

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

PART 602
PERMITS

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Appendix A References to Former Rules

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

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

SUBPART A: GENERAL PERMIT PROVISIONS

Section 602.102 Community Water Supply Permits

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

- a) Construction Permit, 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.
- e) A special exception permit, pursuant to Subpart F of this Part

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

Section 602.105 Standards for Issuance

- a) Construction Permits and Operating Permits
 - 1) The Agency shall not issue any construction or operating permit required by this Part unless the applicant submits adequate proof that the community water supply will be constructed, modified or operated so as not to cause a violation of the Act or Board rules.
 - 2) Except as provided in subsection (a)(3), the Agency shall not issue any construction or operating permit required by this Part unless the applicant submits adequate proof that the community water supply facility conforms to the following design criteria. When the design criteria in the documents listed in this subsection (a)(2) conflict, the applicant must comply with the design criteria listed in subsection (a)(2)(A).
 - A) Criteria promulgated by the ~~Board Agency~~ under 35 Ill Adm. Code 604~~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 design criteria that ~~the applicant proves~~ will produce consistently satisfactory results. The Agency may require a pilot study.

- 4) The Agency shall not issue any construction permit required by this Part unless the applicant submits proof that all plan and specification documents required by this Section and Subpart B of this Part have been prepared by a person licensed 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.
 - 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.

(Source: Amended at __ 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 water supply facility, or portion thereof, may no longer be issued a construction permit without causing a violation of the Act or Board or Agency rules. Violations of Board rules that can result in a restricted status determination include, 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)(6)~~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, at intervals of not more than three months, a comprehensive list of community water supplies subject to restrictive status. This list will be entitled the "Restricted Status List".
- c) The Agency shall notify the owners or official custodian and Responsible Operator in Charge of a community water supply when the community water supply is initially placed on restricted status by the Agency.
- d) The restricted status list must include a statement of the potential or existing violation of the Act or Board regulations that caused the community water supply's inclusion on the list.
- e) Owners or official custodians of community water supplies that have been placed on restricted status must notify any person requesting construction of a water main extension of this status.

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

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

- a) ~~The Agency may adopt criteria in rules for the design, operation, and maintenance of community 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 water supplies, the Agency shall comply with the provisions of the Administrative Procedure Act [5 ILCS 100].~~

(Source: Repealed at __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;
 - 4) prior to rehabilitating a water main using cured-in-place pipe.
- c) Except as required by subsection (b), a~~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 and specification as existing facilities previously permitted by the Agency; or
 - 6) installation or replacement of meters.
- d) All work performed on a community water supply must be in accordance with accepted engineering practices.

(Source: Amended at ___ 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 ~~602.235~~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.

Section 602.220 Alterations

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

construction permit must be submitted for water main to serve additional users.

(Source: Amended at ___ 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) Construction permit applications for the construction of a new or the modification of an existing well or surface water intake, or the construction of a water main to transport water purchased from another community water supply must include the following:
- 1) existing and proposed finished water quality including but not limited to
 - A) Hardness;
 - B) Calcium;
 - C) Alkalinity;
 - D) pH;
 - E) Orthophosphate;
 - F) Silicate;
 - G) Total Dissolved Solids;
 - H) Oxidation-Reduction Potential (ORP);
 - I) Temperature;
 - J) Chloride;
 - K) Sulfate;
 - L) Iron;
 - M) Manganese;
 - N) Chlorine residual (total); and

O) Chlorine residual (free).

2) a recommendation of the treatment necessary to reduce corrosion in household plumbing.

b) Well construction permit applications must specify the following:

- 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 year 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.

~~c) b)~~ The following information must be submitted on plans for well construction permit applications:

- 1) the well location with the following information:~~and~~
 - A) a 2,500 foot radius showing the location of potential routes, potential primary sources, and potential secondary sources of contamination; and
 - B) cleanup sites within 2,500 feet of the proposed well site with any of the following:
 - i) No Further Remediation (NFR) letter;
 - ii) Groundwater Management Zone (GMZ);
 - iii) Environmental Land Use Covenant (ELUC); or
 - iv) an ordinance which restricts the use of ground water.
 - C) ~~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 604.150(a)~~ ~~653.118;~~
- 2) ~~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;
- 3) ~~4)~~ all discharge piping, including pressure gauge, meter, sample tap, check valve, shut-off valve and vacuum/air release valve, if applicable;
- 4) ~~5)~~ well house construction, if provided;
- 5) ~~6)~~ the locations of all electrical junction boxes;

- 6)7) the locations of all observation wells; and
 - 7)8) piping showing the ability to pump to waste.
- d)e) The following information must be submitted on plans for surface water intake construction permit applications:
- 1) plan and profile views of the intake structure showing the location, elevation of intake ports, fish screens, valves, piping and pumps, if applicable;
 - 2) for sites subject to flooding, maximum flood level based upon best available information, which includes, but is not limited to, the flood of record or the 100 year or 500 year flood projections;
 - 3) location of inspection manholes, if applicable; and
 - 4)3) location of chemical treatment, if applicable.

(Source: Amended at ___ 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 604.150(a)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; and;
- h) stability and corrosion control

- 1) existing and proposed finished water quality including but not limited to
 - A) Hardness;
 - B) Calcium;
 - C) Alkalinity;
 - D) pH;
 - E) Orthophosphate;
 - F) Silicate;
 - G) Total Dissolved Solids;
 - H) Oxidation-Reduction Potential (ORP);
 - I) Temperature;
 - J) Chloride;
 - K) Sulfate;
 - L) Iron;
 - M) Manganese;
 - N) Chlorine residual (total); and
 - O) Chlorine residual (free).
- 2) a recommendation of the treatment necessary to reduce corrosion in household plumbing.

(Source: Amended at ___ 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 604.150(a)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 year 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: Amended at __ 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 604.1440653-119 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 604.150(a)~~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: Amended at __ 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, or obtaining an operating permit-by-rule pursuant to Section 602.325.
- b) When a community water supply's construction project is not eligible for an operating permit-by-rule under to Section 602.325, anThe operating permit application must be filed with the Agency when construction is complete.
- e) ~~—~~The operating permit must be obtained before the project is placed in service.
- c) Community water supplies projects identified in Section 602.325 may be placed into operation upon submission of the permit-by-rule certification to the Agency.
- d) Partial operating permits may be obtained pursuant to Section 602.320 or Section 602.325.

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

Section 602.305 Operating Permit Applications

- a) All applications for operating permits must be on forms prescribed by the Agency and 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;
 - 2)3) the construction permit number, type of construction permit, and date the construction permit was issued;
 - 3)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
 - 4)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) pump test data:
 - A) the latitude and longitude of the observation well;
 - B) test pump capacity head characteristics;
 - C) static water level;
 - D) depth of test pump settings; and

- E) time of starting and ending each test cycle;
- 6) static water level in the production well and observation well(s);
- 7) pumping water level in the production well;
- 8) transmissivity in gallons per day per foot of drawdown (GPD/ft);
- 9) hydraulic conductivity in gallons per day per square feet (GPD/ft²) or feet per day (ft/day)
- 10) saturated thickness of the aquifer;
- 11) storage coefficient or specific yield (dimensionless); and
- 12) lateral area of influence calculated pursuant to 35 Ill. Adm. Code 671.
- 13) recording and graphic evaluation of the following, at one hour intervals or less:
 - A) pumping rate;
 - B) pumping water level;
 - C) drawdown;
 - D) water recovery rate and levels; and
 - E) specific capacity, measured in gallons per minute per foot(GPM/ft) of drawn down.
- 14) a determination of the regional groundwater gradient and flow direction:
 - A) if the groundwater gradient and flow direction was estimated, provide the data, and the source of such data;
 - B) if the groundwater gradient and flow direction was not estimated, provide the longitude and latitude of the wells used, well logs and the water elevations observed in the wells during the pump test;
 - C) provide the compass direction clockwise from north in degrees; and

D) provide the gradient.

15) Geological Data:

A) a driller's log determined from samples collected at 5 foot intervals and at each pronounced change in formation;

B) accurate geographical location such as latitude and longitude or GIS coordinates; and

C) records of drill hole diameters and depths;

D) order of size and length of casing, screens and liners;

E) grouting depths;

F) formations penetrated;

G) water levels; and

H) location of any blast charges.

16) analyses of water samples for the constituents listed in 35 Ill. Adm. Code 620.410(a) and (b).

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

Section 602.310 Projects Requiring Disinfection

- a) Wells, water storage tanks, water treatment plants, and water mains shall be disinfected in accordance with AWWA C651, C652, C653 or C654 incorporated by reference in 35 Ill. Adm. Code 601.115, Satisfactory disinfection as specified in this Section must be demonstrated before the issuance of an operating permit for completed construction projects when 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 provided in Section 602.315 specified in subsection (d), the permit applicant must verify disinfection before seeking an operating permit-by-rule pursuant to Section 602.325 or the issuance of an operating permit by the Agency for completed construction projects.~~
Disinfection is verified demonstrated when two consecutive water sample sets collected from the completed project at least 24 hours apart show the absence of coliform bacteria and the presence of a chlorine residual when required by 35 Ill. Adm. Code 604.725 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.~~
- ⌘ Analyses conducted pursuant to this Section must be performed by a certified laboratory.

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

Section 602.325 Operating Permit-by-Rule

- a) The purpose of this Section is to implement the permit-by-rule program provided for in Section 39.12 of the Act for classes of community water supply operating permits. By fulfilling all the requirements of this section, a community water supply is considered to have met the requirements for obtaining an operation permit pursuant to Section 18(a)(3) of the Act, and Section 602.300.
- b) A community water supply is eligible to obtain an operating permit-by-rule if the construction project for which the Agency granted a construction permit is for any of the following projects:
 - 1) Water main extensions; or
 - 2) Projects not requiring disinfection specified in Section 602.315.
- c) A community water supply is not eligible to obtain an operating permit-by-rule if the construction project involves a water main that connects two or more community water supplies.
- d) Upon issuance of a construction permit, the Agency may notify an eligible community water supply that it is may not seek a permit-by-rule if the community water supply has previously neglected to submit the information required by Agency or Board rules in the last two years.

- e) For construction projects that contain both permit-by-rule eligible and non-eligible components, a community water supply may obtain a partial operating permit by rule for the eligible portions of the project.
- f) A community water supply eligible for a permit-by-rule under subsection (b), who does not elect to obtain a permit-by-rule, must obtain an operating permit issued by Agency before commencing operation.
- g) Permit-by-rule Certification. Any community water supply seeking to obtain an operating permit-by-rule must submit a certification on forms prescribed by the Agency specifying the following:
 - 1) the community water supply's name, address, identification number and project name;
 - 2) the construction permit number, type of construction permit, and date the construction permit was issued;
 - 3) an explanation of the status of the construction project, and if the project is only partially completed, the information set forth in Section 602.320;
 - 4) a statement attesting to compliance with Section 602.310, if disinfection is required; and
 - 5) the submission of the water sample results required by to Section 602.310.
- h) The community water supply may begin operation of a permit-by-rule eligible construction project immediately after it files the certification required by subsection (g).

(Source: Added at __ Ill. Reg._____, effective _____)

SUBPART F: SPECIAL EXCEPTION PERMITS

Section 602.600 Special Exception Permits

- a) Unless contained in a construction or operating permit, each Agency determination in Part 604 and Part 611 is to be made by way of a written special exception permit ("SEP") pursuant to Section 39(a) of the Act [415 ILCS 5/39(a)].
- b) No person may cause or allow the violation of any condition of a SEP.

- c) The community water supply may appeal the denial of or the conditions of a SEP to the Board pursuant to Section 40 of the Act [415 ILCS 5/40].
- d) A SEP may be initiated in either of the following ways:
 - 1) By a written request from the community water supply; or
 - 2) By the Agency, when authorized by Board regulations.

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

(Source: Added at ___ Ill. Reg. _____, effective _____)