**Section 602.105 Standards for Issuance**

a) Construction Permits and Operating Permits

1) The Agency must not issue any construction or operating permit required by this Part unless the applicant submits adequate proof that the community water supply will be constructed, modified, or operated so as not to cause a violation of the Act or Board rules.

2) Except as provided in subsection (a)(3), the Agency must not issue any construction or operating permit required by this Part unless the applicant submits adequate proof that the community water supply facility conforms to the following design criteria. When the design criteria in the documents listed in this subsection (a)(2) conflict, the applicant must comply with the design criteria listed in subsection (a)(2)(A).

A) Criteria promulgated by the Board under 35 Ill. Adm. Code 604;

B) Recommended Standards for Water Works, incorporated by reference at 35 Ill. Adm. Code 601.115; and

C) AWWA, ASTM, ANSI, or NSF standards incorporated by reference at 35 Ill. Adm. Code 601.115.

3) When the documents listed in subsection (a)(2) do not provide design criteria for the proposed community water supply facility, the Agency must not issue the construction or operating permit unless the applicant submits adequate proof that the community water supply facility conforms to other design criteria that will produce consistently satisfactory results. When necessary for adequate proof, the Agency may require a pilot study.

4) The Agency must not issue any construction permit required by this Part unless the applicant submits proof that all plan and specification documents required by this Section and Subpart B have been prepared by a person licensed under the Illinois Architecture Practice Act of 1989 [225 ILCS 305], the Professional Engineering Practice Act of 1989 [225 ILCS 325], the Structural Engineering Practice Act of 1989 [225 ILCS 340], the Professional Geologist Licensing Act [225 ILCS 745] (for site and groundwater conditions), or any required combination of these Acts.

5) The Agency must not issue a construction permit unless the community water supply has filed a notification of ownership under 35 Ill. Adm. Code 603.101.

6) The existence of a violation of the Act, Board rule, or Agency rule will not prevent the issuance of a construction permit if:

A) the applicant has been granted a variance or an adjusted standard from the rule by the Board;

B) the permit application is for the construction or installation of equipment to alleviate or correct a violation;

C) the permit application is for a water main extension to serve existing residences or commercial facilities when the permit applicant can show that those residences or commercial facilities are served by a source of water of a quality or quantity that violates the primary drinking water standards of 35 Ill. Adm. Code 611; or

D) the Agency determines the permit application is for the construction or installation of equipment necessary to produce water that is assuredly safe, as required by 35 Ill. Adm. Code 601.101.

b) Algicide or Aquatic Pesticide Permit

The Agency must not issue an algicide or pesticide permit required by this Part unless the applicant submits adequate proof that the application of the algicide or aquatic pesticide will not cause a violation of the Act or Board or Agency rules.

(Source: Amended at 47 Ill. Reg. 7449, effective May 16, 2023)