**Section 309.154 Authorization to Construct**

a) A person must not cause or allow the construction of any new treatment works, disposal well, or wastewater source for which an NPDES Permit is required or cause or allow the modification of any existing treatment works, disposal well, or wastewater source for which an NPDES Permit is required unless the NPDES Permit contains an authorization to construct as a condition of the permit.

b) Any holder of a valid NPDES Permit who proposes or is required as a condition of the NPDES Permit or of any order of the Board to construct or modify any treatment works, disposal well, wastewater source, or process modification that results in new or increased discharges of pollutants must complete, sign, and submit an NPDES application for the construction or modification, according to the instructions provided with the form, no later than 180 days before the date on which construction or modification is to begin. A person must not commence construction until the holder of the NPDES Permit receives a modification to the NPDES Permit, or a new NPDES Permit if required, containing an authorization to construct as a condition of the permit.

c) The Agency must not issue any authorization to construct unless the applicant submits adequate proof, including any of the information or documents listed in Section 309.221 that the Agency may require, ensuring that the proposed construction, modification, or operation:

1) Either conforms to the criteria promulgated by the Agency under Section 309.221 or is based on other criteria that the applicant proves will produce consistently satisfactory results; and

2) Will not cause a violation of the conditions of the NPDES Permit.

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