**Section 256.30 Permits**

a) A lawncare containment permit (either general class, experimental, or special) issued by the Department shall be obtained for each existing and new containment area as defined by the Act. Permit applications shall be submitted on forms provided by the Department. A permit shall be obtained prior to the commencement of any construction necessary to meet the requirements to the Act or this Part. When required by the provisions of the Illinois Professional Engineering Practice Act [225 ILCS 325], all engineering plans and specifications accompanying the application for the containment area shall be prepared by an Illinois Professional Engineer. A permit shall be amended before the commencement of any modification of the containment area. Alterations to the containment area may be done without permit amendment. A facility owner or operator may contact the Department for determinations regarding proposed alterations versus modifications. A permit shall be transferred to a new owner or operator upon written notification by the permittee to the Department. Permits shall be renewed every 5 years.

b) An application for a permit submitted by a corporation shall be signed by a principal executive officer of at least the level of the vice president, or a duly authorized representative who is responsible for the overall operation of the containment area described in the application. In the case of a partnership or a sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively. In the case of a publicly owned containment area, the application shall be signed by either a principal executive officer, ranking official or a duly authorized employee.

c) The containment area shall be constructed of impervious materials as required by the Act and shall be compatible with the materials applied by the application device. Synthetic materials or liners may be used for spill, wash water and rinsate collection containment structures provided they are compatible with the pesticides being contained and they are installed according to the manufacturer's written directions. The structure shall be repaired and maintained according to the manufacturer's recommendations. These directions and recommendations shall become permanent records to be maintained at the facility site. A written confirmation of compatibility and a written estimate of life expectancy from the manufacturer shall also be kept on file at the facility.

d) The Department shall allow an innovative design to satisfy the structural requirements of this Part if the application for a permit is accompanied with a registered professional engineer's statement certifying that the design shall provide protection to the environment equivalent to that of this Part. All engineering costs shall be the responsibility of the person making the request. A permit issued "with conditions" means that the facility is deficient in some area in order to meet full compliance with the before stated rules. A permit with conditions would be issued if the operation of the facility, during the period of time that the facility owner was correcting the deficiency, does not jeopardize the environment. If the Department fails to grant or deny the permit as requested or issue with conditions within 90 days from the date of receipt of the application, the applicant may deem the permit granted for a one year period commencing on the 91st day after the application was received by the Department. If the application for a permit is denied, the Department shall notify the applicant in writing as to why the permit was denied.

(Source: Amended at 26 Ill. Reg. 8808, effective June 7, 2002)