**Section 309.103 Application – General**

a) Application Forms

1) An applicant for an NPDES Permit must apply under Section 309.223, on forms provided by the Illinois Environmental Protection Agency (Agency). The forms must comprise the NPDES application forms promulgated by the U.S. Environmental Protection Agency for the type of discharge for which an NPDES Permit is sought and any additional information the Agency may reasonably require to determine that the discharge or proposed discharge will comply with applicable State and federal requirements.

2) In addition to the application forms, the Agency may require the submission of plans and specifications for treatment works and summaries of design criteria.

3) Effluent Toxicity Monitoring

A) In addition to the above application forms, the Agency may require, under Section 39 of the Act, installing, using, maintaining, and reporting results from monitoring equipment and methods, including biological monitoring. The Agency may require, under Section 39 of the Act, effluent toxicity testing to show compliance with 35 Ill. Adm. Code 302.621 and 302.630. If this toxicity testing shows the effluent to be toxic, the Agency may require, under Section 39 of the Act, further testing and identification of the toxicants under 35 Ill. Adm. Code 302.210(a).

B) The following POTWs must provide the results of valid whole effluent biological toxicity testing to the Agency:

i) All POTWs with design influent flows equal to or greater than one million gallons per day;

ii) All POTWs with approved pretreatment programs or POTWs required to develop a pretreatment program under 35 Ill. Adm. Code 310.Subpart E;

C) In addition to the POTWs listed in subsection (a)(3)(B), the Agency may require other POTWs to submit the result of toxicity tests with their permit applications, based on consideration of the following factors.

i) The variability of the pollutants or pollutant parameters in the POTW effluent (based on chemical-specific information, the type of treatment facility, and types of industrial contributors);

ii) The dilution of the effluent in the receiving water (ratio of effluent flow to receiving streamflow);

iii) Existing controls on point or nonpoint sources, including total maximum daily load calculations for the waterbody segment and the relative contribution of the POTW;

iv) Receiving stream characteristics, including possible or known water quality impairment, and whether the POTW discharges to a coastal water, one of the Great Lakes, or a water designated as an outstanding natural resource; or

v) Other considerations (including the history of toxic impact and compliance problems at the POTW), which the Agency determines could cause or contribute to adverse water quality impacts.

D) The POTWs required under subsection (a)(3)(B) or (a)(3)(C) to conduct toxicity testing must use the methods prescribed at 35 Ill. Adm. Code 302. Subpart F. Such testing must have been conducted since the later of the last NPDES permit reissuance or permit modification under Section 309.182, 309.183, or 309.184 for any of the reasons listed at 40 CFR 122.62(a) (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995, incorporated by reference in 35 Ill. Adm. Code 301.106 (including no later amendments or editions).

4) All POTWs with approved pretreatment programs must provide the following information to the Agency: a written technical evaluation of the need to revise local limits under 35 Ill. Adm. Code 310.210.

BOARD NOTE: Subsections (a)(3)(B) through (a)(4) are derived from 40 CFR 122.21(j) (1994).

b) Animal Waste Facilities

An applicant for an NPDES Permit in connection with the operation of an animal waste facility must complete, sign, and submit an NPDES application under 35 Ill. Adm. Code: Subtitle E, Chapter I.

c) Mining Activities

1) If, as defined by 35 Ill. Adm. Code 402.101, mining activities are to be carried out on a facility for which an NPDES Permit is held or required, the applicant must submit a permit application as required by 35 Ill. Adm. Code 403.103, 403.104 and 405.104. If the facility will have a discharge other than a mine discharge or non-point source mine discharge as defined by 35 Ill. Adm. Code 402.101, the applicant must also submit an NPDES Permit application under 35 Ill. Adm. Code 309.223 on forms supplied by the Agency.

2) As provided by 35 Ill. Adm. Code 403.101, except to the extent contradicted in 35 Ill. Adm. Code: Subtitle D, Chapter I, the rules in this Subpart apply only to 35 Ill. Adm. Code: Subtitle D, Chapter I NPDES Permits.

3) As provided by 35 Ill. Adm. Code 406.100, except to the extent provided in 35 Ill. Adm. Code: Subtitle D, Chapter I, the effluent standards of 35 Ill. Adm. Code 304 do not apply to mine discharges and non-point source mine discharges.

d) New Discharges

Any person whose discharge will begin after October 24, 1977, or any person having an NPDES Permit issued by the U.S. Environmental Protection Agency for an existing discharge that will substantially change in nature or increase in volume or frequency must apply for an NPDES Permit either:

1) No later than 180 days before the date on which the NPDES Permit will be required; or

2) In sufficient time before the anticipated commencement of the discharge to ensure compliance with section 306 of the Clean Water Act (CWA) (33 U.S.C. 1251 et seq.) and any other applicable water quality standards and applicable effluent standards and limitations.

e) Signatures

An application submitted by a corporation must be signed by a principal executive officer of at least the level of vice president or a duly authorized representative who is responsible for the overall operation of the facility from which the discharge described in the application form originates. For a partnership or a sole proprietorship, the application must be signed by a general partner or the proprietor, respectively. For a publicly owned facility, the application must be signed by the principal executive officer, a ranking elected official, or another duly authorized employee.

(Source: Amended at 47 Ill. Reg. 5017, effective March 23, 2023)