

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

**PART 602
PERMITS**

Section

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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.

Section 602.101 Construction Permit

- a) 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) All work performed on a public water supply shall be in accordance with accepted engineering practices.

Section 602.102 Operating Permits

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.

Section 602.103 Algicide Permits

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 algicides which may be used in public water supplies. Permits issued under this Section will be valid for public water supply sources only.

(Source: Amended at 10 Ill. Reg. 7337, effective April 22, 1986)

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, operator, or 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) The Agency shall confirm, in writing, within ten days of issuance, its granting of an emergency construction permit. Said confirmation may be conditioned upon the receipt and approval, by the Agency, of as-built plans and specifications.

(Source: Amended at 6 Ill. Reg. 11497, effective September 14, 1982)

Section 602.105 Standards for Issuance

- a) The Agency shall not grant any construction or operating permit required by this Part unless the applicant submits adequate proof that the public water supply will be constructed, modified or operated so as not to cause a violation of the Environmental Protection Act [415 ILCS 5].
- b) The Agency shall not grant any construction or operating permit required by this Part unless the applicant submits adequate proof that the public water supply facility conforms to the design criteria promulgated by the Agency under Section 39(a) of the Act or Section 602.115 or is based on such other criteria which the applicant proves will produce consistently satisfactory results.
- c) The Agency shall not grant any construction permit required by this Part unless the applicant submits proof that any plan documents required by this Section and Section 602.108 have been prepared by a person 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 any required combination thereof.
- 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 27 Ill. Reg.18030, effective November 12, 2003)

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 public water supply facility may no longer be issued a construction permit without causing a violation of the Act or this Chapter.
- b) The Agency shall publish and make available to the public at intervals of not more than six months, a comprehensive and up-to-date list of supplies subject to restrictive status and the reasons why.
- c) The Agency shall notify the owners or official custodians of supplies when the supply is initially placed on restricted status by the Agency.
- d) Until December 8, 2003, the Agency shall not place public water supplies on restricted status when:
 - 1) the radium-226 level is less than or equal to 20 pCi/L;
 - 2) the radium-228 level is less than or equal to 20 pCi/L; or
 - 3) the gross alpha particle activity level minus the radium-226 level is less than or equal to 15 pCi/L.

- e) From December 8, 2003, until December 8, 2009, the Agency shall not place a public water supply on restricted status for exceeding the maximum contaminant level (MCL) for combined radium (radium-226 and radium-228) of 5 pCi/L, the MCL for gross alpha particle activity of 15 pCi/L, or the MCL for uranium of 30 µg/L (35 Ill. Adm. Code 611.330) if the supply is bound to comply with the MCL pursuant to a specific schedule under:
 - 1) A Compliance Commitment Agreement executed pursuant to Section 31 of the Act [415 ILCS 5/31]; or
 - 2) An enforceable court order after referral by the Agency.

(Source: Amended at 27 Ill. Reg.18030, effective November 12, 2003)

Section 602.107 Signatory Requirement for Permit Applications

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.

Section 602.108 Construction Permit Applications

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: Amended at 27 Ill. Reg.18030, effective November 12, 2003)

Section 602.109 Operating Permit Applications

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: Amended at 6 Ill. Reg. 11497, effective September 14, 1982.)

Section 602.110 Algicide Permit Applications

- a) All applications for algicide 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 the information required by this subsection (b) and subsection (a) above.

- c) 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: Amended at 21 Ill. Reg. 6562, effective May 8, 1997.)

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

Section 602.112 Filing and Final Action by Agency on Permit Applications

- a) An application for permit shall be deemed to be filed on the date of initial receipt by the Agency of the documents.
- b) If the Agency fails to take final action, by granting or denying the permit as requested or with conditions, within ninety days from the filing of the 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.
- c) Any applicant for a permit may waive the requirement that the Agency must take final action within ninety days from the filing of the application.
- d) The Agency shall send all notices of final action by U.S. mail. The Agency shall be deemed to have taken final action on the date that the notice is mailed.

(Source: Amended at 6 Ill. Reg. 11497, effective September 14, 1982)

Section 602.113 Duration

- a) Construction Permits - Construction permits for supply facilities 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. Construction, once started, may continue for four years without permit renewal and may be renewed for periods specified by the Agency at its discretion for each permit renewal.

- b) Operation Permits - Operation Permits shall be valid until revoked unless otherwise stated in the permit.
- c) Algicide Permits - Algicide permits shall be valid for the period stated in the permit, but in no case longer than five years.

(Source: Amended at 8 Ill. Reg. 2157, effective February 7, 1984)

Section 602.114 Conditions

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

(Source: Amended at 21 Ill. Reg. 6562, effective May 8, 1997.)

Section 602.115 Design, Operation, and Maintenance Criteria

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

(Source: Amended at 27 Ill. Reg.18030, effective November 12, 2003)

Section 602.116 Requirement for As-Built Plans

Whenever a supply has been constructed without a construction permit, the Agency may require submission of as-built plans prepared by a qualified person as described in Section 602.105(c). Any deficiencies requiring correction as determined by the Agency must be corrected within a time limit set by the Agency. This does not relieve the owner or official custodian from any liability for construction of the supply without a permit.

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 rule except for the requirements to secure construction, operating, algicide or emergency permits.

(Source: Amended at 6 Ill. Reg. 11497, effective September 14, 1982)

Section 602.118 Appeals from Conditions

An applicant may consider any condition imposed by the Agency in a permit as a refusal by the Agency to grant a permit which shall entitle the applicant to appeal the Agency's decision to the Board pursuant to Section 40 of the Act.

Section 602.119 Revocations

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

Section 602.120 Limitations

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 at 21 Ill. Reg. 6562, effective May 8, 1997.)

Section 602.APPENDIX A References to Former Rules

The following table is provided to aid in referencing former Board rule numbers to section numbers pursuant to codification.

Chapter 6: Public Water Supplies 35 Ill. Adm. Code Part 602

Part II: Permits

Rule 201
Rule 202
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