

ILLINOIS POLLUTION CONTROL BOARD  
September 8, 1988

IN THE MATTER OF: )  
 )  
MISCELLANEOUS AMENDMENTS TO ) R88-1  
35 ILL. ADM. CODE, SUBTITLE C: )  
WATER POLLUTION. )

PROPOSED AMENDMENTS: FIRST NOTICE

OPINION AND ORDER OF THE BOARD (by R. C. Flemal):

The Board opened this docket by Order of January 21, 1988 for the purpose of providing a vehicle for making minor amendments to the Board's rules and regulations. In the accompanying Request for Public Comment the Board noted:

From time to time the Board, as well as practitioners before the Board, encounter aspects in the Board's rules and regulations which warrant correction, but which are not of the nature to justify the time and expense associated with conducting an individual rulemaking to address each. The Board proposes today to gather together these materials and address them within a single proceeding. In so doing, the Board borrows a page from the Illinois General Assembly, which often addresses a group of housekeeping matters in an "omnibus bill". In this sense, the instant matter is meant to be the Board's version of an omnibus rulemaking.

In its January 21, 1988 Request for Comments the Board further identified some examples of amendments it believed appropriate for inclusion in this exercise, and invited (1) comment on the example amendments, and (2) suggestions for and merits of additional amendments suitable for inclusion in an omnibus rulemaking proceeding. The Board indicated that inclusion of a suggested amendment within the eventual proposal would be based at the minimum on (1) desirability of the amendment, (2) likelihood that the amendment will be non-contentious, and (3) likelihood that the amendment will not require an Economic Impact Statement. Each of these criteria was selected to assure that the omnibus rulemaking could proceed in an expeditious manner.

Today the Board incorporates into a single proposal certain amendments which are consistent with the concept of an omnibus rulemaking. That proposal is adopted herein for first notice.

SCOPE

The January 21, 1988 Request for Public Comment elicited three comments, one each from the Great Lakes Chapter of the Sierra Club, Waste Management of Illinois, Inc ("WMII"), and the Illinois Environmental Protection Agency ("Agency").

Based upon these comments and the Board's further consideration, the Board alters the scope of the instant proposal in the following specifics:

- 1) As originally conceived, the instant proposal would have addressed matters in all of the Board's rules and regulations. However, save for only an amendment to Section 601.105 (Definition of Groundwater) as proposed by the Board in its January 21, 1988 Request for Comments, all proposed amendments have addressed Subtitle C, Water Pollution. For reason of imposing unity on the instant matter, only the water pollution proposed amendments are herein considered. The caption of instant matter is also accordingly adjusted.
- 2) The WMI comment takes particular exception to the Board's proposal in its January 21, 1988 Request for Comments to amend Section 301.360, Definition of Public and Food Processing Water Supply. The comment characterizes the proposed amendment as "a substantial amendment". Although the Board does not take a position on this characterization at the present time, it believes that reasonable question has been raised as to whether the proposed amendment is properly placed within the instant rulemaking. Accordingly, this proposed amendment to Section 306.360 will not be considered here.

As the WMII comment also notes, the Board will in the near future be considering matters related to groundwater (with which the proposed Section 301.360 amendment deals) as part of rulemaking associated with the Illinois Groundwater Protection Act. It would be appropriate to reconsider amending Section 301.360 at that time, as well as to reconsider the Definition of Groundwater at Section 601.105.

- 3) The Agency proposed in its Public Comment that certain amendments be made to Section 304.123, the Board's effluent standards for phosphorus. The Board notes that this section is under review in a pending rulemaking, R87-6, and believes that the Agency's proposal is better considered in that docket.

- 4) In its January 21, 1988 Request for Comments the Board had proposed deleting Section 304.301, which provides exceptions from ammonia nitrogen water quality standard violations under limited circumstances. In so proposing, the Board had noted that all of the provisions of this Section were to terminate on July 1, 1988, and speculated as to whether the Section would thereafter have practical import.

The Agency responded that, even though the deadline has passed, it would be advisable to retain the Section. Moreover, the Agency believes that it would be advisable to extend the July 1, 1988 deadline for an additional three years.

The Board believes that the Agency's proposal to extend the deadline may have merit. However, the Board believes that this proposal is of sufficient substantive content that it would be best considered within a dedicated docket. Accordingly, on August 18, 1988 the Board by separate order and docket sent this portion of the Agency's recommendation to first notice.

- 5) The Agency has proposed that Section 306.103, 306.104, and 306.105 be deleted. These three sections were renumbered to Sections 306.302, 306.201, and 306.401 through 306.406, respectively, at 7 Ill. Reg. 5682, effective April 19, 1983. The three sections are thus shells without textual content, and it might seem that their deletion would eliminate unnecessary text. However, Illinois Administrative Code Unit practice requires retention of renumbered sections in the format as exists. Accordingly, this proposed amendment will not be pursued.
- 6) The Agency has proposed correction of several typographic errors which occur in Parts 307 and 310, the Board's pretreatment regulations. Since the pretreatment regulations are subject to periodic updating, the Board believes that these errors are best corrected as part of that process. Accordingly, the Board will postpone consideration of this portion of the Agency proposal until the next pretreatment update.
- 7) The Agency has also proposed amendments to Sections 301.365, 301.415, and 312.101 relating to the interplay between the Board's prior regulations for treatment works and the newly adopted pretreatment

regulations. Although the Agency characterizes these proposals as solely intended to bring consistency to the regulations, the Board believes that each of the three proposals may have substantive impact not consistent with intent of this Omnibus rulemaking. In particular, the Board notes that the Agency's proposed amendment to Section 301.415 would have the likely substantive result of including all sewers and pretreatment works within the definition of treatment works; additionally, the Agency's proposed amendment to Section 312.101 would impose a substantive certification requirement on persons operating pretreatment works. The Board notes that should the Agency wish to pursue these amendments, it may do so in a standard rulemaking proceeding.

#### DISCUSSION OF PROPOSED AMENDMENTS

##### Section 301.200

Over time various definitions have been added to the water pollution regulations in Parts other than Part 301. In some cases these new definitions are possibly not consistent with the definitions presented in Section 301.200 et. seq. This amendment to 301.200 is intended to specify that, should conflict arise, the definition in the Part in question prevails.

##### Section 301.260

Section 306.103 was renumbered to Section 306.320 at 7 Ill. Reg. 5682, effective April 19, 1983. This amendment merely acknowledges the renumbering in a form consistent with Illinois Administrative Code Unit practice.

##### Section 301.365

This proposal deletes treatment works owned by federal agencies from the definition of Publicly Owned Treatment Works ("POTW"). As the Board notes in Scott Air Force Base v. IPCB (PCB 88-69, Slip Op. at 4, August 10, 1988), 40 CFR 122.2 (1987); excludes federally-owned treatment works from the definition of POTW. Accordingly, this amendment is proposed to provide unity between the federal definition and the Board's regulations.

##### Section 301.430

This amendment is made to provide consistency between Section 301.430 and the regulations of Parts 307 and 310.

Section 302.211(f)

The relationship between British Thermal Units ("BTUs") per hour and megawatts as currently expressed is incorrect by a factor of one hundred. This is, 0.5 billion BTUs per hour is equivalent to 150 megawatts, not 15,000 megawatts.

The 0.5 billion BTUs per hour is the figure present in the Board's original adoption of thermal standards (Ref: In the Matter of: Thermal Standards, Lake Michigan, R70-2, 1 PCB 695 et seq.; In the Matter of: Ohio-Wabash Thermal Standards, R71-12, 2 PCB 563 et seq.; and In the Matter of Mississippi Thermal Standards, R70-16, 3 PCB 177 et seq.). The 15,000 megawatts figure was added as a supplement to the original BTU figure in 1982 concurrently with codification of the regulations (which also codified Section 302.211 out of former rule 203(i)). At that time the Board introduced presumably equivalent metric units of measurement for the previously existing English units. In this case an error was made in the conversions, which the instant amendment would correct.

Section 302.211(j)

These amendments change the internal references within the Section to a form consistent with similar internal references elsewhere within the Board's regulations.

Section 302.304

This amendment substitutes a spelling used elsewhere within the Board's regulations for an otherwise acceptable, but not used, alternative spelling.

Section 302.504

The proposal is to delete the cyanide limit identified in this Section. The numeric value of the cyanide limit is the same as that specified in the General Use Standards, Section 302.208. Since the Lake Michigan water quality standards are cumulative with the General Use Standards pursuant to Section 302.501, inclusion of the cyanide limit within Section 302.504 is superfluous and inconsistent with treatment afforded other water parameters which have identical numerical limits in the General Use and Lake Michigan Standards.

Section 302.507

These proposed amendments correct a reversal in the captions for the columns representing Centigrade and Fahrenheit temperatures. They also correct the conversion of BTUs to megawatts, as in the amendment proposed for Section 302.311(f), above.

Section 302.509

The rationale and nature of the proposed amendments here are the same as that for the proposed amendment of Section 302.211(f). That is, the correct conversion to megawatts is made.

Section 304.104

The proposed change is to provide consistency of internal references, identical to that proposed for Section 302.211(j), above.

Section 304.124(e)

This proposed amendment corrects reversed cross-references for the constituents mercury and pH.

Section 304.140

Section 304.140 deals with the conditions under which delays in upgrading of effluent discharges are allowable. The proposal is to repeal the entirety of the Section. Section 304.140 appears to apply to actions and possible actions now entirely in the past, and therefore is believed to no longer have practical import (Agency Comment at 3). Removal of it from the regulations would therefore be justified as a matter of clarity and efficiency.

The Board specifically asks the Agency to address the question, during the first notice comment period, as to whether there are any dischargers which have not yet met the 1973 or 1974 deadlines pursuant to this exception procedure.

Section 305.102

In its January 21, 1988 Request for Public Comment the Board proposed to modify this Section with the purpose of eliminating duplication and possible inconsistencies between the reporting requirements found at 305.102 and the new reporting requirements found in Part 310, as adopted by the Board in R86-44 (In the Matter of: Pretreatment Regulations, December 3, 1987). In its comment the Agency advised against this action, claiming that it would eliminate the Agency's authority to require reporting from pretreatment works which are not subject to the categorical pretreatment standards of Part 307. For this reason the Board retreats from its earlier proposed amendments of this Section. This notwithstanding, the Agency recommends that the Board's proposal for adding paragraph (c) to this Section be retained.

Paragraph (c) indicates that reporting under Part 310 satisfies the requirements of Section 305.102. Its inclusion serves to eliminate possible confusing on this matter.

Section 309.281

The present language in Section 309.281, which determines the effective date of Subpart B, does not reference the calendar date upon which Subpart B became effective. Rather, reference is to "the date of filing with the Secretary of State" and to "such time as the Agency adopts criteria to administer the permit program". Thus, to identify the calendar date, an interested party must go outside of the regulations, which is an unnecessary inconvenience. Accordingly, it is proposed to amend the Section with the inclusion of the specific calendar dates in question.

ORDER

The Board hereby adopts the following amendments for First Notice.

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER C: POLLUTION CONTROL BOARD

PART 301  
INTRODUCTION

Section 301.200 Definitions

As used in Except as otherwise provided within individual Parts of this Chapter, the following terms defined by Section 301.200 et. seq. shall have the meanings specified.

Section 301.260 Combined Sewer Service Area

Combined Sewer Service Area: Means a specific geographical drainage area served by a combined sewer system. Areas served by separate sewer systems which enter the combined system are not included. Undeveloped areas within a combined sewer service area may be included in that area if deemed appropriate by the Agency pursuant to the guidelines in ~~Section 306-103(a)~~ 35 Ill. Adm. Code 306.102.

Section 301.365 Publicly Owned Treatment Works

Publicly Owned Treatment Works: A treatment works owned by a municipality, sanitary district, county or state ~~or federal~~ agency, and which treats domestic and industrial wastes collected by a publicly owned or regulated sewer system. Industrial treatment works which are publicly owned and financed by bond issues of public agencies are not included in this definition.

Section 301.430 Wastewater Source

Wastewater Source: Means any equipment, facility, or other source of any type whatsoever which discharges wastewater, directly or indirectly (except through a sewer tributary to a treatment works), to the waters of the State.

PART 302  
WATER QUALITY STANDARDS

SUBPART B: GENERAL USE WATER  
QUALITY STANDARDS

Section 302.211 Temperature

- a) Temperature has STORET number (F<sup>o</sup>) 00011 and (C<sup>o</sup>) 00010.
- b) There shall be no abnormal temperature changes that may adversely affect aquatic life unless caused by natural conditions.
- c) The normal daily and seasonal temperature fluctuations which existed before the addition of heat due to other than natural causes shall be maintained.
- d) The maximum temperature rise above natural temperatures shall not exceed 2.8<sup>o</sup>C (5<sup>o</sup>F).
- e) In addition, the water temperature at representative locations in the main river shall not exceed the maximum limits in the following table during more than one percent of the hours in the 12-month period ending with any month. Moreover, at no time shall the water temperature at such locations exceed the maximum limits in the following table by more than 1.7<sup>o</sup>C (3<sup>o</sup>F).

	<sup>o</sup> C	<sup>o</sup> F		<sup>o</sup> C	<sup>o</sup> F
JAN.	16	60	JUL.	32	90
FEB.	16	60	AUG.	32	90
MAR.	16	60	SEPT.	32	90
APR.	32	90	OCT.	32	90
MAY	32	90	NOV.	32	90
JUNE	32	90	DEC.	16	60

- f) The owner or operator of a source of heated effluent which discharges ~~±57000~~ 150 megawatts (0.5 billion British thermal units per hour) or more shall demonstrate in a hearing before this Board not less than



5 nor more than 6 years after the effective date of these regulations or, in the case of new sources, after the commencement of operation, that discharges from that source have not caused and cannot be reasonably expected to cause significant ecological damage to the receiving waters. If such proof is not made to the satisfaction of the Board appropriate corrective measures shall be ordered to be taken within a reasonable time as determined by the Board.

- g) Permits for heated effluent discharges, whether issued by the Board or the Agency, shall be subject to revision in the event that reasonable future development creates a need for reallocation of the assimilative capacity of the receiving stream as defined in the regulation above.
- h) The owner or operator of a source of heated effluent shall maintain such records and conduct such studies of the effluents from such sources and of their effects as may be required by the Agency or in any permit granted under the Act.
- i) Appropriate corrective measures will be required if, upon complaint filed in accordance with Board rules, it is found at any time that any heated effluent causes significant ecological damage to the receiving stream.
- j) All effluents to an artificial cooling lake must comply with the applicable provisions of the thermal water quality standards as set forth in ~~Section 302-211~~ this Section and Part 35 Ill. Adm. Code 303, except when all of the following requirements are met:
  - 1) All discharges from the artificial cooling lake to other waters of the State comply with the applicable provisions of ~~Sections 302-211(b) through 302-211(e)~~ subsections (b) through (e).
  - 2) The heated effluent discharged to the artificial cooling lake complies with all other applicable provisions of this Chapter, except ~~Sections 302-211(b) through 302-211(e)~~ subsections (b) through (e).
  - 3) At an adjudicative hearing the discharger shall satisfactorily demonstrate to the Board that the artificial cooling lake receiving the heated effluent will be environmentally acceptable, and within the intent of the Act, including, but not limited to:

- A) provision of conditions capable of supporting shellfish, fish and wildlife, and recreational uses consistent with good management practices, and
  - B) control of the thermal component of the discharger's effluent by a technologically feasible and economically reasonable method.
- 4) The required showing in ~~Section 302.211(j)(3)~~ subsection (j)(3) may take the form of an acceptable final environmental impact statement or pertinent provisions of environmental assessments used in the preparation of the final environmental impact statement, or may take the form of a showing pursuant to Section 316(a) of the CWA, which addresses the requirements of ~~Section 302.211(j)(3)~~ subsection (j)(3).
- 5) If an adequate showing as provided in ~~Section 302.211(j)(3)~~ subsection (j)(3) is found, the Board shall promulgate specific thermal standards to be applied to the discharge to that artificial cooling Lake.

SUBPART C: PUBLIC AND FOOD PROCESSING WATER  
SUPPLY STANDARDS

Section 302.304 Chemical Constituents

The following levels of chemical constituents shall not be exceeded:

CONSTITUENT	STORET NUMBER	CONCEN- TRATION (mg/l)
Arsenic (total)	01002	0.05
Barium (total)	01007	1.0
Cadmium (total)	01027	0.010
Chloride	00940	250.
Chromium	01034	0.05
Lead (total)	01051	0.05
Manganese (total)	01055	0.15
Nitrate-Nitrogen	00620	10.
Oil (hexane-solubles or equivalent)	00550, 00556 or 00560	0.1
Organics		
Pesticides		
Chlorinated Hydrocarbon Insecticides		

Aldrin	39330	0.001
Chlordane	39350	0.003
DDT	39370	0.05
Dieldrin	39380	0.001
Endrin	39390	0.0002
Heptachlor	39410	0.0001
Heptachlor Epoxide	39420	0.0001
Lindane	39782	0.004
Methoxychlor	39480	0.1
Toxaphene	39400	0.005
Organophosphate Insecticides		
Parathion	39540	0.1
Chlorophenoxy Herbicides		
2,4-Dichlorophenoxyacetic acid (2,4-D)	39730	0.1
2-(2,4,5-Trichlorophenoxy)-propionic acid (2,4,5-TP or Silvex)	39760	0.01
Phenols	32730	0.001
Selenium (total)	01147	0.01
<del>Sulphates</del> Sulfates	00945	250.
Total Dissolved Solids	70300	500.

SUBPART E: LAKE MICHIGAN WATER  
QUALITY STANDARDS

Section 302.504 Chemical Constituents

The following levels of chemical constituents shall not be exceeded:

CONSTITUENT	STORET NUMBER	CONCENTRATION (mg/l)
Ammonia Nitrogen	00610	0.02
Chloride	00940	12.0
Sulfate	00945	24.0
Phosphorus (as P)	00665	0.007
Total Solids (Dissolved)	70300	180.0
<del>Cyanide (total)</del>	<del>00720</del>	<del>0.025</del>

Section 302.507 Existing Sources on January 1, 1971

- a) All sources of heated effluents in existence as of January 1, 1971 shall meet the following restrictions outside of a mixing zone which shall be no greater than a circle with a radius of 305 m (1000 feet) or an equal fixed area of simple form.

- 1) There shall be no abnormal temperature changes that may affect aquatic life.
- 2) The normal daily and seasonal temperature fluctuations that existed before the addition of heat shall be maintained.
- 3) The maximum temperature rise at any time above natural temperatures shall not exceed 1.7°C (3°F). In addition, the water temperature shall not exceed the maximum limits indicated in the following table:

	°C	°F		°C	°F
JAN.	45	7	JUL.	80	27
FEB.	45	7	AUG.	80	27
MAR.	45	7	SEPT.	80	27
APR.	55	13	OCT.	65	18
JUN.	60	16	NOV.	60	16
JUN.	70	21	DEC.	50	10

- b) The owner or operator of a source of heated effluent which discharges ~~15,000~~ 150 megawatts (0.5 billion British Thermal Units per hour) or more shall demonstrate in a hearing before this Board not less than 5 nor more than six years after the adoption of this regulation, that discharges from that source have not caused and cannot be reasonably expected in future to cause significant ecological damage to the Lake. If such proof is not made to the satisfaction of the Board, backfitting of alternative cooling devices shall be accomplished within a reasonable time as determined by the Board.

Section 302.509 Other Sources

- a) No source of heated effluent which was not in operation or under construction as of January 1, 1971 shall discharge more than a daily average of ~~2900~~ 29 megawatts (0.1 billion British Thermal Units per hour).
- b) Sources of heated effluents which discharge less than a daily average of ~~2900~~ 29 megawatts (0.1 billion British Thermal Units per hour) not in operation or under construction as of January 1, 1971 shall meet all requirements of sections 302.507 and 302.508.

PART 304  
EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section 304.104 Averaging

- a) Except as otherwise specifically provided, proof of violation of the numerical standards of this Part shall be on the basis of one or more of the following averaging rules:
  - 1) No monthly average shall exceed the prescribed numerical standard.
  - 2) No daily composite shall exceed two times the prescribed numerical standard.
  - 3) No grab sample shall exceed five times the prescribed numerical standard.
- b) Terms used in ~~Section 304.104(a)~~ subsection (a) shall have the following meanings:
  - 1) The monthly average shall be the numerical average of all daily composites taken during a calendar month. A monthly average must be based on at least three daily composites.
  - 2) A daily composite shall be the numerical average of all grab samples, or the result of analysis of a single sample formed by combining all aliquots, taken during a calendar day. A daily composite must be based on at least three grab samples or three aliquots taken at different times.
  - 3) A grab sample is a sample taken at a single time. Aliquots of a daily composite are grab samples only if they are analyzed separately.
- c) ~~Section 304.104(a)~~ Subsection (a) establishes a method of interpretation of the effluent standards of this Part. The Agency shall consider the averaging rule in deciding whether an applicant has demonstrated that a facility complies with this Part for purposes of permit issuance and in writing the effluent standards into permit conditions. Reporting and monitoring requirements are established by way of permit condition pursuant to Sections 35 Ill. Adm. Code 305.102 and 309.146.

- d) Proof of violation of effluent limitations contained in permits shall be based on the language of the permit.

Section 304.124 Additional Contaminants

- a) No person shall cause or allow the concentration of the following constituents in any effluent to exceed the following levels, subject to the averaging rules contained in Section 304.104(a).

CONSTITUENT	STORET NUMBER	CONCENTRATION mg/l
Arsenic	01002	0.25
Barium	01007	2.0
Cadmium	01027	0.15
Chromium (hexavalent)	01032	0.1
Chromium (total)	01034	1.0
Copper	01042	0.5
Cyanide	00720	0.10
Fluoride	00951	15.0
Iron (total)	01045	2.0
Lead	01051	0.2
Manganese	01055	1.0
Nickel	01067	1.0
Oils (hexane soluble or equivalent)	00550	15.0
Phenols	32730	0.3
Silver	01077	0.1
Zinc	01092	1.0
Total Suspended Solids	00530	15.0
(From sources other than those covered by Section 304.120)		

- b) Discharges of hexavalent chromium shall be subject to the averaging rule of Section 304.104 modified as follows: monthly averages shall not exceed 0.1 mg/l; daily composites shall not exceed 0.3 mg/l; and, grab samples shall not exceed 1.0 mg/l.
- c) Oil may be analytically separated into polar and nonpolar components. If such separation is done, neither of the components may exceed 15 mg/l (i.e. 15 mg/l polar materials and 15 mg/l nonpolar materials).
- d) Unless otherwise indicated, concentrations refer to the total amount of the constituent present in all phases, whether solid, suspended or dissolved, elemental or combined, including all oxidation states. Where constituents are commonly measured as other than total, the word "total" is inserted for clarity.

e) The following table is provided for cross referencing purposes:

CONSTITUENT	SECTION(S)
Ammonia nitrogen	304.301, 304.122
Bacteria	304.121
Biochemical Oxygen Demand	304.120
Deoxygenating Wastes	304.120
Mercury	<del>304.125</del> 304.126
Nitrogen, ammonia	304.301, 304.122
pH	<del>304.126</del> 304.125
Phosphorus	304.123

Section 304.140 Delays in Upgrading (Repealed)

- a) All effluent standards required to be met on December 31, 1973 or December 31, 1974 and in response to Section ~~304.301~~ shall be met unless:
1. The discharger is eligible for a construction grant under Section 201(g) of the Clean Water Act; and
  2. The discharger has filed an application for a construction grant on or before December 31, 1975; and
  3. The discharger has timely taken all necessary pre-grant and post-grant actions appropriate to the specific grant step for which the discharger is then eligible.
  4. The exemption provided in (a)(1), (a)(2) and (a)(3) above shall terminate upon completion of construction under the grant provided and compliance with the provisions of this Section shall thereafter be required.
- b) Nothing in paragraph (a) above shall limit the power of the Board to enter an abatement order pursuant to Section 46 of the Act necessary to abate pollution of the waters of the State, when the Board has found, as the result of an enforcement or variance case initiated under Titles VIII of IX of the Act, that the discharger is causing a violation of the Act or the regulations.
- c) The following Sections were required to be met on December 31, 1973, or December 31, 1974:

Section	Old Rule Number	Date
304-120(e)	404(e)	December 31, 1973
304-120(d)	404(d)	December 31, 1974
304-121	405 (Discharges to Ohio and Mississippi Rivers only)	December 31, 1973
304-122(b)	406 (Second paragraph of old Rule 406 only)	December 31, 1974

PART 305  
MONITORING AND REPORTING

Section 305.102 Reporting Requirements

- a) Every person within this State operating a pretreatment works, treatment works, or wastewater source shall submit operating reports to the Agency at a frequency to be determined by the Agency. Such reports shall contain information regarding the quantity of influent and of effluent discharged, of wastes bypassed and of combined sewer overflows; the concentrations of those physical, chemical, bacteriological and radiological parameters which shall be specified by the Agency; and any additional information the Agency may reasonably require. This reporting requirement for pretreatment works shall only apply to those pretreatment works which:
- 1) Discharge toxic pollutants, as defined in Section 502(13) of the CWA, or pollutants which may interfere with the treatment process, into the receiving treatment works or are subject to regulations promulgated under Section 307 of the Clean Water Act (CWA): 33 U.S.C. 1251 et seq.; 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 5-day biochemical oxygen demand.
- b) Every holder of an NPDES permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this chapter.



- c) Compliance with the reporting requirements of 35 Ill. Adm. Code 310 satisfies this reporting requirement.

PART 309  
PERMITS

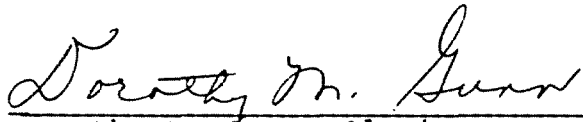
SUBPART B: OTHER PERMITS

Section 309.281 Effective Date

- a) The effective date of this Subpart B shall be the date of filing with the Secretary of State on an emergency basis. is March 7, 1972.
- b) Notwithstanding (a) above, Section 309.208 shall become effective at such time as the Agency adopts criteria to administer the permit program contained therein. became effective with adoption by the Agency of 35 Ill. Adm. Code 391 on December 15, 1983.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 8<sup>th</sup> day of September, 1988, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board