**Section 309.202 Construction Permits**

Except for treatment works or wastewater sources that have or will have discharges for which NPDES Permits are required, and for which NPDES Permits have been issued by the Agency:

a) A person must not cause or allow the construction of any new treatment works, sewer or wastewater source or cause or allow the modification of any existing treatment works, sewer, or wastewater source without a construction permit issued by the Agency, except as provided in subsections (c) and (d).

b) For groundwater remediation systems, with or without pretreatment, a permit is required for the construction of:

1) a new sewer to a publicly owned or publicly regulated sanitary or combined sewer; or

2) a wastewater source that discharges to a publicly owned or publicly regulated sanitary or combined sewer.

c) Construction permits are not required for the following:

1) storm sewers that transport only land runoff;

2) any treatment works, sewer, or wastewater source designed and intended to serve a single building and eventually treat or discharge less than an average of 1500 gallons per day (5700 L/day) of domestic sewage and that will discharge, if at all, directly to a publicly owned or publicly regulated sanitary or combined sewer;

3) any sewer required by statute to secure a permit under Section 3 of the Mobile Home Park Act [210 ILCS 115];

4) any treatment works, pretreatment works, sewer, or wastewater source that, on March 7, 1972, is being constructed or will be constructed under the authorization of a permit already issued by the Agency or its predecessors; however, all construction must be completed within four years after March 7, 1972;

5) privately owned sewers tributary to industrial treatment works owned by the same person if the additional waste load does not exceed the permitted design capacity of the industrial treatment works; or

6) cooling towers, oil/water separators, pH adjustment facilities without additional pretreatment, groundwater remediation system pretreatment, reverse osmosis treatment for industrial source water, multi-media filtration for industrial source water, disposable cartridge type (or similar) filtration systems, ion-exchange systems for industrial source waters, and all associated pipes, pumps, and appurtenances necessary for the installation and operation of these permit-exempt treatment systems.

d) A person must not cause or allow the construction of any pretreatment works or cause or allow the modification of any existing pretreatment works without a construction permit issued by the Agency, unless exempt under Section 309.202(c) if those pretreatment works, after construction or modification, will:

1) discharge toxic pollutants, as defined in section 502(13) of the CWA, or pollutants that may interfere with the treatment process into the receiving treatment works or be subject to regulations promulgated under section 307 of the CWA; or

2) discharge 15% or more of the total hydraulic flow received by the treatment works; or

3) discharge 15% or more of the total biological loading received by the treatment works as measured by the 5-day biochemical oxygen demand.

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