

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

**PART 393
GUIDELINES FOR DETERMINATION OF
CONSTRUCT ONLY STATUS PURSUANT TO
35 ILL. ADM. CODE 309.202**

Section

- 393.101 Introduction
- 393.102 Definitions
- 393.103 Requirements for Receipt of Construct Only Status
- 393.104 Limitations

AUTHORITY: Implementing Section 4(g) of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 11 1/2, par. 1004(g)) and 35 Ill. Adm. Code 309.202 and authorized by Section 39(a) of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1039(a)).

SOURCE: Filed March 3, 1977, effective March 13, 1977; codified at 7 Ill. Reg. 8843.

Section 393.101 Introduction

This policy constitutes the guidelines used by the Agency for allowing the construction of a sanitary sewer when the sewerage facilities intended to receive such new wastes are presently unable to properly transport or treat such new wastes. The issuance of a Construct Only Permit to the applicant is a method for allowing the construction of a sanitary sewer which, due to projected sewerage facilities' improvements, can become operational at a time consistent with completion of sewerage facilities improvements.

Section 393.102 Definitions

For purposes of this Part 393:

"Agency" means the Illinois Environmental Protection Agency.

"Construct Only Status" is the receipt of a permit from the Agency to construct, but not operate a sanitary sewer.

"Sewer Connection" means a sewer for which a construction permit is required under 35 Ill. Adm. Code 309.202.

Section 393.103 Requirements for Receipt of Construct Only Status

- a) Submission to the Agency of a completed permit application form containing all required engineering documents, executed contracts for improvements, and other necessary explanatory or supplementary information to enable the Agency to evaluate the construction and ultimate operation of the sanitary sewer or connection.
- b) Submission to the Agency of the permit or statement from the owner of the sewerage facility that construction or upgrading of the sewerage facility will correct present deficiencies, will be completed prior to the proposed completion date of the sanitary sewer, and will provide sufficient facilities to handle the load demands anticipated from the sanitary sewer seeking a Construct Only Permit. To meet the requirements of this section, documents including executed contracts by responsible authorities, and all other agreements necessary for Agency assurance of the legal commitment by the requisite authorities that the required sewerage facilities' improvements will take place must be submitted to the Agency.
- c) The applicant shall satisfy the requirements of (a) and (b) above by submission of the relevant information to:
 - Illinois Environmental Protection Agency
 - Division of Water Pollution Control
 - Permit Section
 - 2200 Churchill Road
 - Springfield, Illinois 62706

Section 393.104 Limitations

- a) The applicant's receipt of a Construct Only Permit does not in any way obligate the Agency to subsequently issue an Operating Permit to the applicant. Failure of the sewerage facility to carry out improvements to meet the demands of the applicant's waste load shall bar Agency issuance of an Operating Permit.
- b) Attempted transfer of the Construct Only Permit to any other wastewater source shall revoke the Construct Only Permit by operation of law.