**Section 360.203 Facilities Planning**

a) The grantee shall undertake and complete facilities planning that shall consist of plans and studies that are directly related to the construction of publicly owned treatment works to comply with the provisions of the Environmental Protection Act [415 ILCS 5] and regulations adopted under the Act or Sections 301 and 302 of the Federal Water Pollution Control Act (33 USC 1311 and 1312) and regulations adopted under that Act, whichever are more stringent. The grantee shall demonstrate to the satisfaction of the Agency through those plans and studies the need for those facilities and, by a systematic evaluation of feasible alternatives, shall also demonstrate that the proposed measures represent the most cost-effective means of meeting applicable effluent limitations and water quality standards and goals, recognizing environmental and social conditions.

b) If the information required to be furnished as part of a facilities plan has been developed separately, it should be furnished and incorporated by reference in the facilities plan. Planning previously or collaterally accomplished under local, State or federal programs will be utilized (not duplicated).

c) The completed facilities plan must be submitted by the grantee and approved by the Agency. When deficiencies in a facilities plan are discovered, the Agency shall promptly notify the grantee in writing of the nature of those deficiencies and of the recommended course of action to correct them. Approval of a plan of study or a facilities plan will not constitute an obligation of the State of Illinois or the Agency for any Step 2, Step 3, or combination Steps 2 and 3 project.

d) A facilities plan submitted for approval shall include adopted resolutions or, when applicable, executed agreements of the implementing governmental units or management agencies providing for acceptance of the plan, or assurances that it will be carried out, and statements of legal authority necessary for plan implementation.

e) A facilities plan may include more than one Step 3 project and provide the basis for several subsequent Step 2, Step 2-3, or Step 3 projects. A facilities plan that has served as the basis for the award of a grant for a Step 2, Step 2-3, or Step 3 project shall be reviewed prior to the award of any grant for a subsequent project involving Step 2 or Step 3 to determine if substantial changes have occurred. If, in the judgment of the Agency, substantial changes have occurred that warrant revision or amendment, the plan shall be revised or amended and submitted for review in the same manner specified in subsection (c).

f) Facilities planning must be in accordance with the following requirements and such other requirements as may be determined to be appropriate by the Agency. The facilities plan shall include:

1) A description of the treatment works for which construction drawings and specifications are to be prepared. This description shall include preliminary engineering data, cost estimates for design and construction of the treatment works, and a schedule for completion of design and construction. The preliminary engineering data may include, to the extent appropriate, information such as a schematic flow diagram, unit processes, design data regarding detention times, flow rates, sizing of units, etc.

2) A description of the selected complete waste treatment system of which the proposed treatment works is a part. The description shall cover all elements of the system, from the service area and collection sewers, through treatment, to the ultimate discharge of treated wastewaters and disposal of sludge.

3) Infiltration/inflow documentation in accordance with Section 360.202.

4) A cost-effective analysis of alternatives for the treatment works and for the waste treatment system of which the treatment works is a part. The selection of the system and choice of the treatment works on which construction drawings and specifications are to be based shall reflect the cost-effectiveness analysis. This analysis shall include:

A) The relationship of the size and capacity of alternative works to the needs to be served, including reserve capacity;

B) An evaluation of alternative flow and waste reduction measures;

C) An evaluation of improved effluent quality attainable by upgrading the operation and maintenance and efficiency of existing facilities as an alternative or supplement to construction of new facilities;

D) An evaluation of the capability of each alternative to meet applicable effluent limitations. The treatment works design must be based upon meeting the effluent limitations of the Environmental Protection Act [415 ILCS 5] and regulations adopted under the Act or Sections 301 and 302 of the Federal Water Pollution Control Act (33 USC 1311 and 1312) and regulations adopted under that Act, whichever are more stringent;

E) An identification of and provision for applying the best practicable waste treatment technology (BPWTT), as defined by the United States Environmental Protection Agency, based upon an evaluation of technologies included under each of the following waste treatment management techniques:

i) Biological or physical-chemical treatment and discharge to receiving waters;

ii) Treatment and reuse; and

iii) Land application techniques;

F) Provisions for attaining water quality standards, which shall consider the alternative of treating combined sewer overflows, if applicable;

G) An evaluation of the alternative means by which ultimate disposal can be effected for treated wastewater and for sludge materials resulting from the treatment process, and a determination of the means chosen;

H) An adequate assessment of the expected environmental impact of alternatives including sites consistent with the requirements of the National Environmental Policy Act of 1969 (42 USC 4321 et seq.). This assessment shall be revised as necessary to include information developed during subsequent project steps.

5) An identification of effluent discharge limitations, or when a permit has been issued, a copy of the permit for the proposed treatment works as required by the National Pollutant Discharge Elimination System.

6) Required comments or approvals of relevant State, interstate, regional, and local agencies.

7) A brief summary of any public meeting or hearing held during the planning process including a summary of the views expressed. As applicable, public participation in the facilities planning process shall be consistent with 40 CFR 25. One or more public hearings or meetings shall be held within the area to obtain public advice at the beginning of the planning process. All governmental agencies and other parties that are known to be concerned or may have an interest in the plan shall be invited to participate.

8) A brief statement demonstrating that the authorities that will be implementing the plan have the necessary legal, financial, institutional and managerial resources available to insure the construction, operation, and maintenance of the proposed treatment works.

9) As applicable, public participation in the facilities planning process shall be consistent with 40 CFR 105. One or more public hearings or meetings shall be held within the area to obtain public advice at the beginning of the planning process. All governmental agencies and other parties which are known to be concerned or may have an interest in the plan shall be invited to participate. As a minimum, the following shall be required:

A) A public hearing shall be held prior to the adoption of the facilities plan by the implementing governmental units. This public hearing for the facilities plan may satisfy the hearing requirement of (f)(4)(g) above. The Agency may require the grantee to hold additional public hearings, if needed, to more fully discuss the plan and alternatives or to afford concerned interests adequate opportunity to express their views.

B) The time and place of the public hearing shall be conspicuously and adequately announced, generally at least 30 days in advance. In addition, a description of the water quality problems and the principal alternatives considered in the planning process shall be displayed at a convenient local site sufficiently prior to the hearing (approximately 15 days); and

C) Appropriate local and state agencies; state and regional clearinghouses, interested environmental groups and appropriate local public officials should receive written notice of public hearings.

g) Scope

1) The scope of each treatment works project defined within the facilities plan as being required for implementation of the plan, and for which State or federal assistance will be requested, shall define:

A) Any necessary new treatment works construction; and

B) Any rehabilitation work determined by the sewer system evaluation to be necessary for the elimination of excessive infiltration/inflow. However, rehabilitation that should be a part of the grantee's normal operation and maintenance responsibilities shall not be included within the scope of a Step 3 treatment works project.

2) Grant assistance for a Step 3 project segment consisting of rehabilitation work may be awarded concurrently with Step 2 work for the design of the new treatment works construction.

h) Grant assistance for Step 2 or 3 may be awarded prior to approval of a facilities plan for the entire geographic area to be served by the complete waste treatment system of which the proposed treatment works will be an integral part if the Agency determines that: applicable minimum requirements provided in subsections (f)(3) and (f)(4)(A), (D), and (G) have been met; the facilities planning relevant to the proposed Step 2 or 3 project has been substantially completed; and the Step 2 or 3 project for which grant assistance is made will not be significantly affected by the completion of the facilities plan and will be a component part of the complete system provided that the applicant agrees to complete the facilities plan on a schedule that shall be inserted as a special condition of this grant offer.

(Source: Amended at 41 Ill. Reg. 13211, effective October 20, 2017)