

**TITLE 35: ENVIRONMENTAL PROTECTION****SUBTITLE F: PUBLIC WATER SUPPLIES****CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY****PART 690****PERMIT FEES FOR INSTALLING OR EXTENDING WATER MAIN****SUBPART A: GENERAL****Section**

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AUTHORITY: Implementing and authorized by Section 16.1 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1016.1, as added by P.A. 86-670, effective January 1, 1990).

SOURCE: Adopted at 14 Ill. Reg. 2070, effective January 18, 1990.

**SUBPART A: GENERAL****Section 690.101 Purpose**

The purpose of this part is to establish procedures for the collection of fees for construction permits, emergency construction permits, or as-built plans to install or extend water main.

**Section 690.102 Applicability**

a) Except as provided otherwise in subsection (b), this Part applies to each applicant:

- 1) For a construction permit under Title IV of the Act, or 35 Ill. Adm. Code: Subtitle F, to install or

- extend water main;
- 2) Who submits as-built plans under Title IV of the Act, or 35 Ill. Adm. Code: Subtitle F, to install or extend water main; or
  - 3) For an emergency construction permit under Title IV of the Act, or 35 Ill. Adm. Code: Subtitle F, to install or extend water main.
- b) This part does not apply to:
- 1) The installation or extension of water main that is not more than 200 feet in length.
  - 2) *Any Department, agency or unit of state government for installing or extending a water main;*
  - 3) *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 thereunder, for installing or extending a water main; or*
  - 4) *Any unit of local government for installing or extending a water main where all 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, state grants or loans, federal grants or loans, or any combination thereof;*
    - B) *The unit of local government 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 (Section 16.1(f) of the Act); and*
    - C) The applicant certified in the construction permit application that subsections (b)(3)(A) and (b)(3)(B) have been met.

### **Section 690.103      Definitions**

- a) Unless specified otherwise, all terms shall have the meaning set forth in the Act:
- b) For purposes of this Part, the following definitions apply:

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1987. ch 1112, pars. 1001 et seq.).

"Agency" means the Illinois Environmental Protection Agency.

"Applicant" means a person who applies for a construction permit or emergency construction permit to install or extend water main, or who submits as-built plans to install or extend water main, pursuant to Title IV of the Act or 35 Ill. Adm. Code: Subtitle F.

"Fee" means the fee prescribed by Section 16.1 of the Act.

*"Water Main" means any pipe that is to be used for the purpose of distributing potable water which serves or is accessible to more than one property, dwelling, or rental unit, and that is exterior to buildings. (Section 16.1(h) of the Act)*

**Section 690.104            Relation to Other Fee Systems**

The fees collected pursuant to this Part, and the fee collection procedures set forth in this Part, are separate from and in addition to all other fees and fee systems established by law.

**Section 690.105            Severability**

If any provision of this Part or the application thereof to any person or in any circumstance is adjudged invalid, such adjudication shall not affect the validity of this Part as a whole or any provision thereof not adjudged invalid.

**SUBPART B: PROCEDURES FOR DETERMINATION AND PAYMENT OF FEES****Section 690.201            Amount of the Fee**

- a) Each applicant subject to this Part pursuant to Section 690.102 shall pay a fee along with the permit application or as-built plan.
- b) *The amount of the fee is as follows:*
  - 1) \$120 if the construction permit application or as-built plan is to install or extend water main that is more than 200 feet, but not more than 1000 feet in length;
  - 2) \$360 if the construction permit application or as-built plan is to install or extend water main that is more than 1000 feet but not more than 5000 feet in length;
  - 3) \$600 if the construction permit application or as-built plan is to install or extend water main that is more than 5000 feet in length. (Section 16.1(d) of the Act)

**Section 690.202            Permit Application Modifications**

*Prior to a final Agency decision on a permit application for which a fee has been paid under this Part, the applicant may propose modifications to the application in accordance with the Act and regulations adopted thereunder without any additional fee becoming due unless the proposed modifications cause the length of water main to increase beyond the length specified in the permit application before the modifications. If the modifications cause such an increase and the increase results in additional fees being due under Section 690.201, the applicant shall submit the additional fee to the Agency with the proposed modifications. (Section 16.1(e) of the Act)*

**Section 690.203            Manner of Payment**

- a) Except as provided otherwise in subsection (b), payment of the fee must be by check or money order payable to "Treasurer, State of Illinois" and shall be submitted along with the permit application or as-built plans to:

Illinois Environmental Protection Agency  
Division of Public Water Supplies  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois 62794-9276

- b) *Each applicant for an emergency construction permit under Title IV of the Act, or regulations adopted thereunder, to install or extend a water main shall submit the appropriate fee due under Section 690.201 to the Agency within 10 calendar days from the date of issuance of the emergency construction permit. (Section 16.18 of the Act)*
- c) Payment shall not include any fees due to the Agency for any purpose other than the fee due under Section 690.201.

#### **Section 690.204 Prohibition Against Refund**

Any fee remitted to the Agency under this Part shall not be refunded at any time for any reason, either in whole or in part.

#### **Section 690.205 Audit and Access to Records**

- a) Each applicant for which a fee is due under this Part shall preserve and maintain all records relating to calculation of the fee for at least 5 years after the date on which the permit application is received by the Agency.
- b) The records described in subsection (a) shall be available to the agency or its authorized representative (e.g. auditor, contractor) for examination during normal business hours.

### **SUBPART C: PROCEDURES FOR PROCESSING PERMIT APPLICATIONS**

#### **Section 690.301 Permit Applications Containing the Entire Fee**

- a) Applications received by the Agency will be logged in and assigned a receipt date and number if the following conditions are met:
  - 1) The application is complete in accordance with Title IV of the Act and regulations adopted thereunder; and
  - 2) The entire fee due under Section 690.201 is included with the application.
- b) *The Agency shall, not later than 45 days following the receipt of both an application for a water main extension construction permit and the fee required by this Part, either approve that application and issue a permit or tender to the applicant a written statement setting forth with specificity the reasons for the disapproval of the application and denial of a permit in accordance with Section 39(a) of the Act. If there is no final action by the Agency within 45 days after the filing of the application for a permit, the applicant may deem the permit issued. (Section 16.1(l) of the Act)*
- c) If modifications to the permit application are received by the Agency from the applicant within 90 days of the date of permit denial in accordance with subsection (b), and if such modifications would allow approval of the application, a permit will be issued without additional fees becoming due under this Part, unless the modifications cause the length of water main to increase beyond the length specified in the permit application before the modifications. If the modifications cause such an increase and the increase results in additional fees being due under Section 690.201, the applicant shall submit the additional fee to the Agency with the modifications.
- d) Except in those cases where permit denial has been appealed to the Illinois Pollution Control Board in accordance with Section 40 of the Act, modifications received by the Agency more than 90 days after the

date of permit denial in accordance with subsection (b) shall be considered new applications subject to the fees specified in Section 690.201.

**Section 690.302      Permit Applications Not Containing the Entire Fee**

Applications not containing the entire fee shall be considered incomplete and the permit shall be denied by the Agency. The Agency shall take the following actions in response to such applications:

- a) The Agency shall deposit any fees submitted along with the application and shall notify the applicant by certified mail of the fee deficiency and of the permit denial. Within 30 days the applicant must submit the balance of the fee that is due.
- b) If the entire fee due is received by the Agency within 30 days of issuance of the notice under subsection (b), the Agency shall log in the receipt of the application and review it in accordance with Section 690.301. The 45 day review period described in Section 690.301(b) shall commence on the date of receipt assigned in accordance with Section 690.301(a).