

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
WASTEWATER PRETREATMENT ) R21-15  
STANDARDS UPDATE, USEPA ) (Identical-in-Substance Rulemaking  
REGULATIONS (July 1, 2020 through ) Water)  
December 31, 2020) )

**NOTICE OF FILING**

To: See Persons on Attached Service List.

PLEASE TAKE NOTICE that on November 20, 2020, I filed with the Office of the Clerk of the Illinois Pollution Control Board **METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO'S COMMENTS IN RESPONSE TO HEARING OFFICER ORDER**, a copy of which is herewith served upon you.

Respectfully submitted,

METROPOLITAN WATER RECLAMATION  
DISTRICT OF GREATER CHICAGO

By: /s/ Susan T. Morakalis  
General Counsel

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**METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO'S  
COMMENTS IN RESPONSE TO HEARING OFFICER ORDER**

The Metropolitan Water Reclamation District of Greater Chicago (“District”) offers the following comments in response to the November 10, 2020 Hearing Officer Order in this docket.

The District appreciates the Hearing Officer’s attention to the timing of Board incorporation into Illinois’s wastewater pretreatment regulations, through this identical-in-substance rulemaking, of the five-year postponement by the United States Environmental Protection Agency (“USEPA”) of the December 21, 2020 National Pollutant Discharge Elimination System (“NPDES”) eReporting rule Phase 2 implementation deadline. Phase 2 of that rule includes, among other NPDES submissions, approved pretreatment program annual reports. 40 C.F.R. 127.16, Table 1. Pursuant to Illinois’s wastewater pretreatment regulations, as of December 21, 2020, publicly owned treatment works must submit these reports electronically. (35 Ill. Adm. Code 310.106(b)(8)(A), 310.612)

The District submits that expedited Board action is indeed warranted, and supports either of the first two expedited options the Hearing Officer presented: (1) expedited resolution of this identical-in-substance rulemaking, leading to amended rules effective as early as mid-May 2021; or (2) expedited Board adoption of USEPA’s revised deadline alone, in a new separate docket, culminating in an amended rule effective as early as March 2021. From the District’s perspective, the third presented option—proceeding by emergency rulemaking to incorporate USEPA’s revised deadline into the Illinois regulations by December 21, 2020—is not necessary.

Either of the first two expedited review options would assure that the District could submit to USEPA and the Illinois Environmental Protection Agency (“IEPA”) its 2020 pretreatment program annual report, due by June 30, 2021, in paper rather than electronic format, as the District has done to date. Although the District has a contract in place that will allow it to shift to electronic submission of these annual reports, the work required to make that transition will not be completed in time to submit the 2020 annual report electronically.

In particular, the District, through a contract with the software vendor enfoTech & Consulting Inc., is developing an eReporting system that meets the Cross Media Electronic Reporting Rule (CROMERR) under 40 C.F.R. Part 3. The software, called GovOnline, is expected to be completed on or before December 31, 2021. This system will allow the District to submit its annual pretreatment program report electronically to USEPA and IEPA through an electronic document library associated with each agency’s account. Of course, the District will use any software preferred and developed by IEPA to electronically submit its pretreatment program annual reports.

Respectfully submitted,

**METROPOLITAN WATER RECLAMATION  
DISTRICT OF GREATER CHICAGO**

Dated: November 20, 2020

By: /s/ Susan T. Morakalis  
General Counsel

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**CERTIFICATE OF SERVICE**

I, J. Mark Powell, the undersigned, on oath state the following:

That I have served the foregoing **METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO'S COMMENTS IN RESPONSE TO HEARING OFFICER ORDER**, via electronic mail upon:

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That my email address is [PowellJ@mwrdd.org](mailto:PowellJ@mwrdd.org)

That the number of pages in the email transmission is 4 pages.

That the email transmission took place before 5:00 p.m. on November 20, 2020.

/s/ J. Mark Powell

Dated: November 20, 2020