



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

September 28, 2020

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 44, Issue 40 of the Illinois Register, dated 10/2/2020.

OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

Notice of Public Information

Point of Contact: Michael McCambridge 16378

PROPOSED RULES

Air Quality Standards

35 Ill. Adm. Code 243 16081

Point of Contact: Michael McCambridge

Pretreatment Programs

35 Ill. Adm. Code 310 16097

Point of Contact: Michael McCambridge

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pretreatment Programs
- 2) Code Citation: 35 Ill. Adm. Code 310
- 3) Section Numbers:
310.107
310.930
- Proposed Actions:
Amendment
Repealed
- 4) Statutory Authority: 415 ILCS 5/7.2, 13.3, and 27.
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of September 17, 2020, proposing amendment in docket R21-8 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the Illinois Register before proceeding to adopt amendment based on this proposal.

The docket R21-8 proceeding relates to the wastewater pretreatment requirements in 35 Ill. Adm. Code 310 of the Illinois water pollution control rules. This amendment would update the Illinois wastewater pretreatment requirements to correspond with amendments to the federal wastewater pretreatment standards that the United States Environmental Protection Agency (USEPA) adopted during the first half of 2020.

The general federal wastewater pretreatment requirements are codified at 40 C.F.R. 403. Federal categorical standards are in parts of 40 C.F.R. 405 through 471. During this period, USEPA amended implementation of its wastewater pretreatment standards as follows:

April 15, 2020
(85 Fed. Reg. 20873)

USEPA updated its NPDES digital reporting rule as it relates to reporting for municipal separate storm sewer systems (MS4s). Some of the MS4-related revisions affected general NPDES digital reporting rules affecting reporting for the wastewater pretreatment program. The Board must incorporate these general reporting revisions into the Illinois rules.

The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than listing the NPDES digital reporting requirements. Thus, updating the incorporation by reference includes the USEPA action. The further

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Board removed an obsolete rule relating to USEPA's Project XL and updated incorporations by reference to *Code of Federal Regulations* and *United States Code* provisions to the latest version available.

Tables appear in a document entitled "Identical-in -Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R21-8 which list the limited revisions that are not based on current federal amendments. The tables contain the deviation from the literal text of the federal actions underlying this amendment, as well as updates to incorporations by reference to the *Code of Federal Regulations* that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R21-8.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this proposed rule replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does the proposed rule contain incorporations by reference? Yes
- 10) Are there any other rules pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R21-8 and be addressed to:

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Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R21-8:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312-814-6924
michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312-814-3620 or download a copy from the Board's Website at <http://www.pcb.illinois.gov>.

13) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2016)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2016)].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2016)].

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- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory agenda on which this rulemaking was summarized: January 2020

The full text of the proposed amendments begins on the next page: