**Section 870.20 Aquaculture Facility Permit Application and Requirements**

a) Facility Permit

Entities wishing to import/possess aquatic life for sale for food or stocking purposes shall apply for a permit for the facility where the aquatic life will be maintained.

b) Facility Intended for Species Not on the Approved List

Entities wishing to import/possess aquatic life not on the Aquatic Life Approved Species List must submit with their application an aquaculture facilities plan, which the Department must approve prior to issuing a permit for the facility. The facility will be inspected by the Department as part of the application review process.

c) Permit Standards

The Department will issue a facility permit if it concludes, after consideration of the application and any required facility plan and inspection of the facility, that the facility will not pose a danger to the natural fishery resource of the State. A facility will be deemed eligible for a permit based on the following standards.

1) The facility must be self-contained and not capable of overflowing into other waters of the State.

2) The facility is not located in a 100-year flood plain, as defined by the DNR Division of Water Resources (see 17 Ill. Adm. Code 3706), unless the location is approved by the Department based upon the facility's susceptibility to flooding.

3) The facility, if it needs to drain or discharge water, shall do so:

A) into a municipal water treatment facility;

B) into an on-site waste treatment facility incorporating sand filtration and chlorination; or

C) in another manner approved by the Department.

d) Facility Permit Conditions

The Department may impose additional conditions on the facility permit, specific to the facility, that are deemed necessary or appropriate for the protection of the State's aquatic resources.

e) Timing of the Facility Permit Process

1) The Department will approve or deny an application for a facility permit within 8 weeks after it is submitted.

2) An applicant may apply under Section 870.30 for the aquaculture permit. Any aquaculture permits the Department issues prior to permitting the facility are conditional pending permit approval for the receiving facility. Aquatic life introduced to the facility prior to final permitting of the facility is at the applicant's own risk.

f) Authorized Department personnel may conduct an inspection of any permitted facility at any time.

(Source: Old Section 870.20 renumbered to Section 870.30 and new Section 870.20 renumbered from Section 870.30 and amended at 39 Ill. Reg. 10394, effective July 9, 2015)