

ILLINOIS POLLUTION CONTROL BOARD  
November 20, 2008

IN THE MATTER OF: )  
WASTEWATER PRETREATMENT ) R08-5  
UPDATE, USEPA AMENDMENTS (January ) (Identical-in-Substance Rulemaking -  
1, 2007 through June 30, 2007) ) Water)  
)

Adopted Rule. Final Order.

OPINION AND ORDER OF THE BOARD (by T.E. Johnson):

**SUMMARY OF THIS ACTION**

The Board today adopts amendments to the Illinois regulations that are “identical in substance” to wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA). The amendments involved in this consolidated docket incorporate amendments into the Illinois wastewater pretreatment regulations in response to one USEPA action that occurred during the identical-in-substance update period of January 1, 2007 through June 30, 2007. On March 12, 2007, USEPA adopted amendments relating to analytical methods approved under the wastewater pretreatment and drinking water programs. The R08-5 docket includes the wastewater pretreatment segments of those amendments.

Sections 7.2 and 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13.3 (2006)) require the Board to adopt regulations that are “identical in substance” to federal wastewater pretreatment regulations. The USEPA wastewater pretreatment rules implement Sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (2006)). The federal wastewater pretreatment regulations are found at 40 C.F.R. 400 through 499. Section 13.3 also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2006)) do not apply to the Board’s adoption of identical-in-substance regulations.

As is explained in more detail immediately below, the Board adopted this proposal for public comment on August 7, 2008. Only one public comment relevant to these wastewater pretreatment rules was received during the public comment period, which began on August 29, 2008 and ended on October 13, 2008. The amendments adopted here are substantively unchanged from the proposal; changes include only correction of typographical errors and updating of references to federal statutes.

The Board will file the adopted amendments with the Office of the Secretary of State and submit them for publication in the *Illinois Register*.

## **PROCEDURAL HISTORY**

The amendments that underlie the present wastewater pretreatment docket are based on the same March 12, 2007 USEPA amendments that form the basis of significant Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300f (2007)) amendments. By an order dated March 6, 2008, the Board consolidated the wastewater pretreatment amendments with the SDWA amendments. Wastewater Pretreatment Update, USEPA Amendments (January 1, 2007 through June 30, 2007), R08-5, SDWA Update, USEPA Amendments (January 1, 2007 through June 30, 2007 and June 3, 2008), R08-7, SDWA Update, USEPA Amendments (July 1, 2007 through December 31, 2007), R08-13 (Mar. 6, 2008) (consol.) (referred to as “R08-5/R08-7/R08-13”).

On August 7, 2008, the Board adopted a proposal for public comment in this matter, in the R08-5/R08-7/R08-13 (Aug. 7, 2008). Notices of Proposed Amendment based on that proposal appeared in the *Illinois Register* at 32 Ill. Reg. 14032 (Part 307) and 14054 (Part 310) (Aug. 29, 2008).<sup>1</sup>

By an order dated September 4, 2008, the Board deconsolidated the R08-5/R08-7/R08-13 docket. This docket, Wastewater Pretreatment Update, USEPA Amendments (January 1, 2007 through June 30, 2007), R08-5, is proceeding to final adoption separately and independently, based on the August 7, 2008 proposal.<sup>2</sup>

The amendments included in this docket are based on USEPA amendments of March 12, 2007. Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2006)) provides that the due date for final adoption of these amendments was one year from that date, on March 12, 2008. Section 7.2(b) further provides, however, that the Board can extend the one-year deadline upon a finding that more time is necessary to finalize the amendments. *See* 415 ILCS 5/7.2(b) (2006). By an order dated March 6, 2008 in R08-5/R08-7/R08-13, the Board extended the deadline until August 15, 2008. A Notice of Public Information based on that order appeared in the *Illinois Register* at 32 Ill. Reg. 4281 (Mar. 21, 2008). By the August 7, 2008 proposal for public comment, the Board extended the deadline a second time, until December 1, 2008. A second Notice of Public Information based on that order appeared in the *Illinois Register* at 32 Ill. Reg. 14360 (Aug. 29, 2008).

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<sup>1</sup> A Notice of Proposed Amendment also appeared in the August 29, 2008 issue for the SDWA amendments, at 32 Ill. Reg. 14065 (Part 611).

<sup>2</sup> In the September 4, 2008 order that deconsolidated the R08-5/R08-7/R08-13 docket, the Board amended the proposal in the still-consolidated SDWA update dockets, SDWA Update, USEPA Amendments (January 1, 2007 through June 30, 2007 and June 3, 2008), R08-7, SDWA Update, USEPA Amendments (July 1, 2007 through December 31, 2007), R08-13 (consol.). That September 4, 2008 order also resulted in the formal withdrawal of the August 29, 2008 Notices of Proposed Amendment under the APA (5 ILCS 100 (2006)) based on the August 7, 2008 Board proposal. A Notice of Withdrawal of Proposed Amendment appeared at 32 Ill. Reg. 16013 (Sep. 26, 2008).

The August 29, 2008 *Illinois Register* publication of the Notices of Proposed Amendment for the wastewater pretreatment amendments started the public comment period in this matter. That comment period ran 45 days, until October 13, 2008. The Board now proceeds to adopt amendments based on the August 7, 2008 proposal for public comment.

### **FEDERAL ACTION CONSIDERED IN THIS RULEMAKING**

This docket includes federal wastewater pretreatment amendments that USEPA adopted in the time period January 1, 2007 through June 30, 2007. USEPA adopted one set of amendments during the period that affected the wastewater pretreatment regulations. The following briefly summarizes the single federal action that is considered in this rulemaking:

#### **March 12, 2007 (at 72 Fed. Reg. 11200)**

USEPA modified the testing procedures approved for sampling and analysis in programs established under the Clean Water Act (CWA) and the SDWA. The wastewater pretreatment rules are established under CWA, and the Primary Drinking Water Regulations are established under SDWA. The amendments updated the versions allowed for existing methods and approved new methods for use.

### **No Other Federal Actions Having a Direct Impact on the Illinois Wastewater Pretreatment Regulations**

In addition to the amendments to the federal wastewater pretreatment and SDWA regulations, amendments to certain other federal regulations occasionally have an effect on the Illinois drinking water rules. Most notably, 35 Ill. Adm. Code 310.110 incorporates several segments of the federal regulations by reference, including 40 C.F.R. 3.3, 3.10, 3.2000, 25, tables II and II in appendix D to part 122, 136, 403 (generally), 403.12, appendices D and G to part 403, and 503. 35 Ill. Adm. Code 307.2201 incorporates 40 C.F.R. 122.23(b) and (c) by reference, and 35 Ill. Adm. Code 310.602 incorporates 40 C.F.R. 403.12(b) by reference.

As of December 31, 2007, the ending date of the federal actions involved in this proposal for public comment, USEPA had not amended any of these federal regulations. No Board action will be required at this time to update the versions of these documents incorporated by reference in either Part 307 or 310.

### **PUBLIC COMMENTS**

The Board adopted a proposal for public comment in this matter in R08-5/R08-7/R08-13 on August 7, 2008. At the time of that proposal, this docket R08-5 was consolidated with SDWA dockets R08-7 and R08-13. Notices of Proposed Amendments appeared in the *Illinois Register* at 32 Ill. Reg. 14032 (Part 307) and 14054 (Part 310) (Aug. 29, 2008). The Board issued an order in the consolidated R08-5/R08-7/R08-13 docket on September 4, 2008 that deconsolidated the wastewater pretreatment amendments from the SDWA amendments.

In this order in the deconsolidated R08-5 docket, the Board proceeds separately to adopt the wastewater pretreatment amendments.

The Board received a few public comments in the consolidated docket that pertained only to the SDWA amendments that are now involved in the severed consolidated SDWA docket R08-7/R08-13. The Board received a single comment pertaining to the wastewater pretreatment amendments involved in this docket, R08-5. The Board presents a complete listing of the comments received in the R08-5/R08-7/R08-13 docket below, indicating whether each related to the wastewater pretreatment or the SDWA amendments. The comments received were the following:

- PC 1 August 10, 2007 through August 13, 2007 e-mail exchange between Stefanie Diers, Division of Legal Counsel, Illinois Environmental Protection Agency (Agency) and Michael J. McCambridge, hearing officer (pertaining only to the SDWA amendments in consolidated docket R08-7/R08-13).
- PC 2 November 20, 2007 letter from Stefanie Diers, Agency (received November 21, 2007) (pertaining only to the SDWA amendments in consolidated docket R08-7/R08-13).
- PC 3 July 8, 2008 through July 10, 2008 e-mail exchange between Jayne Brown, Chemistry Support, Waters Crop. (with attached copy of Method 6500, rev. 0 (Feb. 2007)) and Michael J. McCambridge, hearing officer (pertaining only to the SDWA amendments in consolidated docket R08-7/R08-13).
- PC 4 July 8, 2008 through July 10, 2008 e-mail exchange between Pat Fair, Office of Ground Water and Drinking Water, USEPA and Michael J. McCambridge, hearing officer (pertaining only to the SDWA amendments in consolidated docket R08-7/R08-13).
- PC 5 August 18, 2008 e-mail from Deborah Connelly, Joint Committee on Administrative Rules (JCAR) to Michael J. McCambridge, hearing officer (pertaining exclusively to the wastewater pretreatment amendments).
- PC 6 August 18, 2008 and August 19, 2008 e-mail exchange between Deborah Connelly, JCAR and Michael J. McCambridge, hearing officer (pertaining only to the SDWA amendments in consolidated docket R08-7/R08-13 SDWA).

By PC 5, the only comments that related to the wastewater pretreatment amendments, JCAR suggested a single correction to the text of the amendments. That correction is listed in table 3, which appears on page 10 of this opinion and order.

### **DISCUSSION**

The following discussion begins with a description of the amendments undertaken in direct response to the federal action involved in this proceeding. The discussion closes with a

description of the miscellaneous amendments that are not directly derived from the federal action, but which the Board routinely includes in these update dockets as necessary.

### **Discussions of the Federal Actions**

#### **Analytical Methods Update--Sections 307.4000, 307.7500, and 310.107**

The USEPA action of March 12, 2007 (72 Fed. Reg. 11200) amended the provisions that prescribe the analytical methods that a regulated entity must use to demonstrate compliance under the federal CWA (33 U.S.C. §§ 1251 *et seq.* (2006)) and the federal SDWA (42 U.S.C. §§ 300f *et seq.* (2006)). Among the provisions that USEPA amended were 40 C.F.R. 136.3, 136.4, 136.5, 136.6, 430.02, 455.50, Table 7 to 455, and 465.03, which set forth the methods for use under CWA programs.<sup>3</sup> The amendments designate new methods as acceptable, and they add updated versions of older methods as acceptable.

The Board updated the methods in the Illinois wastewater pretreatment regulations to correspond with the March 12, 2007 USEPA methods approval and update. Any person interested in the substance of the USEPA actions should review the *Federal Register* notice of March 12, 2007. The following discussion only reviews the substance of the federal actions to the degree necessary to incorporate the substance of the federal changes into the Illinois regulations.

Incorporation of the federal amendments into the wastewater pretreatment rules involved updating the version of appropriate *Code of Federal Regulations* provisions that are incorporated by reference in the Illinois rules. The Board has included a limited number of additional amendments necessary to assure that all incorporations by reference are up to date in the segments of text involved. The tables that appear beginning on page 8 of this opinion list and briefly describe the deviations from the literal text of the federal rules and the changes made in the existing text of the Illinois rules that were not derived from federal amendments.

The Board requested public comment on the incorporation of the March 12, 2007 USEPA CWA methods revisions into the Illinois wastewater pretreatment regulations. The Board received only PC 5 from JCAR in response. PC 5 offered only a single non-substantive correction.

### **General Revisions and Deviations from the Federal Text**

In incorporating the federal rules into the Illinois system, some deviation from the federal text is unavoidable. This deviation arises primarily through differences between the federal and state regulatory structure and systems. Some deviation also arises through errors in and problems with the federal text itself. The Board conforms the federal text to the Illinois rules

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<sup>3</sup> USEPA also amended 40 C.F.R. 141.21, 141.23, 141.24, 141.25, 141.74, 143.4, which set forth analytical methods for use under SDWA. Those amendments are included in the consolidated R08-7/R08-13 SDWA update docket.

and regulatory scheme and corrects errors found in the text in the course of these routine update rulemakings.

In addition to the amendments derived from federal amendments, the Board often finds it necessary to alter the text of various passages of the existing rules as provisions are opened for update in response to USEPA actions. This involves correcting deficiencies, clarifying provisions, and making other changes that are necessary to establish a clear set of rules that closely parallel the corresponding federal requirements within the codification scheme of the Illinois Administrative Code.

The Board updates the citations to the *Code of Federal Regulations* to the most recent version available. As discussed above, the most recent version of the *Code of Federal Regulations* available to the Board is the July 1, 2007 edition for USEPA regulations (Title 40). Thus, the Board has updated all citations to Title 40 to the 2007 edition of the *Code of Federal Regulations*, adding references to later amendments using their appropriate *Federal Register* citation, where necessary.

The Board substituted “or” for “/” in most instances where this appeared in the federal base text, using “and” where more appropriate. The Board further used this opportunity to make a number of corrections to punctuation, grammar, spelling, and cross-reference format throughout the opened text. We changed “who” to “that” and “he” or “she” to “it,” where the person to which the regulation referred was not necessarily a natural person, or to “he or she,” where a natural person was evident; changed “which” to “that” for restrictive relative clauses; substituted “must” for “shall”; capitalized the section headings and corrected their format where necessary; and corrected punctuation within sentences.

In addition, the federal rules have been edited to establish a uniform usage throughout the Board’s regulations. For example, with respect to “shall,” “will,” and “may,” “must” is used when an action is required by the rule, without regard to whether the action is required of the subject of the sentence or not. “Shall” is no longer used, since it is not used in everyday language. Thus, where a federal rule uses “shall,” the Board substitutes “must.” This is a break from our former practice where “shall” was used when the subject of a sentence has a duty to do something. “Will” is used when the Board obliges itself to do something. “May” is used when choice of a provision is optional. “Or” is used rather than “and/or,” and denotes “one or both.” “Either . . . or” denotes “one but not both.” “And” denotes “both.”

JCAR has requested that the Board refer to the United States Environmental Protection Agency in the same manner throughout all of our bodies of regulations—*i.e.*, air, water, drinking water, RCRA Subtitle D (municipal solid waste landfill), RCRA Subtitle C (hazardous waste), underground injection control (UIC), etc. The Board has decided to refer to the United States Environmental Protection Agency as “USEPA.” The Board will continue this conversion in future rulemakings as additional sections become open to amendment. The Board will further convert “EPA” used in federal text to “USEPA,” where USEPA is clearly intended.

The Board has assembled tables to aid in the location of these alterations and to briefly outline their intended purpose. Table 1 sets forth the miscellaneous deviations from the federal

text, and Table 2 itemizes the corrections to the pre-amended base text of the rules in detail. Table 1 and Table 2 both begin on page 8 of this opinion. There is no further discussion of most of the deviations and revisions elsewhere in this opinion.

### **Discussion of Corrective Amendments**

The Board has traditionally used the occasion of these identical-in-substance updates to correct segments of the base text of the Illinois regulations. These corrections are non-substantive in effect. The Board is including a number of non-substantive corrections in this docket.

The Board will not discuss the bulk of the particular corrective amendments in this segment of this discussion. Only one warrants specific discussion. That discussion follows this paragraph. The corrections are itemized in the Table 1, which begins on page 8 of this opinion.

### **Tabulation of Miscellaneous Housekeeping Amendments**

The tables below list numerous corrections and amendments that are not based on current federal amendments. The first table (which begins immediately below) includes deviations made in this Proposal for Public Comment from the verbatim text of the federal amendments. The second table (which begins immediately after Table 1, on page 8 below) contains corrections and clarifications that the Board made in the base text involved in this proposal. The amendments listed in this second table are not directly derived from the current federal amendments. Some of the entries in these tables are discussed further in appropriate segments of the general discussion beginning at page 5 of this opinion. Table 3 (beginning on page 10 below) is a listing of revisions made to the text of the amendments from that proposed and set forth in the Board's opinion and order of August 7, 2008. Table 3 indicates the changes made, as well as the source that suggested each of the changes.

**Table 1:  
Deviations from the Text of the Federal Amendments**

Illinois Section	40 C.F.R. Section	Revision(s)
307.4000(c)	430.02(g)	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition to incorporate March 12, 2007 federal amendments by reference
307.7500(c)	465.03(c)	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition to incorporate March 12, 2007 federal amendments by reference
310.107(b), "40 CFR 136"	136.3, 136.4, 136.5, and 136.6	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition to incorporate March 12, 2007 federal amendments by reference

**Table 2:  
Board Housekeeping Amendments**

Section	Source	Revision(s)
307 source note	JCAR	Corrected “R06-15” to “R06-13”
307.4000(b)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.4000(d)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.7500(b)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.7500(d)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310 source note	Board	Corrected “R06-16” to “R06-13”
310.107(b), “40 CFR 2.302”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.107(b), “40 CFR 3.2”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation
310.107(b), “40 CFR 3.3”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation
310.107(b), “40 CFR 3.10”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation
310.107(b), “40 CFR 3.2000”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation
310.107(b), “40 CFR 25”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.107(b), “tables II and III in appendix D to 40 CFR 122”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.107(b), “40 CFR 136”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.107(b), “40 CFR 403”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation
310.107(b), “40 CFR 403.12”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation
310.107(b), “appendix D to 40 CFR 403”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition

310.107(b), “appendix G to 40 CFR 403”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation
310.107(b), “40 CFR 503”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.107(c), “18 USC 1001”	Board	Updated the citation to the <i>United States Code</i> to the most recent edition
310.107(c), “33 USC 1251”	Board	Updated the citation to the <i>United States Code</i> to the most recent edition
310.107(c), “33 USC 1284”	Board	Updated the citation to the <i>United States Code</i> to the most recent edition
310.107(c), “33 USC 1284”	Board	Updated the citation to the <i>United States Code</i> to the most recent edition
310.107(c), “33 USC 1292”	Board	Updated the citation to the <i>United States Code</i> to the most recent edition
310.107(c), “33 USC 1318”	Board	Updated the citation to the <i>United States Code</i> to the most recent edition
310.107(c), “33 USC 1319”	Board	Updated the citation to the <i>United States Code</i> to the most recent edition
310.107(c), “33 USC 1345”	Board	Updated the citation to the <i>United States Code</i> to the most recent edition
310.107(c), “42 USC 6921-6939e and 6441-6949a”	Board	Updated the citation to the <i>United States Code</i> to the most recent edition

**Table 3:  
Revisions to the Text of the Proposed Amendments in Final Adoption**

Section Revised	Source(s) of Revision(s)	Revision(s)
307 source note	JCAR	Corrected “R06-15” to “R06-13”
310 source note	Board	Corrected “R06-16” to “R06-13”
310.107(c), “18 USC 1001”	Board	Updated the citation to the <i>United States Code</i> to the most recent edition
310.107(c), “33 USC 1251”	Board	Updated the citation to the 2006 edition of the <i>United States Code</i> to the 2007 edition, which is the most recent edition available
310.107(c), “33 USC 1284”	Board	Updated the proposed change to the 2006 edition in the citation of the <i>United States Code</i> to the 2007 edition, which is the most recent edition available
310.107(c), “33 USC 1284”	Board	Updated the proposed change to the 2006 edition in the citation of the <i>United States Code</i> to the 2007 edition, which is the most recent edition available

310.107(c), “33 USC 1292”	Board	Updated the proposed change to the 2006 edition in the citation of the <i>United States Code</i> to the 2007 edition, which is the most recent edition available
310.107(c), “33 USC 1318”	Board	Updated the proposed change to the 2006 edition in the citation of the <i>United States Code</i> to the 2007 edition, which is the most recent edition available
310.107(c), “33 USC 1319”	Board	Updated the proposed change to the 2006 edition in the citation of the <i>United States Code</i> to the 2007 edition, which is the most recent edition available
310.107(c), “33 USC 1345”	Board	Updated the proposed change to the 2006 edition in the citation of the <i>United States Code</i> to the 2007 edition, which is the most recent edition available
310.107(c), “42 USC 6921-6939e and 6441-6949a”	Board	Updated the proposed change to the 2006 edition in the citation of the <i>United States Code</i> to the 2007 edition, which is the most recent edition available

The Clerk is directed to cause the filing of the following adopted amendments with the Office of the Secretary of State and cause their publication in the *Illinois Register*:

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

PART 307  
SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section	
307.101	Preamble (Renumbered)
307.102	General Requirements (Renumbered)
307.103	Mercury (Renumbered)
307.104	Cyanide (STORET number 00720) (Renumbered)
307.105	Pretreatment Requirements (Repealed)
307.1001	Preamble
307.1002	Definitions
307.1003	Test Procedures for Measurement
307.1005	Toxic Pollutants
307.1006	Electronic Reporting

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT  
REQUIREMENTS

Section	
307.1101	General and Specific Requirements
307.1102	Mercury
307.1103	Cyanide

## SUBPART F: DAIRY PRODUCTS PROCESSING

Section	
307.1501	Receiving Stations
307.1502	Fluid Products
307.1503	Cultured Products
307.1504	Butter
307.1505	Cottage Cheese and Cultured Cream Cheese
307.1506	Natural and Processed Cheese
307.1507	Fluid Mix for Ice Cream and other Frozen Desserts
307.1508	Ice Cream, Frozen Desserts, Novelties, and Other Dairy Desserts
307.1509	Condensed Milk
307.1510	Dry Milk
307.1511	Condensed Whey
307.1512	Dry Whey

## SUBPART G: GRAIN MILLS

Section	
307.1601	Corn Wet Milling
307.1602	Corn Dry Milling
307.1603	Normal Wheat Flour Milling
307.1604	Bulgur Wheat Flour Milling
307.1605	Normal Rice Milling
307.1606	Parboiled Rice Milling
307.1607	Animal Feed
307.1608	Hot Cereal
307.1609	Ready-to-Eat Cereal
307.1610	Wheat Starch and Gluten

## SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section	
307.1700	General Provisions
307.1701	Apple Juice
307.1702	Apple Products
307.1703	Citrus Products
307.1704	Frozen Potato Products
307.1705	Dehydrated Potato Products
307.1706	Canned and Preserved Fruits
307.1707	Canned and Preserved Vegetables
307.1708	Canned and Miscellaneous Specialties

## SUBPART I: CANNED AND PRESERVED SEAFOOD

Section	
307.1801	Farm-Raised Catfish
307.1815	Fish Meal Processing Subcategory

## SUBPART J: SUGAR PROCESSING

Section	
307.1901	Beet Sugar Processing
307.1902	Crystalline Cane Sugar Refining
307.1903	Liquid Cane Sugar Refining

## SUBPART K: TEXTILE MILLS

Section	
307.2000	General Provisions
307.2001	Wool Scouring
307.2002	Wool Finishing
307.2003	Low Water Use Processing
307.2004	Woven Fabric Finishing
307.2005	Knit Fabric Finishing
307.2006	Carpet Finishing
307.2007	Stock and Yarn Finishing
307.2008	Nonwoven Manufacturing
307.2009	Felted Fabric Processing

## SUBPART L: CEMENT MANUFACTURING

Section	
307.2101	Nonleaching
307.2102	Leaching
307.2103	Materials Storage Piles Runoff

## SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS

Section	
307.2201	General
307.2202	Ducks

## SUBPART N: ELECTROPLATING

Section	
307.2300	General Provisions
307.2301	Electroplating of Common Metals
307.2302	Electroplating of Precious Metals
307.2304	Anodizing
307.2305	Coatings
307.2306	Chemical Etching and Milling
307.2307	Electroless Plating
307.2308	Printed Circuit Boards

SUBPART O: ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC  
FIBERS

Section	
307.2400	General Provisions
307.2401	Rayon Fibers

307.2402	Other Fibers
307.2403	Thermoplastic Resins
307.2404	Thermosetting Resins
307.2405	Commodity Organic Chemicals
307.2406	Bulk Organic Chemicals
307.2407	Specialty Organic Chemicals
307.2410	Indirect Discharge Point Sources
307.2490	Non-Complexed Metal-Bearing and Cyanide-Bearing Waste Streams
307.2491	Complexed Metal-Bearing Waste Streams

#### SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section	
307.2500	General Provisions
307.2501	Aluminum Chloride Production
307.2502	Aluminum Sulfate Production
307.2503	Calcium Carbide Production
307.2504	Calcium Chloride Production
307.2505	Calcium Oxide Production
307.2506	Chlor-Alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
307.2508	Hydrofluoric Acid Production
307.2509	Hydrogen Peroxide Production
307.2511	Potassium Metal Production
307.2512	Potassium Dichromate Production
307.2513	Potassium Sulfate Production
307.2514	Sodium Bicarbonate Production
307.2516	Sodium Chloride Production
307.2517	Sodium Dichromate and Sodium Sulfate Production
307.2520	Sodium Sulfite Production
307.2522	Titanium Dioxide Production
307.2523	Aluminum Fluoride Production
307.2524	Ammonium Chloride Production
307.2527	Borax Production
307.2528	Boric Acid Production
307.2529	Bromine Production
307.2530	Calcium Carbonate Production
307.2531	Calcium Hydroxide Production
307.2533	Carbon Monoxide and Byproduct Hydrogen Production
307.2534	Chrome Pigments Production
307.2535	Chromic Acid Production
307.2536	Copper Salts Production
307.2538	Ferric Chloride Production
307.2540	Fluorine Production
307.2541	Hydrogen Production
307.2542	Hydrogen Cyanide Production
307.2543	Iodine Production
307.2544	Lead Monoxide Production

307.2545	Lithium Carbonate Production
307.2547	Nickel Salts Production
307.2549	Oxygen and Nitrogen Production
307.2550	Potassium Chloride Production
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307.8110	Metal Powders

307.Appendix A      References to Previous Rules (Repealed)

**AUTHORITY:** Implementing Sections 7.2, 13, and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

**SOURCE:** Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at

12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1735, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10867, effective August 14, 2001; amended in R03-13 at 27 Ill. Reg. 15095, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3076, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10661, effective July 13, 2004; amended in R05-4/R05-15 at 29 Ill. Reg. 6921, effective April 26, 2005; amended in R06-13 at 30 Ill. Reg. 17811, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

#### SUBPART BE: PULP, PAPER AND PAPERBOARD

##### Section 307.4000 General Provisions

- a) Applicability. This Subpart BE applies to any pulp, paper, or paperboard mill that introduces or may introduce process wastewater pollutants into a publicly owned treatment works (POTW).
- b) General definitions. The Board incorporates by reference 40 CFR 430.01-~~(2003)~~ (2007). This incorporation includes no later amendments or editions.
- c) Monitoring requirements. The Board incorporates by reference 40 CFR 430.02 ~~(2003)~~ (2007). This incorporation includes no later amendments or editions.
- d) Best management practices. The Board incorporates by reference 40 CFR 430.03 ~~(2003)~~ (2007). This incorporation includes no later amendments or editions.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART CN: COIL COATING

##### Section 307.7500 General Provisions

- a) Applicability. This Subpart CN applies to any coil coating facility or to any canmaking facility that introduces or may introduce process wastewater pollutants into a POTW.
- b) General definitions. The Board incorporates by reference 40 CFR 465.02-~~(2003)~~ (2007). This incorporation includes no later amendments or editions.

- c) Monitoring requirements. The Board incorporates by reference 40 CFR 465.03 ~~(2003)~~ (2007). This incorporation includes no later amendments or editions.
- d) Compliance dates. The Board incorporates by reference 40 CFR 465.04 ~~(2003)~~ (2007). This incorporation includes no later amendments or editions.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

PART 310  
PRETREATMENT PROGRAMS

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## SUBPART L: FEDERAL PROJECT XL AGREEMENTS

Section  
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**AUTHORITY:** Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

**SOURCE:** Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July 12, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15 at 24 Ill. Reg. 11633, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1322, effective

January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10860, effective August 14, 2001; amended in R02-3 at 26 Ill. Reg. 4008, effective February 28, 2002; amended in R02-9 at 26 Ill. Reg. 4653, effective March 18, 2002; amended in R03-13 at 27 Ill. Reg. 15137, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3390, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10684, effective July 13, 2004; amended in R06-13 at 30 Ill. Reg. 17847, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

### Section 310.107 Incorporations by Reference

- a) The following publications are incorporated by reference:

Combined Sewer Overflow (CSO) Control Policy (1994) (USEPA document number EPA-830/Z-94-001) available from NCEPI, 11029 Kenwood Rd., Bldg. 5, Cincinnati, OH 45242; fax (513) 891-6685, referenced in Section 310.320.

BOARD NOTE: USEPA published the Combined Sewer Overflow (CSO) Control Policy in the Federal Register at 59 Fed. Reg. 18688 (Apr. 19, 1994), and the USEPA, Office of Water has made it available on the Internet: [www.epa.gov/npdes/pubs/owm0111.pdf](http://www.epa.gov/npdes/pubs/owm0111.pdf).

The consent decree in NRDC v. Costle, 1978 WL 23471, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978), referenced in Section 310.320.

Standard Industrial Classification Manual (1987) (document no. PB87-100012), available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, referenced in 35 Ill. Adm. Code 307.2201, 307.2400, 307.2402 through 307.2407, and 307.3901 and Section 310.602.

- b) The following provisions of the Code of Federal Regulations are incorporated by reference:

40 CFR 2.302-~~(2005)~~ (2007) (Special Rules Governing Certain Information Obtained Under the Clean Water Act), referenced in Section 310.105.

40 CFR 3.2, ~~as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~ (2007) (How Does This Part Provide for Electronic Reporting?), referenced in Section 310.106.

40 CFR 3.3, ~~as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~ (2007) (What Definitions Are Applicable to This Part?), referenced in Section 310.106.

~~40 CFR 3.10, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (2007)~~  
(What Are the Requirements for Electronic Reporting to EPA?),  
referenced in Section 310.106.

~~40 CFR 3.2000, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (2007)~~  
(What Are the Requirements Authorized State, Tribe, and Local  
Programs' Reporting Systems Must Meet?), referenced in Section  
310.106.

~~40 CFR 25-(2005) (2007)~~ (Public Participation in Programs Under the  
Resource Conservation and Recovery Act, the Safe Drinking Water Act,  
and the Clean Water Act), referenced in Section 310.510.

Tables II (Organic Toxic Pollutants in Each of Four Fractions in Analysis  
by Gas Chromatography/Mass Spectroscopy (GS/MS)) and III (Other  
Toxic Pollutants (Metals and Cyanide) and Total Phenols) in appendix D  
to ~~40 CFR 122-(2005) (2007)~~ (NPDES Permit Application Testing  
Requirements), referenced in 35 Ill. Adm. Code 307.1005.

~~40 CFR 136-(2005) (2007)~~ (Guidelines Establishing Test Procedures for  
the Analysis of Pollutants), referenced in 35 Ill. Adm. Code 307.1003 and  
Sections 310.605, 310.610, and 310.611.

~~40 CFR 403-(2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005)~~  
~~(2007)~~ (General Pretreatment Regulations for Existing and New Sources  
of Pollution), referenced in Section 310.432.

~~40 CFR 403.12-(2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005)~~  
~~(2007)~~ (Reporting Requirements for POTWs and Industrial Users),  
referenced in Section 310.602.

Appendix D to ~~40 CFR 403-(2005) (2007)~~ (Selected Industrial  
Subcategories Considered Dilute for Purposes of the Combined  
Wastestream Formula), referenced in Section 310.233.

Appendix G to ~~40 CFR 403-(2005), as amended at 70 Fed. Reg. 60134~~  
~~(Oct. 14, 2005) (2007)~~ (Pollutants Eligible for a Removal Credit),  
referenced in Section 310.303.

~~40 CFR 503-(2005) (2007)~~ (Standards for the Use or Disposal of Sewage  
Sludge), referenced in Section 310.303.

- c) The following federal statutes are incorporated by reference:

Section 1001 of federal Crimes and Criminal Procedure (18 USC 1001

~~(2003)~~ (2007)), referenced in Section 310.633.

The federal Clean Water Act (CWA) (33 USC 1251 et seq. ~~(2003)~~ (2007)), referenced in Section 310.110.

Section 204(b) of the federal Clean Water Act (33 USC 1284(b) ~~(2003)~~ (2007)), referenced in Section 310.510.

Section 212(2) of the federal Clean Water Act (33 USC 1292(2) ~~(2003)~~ (2007)), referenced in Section 310.110.

Section 308 of the federal Clean Water Act (33 USC 1318 ~~(2003)~~ (2007)), referenced in Section 310.510.

Section 309(c)(4) of the federal Clean Water Act (33 USC 1319(c)(4) ~~(2003)~~ (2007)), referenced in Section 310.633.

Section 309(c)(6) of the federal Clean Water Act (33 USC 1319(c)(6) ~~(2003)~~ (2007)), referenced in Section 310.633.

Section 405 of the federal Clean Water Act (33 USC 1345 ~~(2003)~~ (2007)), referenced in Section 310.510.

Subtitles C and D of the federal Resource Conservation and Recovery Act (42 USC 6921-6939e and 6941-6949a) ~~(2002)~~ (2007)), referenced in Section 310.510.

d) This Part incorporates no future editions or amendments.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on November 20, 2008, by a vote of 5-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board