



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

December 11, 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 51 of the Illinois Register, dated 12/18/2020.

ADOPTED RULES

Pretreatment Programs	
35 Ill. Adm. Code 310	19486
Point of Contact: Michael J McCambridge	
General Provisions	
35 Ill. Adm. Code 1420	19500
Point of Contact: Chloe Cummings	

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

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pretreatment Programs
- 2) Code Citation: 35 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
310.107	Amendment
310.930	Repealed
- 4) Statutory Authority: 415 ILCS 5/7.2, 13.3, and 27
- 5) Effective date of rule: DEC - 3 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted December 3, 2020 in docket R21-8, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in the Illinois Register: 44 Ill. Reg. 16097, October 2, 2020
- 10) Has JCAR issued a Statement of Objections to these rules? Section 13.3 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).
- 11) Differences between the proposal and the final version: A table in a document entitled "Identical-in-Substance Rulemaking Addendum (Final)" that the Board added to docket R21-8 summarizes the difference between the amendments adopted in the December 3, 2020 opinion and order and those proposed by the Board in an opinion and order dated September 17, 2020, in docket R21-8.

The differences are limited to minor stylistic revisions. The changes are intended to have no substantive effect.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 13.3 of the Environmental Protection Act [415

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 JCAR.

Since the Notices of Proposed Amendments appeared in the October 2, 2020 issue of the *Illinois Register*, the Board received a suggestion for revision from JCAR. The Board changed the text as a result, as detailed in the Identical-in-Substance Rulemaking Addendum (Final) in docket R21-8 described in item 11 above. A table in the Identical-in-Substance Rulemaking Addendum (Final) in docket R21-8 lists the JCAR suggestion and the Board response.

- 13) Will this rulemaking replace emergency amendments currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and purpose of amendments: The following briefly describes the subjects and issues involved in the docket R21-8 rulemaking. A comprehensive description is contained in the Board's opinion and order of December 3, 2020, adopting amendments in docket R21-8, which opinion and order is available from the address below.

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

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 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 (Final)" that the Board added to docket R21-8 that list the revisions to the text since the Board's September 17, 2020 proposal for public comment. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the Identical-in-Substance Rulemaking Addendum (Final) in docket R21-8.

Section 13.3 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).

- 16) Information and questions regarding this adopted rulemaking shall be directed to: Please reference docket R21-8 and direct inquiries to the following person:

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 of December 3, 2020 at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at pcb.illinois.gov.

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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