



How to establish permitting requirements

During the 2020 evaluation of the two remaining water source alternatives (Lake Michigan Water – Chicago Department of Water Management and Lake Michigan Water – New Indiana Intake), the Consultant Team will be contacting various permitting agencies to determine the permitting requirements for each alternative. In a 2019 Educational Topic, we discussed how water is regulated. Permitting is an aspect of how water is regulated. Permitting is the process required to allow for the construction or modification of a system that is regulated. Given the extent and scope of the improvements that would be required to implement a new Lake Michigan water source, a large number of permits and regulatory approvals will have to be obtained.

There are two primary agencies responsible for the overall permitting of a new Lake Michigan water source:

- ◆ Illinois Environmental Protection Agency (IEPA): IEPA is the regulatory authority for community public water supplies (more than 25 people served) in Illinois (such as the City of Joliet). IEPA is responsible for the permitting of new drinking water facilities/components, as well as verifying compliance by community public water supplies.
- ◆ Illinois Department of Natural Resources (IDNR): IDNR is the regulatory authority for issuing Lake Michigan Allocation permits.

The Consultant Team began meeting with IEPA and IDNR during the Phase II Study to establish the permitting requirements for overall permitting of a new Lake Michigan water source. Through these meetings we were able to establish the permitting requirements including the relevant regulatory requirements (such as Title 35 Illinois Administrative Code, Subtitle F for Public Water Supplies), the permitting process including permit application and supporting documentation, and timeframe for permitting as well as other special requirements (such as a Corrosion Control Study for IEPA permitting).

In addition to the IEPA and IDNR permits, the following permits are anticipated for both Lake Michigan Water alternatives:

- ◆ Utility Permit Application (Illinois Department of Transportation)
- ◆ Utility Corridor Right-of-Way License Agreement
- ◆ Utility Construction in Floodway/Floodplain in Illinois (Illinois Department of Natural Resources)
- ◆ Railroad Permits
- ◆ Highway Permits – Cook County Highway Department, Will County Highway Department, Townships, Municipalities
- ◆ Municipal Construction Permits – Right-of-way Construction, Buildings Construction
- ◆ Forest Preserve District Construction Permits

For the construction of the Lake Michigan Water - New Indiana Intake alternative, the following additional permits are anticipated:

- ◆ 401/404 Permit for Construction in Waters of the United States (U.S. Army Corps of Engineers)
- ◆ Raw Water Intake/Utility Construction in Floodway Permit (Indiana Department of Natural Resources)



- ◆ Water Supply Facilities Construction Permit (Indiana Department of Environmental Management)
- ◆ Utility Permit Application (Indiana Department of Transportation)
- ◆ Highway Permits – Lake County (IN) Highway Department

During the 2020 evaluation, the Consultant Team will be contacting all of the agencies that are anticipated to require permits for both alternatives in order to establish permitting plans for each alternative. The permitting plans will establish a schedule for permit applications and reviews that supports Joliet's overall schedule for project implementation of each alternative.

Questions that the Consultant Team are asking permitting agencies to establish permitting requirements include:

- What is the process for permitting for construction?
- What is the permitting process for obtaining access for field investigations such as survey, soil borings, etc.?
- Are there permitting fees?
- Are permit forms and requirements available online?
- Does the permitting agency have agency-specific design and construction requirements?
- What is the typical time frame for permitting?
- Are there any outside approvals required that could impact the typical timeframe for permitting?

By establishing the permitting requirements at this stage of the program, we can anticipate potential permitting issues and provide adequate time in the implementation schedule to address and mitigate them.