

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE A: GENERAL PROVISIONS

CHAPTER III: ENVIRONMENTAL PROTECTION AGENCY

PART 170

PROCEDURES FOR COORDINATED PERMIT REVIEW

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AUTHORITY: Implementing and authorized by Section 39 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1039).

SOURCE: Adopted at 3 Ill. Reg. 47, p. 79, effective November 14, 1979; codified at 8 Ill. Reg. 868.

Section 170.101 Introduction

- a) Pursuant to Section 39 of the Environmental Protection Act (Act)(Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1039), the Environmental Protection Agency (Agency) issues permits and is authorized to adopt procedures as are necessary to carry out its permit duties.
- b) The Pollution Control Board (Board) requires permits for the construction/development of facilities which may cause or are designed to control pollution of the air, land or waters of the State and of public water supplies.
- c) The separate permit programs, which are administered by the Agency's Divisions of Air Pollution Control, Water Pollution Control, Land/Noise Pollution Control and Public Water Supplies, address different but sometime overlapping concerns. In regard to any one project, the applicant may be subject to varying permit procedures, conflicting permit conditions, requests for duplicate information, and several permit reviews which may cause misunderstandings as to which Division is regulating various aspects of the project. To avoid such problems, as far as possible, the Agency has established a Coordinated Permit Review and promulgates these procedures for implementing the Coordinated Permit Review process.

Section 170.102 Definition

The Coordinated Permit Review is the procedure the Agency shall use to conduct a concurrent, multimedia review of projects which require Agency permits. As used herein, multimedia refers to the air, waters (including public water supplies) and land of the State as they are subject to the jurisdiction of the corresponding pollution control Divisions of the Agency.

Section 170.103 Purpose

The Coordinated Permit Review process is intended to simplify and reduce the burden of permit requirements imposed on the applicant; to enable the Agency to perform a comprehensive review in order to minimize the adverse impact on the environment as a result of the activities for which authorization is being sought; to expedite the steps of the permit process and, consequently, to conserve human and economic resources.

Section 170.104 Applicability

- a) Coordinated Permit Review shall be used in evaluating applications for permits to construct or develop projects that are significant with respect to two or more Agency Divisions. This procedure shall not apply to operating permits.
- b) For the purposes of this procedure only, a significant project for the various Agency Divisions and media will be as defined below.
 - 1) For purposes of the Division of Air Pollution Control, a significant project is: a new facility; a modification, replacement or reconstruction of an existing facility; or the addition of controls to an existing facility for which the uncontrolled emissions:
 - A) Will be 100 or more tons per year for any contaminant, or
 - B) Will include any hazardous or toxic pollutants.
 - 2) For purposes of the Division of Water Pollution Control, a significant project is: a new wastewater facility; a modification or expansion of an existing facility; or the addition of treatment to an existing facility for which:
 - A) The design population equivalent is 10,000 PE or greater, or
 - B) The wastewater contains any hazardous or toxic pollutants and the industry is classified as a primary industry under the provisions of the Federal Water Pollution Control Act (P.L. 92-500), as amended.
 - 3) For purposes of the Division of Land Pollution Control, a significant project is any new or existing waste management site or facility that deals with storage, transfer, processing, recovery, incineration and disposal of any waste.
 - 4) For purposes of the Division of Public Water Supplies, a significant project is one which comes under the jurisdiction of the Division of Public Water Supplies and may be
 - A) A new public water supply (community supply or non-community supply); or
 - B) A modification, replacement or expansion of an existing public water supply (community supply or non-community supply).
- c) Projects involving only an application for permit to open, operate or close a coal mine are exempt from this procedure.

Section 170.110 Procedures

The procedures for implementing the Agency's Coordinated Permit Review include five steps of which only Steps 1 and 2 are optional. These steps are detailed in the following Sections 170.111 through 170.116.

Section 170.111 Step 1 -- Discussion of Overall Project (Optional)

- a) Upon initial contact regarding a project to which these procedures may be applicable, the Division will immediately convene a Coordinated Permit Review Group. This Group will consist of representatives of each Division.
- b) The coordinated Permit Review Group will meet with the applicant and discuss all phases of the conceptual plans, project design and development and will review Divisional requirements. The Group and applicant will discuss inter-Divisional coordination as applicable to the project. At this time, details of the Coordinated Permit Review requirements and procedures will be explained to the applicant.
- c) The intended outcome of the meeting in (b) above will be a consensus regarding general project feasibility with respect to environmental concerns and the establishment of a Lead Division. Each Division affected will identify a Divisional Coordinator for the project and the Lead Division Coordinator shall be the Project Coordinator for the duration of the review process. The Project Coordinator will be the contact person between the Agency and the applicant.

Section 170.112 Step 2 -- Discussion Specific to Each Division (Optional)

- a) After initial contact with the Agency, the applicant may engage in detailed discussions with each affected Division. The applicant will contact the Project Coordinator who will arrange meetings between the applicant and one or more Divisional Coordinators.
- b) The applicant will be provided with information necessary to obtain Agency permits, including relevant application forms, that will enable him to proceed with preliminary project design. Specific Divisional requirements will be discussed at this time.

Section 170.113 Step 3 -- Submission of Project Plan

- a) Each applicant shall submit an overall project plan for each medium. The project plan is a preliminary engineering document which defines the scope of the total project and generally assembles basic information including, for example, the following: preliminary project layout; assumptions and design criteria; a discussion of how environmental regulations and requirements will be met, including coordination of multimedia interrelationships; and the project milestones. This plan, which provides the continuing technical basis for the detailed design and preparation of final engineering plans and specifications, shall contain, as a minimum, a discussion of:
 - 1) The interrelationships among the various aspects of environmental control;
 - 2) Selected controls;
 - 3) Preliminary design considerations for each medium, and for

- each phase if construction or development will be phased; and
- 4) The timetable for project implementation for each medium.
 - b) The project plan shall be submitted to the Agency at any time but no later than at the time of submission of the project permit application.
 - c) During the review of the project plan, the agency will resolve conflicts arising out of Specific Divisional requirements.
 - d) The Agency will provide a written response to the applicant within 45 days of receipt of the project plan except that when a project plan is submitted with the permit application, it shall be considered as part of the application.

Section 170.114 Step 4 -- Submission of Total Project Application

The permit application shall incorporate each medium and phase of the overall project. If a series of applications is contemplated because of the phased nature of a project, where final design commitments may not be feasible for the latter phases at the same time that a permit application must be made for the initial phases, the applications may be staggered, provided that the project plan has adequately addressed the preliminary design considerations for each medium and phase.

- a) Upon receipt of the project permit application, the Project Coordinator will transmit appropriate sections of the application to specific Divisions.
- b) If one Division's application is incomplete then the total project application shall be deemed incomplete. However, the technical review of the application will continue for complete sections of the application.
- c) After review by each Division, denials in the form of notices of incompleteness, if appropriate, shall be prepared and transmitted to the applicant within 30 days.
- d) All resubmissions of applications will be handled in the same manner as the initial submissions.
- e) During the Agency review period all applicant-Agency interaction will be through the Project Coordinator.
- f) After completion of review of the total project application, if one Division denies its section of the application, then the total application will be denied.
- g) When an application is denied, a meeting may be scheduled between the applicant and the Agency to discuss the denial.

Section 170.115 Step 5 -- Permit Issuance

When all the Divisions have approved their sections of the total project application, the total project shall be permitted.

Section 170.116 Supplemental Permits

Requests for supplemental permits to modify or revise a permit previously issued under this procedure shall be handled in the same manner as the initial permit application. However, the procedure may be initiated at any step up to Step 4, depending on the complexity of the modification or revision.

Section 170.120 Public Participation

- a) Public participation in projects to which these procedures are

applicable shall conform to Federal and State laws and regulations and to existing Agency procedures.

- b) Opportunities for public participation shall include, but not be limited to, the following:
 - 1) The Agency shall give notice of the receipt of a request for a permit for a refuse disposal facility to those persons identified in Section 39 of the Act.
 - 2) The Agency shall give joint notice of intent to give preliminary approval to permit applications which are reviewed under Section 170.114 (Step 4) of these procedures.
 - 3) A public hearing shall be held when Federal or State laws and regulations or existing Agency procedures require a hearing.
 - 4) All aspects of the project for which permits are required are proper subject matter for hearings under these procedures.
 - 5) The Agency shall consider all comments in the hearing record when deciding to issue a permit or to deny the permit applications, and when placing conditions upon permits which are issued. The Agency shall prepare a general summary of comments and testimony in the hearing record and shall respond to the questions and comments, either individually or by category. This summary shall be available to the public on request.
- c) For public participation purposes, if confidential information is submitted as part of the permit application, the applicant shall submit a second, nonconfidential application which shall state where information has been omitted as confidential.

Section 170.APPENDIX A Rule into Section Table

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Added in Codification	Appendix A