule at second notice.

**Section 602.104(f).** JCAR proposes to add the telephone number in subsection (f)(1) of the Agency division for permit applicants to contact during normal business hours. (Proposed subsection (f)(2) provides an after-hours emergency number.) But the Agency did not include one in its original proposal, and the Board does not find it appropriate to add one. The contact information for the Agency permitting division identified in subsection (f)(1) is available on the Agency’s website ([www.epa.illinois.gov](http://www.epa.illinois.gov)). Further, any number listed here could change, leaving the rule out of date. The Board declines to add a contact number to Section 602.104(f)(1).

**Section 602.106(a).** Proposed subsection (a)(1) places a community water supply on restricted status where the supply is not eligible for a construction permit because issuing a permit would “extend an existing violation of the Act or Board rules.” Subsection (a)(2) prohibits issuing a permit for water main extension construction where the water main would “extend an existing violation of the Act or Board rules.” JCAR questions why a violation of “Agency rules” was omitted here but included in the opening provision of this section as grounds for a restricted status determination. PC 9 at 1. The Board believes the Agency inadvertently omitted this in its proposal. *See* PC 5 at 5 (Agency post-first-hearing comments). The Board therefore modifies subsections (a)(1) and (a)(2) at second notice to include a violation of Agency rules in each subsection.

**Section 602.107(a).** JCAR correctly points out that the first-notice version of this subsection includes an incomplete sentence ending with “Board’s or Agency’s.” PC 9 at 1. At second notice, the Board adds “rules” after this phrase.

**Section 602.109(e).** JCAR proposes to include a cross-reference to Board regulations “adopted under Title IV” of the Environmental Protection Act in subsection (e)(2). PC 9 at 1. But the entirety of proposed subsection (e) other than the opening clause is a quotation of 415 ILCS 5/16.1(f). The Agency sensibly omitted a cross-reference in its original proposal, since some regulations, including in particular Part 652, were adopted under Section 16.1 as well as other sections of the Act. Determining and listing which regulations relate exclusively to Section 16.1 would be difficult and, more importantly, likely to make the rule harder to follow. Further, regulations could yet be adopted under Section 16.1, which would then require further regulatory updates without increased clarity. For these reasons, the Board declines to add a cross-reference in this subsection.

**Sections 602.117 and 602.119.** JCAR questions why the proposed provisions refer to a violation of “the Act, Board regulation or Agency regulation” rather than “regulations.” PC 9 at 1. The Agency’s original proposal uses the singular “regulation,” however, and no testimony or

comment other than JCAR's suggests this is confusing. Further, use of the singular arguably clarifies that the violation may be of a single Board or Agency regulation or more than one.

**Section 602.215(a).** JCAR asks the Board to clarify whether two copies of a completed construction permit application only, or two copies of the completed application and two copies of "any required plans, specifications", must be submitted to the Agency under this provision. The Agency's statement of reasons explains that this proposed rule is derived from existing Section 652.102, which plainly requires that an applicant submit two copies of the completed application, plans, specifications and supplemental schedules. 35 Ill. Adm. Code 652.102(b). The Board agrees and clarifies proposed Section 602.215(a) as reflected in the order below.

**Section 602.225(j).** JCAR questions why the word order in the phrase "soil, groundwater, foundation" varies within Part 602. PC 9 at 1 (citing as one variant "soil, foundation, groundwater"). The record does not reveal any significance. But without an affirmative statement by the Agency that there is none, the Board declines to re-order the phrase.

**Section 602.400(a).** JCAR asks whether the Board prefers the formulation "No person shall apply algicide. . .", as the proposal was published in the *Illinois Register*, or "No person must apply algicide. . .", as the Board proposed at first notice. PC 8 at 1. The Board finds that the published version is the appropriate one. The Agency originally proposed "shall," explaining that this proposed subsection is prohibitory. SR at 23. At first notice, the Board replaced this with "must," believing that was JCAR's preference. But upon further consideration, the substantive distinction between these words as used in this context makes "shall" the appropriate word. Thus, the Board retains the published version of this provision at second notice.

**Section 602.405.** JCAR questions why the requirements for algicide permit applications prescribed by this proposed section are "minimum" requirements. PC 8 at 1. The record does not indicate the reason for including that qualification. But the phrase is a useful reminder that, as provided by proposed subsections (j) and (k), the Agency may if necessary require a permit applicant to submit additional information beyond what must be included in an application under subsections (a) through (i). The Board therefore retains the language at second notice.

**Section 602.410(b).** JCAR proposes cross-referencing the standard for determining "high health risk" regarding copper concentrations. PC 8 at 2. The Agency, in response to Board questions issued before the first hearing, explained that "the criteria to demonstrate that copper concentrations do not pose a high health risk are found in Section 611.350(c)(2)." Exh. 3 at 9. That provision, part of the primary drinking water standards, provides that the "copper action level is exceeded if the 90th percentile copper level is greater than 1.3 mg/l." 35 Ill. Adm. Code 611.350(c)(2). Another subsection defines "action level" and "90th percentile level." *Id.* at 611.350(b). Given Section 611.350's detail, cross-referencing that provision makes sense, and the Board adds a reference at second notice.

**Section 602.500(a).** JCAR questions how the Agency will determine whether application of an aquatic pesticide will have "an effect" on a community water supply, and whether any "numerical guidelines" could be cross-referenced here. PC 8 at 2. Proposed subsection (a) defines "effect" as "any measurable concentration of the pesticide" in the intake

water of a community water supply. In addition, the Agency previously explained that “[m]easurable concentration means a detection.” Exh. 3 at 10. Thus, this provision treats “effect” as *any* detectable concentration of the pesticide in a community water supply’s intake water. The record does not suggest a precise numeric concentration that could be cross-referenced here.

**Section 602.505(d)(1).** JCAR asks the Board to confirm that the version of this proposed subsection published at first notice is correct. PC 8 at 2. The Board confirms that it is, but corrects “name of active ingredients” to “names of active ingredients” at second notice.

**Section 602.505(e)(1).** JCAR questions whether an applicant for an aquatic pesticide permit could identify the locations and names of the owners of “all water intakes for a distance of 20 miles downstream” of the area to be treated. PC 8 at 2. JCAR adds that during the “fracking rulemaking,” this information was “not believed to be” available. *Id.* The Board was not involved in the fracking rulemaking and is not familiar with the issue cited by JCAR. Nevertheless, the Board notes that the proposed language in this provision is nearly identical to that in existing Section 652.602(e)(1). Had the prescribed information proved unavailable, a community water supply or the Agency itself would surely have requested that the Board modify the requirement in this rulemaking. No one did, however, and the Board therefore retains the requirement at second notice.

**Section 602.510(a).** JCAR asks to whom the Agency, under this proposed provision, must confirm the granting of an emergency permit within 10 days of issuance. PC 8 at 2. The Board believes that the rule clearly intends that the permit applicant receive the Agency confirmation. Accordingly, the Board finds no change necessary.

**Section 602.510(c).** JCAR questions why applications for permit extensions may not be granted if more than 60 days have passed after the permit’s pesticide application date. PC 8 at 2. The Board notes that the 60-day limit is nearly identical to the one in existing Section 652.605(c). Had the regulated community deemed this limitation unreasonable, presumably one or more affected entities would have requested that it be modified or removed. None did.

In addition, applications for aquatic pesticide permits require extensive information, some of which could become stale if a permit could be extended indefinitely. In addition, the Agency’s caution in extending pesticide permits is reasonable given that such permits allow pesticides to be applied to community water supplies. For these reasons, the Board declines to strike or modify the 60-day limitation.

**Section 603.103(f).** JCAR asks whether “public” should be struck in the second sentence of the first-notice version of this subsection. PC 9 at 2. As noted above, however, the Board strikes the entire second sentence at the Agency’s request. There is, therefore, no need to take any action in response to this question.

**Section 603.103(g).** JCAR asks the Board to add a cross-reference to the Board rules requiring a Responsible Operator in Charge to submit various specified reports such as corrosion control reports. PC 9 at 2. This subsection’s reference to “Board rules” quotes Section 1.1 of the

Public Water Supply Operations Act (PWSO Act) (415 ILCS 45/1.1(b)(3))—a provision added to the PWSO Act in August 2014. The Board does not find it appropriate to add a cross-reference here. The Agency did not propose one, and rules implementing the new statutory provision could still be adopted, which of course would not be included in any cross-reference that might be added in this rulemaking.

### **Other Second-Notice Changes**

As published at first notice, Section 601.105(a) includes a definition of “chemical analysis.” Neither the Agency’s original proposal nor the Board’s first-notice proposal included a definition, let alone the particular one published at first notice. *See* First Notice at 25; Proposal (Prop.) at 3-4. The source of the definition is unknown; the term is not defined in the Board’s public water supplies rules, and no source was specified. Under these circumstances, the Board strikes the definition of “chemical analysis” in Section 601.105 at second notice.

Further, as published at first notice, the definition of “service connection” in Section 601.105(a) omits “through a water service line,” which was added at the end of the existing definition in the Board’s first-notice proposal as well as the Agency’s original proposal. *See* First Notice at 29; Prop. at 7. While the first-notice proposal inadvertently omitted the underlining to highlight this change, the Board did intend to make the change at first notice. Accordingly, the Board restores “through a water service line” in the definition of “service connection.”

The Board’s second-notice proposal includes other non-substantive changes, which are not discussed in this opinion.

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

In its statement of reasons, the Agency stated that the proposed regulations do not “require the installation of any particular technology,” and that it “believe[d] the proposed rulemaking will lower the previous compliance costs” by consolidating permitting requirements into a single Part. SR at 27. In its first-notice opinion, the Board found that the Agency’s proposal, with limited changes during this proceeding, implements statutory and regulatory revisions and amends the Board’s public water supplies rules in a manner that is technically feasible and economically reasonable. First Notice at 22.

The Board received no first-notice comments contending that the first-notice proposal is technically infeasible or economically unreasonable, and the record includes no persuasive claim to that effect. To the extent the Board has modified its first-notice proposal, it has done so without adding or increasing technical requirements or compliance costs. On this record, the Board finds that its second-notice proposal is technically feasible and economically reasonable.

## Conclusion

The Board proposes for second-notice review by JCAR the following amendments to Parts 601, 602, 603 of the Board's regulations governing public water supplies (35 Ill. Adm. Code 601, 602, 603).

## ORDER

The Board directs the Clerk to submit to JCAR for second-notice review the following proposed amendments to Parts 601 through 603 of the Board's regulations. Proposed additions to 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 ~~USCU.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 shall 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 shall 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 contains definitions, analytical testing requirements, and incorporations by reference applicable to Parts 601, 602, 603 and 607.
  - 2) Part 602 contains permitting requirements and standards for community water supplies and technical, financial, and managerial capacity requirements for new community water supplies.
  - 3) Part 603 contains ownership and responsible personnel requirements for community water supplies.
  - 4) Part 607 contains requirements for emergency operation and cross-connection control.
  - 5) Part 611 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 incorporations by reference applicable to Part 611.
  - 6) Part 615 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 incorporations by reference applicable to Part 615.
  - 7) Part 616 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 contains the requirements and standards for regulated recharge areas. Part 617 includes definitions and incorporations by reference applicable to Part 617.
- 9) Part 618 contains requirements and standards for maximum setback zones. Part 618 includes definitions applicable to Part 618.
- 10) Part 620 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 incorporations by reference applicable to Part 620.

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

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

- a) To determine compliance with ~~the~~ these community water supplies rules and regulations (35 Ill. Adm. Code Subtitle F), 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 method specifically approved by the ~~Environmental Protection Agency (Agency)~~.
- b) All 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 35 Ill. Adm. Code 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 and 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, 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].

~~"Chemical Analysis" means analysis for any inorganic or organic substance, with the exception of radiological or microbiological analyses.~~

"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, 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.

"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. (Section 3.145 of the Act)

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

"Cross-connection"

"Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water that contains water of unknown or questionable safety, steam, or one or more gases; chemicals or other substances when 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~~~~oxidant~~, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone, added to water in any part of the treatment or distribution process, ~~that~~~~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 3.2103.64 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. (Section 3.145 of the Act)

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

~~"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.~~

~~"Pico curie (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 as defined by the ratio of the pore volume to the total volume of a representative sample of the medium.

"Public Water Supply" or "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 Section 1 of the Public Water Supply Operations Act [415 ILCS 45/1] and 35 Ill. Adm. Code 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 horizontally through a unit width by the total saturated thickness of an aquifer, 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 that 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 and certain aquifer properties to determine the rate of withdrawal of the 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) established pursuant to Illinois' Wellhead Protection Program, through which contaminants are reasonably likely to move toward the 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 meanings ascribed in 35 Ill. Adm. Code 611.

- c) Terms not specifically defined in subsections (a) or (b) will have the meanings 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 are used in this Chapter I 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.

"NSF" means those standards published by the National Science Foundation International.

"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 materials by reference.

ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, PO 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, MI 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, PO Box 7126, Albany NY 12224, (518)439-7286.

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

- c) No later amendments to 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

SUBPART A: GENERAL PERMIT PROVISIONS

Section	
602.101	<u>Purpose</u> <del>Construction Permit</del>
602.102	<u>Community Watery Supply Permits</u> <del>Operating Permit</del>
602.103	<u>Public Water Supply Capacity Development</u> <del>Algaeicide Permit</del>
602.104	<u>Emergency Permits</u> <del>Permit</del>
602.105	Standards for Issuance
602.106	Restricted Status
602.107	<u>Critical Review</u> <del>Signatory Requirement for Permit Applications</del>
602.108	<u>Right of Inspection</u> <del>Construction Permit Applications</del>
602.109	<u>Fees</u> <del>Operating Permit Applications</del>
602.110	<u>Signatory Requirement for Permit Applications</u> <del>Algaeicide Permits Applications</del>
602.111	Application Forms and Additional Information
602.112	Filing and Final Action by Agency on Permit Applications
602.113	Duration
602.114	Conditions <u>(Repealed)</u>
602.115	Design, Operation and Maintenance Criteria

602.116	Requirement for As-Built Plans
602.117	Existence of Permit No Defense
602.118	<u>Appeal of Final Agency Action on a Permit Application</u> <del>Appeals From Conditions</del>
602.119	Revocations
602.120	Limitations <u>(Repealed)</u>

### SUBPART B: CONSTRUCTION PERMITS

<u>Section</u>	
<u>602.200</u>	<u>Construction Permit Requirement</u>
<u>602.205</u>	<u>Preliminary Plans</u>
<u>602.210</u>	<u>Construction Permit Applications</u>
<u>602.215</u>	<u>Submission of Applications, Plans and Specifications</u>
<u>602.220</u>	<u>Alterations</u>
<u>602.225</u>	<u>Engineer's Report</u>
<u>602.230</u>	<u>Design Criteria</u>
<u>602.235</u>	<u>Specifications</u>
<u>602.240</u>	<u>Plans</u>
<u>602.245</u>	<u>Source Construction Applications</u>
<u>602.250</u>	<u>Treatment Construction Applications</u>
<u>602.255</u>	<u>Storage Construction Applications</u>
<u>602.260</u>	<u>Water Main Construction Applications</u>

### SUBPART C: OPERATING PERMITS

<u>Section</u>	
<u>602.300</u>	<u>Operating Permit Requirement</u>
<u>602.305</u>	<u>Operating Permit Applications</u>
<u>602.310</u>	<u>Projects Requiring Disinfection</u>
<u>602.315</u>	<u>Projects Not Requiring Disinfection</u>
<u>602.320</u>	<u>Partial Operating Permits</u>

### SUBPART D: ALGICIDE PERMITS

<u>Section</u>	
<u>602.400</u>	<u>Algicide Permit Requirement</u>
<u>602.405</u>	<u>Algicide Permit Applications</u>
<u>602.410</u>	<u>Sampling</u>
<u>602.415</u>	<u>Required Permit Modification</u>

### SUBPART E: OTHER AQUATIC PESTICIDE PERMITS

<u>Section</u>	
<u>602.500</u>	<u>Other Aquatic Pesticide Permit Requirement</u>
<u>602.505</u>	<u>Other Aquatic Pesticide Permit Application Contents</u>
<u>602.510</u>	<u>Permits Under Public Health Related Emergencies</u>

602.515            State Agency Programs  
 602.520            Extension of Permit Duration  
 602.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, except for provisions defined in 602.104. [415 ILCS 5/15(a)]~~All work performed on a public water supply shall be in accordance with accepted engineering practices.~~
- e) ~~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: Former Section repealed and new Section added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 602.103 Public Water Supply Capacity DevelopmentAlgicide Permits**

~~*All new community water supplies must demonstrate technical, financial, and managerial capacity as a condition for issuance of construction and operating permits by the Agency. The demonstration must be consistent with the technical, financial and managerial provisions of the federal Safe Drinking Water Act (42 USC 300F), and regulations adopted by the Agency. [415 ILCS 5/15(b)]*~~  
~~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: Former Section repealed and new Section added 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, 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 shall confirm, in writing, within ~~10~~<sup>ten</sup> days ~~after~~<sup>of</sup> issuance, its granting of an emergency ~~construction~~ permit. ~~The~~<sup>Said</sup> confirmation ~~will~~<sup>may</sup> be conditioned upon the receipt and approval, by the Agency, of as-built plans and specifications.
- d) As-built plans and specifications covering the work performed under the emergency permit and any information required by special conditions in the emergency permit must be submitted to the Agency within 60 days after issuance of the emergency permit, unless otherwise stated by the Agency in writing.
- e) The Agency may request that the community water supply make modifications after review of the as-built plans and specifications covering the work performed under the emergency permit. Modifications must be made within 90 days after the Agency's written request unless otherwise stated by the Agency.
- f) The Agency can be contacted by calling:
- 1) Bureau of Water, Division of Public Water Supplies Permit Section; 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 shall not ~~issue~~<sup>grant</sup> 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), the~~The~~ Agency shall not ~~issue~~~~grant~~ 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 in this subsection (a)(2) conflict, the applicant must comply with the design criteria listed in subsection (a)(2)(A).
- A) Criteria promulgated by the 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 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~~promulgated by the Agency under Section 39(a) of the Act or Section 602.115 or is based on such other~~ design criteria that~~which~~ the applicant proves will produce consistently satisfactory results.
- 4)e) The Agency shall not ~~issue~~~~grant~~ 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 of these Acts~~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 when the permit applicant can show that those residences or commercial facilities are being served by a source of water of a quality or quantity that violates the primary drinking water standards of 35 Ill. Adm. Code 611; or
  - D) the Agency determines the permit application is for 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 shall 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 or Board or Agency rules ~~or 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 that issuance would extend an existing violation of the Act or Board or Agency rules, the Agency must place the community water supply on restricted status.
  - 2) Except as specified in Section 602.105(a)(5), the Agency must not issue a permit for water main extension construction when the water main would extend an existing violation of the Act or Board or Agency rules.
- b) The Agency must publish on its website and in the Environmental Register and update~~The Agency shall publish and 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 shall notify the owner or official custodians and Responsible Operator in Charge of a community water supply ~~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. 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) Owners or official custodians of community water supplies that have been placed on restricted status must notify any person requesting construction of a water main extension of this status.~~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 that Agency records indicate exceed 80 percent of the rate of any of the quantity requirements in the Board's or Agency's rules. This list will be entitled the "Critical Review List".
- b) The Critical Review List must include a description of the cause of the community water supply's inclusion on the list.
- c) The Agency must notify the owner or official custodian and the Responsible Operator in Charge of the community water supply when the community water supply is initially placed on critical review status by the Agency.
- d) Owners or official custodians of community water supplies that have been placed on critical review status must notify of this status any person requesting construction of a water main extension.

~~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: Former Section 602.107 renumbered to Section 602.110 and new Section 602.107 added 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;
- c) General layout;
- d) Detailed plans;
- e) Specifications;
- f) A professional seal to satisfy Section 602.105(c) 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: Former Section repealed and new Section added 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 5/16.1(d)(1)]
  - 2) \$720 if the construction permit application is to install or extend water main that is more than 1,000 feet but not more than 5,000 feet in length. [415 ILCS 5/16.1(d)(2)]
  - 3) \$1200 if the construction permit application is to install or extend water main that is more than 5,000 feet in length. [415 ILCS 5/16.1(d)(3)]
- c) Any applicant who submits as-built plans to install or extend a water main must pay the fees listed in subsection (b). [415 ILCS 5/16.1(c)]
- d) Each applicant for an emergency construction permit to install or extend a water main must submit the appropriate fee to the Agency within 10 calendar days from the date of issuance of the emergency permit. [415 ILCS 5/16.1(c)]
- e) This Section does not apply to following:
- 1) any department, agency or unit of State government for installing or extending a water main;
  - 2) any unit of local government with which the Agency has entered into a written delegation agreement under Section 4 of the Act which allows such unit to issue construction permits under Title IV of the Act, or regulations adopted under Title IV, for installing or extending a water main; or
  - 3) any unit of local government or school district for installing or extending a water main where both of the following conditions are met:

- A) the cost of the installation or extension is paid wholly from monies of the unit of local government or school district, State grants or loans, federal grants or loans, or any combination thereof; and
- B) the unit of local government or school district is not given monies, reimbursed or paid, either in whole or in part, by another person (except for State grants or loans or federal grants or loans) for the installation or extension.[415 ILCS 5/16.1 (f)]

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;~~
- c) ~~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: Former Section repealed and new Section added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

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

- a) ~~All applications for algae 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: Former Section 602.110 repealed and former Section 602.107 renumbered to Section 602.107 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 shall 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:
- 1) An application for permit shall be deemed to be filed on the date of initial receipt by the Agency of the application documents. The Agency shall 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)b) If the Agency fails to take final action, by granting or denying the permit as requested or with conditions, within ~~90~~ninety days from the filing of the completed application, the applicant may deem the permit granted for a period of one year, commencing on the ninety first day after the application was filed.
  - 4)e) Any applicant for a permit may waive in writing the requirement that the Agency must take final action within ~~90~~ninety days from the filing of the application.
- b) For permits with a fee under Section 602.109:

- 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 after the filing of an application and the payment of the required fee. If the Agency fails to take final action within 45 days after filing the application and payment of the required fee, the applicant may 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 ~~shall~~must send all notices of final action by U.S. mail. The Agency ~~shall~~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~~permits
  - 1) Construction permits for community water supply facilities expire one year from the date of issuance or renewal, unless construction has started. If construction does not commence within one year from the date of issuance or renewal, the permits shall be valid for the start of construction within one year from the date of issuance and 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~~ shall be valid until revoked unless otherwise stated in the permit.
- c) Algicide Permits~~Algicide permits~~ must 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 necessary to accomplish the purposes of the Act and that are consistent with Board regulations.

(Source: ~~Amended~~~~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 shall 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 shall 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**

If any portion of~~Whenever~~ a community water supply has been constructed without a construction permit as required by Section 602.101, or an emergency permit issued pursuant to Section 602.104, 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)(4)~~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 shall 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 Appeal of Final Agency Action on a Permit Application Appeals 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 as a refusal by the Agency to grant a permit that~~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~~any rule or regulation or Agency regulation of this Chapter~~ shall be grounds for enforcement actions as provided in the Act, including revocation of a permit. Revocation of a permit ~~Such enforcement actions~~ shall 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: ~~Amended~~~~Repealed~~ at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: CONSTRUCTION PERMITS

### **Section 602.200 Construction Permit Requirement**

- a) No person shall cause or allow the construction of any new community water supply installation or cause or allow the change of or addition to any existing community water supply, without a construction permit issued by the Agency.
- b) Construction permits must be obtained by the owner or official custodian of a community water supply:
  - 1) prior to beginning construction of any proposed community water supply;
  - 2) prior to all alterations, changes or additions to an existing community water supply that may affect the sanitary quality, mineral quality or adequacy of the community water supply; 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 (see 35 Ill. Adm. Code 664), the documents must include a description of alternate solutions, a discussion of the alternatives and reasons for selecting the alternative recommended.

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

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

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

- a) General information, including, 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;
- c) A summary of the design criteria as specified in Section 602.230;
- d) Specifications as specified in Section 602.635;

- e) Plans as specified in Section 602.240;
- f) Specific information for the type of construction, as follows:
  - 1) For source construction, information specified in Section 602.245;
  - 2) For the construction of treatment facilities, information specified in Section 602.250;
  - 3) For the construction of storage facilities, information specified in Section 602.255;
  - 4) For the construction of water mains, information specified in Section 602.260.
- g) Water purchase contracts between water supplies and/or inter-municipal agreements, when applicable;
- h) Evaluation of technical, managerial, and financial capacity as specified in Section 602.103 for new community water supplies;
- i) Certification by each person signing the application that the information in the application is complete and accurate, and that the text of the application has not been changed from the Agency's official construction permit application form; and
- j) Any other information required by the Agency for proper consideration of the permit.

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

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

- a) General information, including:
  - 1) a description of existing community water supply;
  - 2) a description of sewerage facilities;
  - 3) a description of the municipality or area to be served; and
  - 4) the name and mailing address of the owner or official custodian of the community water supply.
- b) The extent of the community water supply system, including:
  - 1) a map of the area to be served with water and any provisions for extending the community water supply system;
  - 2) maps of additional areas to be served and an appraisal of the future requirements for service; and
  - 3) present and prospective industrial and commercial water supply needs that are likely to be required in the near future.

- c) Water consumption data, including:
- 1) population trends as indicated by available records;
  - 2) an estimate of the number of consumers, based on population trends who will be served by the proposed or expanded water supply system 20 years in the future;
  - 3) present and future water consumption values used as the basis of design;
  - 4) present and estimated future yield of the water sources for a community water supply; and
  - 5) estimated water loss in the distribution system based on available records.
- d) A justification for the project when two or more solutions exist for providing community water supply facilities, as directed under the Illinois Drinking Water Revolving Loan Funding Process, 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.) that 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;
  - D) 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 chosen ~~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 shall ~~must~~ describe all proposed treatment processes necessary to meet the requirements of this Chapter for providing the quality desired from the specific raw water under consideration and any available supporting 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 that are available.
- j) Soil characteristics, groundwater conditions and foundation problems, including:
- 1) the character of the soil through which water mains are to be laid;
  - 2) the foundation conditions prevailing at sites of proposed structures; and
  - 3) the approximate elevation of groundwater relative to mean sea level at its expected highest level in relation to subsurface structures.
- k) Flow requirements, including a hydraulic analysis based on flow demands and pressure requirements.
- BOARD NOTE: Fire flows, when fire protection is provided, should meet the recommendations of 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's Report must include the following:
- 1) an estimate of the character and volume of the waste that will be generated and its proposed disposition; and
  - 2) the type of waste treatment, discharge location and frequency of discharge.



(Source: 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, when applicable, the following:

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

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, 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)(4).

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

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, 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) the data used;
  - 7) the boundaries of the municipality or area to be served;
  - 8) the date and the name and address of the designing engineer;
  - 9) a professional engineer's seal and signature to satisfy Section 602.105(a)(4);
  - 10) the locations and sizes of existing water mains;
  - 11) the locations and nature of existing water works structures and appurtenances affecting the proposed construction, noted on one sheet;
  - 12) the locations of any petroleum storage tanks within 400 feet of the proposed construction;
  - 13) dimensions, elevations and explanatory notes; and
  - 14) details as specified in Sections 620.245 through Section 602.260.

- b) Plans must be drawn to a scale that will describe the proposed structures and equipment.
- c) The size of plans submitted to the Agency must not exceed 24 inches by 36 inches.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, 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, which includes, but is not limited to, the flood of record or the 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 or the 100 year 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 or the 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 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 that details the chemical to be used, initial disinfectant concentration, final disinfectant concentration and retention time in hours; and
  - 16) a water sampling plan to meet the requirements of Section 602.310.
- b) The following information must be submitted on plans with water main construction permit applications:
- 1) the border lines of the municipality, water district or area to be served;
  - 2) the size, length and identity of proposed water mains and water system structures;
  - 3) the elevation of water mains where necessary to show proper separation from sewers and the elevation of other water system structures;
  - 4) the location of existing or proposed streets;
  - 5) the location of storm, sanitary, combined and house sewers, septic tanks, disposal fields and cesspools;
  - 6) the location of pipelines and other sources containing hydrocarbons;
  - 7) the distance between the community water supply structures and the sources of pollution listed in 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; and
  - 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.

(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 (see 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; 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.
- 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):
  - 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), 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 testing 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 and clearwell, from all other treatment components other than those not requiring disinfection under Section 602.315, and from the entry point to the distribution system.

- d) 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) indicates no bacterial growths as measured by the membrane filter technique or no tubes testing 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 performed pursuant to subsection (d) 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) indicated no bacterial growths as measured by the membrane filter technique or no tubes testing 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 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.
- 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 shall 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 requested by the Agency to assure the safety of a community water supply as required by 35 Ill. Adm. Code 302.210; and
- k) any other information required by the Agency for proper consideration of the permit.

(Source: Added at 40 Ill. Reg. \_\_\_\_\_, 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 locations and times established in this subsection (a):
  - 1) From the raw water intake, one sample must be collected before treatment.
  - 2) From the entry point to the distribution system:
    - 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 in accordance with 35 Ill. Adm. Code 611.350(c)(2).

(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 that 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.

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

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

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

- a) When the application of the pesticide will have an effect on any community water supply, 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. Effect is 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 that restrict the types of pesticides that may be used by the applicator.
- d) General Information
  - 1) A description of the aquatic pesticide by trade name, chemical name or names of active ingredients, and names of decomposition products.
  - 2) The U.S. Environmental Protection Agency (USEPA) Registration Number for the pesticide.
  - 3) A description of the steps to be followed in preparing and applying the pesticide, including, but not limited to, proportions, mixing and precautions in preparation. A copy or facsimile of the label containing this information may be used to satisfy this requirement.
- e) Time and Location of Treatment
  - 1) A depiction of the area or areas to be treated on a U.S. Geological Survey (USGS) topographic map reproduction or an accurately drawn map of

larger scale. The depiction must include the locations and provide the name of the owners of all water intakes for a distance of 20 miles downstream of each area to be treated.

- 2) Ponds under 10 acres to be treated, but that are not used as a water source for public or food processing water supplies, must be described using a map of the pond, its tributaries and the surrounding area.
  - A) Pond locations must be given and described using the quarter section, section number, township, range, county and township name.
  - B) The name of all public and food processing water supplies for a distance of 20 miles downstream of the pond to be treated must be provided.
- 3) The date and time required for each treatment.
- f) An inventory of the species, size and population of animals or plants to be controlled.
- g) Contacts with Downstream Water Users
  - 1) Written documentation showing that all water supplies described in Section 602.500 have been notified of the proposed treatment and provided details of possible adverse effects.
  - 2) The names of water supply operators who will be notified 24 hours before the aquatic pesticide application.
- h) Application and Precautions
  - 1) A description of the method to be used to apply the pesticide.
  - 2) A description of the method to be used to protect humans and animals during the time toxic pesticide concentrations exist in the water.
  - 3) A description of the method to be used to remove dead plants or animals 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, the anticipated frequency of retreatment shall be stated.
  - 7) A copy of the contingency plan to be followed by water plant operators for emergency water plant shut down or emergency operation.
- i) Water Characteristics and Chemistry
- 1) The expected life of the pesticide's active ingredient and its decomposition products, considering characteristics of the water such as pH, dissolved oxygen and temperature.
  - 2) A list of the limiting chemical constituents of the water to be treated that can hinder the effectiveness of the pesticide.
  - 3) A list of the short term and chronic effects of the pesticide on people and animals.
  - 4) A description of the weather and stream flow conditions under which the pesticide must be applied.
  - 5) A list of the references used to obtain information required by subsections (i)(1) through (4).
- j) Pesticide Dosage and Concentration
- 1) A description of the pesticide dosage.
  - 2) A description of the concentration of the pesticide in the water immediately after application.
  - 3) A copy of the computations used to determine the concentration.
- k) Stream and Impoundment Data
- 1) Streams
    - A) The stream flow expected during pesticide application.
    - B) When stream flows are not available, data on high, average and low stream flow conditions.
    - C) The specific quantity of discharge in cubic feet per second and the average stream velocity in feet per second.



2) Impoundments

- A) The surface area, average depth, maximum depth and volume of the impoundment.
  - B) The flow expected into and out of the impoundment during the time the pesticide will be active, including the flows attributed to contributing streams, flow over the spillway and water withdrawn by individual users.
  - C) Information pertinent to the segment in question when only part of the impoundment will be treated.
  - D) A depiction of the water flow patterns to the water supply intake on a map of the impoundment.
  - E) An estimate of the minimum time required for the aquatic pesticide to reach the water supply intake.
- 3) A list of the reference sources or the name and qualifications of the person supplying stream flow and impoundment data.

1) Additional Information and Reports

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

(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 10 days after issuance.
- b) A written report containing the same information required for a permit application under Section 602.505 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 reasons the aquatic pesticide could not be applied on the date permitted;
  - 3) give the new date the aquatic pesticide is to be applied;
  - 4) contain a statement that the aquatic pesticide will be applied in accordance with the conditions listed in the Aquatic Pesticide Permit; and

- 5) contain the Aquatic Pesticide Permit Number, the name and Illinois Department of Agriculture license number of the applicator and the signature of the applicant.
- b) Requests for extensions of permit duration may be made by telephone provided:
  - 1) the information listed in subsection (a) is stated; and
  - 2) the information listed in subsection (a) is transmitted in writing to the Division of Public Water Supplies Permit Section within five days after the date verbal approval for an extension of permit duration is given by the Agency.
- c) Applications for extensions of permit duration shall 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	<del>Administrative Contact</del> <u>Responsible Personnel</u>
603.103	<del>Responsible Operator in Charge</del> <u>Certified Operator</u>
603.104	<del>Exempt Community Water Supply</del> <u>Registered Person in Responsible Charge</u>
603.105	Notification of Change of Ownership or <u>Responsible Operator in Charge</u> <del>Responsible Personnel</del>
603.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 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 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 shall 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) 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.
- d) The owner or official custodian and the Responsible Operator in Charge~~and individual designated in responsible charge~~ pursuant to Sections 603.103 ~~must~~ 603.104 shall 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: Former Section repealed and 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)a) ~~Each community public water supply, unless exempted under Section 603.104, must designate; shall have a certified operator, qualified and registered in accordance with the Public Water Supply Operations Act, designated in responsible charge of the supply's operation:~~
- 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 be a certified operator, qualified and registered in accordance with the Public Water Supply Operations Act and 35 Ill. Adm. Code 681.
- 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 shall 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 required by subsection (c) 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: Former Section repealed and new Section added at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_).

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

- a) ~~Within 15 days after any change in ownership of a community water supply, the new owner must notify the~~Within 15 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 15 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~~Within 15 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 January 21, 2016, by a vote of 5-0.




---

John T. Therriault, Clerk  
Illinois Pollution Control Board