

ILLINOIS POLLUTION CONTROL BOARD

November 1, 2012

IN THE MATTER OF:)
WASTEWATER PRETREATMENT) R13-7
UPDATE, USEPA AMENDMENTS (January) (Identical-in-Substance
1, 2012 through June 30, 2012)) Rulemaking - Public Water Supply)
)

Proposed Rule. Proposal for Public Comment.

OPINION AND ORDER OF THE BOARD (by J.A. Burke):

SUMMARY OF THIS ACTION

The Board today proposes amendments to the Illinois regulations that are “identical in substance” to wastewater pretreatment and drinking water regulations adopted by the United States Environmental Protection Agency (USEPA). The amendments involved in this consolidated docket incorporate into the Illinois wastewater pretreatment regulations in response to one USEPA action. That action occurred in the identical-in-substance update period of January 1, 2012 through June 30, 2012. Specifically, the action was the May 18, 2012 update to the Clean Water Act (CWA) (42 U.S.C. § 1251 *et seq.* (2011)) analytical methods. In addition to updating the CWA analytical methods codified at 40 C.F.R. 136, USEPA revised segments of the wastewater categorical standards. Segments of the amendments affect the wastewater pretreatment standards.

Sections 7.2 and 13.3 of the Act (415 ILCS 5/7.2 and 13.3 (2010)) 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) (2011)). 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 (2010)) do not apply to the Board’s adoption of identical-in-substance regulations.

The Board will cause the proposed amendments to be published in the *Illinois Register* and will hold the docket open to receive public comments for 45 days after the date of publication. The Board will then adopt and file the final rules, taking into account the public comments received. The Board specifically requests comment on aspects of the rules, which are stated in the appropriate segments of the following discussions.

The Board presently expects that rules will be adopted and filed no later than the statutory due date of May 18, 2013, pursuant to Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2010)). However, the adoption of this proposal for public comment today may enable the Board to

complete the present amendments before January 28, 2013, as is discussed beginning on page 3 of this opinion and order.

This opinion supports an order that the Board also adopts today.

FEDERAL ACTIONS CONSIDERED IN THIS RULEMAKING

This docket includes federal SDWA amendments that USEPA adopted in the time period of January 1, 2012 through June 30, 2012. USEPA adopted one set of amendments during the period that affected the wastewater pretreatment regulations. The following briefly summarizes the federal action that is considered in this rulemaking:

R13-7: Wastewater Pretreatment Update, USEPA Amendments January 1, 2012 through June 30, 2012

May 18, 2012 (at 77 Fed. Reg. 29758)

USEPA modified the testing procedures approved for sampling and analysis in programs established under the CWA. The wastewater pretreatment rules are established under CWA. The amendments updated the versions allowed for existing methods and approved new methods for use.

No Later Wastewater Pretreatment Amendments of Interest

The Board engages in ongoing monitoring of federal actions. As of the date of this opinion and accompanying order, the Board has identified no USEPA actions since June 30, 2012 that further amend the wastewater pretreatment rules in a way that affects the present amendments. When the Board observes an action outside the nominal timeframe of a docket that requires expedited consideration, the Board will expedite consideration of those amendments in the pending docket. Federal actions that could warrant expedited consideration include those that directly affect the amendments involved in this docket, those for which compelling reasons would warrant consideration as soon as possible, and those for which the Board has received a request for expedited consideration.

If the Board identifies any federal action that fulfills these criteria prior to final action on the present amendments, the Board may include those amendments in the present docket R13-7 upon final adoption.

Other Federal Actions Affecting the Wastewater Pretreatment Regulations

In addition to the amendments to the federal wastewater pretreatment regulations, amendments to certain other federal regulations occasionally have an effect on the Illinois drinking water rules. Most notably, 35 Ill. Adm. Code 310.107 is the centralized incorporations

by reference provision for the purposes of the Illinois wastewater pretreatment regulations.¹ This provision includes incorporations by reference of several USEPA rules. These include the federal CWA analytical methods in 40 C.F.R. 136, which USEPA amended on May 18, 2012.

As of June 30, 2012, the ending date of the federal actions involved in this proposal for public comment, USEPA had not further amended any of the federal regulations incorporated by reference in 35 Ill. Adm. Code 310.107. No Board action will be required at this time to update the versions of these documents incorporated by reference.

DUE DATE AND TIMETABLE FOR COMPLETION

Under Section 7.2 of the Act (415 ILCS 5/7.2(b) (2010)), the Board must complete this rulemaking within one year of the date of the earliest set of federal amendments considered in this docket. USEPA adopted the earliest federal amendments that required Board attention on May 18, 2012, so that the nominal statutory deadline for Board adoption of these amendments is May 18, 2013.

Fulfilling the May 18, 2013 deadline for final action on the USEPA amendments will require the Board to adhere to the following schedule of intermediate actions:

Due date:	May 18, 2013
Date of Board vote to propose amendments:	February 7, 2013
Submission for <i>Illinois Register</i> publication:	February 18, 2013
Probable <i>Illinois Register</i> publication date:	March 1, 2013
Probable End of 45-day public comment period:	April 15, 2013
Date of Board vote to adopt amendments:	May 2, 2013
Probable filing and effective date:	May 13, 2013
Probable <i>Illinois Register</i> publication date:	May24, 2013

Adoption of a proposal for public comment today places this rulemaking several weeks ahead of the schedule required for timely adoption. This may allow final action on the amendments according to the following accelerated schedule:

¹ See the discussion that begins on page 8 of this opinion and order.

Date of Board vote to propose amendments:	November 1, 2012
Submission for <i>Illinois Register</i> publication:	November 12, 2012
Probable <i>Illinois Register</i> publication date:	November 23, 2012
Probable End of 45-day public comment period:	December 31, 2012
Date of Board vote to adopt amendments:	January 17, 2013
Probable filing and effective date:	January 28, 2013
Probable <i>Illinois Register</i> publication date:	February 8, 2013

Thus, the statutory due date for final Board action to adopt these amendments is May 18, 2013, but the Board hopes to complete the amendments ahead of that time. The present projected date for completion of the amendments is January 28, 2013.

PUBLIC COMMENTS

The Board will receive public comments on this proposal for 45 days following its publication in the *Illinois Register*. After that time, the Board will immediately consider adoption of the amendments, making any necessary changes made evident through the public comments. The Board expects to file any adopted rules with the Secretary of State immediately after adoption, but no later than May 18, 2013.

The Board generally invites comments on this proposal for public comments. In segments of the following discussion, the Board requests comments on specific aspects of the proposal.

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 Action

Analytical Methods Update--Sections 307.3301, 307.4000, and 310.107

The USEPA action of May 18, 2012 (77 Fed. Reg. 29758) 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.* (2011)). The provisions that USEPA amended were in 40 C.F.R. 136, 260, 423, 430, and 435.

The amendments to 40 C.F.R. 136 directly affect the methods for use under CWA programs. As is discussed further below (beginning on page 8 of this opinion and order), 40 C.F.R. 136 is incorporated by reference in 35 Ill. Adm. Code 301.107 in its entirety. Thus, the Board must update that incorporation by reference to include the May 18, 2012 USEPA amendments to 40 C.F.R. 136.

The amendments to 40 C.F.R. 260 affect only the RCRA Subtitle C hazardous waste regulations. This makes those amendments irrelevant to this proceeding.²

The Amendments to 40 C.F.R. 423 affect definitions applicable to the steam electric power generating industry category. The amendments affect references to methods in 40 C.F.R. 136. The definitions are general provisions that apply to direct discharges and indirect discharges (wastewater pretreatment). The Illinois regulations include an incorporation by reference of affected 40 C.F.R. 423.11 in corresponding 35 Ill. Adm. Code 307.3301(b). The Board must update that incorporation by reference to include the May 18, 2012 USEPA amendments.

The Amendments to 40 C.F.R. 430 affect definitions applicable to the pulp, paper, and paperboard industry category. The amendments affect references to analytical methods, including one in 40 C.F.R. 136 and three in appendix A to 40 C.F.R. 430. The Illinois regulations include an incorporation by reference of affected 40 C.F.R. 423.11 in corresponding 35 Ill. Adm. Code 307.4000(b). The Board must update that incorporation by reference to include the May 18, 2012 USEPA amendments.

The Amendments to 40 C.F.R. 435 relate to the oil and gas extraction industry category. The federal regulations applicable to the oil and gas extraction industry category do not include wastewater pretreatment requirements. *See generally* 40 C.F.R. 435 (2012). For this reason there are no corresponding rules in the Illinois wastewater pretreatment regulations, and no corresponding Board action will be necessary based on these segments of the May 18, 2012 USEPA amendments.

The Board updated the methods in the Illinois wastewater pretreatment and drinking water regulations to correspond with the May 18, 2012 USEPA methods updates. The Board has undertaken to incorporate the federal changes by updating the incorporations by reference of the amended federal provisions. Any person interested in the substance of the USEPA actions should review the *Federal Register* notices of May 18, 2012.

² Those amendments, together with some of the amendments to 40 C.F.R. 136 are included in a separate proceeding: RCRA Subtitle C Update, USEPA Amendments (January 1, 2012 through June 30, 2012), R13-5 (Oct. 18, 2012) (proposal for public comment). Some of the amendments to 40 C.F.R. 136 are also involved in a second separate proceeding: SDWA Update, USEPA Amendments (January 1, 2012 through June 30, 2012), R13-2 (Oct. 18, 2012) (proposal for public comment).

As is discussed immediately below, the Board updated incorporations by reference of federal provisions that were not affected in this proceeding. Those incorporations by reference of unaffected federal provisions appear in 35 Ill. Adm. Code 307.3301(c)(1) and (d)(1), 307.4000(c) and (d), and 310.107(b).³ The Board updated all of the incorporations by reference in the opened Illinois rules to the latest edition of the *Code of Federal Regulations* that is available.

The Board requests public comment on the incorporation of the May 18, 2012 USEPA CWA methods revisions into the Illinois wastewater pretreatment regulations.

Corrective and Clarifying Revisions and Deviations from the Federal Text

The Board is ever mindful of the limited discretion authorized in the context of an identical-in-substance proceeding. The Board applies the same criteria to additional amendments that are not directly derived from the instant federal amendments as are applied to deviations from the literal text of federal amendments. The Board is limited to (1) “those changes that are necessary for compliance with the Illinois Administrative Code”; (2) “technical changes that in no way change the scope or meaning of any portion of the regulations”; (3) “USEPA rules that are not applicable to persons or facilities in Illinois”; (4) “things which are outside the Board’s normal functions”; and (5) “apparent typographical and grammatical errors.” See 415 ILCS 5/7.2(a), (a)(1), (a)(2), and (a)(7) (2010). Thus, the Board will only make minor, non-substantive deviations from the literal text of federal rules or corrections and clarifications in this context. These deviations from the literal text of federal rules or corrections are non-substantive in effect.

Deviations from the Literal Text of the Federal Rules

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

The Board updates the citations to the Code of Federal Regulations to the most recent version available. As discussed above, the most recent versions of the Code of Federal Regulations available to the Board is the July 1, 2005 edition for USEPA regulations (Title 40). Thus, the Board has updated all citations to Title 40 to the 2006 edition of the Code of Federal Regulations, adding references to later amendments using their appropriate Federal Register citation, where necessary.

³ These are the Illinois provisions opened as a direct result of the May 18, 2012 USEPA amendments. The Board has also updated the incorporations by reference in 35 Ill. Adm. Code 307.2201(b) and (c) and removed the incorporation by reference from 35 Ill. Adm. Code 307.2201(d), as is discussed beginning on page 8 of this opinion and order.

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.”

The Joint Committee on Administrative Rules 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.

Amendments Not Directly Derived from the Literal Text of Federal Amendments

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.

When a necessary minor correction comes to the attention of the Board, Board staff makes a note of the correction, and set it aside until the next opportunity to make the correction. The next opportunity generally presents itself when the section involved is next opened for amendment as a result of amendments to the corresponding federal text. The Board has cataloged a small number of changes since the last wastewater pretreatment update docket, Wastewater Pretreatment Update, USEPA Regulations (January 1, 2007 though June 30, 2007), R08-51 (Nov. 20, 2008). Discussion of those amendments appears immediately below.

Discussion of Particular 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 ### of this opinion and order. The Board requests that the Agency, JCAR, and the regulated community review the table and the text of the corrections. The Board requests comment on the corrections. The Board also asks for the assistance of the Agency, JCAR, and the regulated community in the process of spotting and correcting errors or omissions in the rules. The Board requests that interested persons submit suggestions for the correction of any errors of which they become aware. The Board will either include the corrections in this docket or catalog them for future revisions, if the suggestions relate to segments of the text that are not already involved in this proceeding and the Board cannot add them.

Moving Incorporations by Reference. The has long practiced placing incorporations by reference in a centralized location. *See, e.g.*, 35 Ill. Adm. Code 310.107 (for wastewater pretreatment), 611.102 (for drinking water), and 720.111 (for hazardous waste). This has the advantage of making it easier to update the incorporations by reference. On the other hand, the Board has incorporated by reference numerous federal wastewater pretreatment requirements within the text of the corresponding Illinois provision, not centrally locating those incorporations. The purpose for this placement of those incorporations by reference in the substantive provisions is also to facilitate updating the incorporations by reference.

Where federal regulation incorporated by reference does not have a direct counterpart in the Illinois regulations, the Board centrally locates the incorporation by reference. For example, the centralized incorporations by reference provision of the wastewater pretreatment regulations includes federal requirements for public access to information,⁴ submission of required reports by digital means,⁵ public participation in proceedings,⁶ required analytical methods,⁷ and sludge use standards,⁸ which are not directly related to the federal wastewater pretreatment standards. *See* 35 Ill. Adm. Code 310.107(b). These are all regulations upon which the federal wastewater

⁴ 40 C.F.R. 2.302 (2012).

⁵ 40 C.F.R. 3.2, 3.3, 3.10, and 3.2000 (2012).

⁶ 40 C.F.R. 25 (2012).

⁷ Tables II and III in appendix D to 40 C.F.R. 122 and 40 C.F.R. 136 (2012).

⁸ 40 C.F.R. 503 (2012).

pretreatment standards rely, and their incorporation by reference is essential to the integrity of the Illinois pretreatment rules, but they are not regulations directly within the ambit of the Board's identical-in-substance mandate. *See* 415 ILCS 5/13.3 (2010). They are, therefore, federal regulations that the Board does not routinely monitor for USEPA revisions, since their revision would not normally warrant corresponding amendments to Illinois rules.

On the other hand, the Illinois wastewater pretreatment include incorporations by reference of federal categorical standards. There are nearly 900 of such incorporations by reference. The Board has incorporated those federal standards within the body of the Illinois categorical standards for two purposes: (1) their location in the body of the rules facilitates updating the incorporations; and (2) a centralized listing these incorporations by reference would unnecessarily increase the volume of text involved in each update.

The Board regularly monitors USEPA actions with regard to the categorical pretreatment standards. When USEPA amends a categorical pretreatment standard, the Board opens the corresponding Illinois provisions for amendment. The resulting Board amendments involve both revising the substantive text and updating the incorporations by reference. Thus, it is unlikely that the Board will miss a federal revision that necessitates updating incorporations by reference. Further, where USEPA has added or revised a particular categorical standard, inclusion of the incorporations in the substantive within the categorical standard minimizes the volume of text open to amendment. There is no need to open 35 Ill. Adm. Code 310.107 for amendment absent more than USEPA revision or addition of a categorical standard.

The federal categorical standards applicable to concentrated animal feedlot operations (CAFOs) define a CAFO subject to regulation by reference to the NPDES permit application requirements of 40 C.F.R. 122.23. *See* 40 C.F.R. 412.2(b) (2012). Codification of this provision required incorporation of the operative definitions of 40 C.F.R. 122.23(b) and (c) into the corresponding Illinois substantive categorical standard. The Board did this by incorporation by reference of the federal definitions in 35 Ill. Adm. Code 307.2201(d). *See* Wastewater Pretreatment Update, USEPA Amendments (January 1, 2003 through June 30, 2003), R04-1 (Jan. 22, 2004), slip. op. at p. 9. This incorporation by reference of 40 C.F.R. 122.23(b) and (c) in 35 Ill. Adm. Code 307.2201(d) is inconsistent with the Board's practice of centralized location of incorporations by reference.

Based on the foregoing considerations, the Board finds it necessary to move one incorporation by reference from 35 Ill. Adm. Code 307 into the centralized listing in 35 Ill. Adm. Code 310.107(b). Although this particular incorporation by reference serves no purpose other than to determine applicability of Subpart M of 35 Ill. Adm. Code 307, location in the centralized listing in 35 Ill. Adm. Code 310.107(b) will facilitate updating the incorporation by reference in the future.

The Board further added a Board note to 35 Ill. Adm. Code 310.107 that explains the centralized location of incorporations by reference in that Section and the scattering of incorporations of federal categorical pretreatment standards throughout the substantive text. This structure is unique among the identical-in-substance regulations, since all other bodies of

regulations include all incorporations by reference in a single location. *See* 35 Ill. Adm. Code 611.102 (drinking water rules), 720.111 (hazardous waste and underground injection control rules), and 810.104 (municipal solid waste landfill rules).

Other Miscellaneous Corrective and Clarifying Amendments. The Board has made a limited number of additional corrective and clarifying changes in the text of open provisions. None warrants specific discussion. All of these are listed in Table 2, which begins below on page 11 of this opinion and order.

Tabulation of Miscellaneous Housekeeping Amendments

The tables below list numerous corrections and amendments that are not based on current federal amendments. Table 1 (which begins immediately below) includes deviations made in this Proposal for Public Comment from the verbatim text of the federal amendments. Table 2 (which begins immediately after Table 1, on page 11 below) contains corrections and clarifications that the Board made in the base text involved in this proposal. The amendments listed in Table 2 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 4 of this opinion.

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

Illinois Section	40 C.F.R. Section	Revision(s)
307.3301(b)	423.11	Retained and updated the incorporation by reference to embrace the federal amendments, rather than set the substance of the federal regulation forth in its entirety.
307.4000	430.01	Retained and updated the incorporation by reference to embrace the federal amendments, rather than set the substance of the federal regulation forth in its entirety.
310.107(b), 40 C.F.R. 136	430.01	Retained and updated the incorporation by reference to embrace the federal amendments, rather than set the substance of the federal regulation forth in its entirety.

**Table2:
Board Housekeeping Amendments**

Section	Source	Revision(s)
307 table of contents, 307.Appendix A entry	Board	Changed “307.Appendix A” to upper-case “APPENDIX A.”
307 source note	Board	Removed the old citation form “at 1 PCB 126”; corrected “R71-4” to “R70-8/R71-14/R71-20”; removed the old citation form “at 4 PCB 3”; removed the old citation form “at 19 PCB 182”; corrected “R74-15, 16” to “R74-15/R74-16”; removed the old citation form “at 31 PCB 405”; removed the old citation form “at 31 PCB 713”; removed the old citation form “at 44 PCB 203”; corrected “R82-5, 10” to “R82-5/R82-10”; removed the old citation form “at 54 PCB 411.”
307.2201(a)(1)	Board	Changed “SIC 0211” to “SIC Code 0211”; changed the ending comma to a semicolon.
307.2201(a)(2)	Board	Changed “SIC 0211” to “SIC Code 0213”; changed the ending comma to a semicolon.
307.2201(a)(3)	Board	Changed “SIC 0214” to “SIC Code 0214”; changed the ending comma to a semicolon.
307.2201(a)(4)	Board	Changed “SIC 0241” to “SIC Code 0241”; changed the ending comma to a semicolon.
307.2201(a)(5)	Board	Changed “SIC 0251” to “SIC Code 0251”; changed the ending comma to a semicolon.
307.2201(a)(6)	Board	Changed “SIC 0252” to “SIC Code 0252”; changed the ending comma to a semicolon.
307.2201(a)(7)	Board	Changed “SIC 0253” to “SIC Code 0253”; changed the ending comma to a semicolon.
307.2201(a)(8)	Board	Changed “SIC 0254” to “SIC Code 0254”; changed the ending comma to a semicolon.
307.2201(a)(9)	Board	Changed “SIC 0259” to “SIC Code 0259”; changed the ending comma to a semicolon.
307.2201(a)(10)	Board	Changed “SIC 0272” to “SIC Code 0272.”

307.2201(b)	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
307.2201(c)	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
307.2201(d)	Board	Changed “definition of” to “as facility is determined . . . according to the definitions and requirements of”; changed “the Board hereby incorporates by reference . . .” to “. . . , incorporated by reference in 35 Ill. Adm. Code 310.107”; removed the statement “this incorporation includes no later amendments of editions.”
307.3301(a)	Board	Corrected “in conjunction with ” to “in conjunction with.”
307.3301(c)(1)	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
307.3301(d)(1)	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
307.4000(c)(1)	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
307.4000(d)(1)	Board	Updated the <i>Code of Federal Regulations</i> citation to the latest version available.
310.107(a) preamble	Board	Added “for the purposes of this Part and 35 Ill. Adm. Code 307.”
310.107(a), “Combined Sewer Overflow (CSO) Control Policy”	Board	Added “April” to the parenthetical date; changed the format of the document number “EPA-830/Z-94-001” to “EPA-830-B-94-001”; changed “NCEPI, 11029 Kenwood Rd., Bldg. 5 Cincinnati, OH 45242; fax (513) 891-6685” to “National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419, 800-490-9198 or online for download in an electronic format at http://nepis.epa.gov/EPA/html/pubindex.html .”
310.107(a), “Combined Sewer Overflow (CSO) Control Policy” Board note	Board	Removed the parenthetical “and the USEPA, Office of Water has made it available on the Internet: www.epa.gov/npdes/pubs/owm0111.pdf ” and its offsetting comma.

310.107(a), “Standard Industrial Classification Manual (1987)”	Board	Added the parenthetical short- form name for the document “(referred to as ‘1987 SIC Manual’).”
310.107(a), “Standard Industrial Classification Manual (1987)” Board note	Board	Added explanation of availability of on-line searches of the 1987 SIC Manual; added explanation of the federal shift to the new NAICS system; added a statement that the Board will continue to use the SIC codes until USEPA determines to amend the federal regulations to rely on the NAICS codes.
310.107(b) preamble	Board	Added “for the purposes of this Part and 35 Ill. Adm. Code 307.”
310.107(b), 40 C.F.R. 2.302	Board	Updated the <i>Code of Federal Regulations</i> reference to the latest edition available.
310.107(b), 40 C.F.R. 3.2	Board	Updated the <i>Code of Federal Regulations</i> reference to the latest edition available.
310.107(b), 40 C.F.R. 3.3	Board	Updated the <i>Code of Federal Regulations</i> reference to the latest edition available.
310.107(b), 40 C.F.R. 3.10	Board	Updated the <i>Code of Federal Regulations</i> reference to the latest edition available.
310.107(b), 40 C.F.R. 3.2000	Board	Updated the <i>Code of Federal Regulations</i> reference to the latest edition available.
310.107(b), 40 C.F.R. 25	Board	Updated the <i>Code of Federal Regulations</i> reference to the latest edition available.
310.107(b), tables II and III in appendix D to 40 C.F.R. 122	Board	Updated the <i>Code of Federal Regulations</i> reference to the latest edition available.
310.107(b), 40 C.F.R. 122.23(b) and (c)	Board	Added the incorporation by reference from 35 Ill. Adm. Code 307.2201.
310.107(b), 40 C.F.R. 136	Board	Added the missing reference location “and 307.6500.”
310.107(b), 40 C.F.R. 403	Board	Updated the <i>Code of Federal Regulations</i> reference to the latest edition available.

310.107(b), 40 C.F.R. 403.12(b)	Board	Narrowed the incorporation by reference to the subsection actually relied on in 35 Ill. Adm. Code 310.602(e)(5); updated the <i>Code of Federal Regulations</i> reference to the latest edition available.
310.107(b), 40 C.F.R. 403.15	Board	Added the formerly omitted incorporation by reference of a provision relied on in 35 Ill. Adm. Code 310.801. ⁹
310.107(b), Appendix D to 40 C.F.R. 403	Board	Updated the <i>Code of Federal Regulations</i> reference to the latest edition available.
310.107(b), Appendix G to 40 C.F.R. 403	Board	Updated the <i>Code of Federal Regulations</i> reference to the latest edition available.
310.107(b), 40 C.F.R. 503	Board	Updated the <i>Code of Federal Regulations</i> reference to the latest edition available.
310.107(c), “section 1001 of federal Crimes and Criminal Procedure”	Board	Updated the <i>United States Code</i> reference to the latest edition available.
310.107(c), “the federal Clean Water Act”	Board	Updated the <i>United States Code</i> reference to the latest edition available.
310.107(c), “section 204(b) of the federal Clean Water Act”	Board	Updated the <i>United States Code</i> reference to the latest edition available.
310.107(c), “section 212(2) of the federal Clean Water Act”	Board	Updated the <i>United States Code</i> reference to the latest edition available.
310.107(c), “section 307(b), (c), and (d) of the federal Clean Water Act”	Board	Corrected “1284(b)” to “1717(b)”; updated the <i>United States Code</i> reference to the latest edition available.

⁹ The original version of 35 Ill. Adm. Code 310.801 adopted in Pretreatment Regulations, R86-44 (Dec. 3, 1987) cited 40 C.F.R. 403.15 without incorporation by reference. The Board added incorporation language at Section 310.801 in Wastewater Pretreatment Update, USEPA Amendments (July 1, 2005 through December 31, 2005), R06-13 (Oct. 19, 2006), but neglected to add the incorporation by reference to this listing in Section 310.107(b).

310.107(c), “section 308 of the federal Clean Water Act”	Board	Updated the <i>United States Code</i> reference to the latest edition available.
310.107(c), “section 309(c)(4) of the federal Clean Water Act”	Board	Updated the <i>United States Code</i> reference to the latest edition available.
310.107(c), “section 309(c)(6) of the federal Clean Water Act”	Board	Updated the <i>United States Code</i> reference to the latest edition available.
310.107(c), “section 405 of the federal Clean Water Act”	Board	Updated the <i>United States Code</i> reference to the latest edition available.
310.107(c), “Subtitles C and D of the federal Resource Conservation and Recovery Act”	Board	Updated the <i>United States Code</i> reference to the latest edition available.
310.107 Board note	Board	Added explanation of centralized location of incorporations by reference in this Section and location of incorporations by reference of categorical standards throughout the substantive categorical standards.
310.602(c)	Board	Corrected the location of incorporations by reference from “35 Ill. Adm. Code 310.110(a)” to “35 Ill. Adm. Code 310.107(a).”
310.602 Board note	Board	Updated the <i>Code of Federal Regulations</i> reference to the latest edition available, including deletion of an obsolete <i>Federal Register</i> citation to later amendments.

ORDER

The Board directs the Clerk to provide notice in the *Illinois Register* of the following proposed amendments to the Illinois wastewater pretreatment regulations at 35 Ill. Adm. Code 307 and 310:

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
307.2551	Potassium Iodide Production
307.2553	Silver Nitrate Production
307.2554	Sodium Bisulfite Production
307.2555	Sodium Fluoride Production
307.2560	Stannic Oxide Production
307.2563	Zinc Sulfate Production
307.2564	Cadmium Pigments and Salts Production
307.2565	Cobalt Salts Production
307.2566	Sodium Chlorate Production
307.2567	Zinc Chloride Production

SUBPART R: SOAP AND DETERGENTS

Section	
307.2701	Soap Manufacturing by Batch Kettle
307.2702	Fatty Acid Manufacturing by Fat Splitting
307.2703	Soap Manufacturing by Fatty Acid Neutralization
307.2704	Glycerine Concentration
307.2705	Glycerine Distillation
307.2706	Manufacture of Soap Flakes and Powders
307.2707	Manufacture of Bar Soaps
307.2708	Manufacture of Liquid Soaps
307.2709	Oleum Sulfonation and Sulfation
307.2710	Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711	Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712	Sulfamic Acid Sulfation
307.2713	Chlorosulfonic Acid Sulfation
307.2714	Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715	Manufacture of Spray Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacturing of Detergents by Dry Blending
307.2718	Manufacture of Drum Dried Detergents
307.2719	Manufacture of Detergent Bars and Cakes

SUBPART S: FERTILIZER MANUFACTURING

Section	
307.2801	Phosphate
307.2802	Ammonia
307.2803	Urea
307.2804	Ammonium Nitrate
307.2805	Nitric Acid
307.2806	Ammonium Sulfate Production
307.2807	Mixed and Blend Fertilizer Production

SUBPART T: PETROLEUM REFINING

Section	
307.2901	Topping
307.2902	Cracking
307.2903	Petrochemical
307.2904	Lube
307.2905	Integrated

SUBPART U: IRON AND STEEL MANUFACTURING

Section	
307.3000	General Provisions
307.3001	Cokemaking
307.3002	Sintering

307.3003	Ironmaking
307.3004	Steelmaking
307.3005	Vacuum Degassing
307.3006	Continuous Casting
307.3007	Hot Forming
307.3008	Salt Bath Descaling
307.3009	Acid Pickling
307.3010	Cold Forming
307.3011	Alkaline Cleaning
307.3012	Hot Coating
307.3013	Other Operations

SUBPART V: NONFERROUS METALS MANUFACTURING

Section	
307.3100	General Provisions
307.3101	Bauxite Refining
307.3102	Primary Aluminum Smelting
307.3103	Secondary Aluminum Smelting
307.3104	Primary Copper Smelting
307.3105	Primary Electrolytic Copper Refining
307.3106	Secondary Copper
307.3107	Primary Lead
307.3108	Primary Zinc
307.3109	Metallurgical Acid Plants
307.3110	Primary Tungsten
307.3111	Primary Columbium-Tantalum
307.3112	Secondary Silver
307.3113	Secondary Lead
307.3114	Primary Antimony
307.3115	Primary Beryllium
307.3116	Primary and Secondary Germanium and Gallium
307.3117	Secondary Indium
307.3118	Secondary Mercury
307.3119	Primary Molybdenum and Rhenium
307.3120	Secondary Molybdenum and Vanadium
307.3121	Primary Nickel and Cobalt
307.3122	Secondary Nickel
307.3123	Primary Precious Metals and Mercury
307.3124	Secondary Precious Metals
307.3125	Primary Rare Earth Metals
307.3126	Secondary Tantalum
307.3127	Secondary Tin
307.3128	Primary and Secondary Titanium
307.3129	Secondary Tungsten and Cobalt
307.3130	Secondary Uranium

307.3131 Primary Zirconium and Hafnium

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section

307.3301 Steam Electric Power Generating

SUBPART Y: FERROALLOY MANUFACTURING

Section

307.3401 Open Electric Furnaces With Wet Air Pollution Control Devices

307.3402 Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices

307.3403 Slag Processing

307.3404 Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices

307.3405 Other Calcium Carbide Furnaces

307.3406 Electrolytic Manganese Products

307.3407 Electrolytic Chromium

SUBPART Z: LEATHER TANNING AND FINISHING

Section

307.3500 General Provisions

307.3501 Hair Pulp, Chrome Tan, Retan-Wet Finish

307.3502 Hair Save, Chrome Tan, Retan-Wet Finish

307.3503 Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish

307.3504 Retan-Wet Finish-Sides

307.3505 No Beamhouse

307.3506 Through-the-Blue

307.3507 Shearling

307.3508 Pigskin

307.3509 Retan-Wet Finish-Splits

307.3590 Potassium Ferricyanide Titration Method

SUBPART BA: GLASS MANUFACTURING

Section

307.3601 Insulation Fiberglass

307.3602 Sheet Glass Manufacturing

307.3603 Rolled Glass Manufacturing

307.3604 Plate Glass Manufacturing

307.3605 Float Glass Manufacturing

307.3606 Automotive Glass Tempering

307.3607 Automotive Glass Laminating

307.3608 Glass Container Manufacturing

307.3610 Glass Tubing (Danner) Manufacturing

307.3611 Television Picture Tube Envelope Manufacturing

307.3612 Incandescent Lamp Envelope Manufacturing

307.3613 Hand Pressed and Blown Glass Manufacturing

SUBPART BB: ASBESTOS MANUFACTURING

Section	
307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
307.3704	Asbestos Paper (Elastomeric Binder)
307.3705	Asbestos Millboard
307.3706	Asbestos Roofing
307.3707	Asbestos Floor Tile
307.3708	Coating or Finishing of Asbestos Textiles
307.3709	Solvent Recovery
307.3710	Vapor Absorption
307.3711	Wet Dust Collection

SUBPART BC: RUBBER MANUFACTURING

Section	
307.3801	Tire and Inner Tube Plants
307.3802	Emulsion Crumb Rubber
307.3803	Solution Crumb Rubber
307.3804	Latex Rubber
307.3805	Small-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3806	Medium-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3807	Large-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3808	Wet Digestion Reclaimed Rubber
307.3809	Pan, Dry Digestion, and Mechanical Reclaimed Rubber
307.3810	Latex-Dipped, Latex-Extruded, and Latex-Molded Rubber
307.3811	Latex Foam

SUBPART BD: TIMBER PRODUCTS PROCESSING

Section	
307.3900	General Provisions
307.3901	Barking
307.3902	Veneer
307.3903	Plywood
307.3904	Dry Process Hardboard
307.3905	Wet Process Hardboard
307.3906	Wood Preserving-Water Borne or Nonpressure
307.3907	Wood Preserving-Steam
307.3908	Wood Preserving-Boulton
307.3909	Wet Storage
307.3910	Log Washing
307.3911	Sawmills and Planing Mills
307.3912	Finishing
307.3913	Particleboard Manufacturing

- 307.3914 Insulation Board
 307.3915 Wood Furniture and Fixture Production without Water Wash Spray Booths or
 without Laundry Facilities
 307.3916 Wood Furniture and Fixture Production with Water Wash Spray Booths or with
 Laundry Facilities

SUBPART BE: PULP, PAPER, AND PAPERBOARD

Section

- 307.4000 General Provisions
 307.4001 Dissolving Kraft
 307.4002 Bleached Papergrade Kraft and Soda
 307.4003 Unbleached Kraft
 307.4004 Dissolving Sulfite
 307.4005 Papergrade Sulfite
 307.4006 Semi-Chemical
 307.4007 Mechanical Pulp
 307.4008 Non-Wood Chemical Pulp
 307.4009 Secondary Fiber Deink
 307.4010 Secondary Fiber Non-Deink
 307.4011 Fine and Lightweight Papers from Purchased Pulp
 307.4012 Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp
 307.4013 Groundwood-Thermo-Mechanical (Repealed)
 307.4014 Groundwood-CMN Papers (Repealed)
 307.4015 Groundwood-Fine Papers (Repealed)
 307.4016 Soda (Repealed)
 307.4017 Deink (Repealed)
 307.4018 Nonintegrated-Fine Papers (Repealed)
 307.4019 Nonintegrated-Tissue Papers (Repealed)
 307.4020 Tissue From Wastepaper (Repealed)
 307.4021 Papergrade Sulfite (Drum Wash) (Repealed)
 307.4022 Unbleached Kraft and Semi-Chemical (Repealed)
 307.4023 Wastepaper-Molded Products (Repealed)
 307.4024 Nonintegrated-Lightweight Papers (Repealed)
 307.4025 Nonintegrated-Filter and Nonwoven Papers (Repealed)
 307.4026 Nonintegrated-Paperboard (Repealed)

SUBPART BF: BUILDERS' PAPER AND BOARD MILLS

Section

- 307.4101 Builder's Paper and Roofing Felt (Repealed)

SUBPART BG: MEAT PRODUCTS

Section

- 307.4201 Simple Slaughterhouse
 307.4202 Complex Slaughterhouse
 307.4203 Low-Processing Packinghouse

307.4204	High-Processing Packinghouse
307.4205	Small Processor
307.4206	Meat Cutter
307.4207	Sausage and Luncheon Meats Processor
307.4208	Ham Processor
307.4209	Canned Meats Processor
307.4210	Renderer

SUBPART BH: METAL FINISHING

Section	
307.4300	General Provisions
307.4301	Metal Finishing

SUBPART BL: CENTRALIZED WASTE TREATMENT

Section	
307.4700	General Provisions
307.4701	Metals Treatment and Recovery
307.4702	Oils Treatment and Recovery
307.4703	Organics Treatment and Recovery
307.4704	Multiple Waste Streams

SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section	
307.4900	General Provisions
307.4901	Fermentation Products
307.4902	Extraction Products
307.4903	Chemical Synthesis Products
307.4904	Mixing/Compounding and Formulation
307.4905	Research (Repealed)

SUBPART BQ: TRANSPORTATION EQUIPMENT CLEANING

Section	
307.5200	General Provisions
307.5201	Tank Trucks and Intermodal Tank Containers Transporting Chemical and Petroleum Cargos
307.5202	Rail Tank Cars Transporting Chemical and Petroleum Cargos
307.5203	Tank Barges and Ocean/Sea Tankers Transporting Chemical and Petroleum Cargos
307.5204	Tanks Transporting Food Grade Cargos

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section	
307.5301	Asphalt Emulsion
307.5302	Asphalt Concrete

307.5303 Asphalt Roofing
 307.5304 Linoleum and Printed Asphalt Felt

SUBPART BS: WASTE COMBUSTORS

Section
 307.5401 Commercial Hazardous Waste Combustor

SUBPART BT: LANDFILLS

Section
 307.5500 General Provisions
 307.5501 RCRA Subtitle C Hazardous Waste Landfill
 307.5502 RCRA Subtitle D Non-Hazardous Waste Landfill

SUBPART BU: PAINT FORMULATING

Section
 307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

Section
 307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section
 307.6500 General Provisions
 307.6501 Organic Pesticide Chemicals Manufacturing
 307.6502 Metallo-Organic Pesticides Chemicals Manufacturing
 307.6503 Pesticide Chemicals Formulating and Packaging
 307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments

SUBPART CG: CARBON BLACK MANUFACTURING

Section
 307.6801 Carbon Black Furnace Process
 307.6802 Carbon Black Thermal Process
 307.6803 Carbon Black Channel Process
 307.6804 Carbon Black Lamp Process

SUBPART CJ: BATTERY MANUFACTURING

Section
 307.7100 General Provisions
 307.7101 Cadmium
 307.7102 Calcium
 307.7103 Lead
 307.7104 Leclanche
 307.7105 Lithium
 307.7106 Magnesium

307.7107 Zinc

SUBPART CL: PLASTICS MOLDING AND FORMING

Section

307.7300 General Provisions
 307.7301 Contact Cooling and Heating Water
 307.7302 Cleaning Water
 307.7303 Finishing Water

SUBPART CM: METAL MOLDING AND CASTING

Section

307.7400 General Provisions
 307.7401 Aluminum Casting
 307.7402 Copper Casting
 307.7403 Ferrous Casting
 307.7404 Zinc Casting

SUBPART CN: COIL COATING

Section

307.7500 General Provisions
 307.7501 Steel Basis Material
 307.7502 Galvanized Basis Material
 307.7503 Aluminum Basis Material
 307.7504 Canmaking

SUBPART CO: PORCELAIN ENAMELING

Section

307.7600 General Provisions
 307.7601 Steel Basis Material
 307.7602 Cast Iron Basis Material
 307.7603 Aluminum Basis Material
 307.7604 Copper Basis Material

SUBPART CP: ALUMINUM FORMING

Section

307.7700 General Provisions
 307.7701 Rolling With Neat Oils
 307.7702 Rolling With Emulsions
 307.7703 Extrusion
 307.7704 Forging
 307.7705 Drawing With Neat Oils
 307.7706 Drawing With Emulsions or Soaps

SUBPART CQ: COPPER FORMING

Section	
307.7800	General Provisions
307.7801	Copper Forming
307.7802	Beryllium Copper Forming

SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

Section	
307.7901	Semiconductor
307.7902	Electronic Crystals
307.7903	Cathode Ray Tube
307.7904	Luminescent Materials

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

Section	
307.8100	General Provisions
307.8101	Lead-Tin-Bismuth Forming
307.8102	Magnesium Forming
307.8103	Nickel-Cobalt Forming
307.8104	Precious Metals Forming
307.8105	Refractory Metals Forming
307.8106	Titanium Forming
307.8107	Uranium Forming
307.8108	Zinc Forming
307.8109	Zirconium-Hafnium Forming
307.8110	Metal Powders

~~307.Appendix~~ 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, R70-8/R71-14/R71-20~~, March 7, 1972; amended in R74-3, at ~~19 PCB 182~~, October 30, 1975; amended in ~~R74-15, 16, at 31 PCB 405, R74-15/R74-16~~ 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, R82-5/R82-10~~ 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. 18986, effective November 26, 2008; amended in R13-7 at 37 Ill. Reg. _____, effective _____.

SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS

Section 307.2201 General

- a) Applicability. This Section applies to manure, litter, or process wastewater discharges resulting from concentrated animal feeding operations (CAFOs). Manufacturing or agricultural activities that may be subject to this Section are generally reported under one or more of the following SIC codes, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107:
- 1) SIC Code 0211 (Beef Cattle Feedlots);₂
 - 2) SIC Code 0213 (Hogs);₂
 - 3) SIC Code 0214 (Sheep and Goats);₂
 - 4) SIC Code 0241 (Dairy Farms);₂
 - 5) SIC Code 0251 (Broiler, Fryer, and Roaster Chickens);₂
 - 6) SIC Code 0252 (Chicken Eggs);₂
 - 7) SIC Code 0253 (Turkeys and Turkey Eggs);₂
 - 8) SIC Code 0254 (Poultry Hatcheries);₂
 - 9) SIC Code 0259 (Poultry and Eggs, Not Elsewhere Classified);₂ or
 - 10) SIC Code 0272 (Horses and Other Equines).
- b) General definitions. The Board incorporates by reference 40 CFR 412.2-(2003)

(2011). This incorporation includes no later amendments or editions.

- c) General pretreatment standards. The Board incorporates by reference 40 CFR 412.3-~~(2003)~~ (2011). This incorporation includes no later amendments or editions.
- d) ~~Definition of A facility is determined a concentrated animal feeding operation (CAFO). The Board incorporates by reference according to the definitions and requirements of 40 CFR 122.23(b) and (c)-~~(2003)~~, incorporated by reference in 35 Ill. Adm. Code 310.107.- This incorporation includes no later amendments or editions.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section 307.3301 Steam Electric Power Generating

- a) Applicability. This Section applies to discharges resulting from operation of a generating unit by an establishment engaged primarily in the generation of electricity for distribution and sale that results primarily from a process utilizing fossil-type fuel (coal, oil, or gas) or nuclear fuel in conjunction with ~~with a~~ thermal cycle employing the steam water system as the thermodynamic medium.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 423.11 ~~(2003)~~ (2012). This incorporation includes no later amendments or editions.
- c) Existing sources.
 - 1) The Board incorporates by reference 40 CFR 423.16-~~(2003)~~ (2012). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources.
 - 1) The Board incorporates by reference 40 CFR 423.17-~~(2003)~~ (2012). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) “New source” means any building, structure, facility, or installation the construction of which commenced after October 14, 1980.

(Source: Amended at 37 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-~~(2007)~~ (2012). This incorporation includes no later amendments or editions.
- c) Monitoring requirements. The Board incorporates by reference 40 CFR 430.02 ~~(2007)~~ (2012). This incorporation includes no later amendments or editions.
- d) Best management practices. The Board incorporates by reference 40 CFR 430.03 ~~(2007)~~ (2012). This incorporation includes no later amendments or editions.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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

PART 310 PRETREATMENT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section	
310.101	Applicability
310.102	Objectives
310.103	Federal Law
310.104	State Law
310.105	Confidentiality
310.106	Electronic Reporting
310.107	Incorporations by Reference
310.110	Definitions
310.111	New Source
310.112	Significant Industrial User

SUBPART B: PRETREATMENT STANDARDS

Section	
310.201	General Prohibitions
310.202	Specific Prohibitions
310.210	Local Limits Developed by POTW
310.211	Status of Local Limits
310.220	Categorical Standards
310.221	Source Category Determination Request
310.222	Deadline for Compliance with Categorical Standards
310.230	Concentration and Mass Limits
310.232	Dilution Prohibited as a Substitute for Treatment
310.233	Combined Waste Stream Formula

SUBPART C: REMOVAL CREDITS

Section	
310.301	Special Definitions
310.302	Authority
310.303	Conditions for Authorization to Grant Removal Credits
310.310	Calculation of Revised Discharge Limits
310.311	Demonstration of Consistent Removal
310.312	Provisional Credits
310.320	Compensation for Overflow
310.330	Exception to POTW Pretreatment Program
310.340	Application for Removal Credits Authorization
310.341	Agency Review
310.343	Assistance of POTW
310.350	Continuation of Authorization
310.351	Modification or Withdrawal of Removal Credits

SUBPART D: PRETREATMENT PERMITS

Section	
310.400	Preamble
310.401	Pretreatment Permits
310.402	Time to Apply
310.403	Imminent Endangerment
310.410	Application
310.411	Certification of Capacity
310.412	Signatures
310.413	Site Visit
310.414	Completeness
310.415	Time Limits
310.420	Standard for Issuance
310.421	Final Action
310.430	Conditions
310.431	Duration of Permits

310.432	Schedules of Compliance
310.441	Effect of a Permit
310.442	Modification
310.443	Revocation
310.444	Appeal

SUBPART E: POTW PRETREATMENT PROGRAMS

Section	
310.501	Pretreatment Programs Required
310.502	Deadline for Program Approval
310.503	Incorporation of Approved Programs in Permits
310.504	Incorporation of Compliance Schedules in Permits
310.505	Reissuance or Modification of Permits
310.510	Pretreatment Program Requirements
310.511	Receiving Electronic Documents
310.521	Program Approval
310.522	Contents of Program Submission
310.524	Content of Removal Allowance Submission
310.531	Agency Action
310.532	Defective Submission
310.533	Water Quality Management
310.541	Deadline for Review
310.542	Public Notice and Hearing
310.543	Agency Decision
310.544	USEPA Objection
310.545	Notice of Decision
310.546	Public Access to Submission
310.547	Appeal

SUBPART F: REPORTING REQUIREMENTS

Section	
310.601	Definition of Control Authority (Repealed)
310.602	Baseline Report
310.603	Compliance Schedule
310.604	Report on Compliance with Deadline
310.605	Periodic Reports on Compliance
310.606	Notice of Potential Problems
310.610	Monitoring and Analysis
310.611	Requirements for Non-Categorical Standard Users
310.612	Annual POTW Reports
310.613	Notification of Changed Discharge
310.621	Compliance Schedule for POTWs
310.631	Signatory Requirements for Industrial User Reports
310.632	Signatory Requirements for POTW Reports
310.633	Fraud and False Statements

310.634	Recordkeeping Requirements
310.635	Notification of Discharge of Hazardous Waste
310.636	Annual Certification by Non-Significant Categorical Users
310.637	Receiving Electronic Documents

SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

Section	
310.701	Definition of Requester
310.702	Purpose and Scope
310.703	Criteria
310.704	Fundamentally Different Factors
310.705	Factors that are Not Fundamentally Different
310.706	More Stringent State Law
310.711	Application Deadline
310.712	Contents of FDF Request
310.713	Deficient Requests
310.714	Public Notice
310.721	Agency Review of FDF Requests
310.722	USEPA Review of FDF Requests

SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

Section	
310.801	Net/Gross Calculation

SUBPART I: UPSETS

Section	
310.901	Definition
310.902	Effect of an Upset
310.903	Conditions Necessary for an Upset
310.904	Burden of Proof
310.905	Reviewability of Claims of Upset
310.906	User Responsibility in Case of Upset

SUBPART J: BYPASS

Section	
310.910	Definitions
310.911	Bypass Not Violating Applicable Pretreatment Standards or Requirements
310.912	Notice
310.913	Prohibition of Bypass

SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section	
310.920	General
310.921	Substantial Modifications Defined
310.922	Approval Procedures for Substantial Modifications

- 310.923 Approval Procedures for Non-Substantial Modifications
 310.924 Incorporation of Modifications into the Permit

SUBPART L: FEDERAL PROJECT XL AGREEMENTS

Section

- 310.930 Federally Approved Pretreatment Program Reinvention Pilot Projects Under Project XL

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. 19008, effective November 26, 2008; amended in R13-7 at 37 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 310.107 Incorporations by Reference

- a) The following publications are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 307:

Combined Sewer Overflow (CSO) Control Policy (April 1994) (USEPA document number ~~EPA-830/Z-94-001~~ EPA-830-B-94-001), available from ~~NCEPI, 11029 Kenwood Rd., Bldg. 5, Cincinnati, OH 45242; fax (513) 891-6685~~ National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419, 800-490-9198 or online for download in an electronic format at <http://nepis.epa.gov/EPA/html/pubindex.html>, 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.

~~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) (referred to as “1987 SIC Manual”), 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.

BOARD NOTE: The 1987 SIC Manual is available for online search through the U.S. Department of Labor, at http://www.osha.gov/pls/imis/sic_manual.html. In 1997, the federal Office of Management and Budget (OMB) announced that the North American Industry Classification System (NAICS) was replacing the SIC. 62 Fed. Reg. 17288 (Apr. 9, 1997) for statistical purposes. OMB announced adoption of a 2012 edition of NAICS. 76 Fed. Reg. 51240 (Aug. 17, 2011). The 1997 NAICS Manual is available for online search or purchase (as electronic or hard copy) at <http://www.naics.com>. Until USEPA amends its regulations to change references to SIC codes to references to NAICS codes, the Board will continue to use the 1987 SIC codes.

- b) The following provisions of the Code of Federal Regulations are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 307:

40 CFR 2.302-~~(2007)~~ (2012) (Special Rules Governing Certain Information Obtained Under the Clean Water Act), referenced in Section 310.105.

40 CFR 3.2-~~(2007)~~ (2012) (How Does This Part Provide for Electronic Reporting?), referenced in Section 310.106.

40 CFR 3.3-~~(2007)~~ (2012) (What Definitions Are Applicable to This Part?), referenced in Section 310.106.

40 CFR 3.10-~~(2007)~~ (2012) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 310.106.

40 CFR 3.2000-~~(2007)~~ (2012) (What Are the Requirements Authorized State, Tribe, and Local Programs’ Reporting Systems Must Meet?), referenced in Section 310.106.

40 CFR 25-~~(2007)~~ (2012) (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-~~(2007)~~ (2012) (NPDES Permit Application Testing Requirements), referenced in 35 Ill. Adm. Code 307.1005.

40 CFR 122.23(b) and (c) (2012) (Concentrated Animal Feeding Operations), referenced in 35 Ill. Adm. Code 307.2201.

40 CFR 136-~~(2007)~~ (2012) (Guidelines Establishing Test Procedures for the Analysis of Pollutants), referenced in 35 Ill. Adm. Code 307.1003 and 307.6500 and Sections 310.605, 310.610, and 310.611.

40 CFR 403-~~(2007)~~ (2012) (General Pretreatment Regulations for Existing and New Sources of Pollution), referenced in Section 310.432.

40 CFR ~~403.12 (2007)~~ 403.12(b) (2012) (Reporting Requirements for POTWs and Industrial Users), referenced in Section 310.602.

40 CFR 403.15 (2012) (Net/Gross Calculation), referenced in Section 310.801.

Appendix D to 40 CFR 403-~~(2007)~~ (2012) (Selected Industrial Subcategories Considered Dilute for Purposes of the Combined Wastestream Formula), referenced in Section 310.233.

Appendix G to 40 CFR 403-~~(2007)~~ (2012) (Pollutants Eligible for a Removal Credit), referenced in Section 310.303.

40 CFR 503-~~(2007)~~ (2012) (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 ~~(2007)~~ (2010)), referenced in Section 310.633.

The federal Clean Water Act (CWA) (33 USC 1251 et seq. ~~(2007)~~ (2010)), referenced in Section 310.110.

Section 204(b) of the federal Clean Water Act (33 USC 1284(b) ~~(2007)~~ (2010)), referenced in Section 310.510.

Section 212(2) of the federal Clean Water Act (33 USC 1292(2))~~(2007)~~ (2010), referenced in Section 310.110.

Section 307(b), (c), and (d) of the federal Clean Water Act (33 USC ~~1284(b), 1317(b), (c), and (d)~~ (2010)), referenced in Section 310.110.

Section 308 of the federal Clean Water Act (33 USC 1318~~(2007)~~ (2010)), referenced in Section 310.510.

Section 309(c)(4) of the federal Clean Water Act (33 USC 1319(c)(4) ~~(2007)~~ (2010)), referenced in Section 310.633.

Section 309(c)(6) of the federal Clean Water Act (33 USC 1319(c)(6) ~~(2007)~~ (2010)), referenced in Section 310.633.

Section 405 of the federal Clean Water Act (33 USC 1345~~(2007)~~ (2010)), referenced in Section 310.510.

Subtitles C and D of the federal Resource Conservation and Recovery Act (42 USC 6921-6939e and 6941-6949a)~~(2007)~~ (2010), referenced in Section 310.510.

- d) This Part incorporates no future editions or amendments.

BOARD NOTE: The Board has located all of the incorporations by reference for the purposes of this Part and the more general incorporations by reference for the purposes of 35 Ill. Adm. Code 307 in this Section to aid future review and updates. The Board has located the incorporations by reference of the federal categorical standards scattered throughout 35 Ill. Adm. Code 307 at the segments appropriate to each individual categorical standard. This aids future review and updates of the categorical standards.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART F: REPORTING REQUIREMENTS

Section 310.602 Baseline Report

Within the time limits specified in subsection (h) of this Section, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW must submit to the Control Authority a report that contains the information listed in subsections (a) through (g) of this Section. New sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, must submit to the Control Authority a report that contains the information listed in subsections (a) through (e) of this Section. Where reports containing this information already have been submitted to the

USEPA in compliance with 40 CFR 128.140(b) (1977), the industrial user must not be required to submit this information again. New sources must also include in the report information on the method of pretreatment the source intended to use to meet applicable pretreatment standards. New sources must give estimates of the information requested in subsections (d) and (e) of this Section.

- a) Identifying information. The industrial user must submit the name and address of the facility including the name of the operator and owners;
- b) Permits. The industrial user must submit a list of any environmental control permits held by or for the facility;
- c) Description of operations. The industrial user must submit a brief description of the nature, average rate of production, and standard industrial classification (SIC Code) of the operations carried out by such industrial user, as determined using the Standard Industrial Classification Manual, incorporated by reference in Section ~~310.110(a)~~ 310.107(a). This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes;
- d) Flow measurement. The industrial user must submit information show the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - 1) Regulated process streams; and
 - 2) Other streams as necessary to allow use of the combined waste stream formula of Section 310.233. (See subsection (e)(4) of this Section.)
- e) Measurement of pollutants.
 - 1) The industrial user must identify the pretreatment standards applicable to each regulated process.
 - 2) In addition, the industrial user must submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or Control Authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) must be reported. The sample must be representative of daily operations. In cases where the categorical standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation as required by the Control Authority or the applicable categorical standards to determine compliance with the categorical standard.

- 3) The user must take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.
 - 4) Samples must be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the industrial user must measure the flows and concentrations necessary to allow use of the combined waste stream formula of Section 310.233 in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Section 310.233, this adjusted limit along with supporting data must be submitted to the Control Authority.
 - 5) Analytical methods. Sampling and analysis must be performed in accordance with the techniques prescribed in 35 Ill. Adm. Code 307.1003. When 35 Ill. Adm. Code 307.1003 does not reference sampling or analytical techniques for the pollutant in question or where USEPA has determined that sampling and analysis techniques are inappropriate pursuant to 40 CFR 403.12(b), incorporated by reference in Section 310.107(c), sampling and analysis must be performed by using validated analytical methods or any other applicable sampling and analytical procedures approved by the Agency, including procedures suggested by the POTW or other parties.
 - 6) The Control Authority may allow the submission of a baseline report that utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - 7) The baseline report must indicate the time, date, and place of sampling, and methods of analysis, and must certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- f) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in Section 310.633) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements;
- g) Compliance schedule. If additional pretreatment or O and M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment or O and M. The completion date in this schedule must not be later than the compliance date established for the

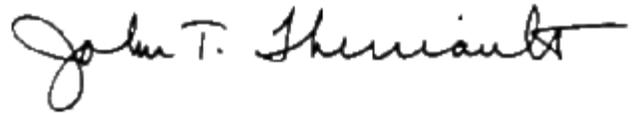
applicable pretreatment standard.

- 1) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (Subpart C of this Part), by the combined waste stream formula (Section 310.233) or a fundamentally different factors determination (Subpart E of this Part) at the time the user submits the report required by this Section, the information required by subsections (f) and (g) of this Section must pertain to the modified limits.
 - 2) If the categorical pretreatment standard is modified by a removal allowance (Subpart C of this Part), by the combined waste stream formula (Section 310.233) or a fundamentally different factors determination (Subpart E of this Part) after the user submits the report required by this Section, any necessary amendments to the information requested by subsections (f) and (g) of this Section must be submitted by the user to the Control Authority within 60 days after the modified limit is approved.
- h) Deadlines for baseline reports.
- 1) For standards adopted by USEPA prior to authorization of the Illinois pretreatment program, baseline reports must be submitted pursuant to 40 CFR 403.12(b).
 - 2) For standards adopted by USEPA after authorization of the Illinois pretreatment program:
 - A) Baseline reports for existing sources are due within 180 days after the Board adopts or incorporates a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), whichever is later.
 - B) New sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard must submit the baseline report within 90 days before beginning discharge.
 - C) New sources already in existence and discharging on the date the Board adopts or incorporates a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), as described for existing sources under subsection (h)(1)(A) of this Section, are considered existing sources for the purposes of the due date provisions of this subsection.

BOARD NOTE: Derived from 40 CFR 403.12(b) ~~(2005)~~, as amended at 70 Fed. Reg. 60134 ~~(Oct. 14, 2005)~~ (2012).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on November 1, 2012, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board