

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
310.107	Amendment
310.602	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 13.3, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 307 and 310 are a single segment of the docket R13-7 rulemaking that also affects 35 Ill. Adm. Code 307, which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R13-7 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 307. A comprehensive description is contained in the Board's opinion and order of November 1, 2012, proposing amendments in docket R13-7, which opinion and order is available from the address below.

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Pollution Control Board

Specifically, the amendments to Part 310 implement segments of the federal amendments of May 18, 2012. The amendments update the analytical methods approved for use demonstrating compliance with the wastewater pretreatment regulations. The Board has included a limited number of corrections and clarifying amendments that are not directly derived from the instant federal amendments.

Tables appear in the Board's opinion and order of November 1, 2012 in docket R13-7 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the November 1, 2012 opinion and order in docket R13-7.

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

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. The Illinois wastewater pretreatment regulations include incorporations by reference of several federal statutes and regulations. Section 310.107 is the centralized location of all incorporations for the purposes of 35 Ill. Adm. Code 307 and 310, except that this Section does not include the federal categorical standards, which are scattered throughout 35 Ill. Adm. Code 307. The current amendments incorporate federal revisions and update various federal standards to the latest version available.
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)]
- 11) Are there any other proposed rulemakings pending on this Part? No
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R13-7 and be addressed to:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Phone: 312/814-3620

Please direct inquiries to the following person and reference docket R13-7:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500

POLLUTION CONTROL BOARD

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Chicago, IL 60601

phone: 312/814-6924

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Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's website: <http://www.ipcb.state.il.us>.

13) Initial Regulatory Flexibility Analysis:

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

14) Regulatory Agenda on which this rulemaking was summarized: June 2012

The full text of the Proposed Amendments begins on the next page:

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

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

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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/>~~<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://.gov/imis/>~~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://.naics.com>~~<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

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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 Programs²¹; 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

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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)~~(2012)), 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)~~(2012)), 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.

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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

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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~~showing 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

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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

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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

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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 _____)

Document comparison by Workshare Compare on Friday, November 16, 2012
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Description	35-310-r01(issue 47)
Rendering set	Standard

Legend:	
<u>Insertion</u>	
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<u>Moved to</u>	
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Format change	
Moved deletion	
Inserted cell	
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Moved cell	
Split/Merged cell	
Padding cell	

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Deletions	52
Moved from	0
Moved to	0
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Format changed	0
Total changes	70

EXEMPT

JCAR350310-1216459r01

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE C: WATER POLLUTION
3 CHAPTER I: POLLUTION CONTROL BOARD
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5 PART 310
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SUBPART D: PRETREATMENT PERMITS

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58	310.402	Time to Apply
59	310.403	Imminent Endangerment
60	310.410	Application
61	310.411	Certification of Capacity
62	310.412	Signatures
63	310.413	Site Visit
64	310.414	Completeness
65	310.415	Time Limits
66	310.420	Standard for Issuance
67	310.421	Final Action
68	310.430	Conditions
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70	310.432	Schedules of Compliance
71	310.441	Effect of a Permit
72	310.442	Modification
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75

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76

77
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81	310.503	Incorporation of Approved Programs in Permits
82	310.504	Incorporation of Compliance Schedules in Permits
83	310.505	Reissuance or Modification of Permits
84	310.510	Pretreatment Program Requirements
85	310.511	Receiving Electronic Documents
86	310.521	Program Approval

87	310.522	Contents of Program Submission
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94	310.543	Agency Decision
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99

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111	310.613	Notification of Changed Discharge
112	310.621	Compliance Schedule for POTWs
113	310.631	Signatory Requirements for Industrial User Reports
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125	310.702	Purpose and Scope
126	310.703	Criteria
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129	310.706	More Stringent State Law

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163	310.920	General
164	310.921	Substantial Modifications Defined
165	310.922	Approval Procedures for Substantial Modifications
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171	Section	
172	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-B-94-001~~EPA-830/Z-94-001~~), available from 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~~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.~~

214 The consent decree in *NRDC v. Costle*, 1978 WL 23471, 12 Environment
215 Reporter Cases 1833 (D.C. Cir. August 16, 1978), referenced in Section
216 310.320.

217
218 Standard Industrial Classification Manual (1987) (document no. PB87-
219 100012) (referred to as "1987 SIC Manual"), available from the National
220 Technical Information Service, 5285 Port Royal Road, Springfield,
221 Virginia 22161, referenced in 35 Ill. Adm. Code 307.2201, 307.2400,
222 307.2402 through 307.2407, and 307.3901 and Section 310.602.

223 BOARD NOTE: The 1987 SIC Manual is available for online search
224 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
225 (OMB) announced that the North American Industry Classification
226 System (NAICS) was replacing the SIC (62 Fed. Reg. 17288 (Apr. 9,
227 1997)) for statistical purposes. OMB announced adoption of a 2012
228 edition of NAICS (76 Fed. Reg. 51240 (Aug. 17, 2011)). The 1997
229 NAICS Manual is available for online search or purchase (as electronic or
230 hard copy) at <http://www.naics.com>. Until USEPA amends its regulations
231 to change references to SIC codes to references to NAICS codes, the
232 Board will continue to use the 1987 SIC codes.
233

234
235 b) The following provisions of the Code of Federal Regulations are incorporated by
236 reference for the purposes of this Part and 35 Ill. Adm. Code 307:

237
238 40 CFR 2.302 (2012)(2007) (Special Rules Governing Certain
239 Information Obtained Under the Clean Water Act), referenced in Section
240 310.105.

241
242 40 CFR 3.2 (2012)(2007) (How Does This Part Provide for Electronic
243 Reporting?), referenced in Section 310.106.

244
245 40 CFR 3.3 (2012)(2007) (What Definitions Are Applicable to This
246 Part?), referenced in Section 310.106.

247
248 40 CFR 3.10 (2012)(2007) (What Are the Requirements for Electronic
249 Reporting to EPA?), referenced in Section 310.106.

250
251 40 CFR 3.2000 (2012)(2007) (What Are the Requirements Authorized
252 State, Tribe, and Local Programs' Reporting Systems Must Meet?),
253 referenced in Section 310.106.

254
255 40 CFR 25 (2012)(2007) (Public Participation in Programs Under the
256 Resource Conservation and Recovery Act, the Safe Drinking Water Act,

257 and the Clean Water Act), referenced in Section 310.510.
258

259 Tables II (Organic Toxic Pollutants in Each of Four Fractions in Analysis
260 by Gas Chromatography/Mass Spectroscopy (GS/MS)) and III (Other
261 Toxic Pollutants (Metals and Cyanide) and Total Phenols) in appendix D
262 to 40 CFR 122 ~~(2012)~~(2007) (NPDES Permit Application Testing
263 Requirements), referenced in 35 Ill. Adm. Code 307.1005.
264

265 40 CFR 122.23(b) and (c) (2012) (Concentrated Animal Feeding
266 Operations), referenced in 35 Ill. Adm. Code 307.2201.
267

268 40 CFR 136 ~~(2012)~~(2007) (Guidelines Establishing Test Procedures for
269 the Analysis of Pollutants), referenced in 35 Ill. Adm. Code 307.1003 and
270 307.6500 and Sections 310.605, 310.610, and 310.611.
271

272 40 CFR 403 ~~(2012)~~(2007) (General Pretreatment Regulations for Existing
273 and New Sources of Pollution), referenced in Section 310.432.
274

275 40 CFR 403.12(b) ~~(2012)~~403.12 ~~(2007)~~ (Reporting Requirements for
276 POTWs and Industrial Users), referenced in Section 310.602.
277

278 40 CFR 403.15 (2012) (Net/Gross Calculation), referenced in Section
279 310.801.
280

281 Appendix D to 40 CFR 403 ~~(2012)~~(2007) (Selected Industrial
282 Subcategories Considered Dilute for Purposes of the Combined
283 Wastestream Formula), referenced in Section 310.233.
284

285 Appendix G to 40 CFR 403 ~~(2012)~~(2007) (Pollutants Eligible for a
286 Removal Credit), referenced in Section 310.303.
287

288 40 CFR 503 ~~(2012)~~(2007) (Standards for the Use or Disposal of Sewage
289 Sludge), referenced in Section 310.303.
290

291 c) The following federal statutes are incorporated by reference:
292

293 Section 1001 of federal Crimes and Criminal Procedure (18 USC 1001
294 ~~(2010)~~(2007)), referenced in Section 310.633.
295

296 The federal Clean Water Act (CWA) (33 USC 1251 et seq. ~~(2012)~~(2007)),
297 referenced in Section 310.110.
298

299 Section 204(b) of the federal Clean Water Act (33 USC 1284(b)
300 (2010)(2007)), referenced in Section 310.510.
301
302 Section 212(2) of the federal Clean Water Act (33 USC 1292(2)
303 (2010)(2007)), referenced in Section 310.110.
304
305 Section 307(b), (c), and (d) of the federal Clean Water Act (33 USC
306 1317(b), (c), and (d) (2010)), referenced in Section 310.110.
307
308 Section 308 of the federal Clean Water Act (33 USC 1318 (2012)(2007)),
309 referenced in Section 310.510.
310
311 Section 309(c)(4) of the federal Clean Water Act (33 USC 1319(c)(4)
312 (2010)(2007)), referenced in Section 310.633.
313
314 Section 309(c)(6) of the federal Clean Water Act (33 USC 1319(c)(6)
315 (2010)(2007)), referenced in Section 310.633.
316
317 Section 405 of the federal Clean Water Act (33 USC 1345 (2010)(2007)),
318 referenced in Section 310.510.
319
320 Subtitles C and D of the federal Resource Conservation and Recovery Act
321 (42 USC 6921-6939e and 6941-6949a) (2010)(2007)), referenced in
322 Section 310.510.

323
324 d) This Part incorporates no future editions or amendments.
325

326 BOARD NOTE: The Board has located all of the incorporations by reference for the
327 purposes of this Part and the more general incorporations by reference for the purposes of
328 35 Ill. Adm. Code 307 in this Section to aid future review and updates. The Board has
329 located the incorporations by reference of the federal categorical standards scattered
330 throughout 35 Ill. Adm. Code 307 at the segments appropriate to each individual
331 categorical standard. This aids future review and updates of the categorical standards.
332

333 (Source: Amended at 37 Ill. Reg. _____, effective _____)
334

335 SUBPART F: REPORTING REQUIREMENTS

336 **Section 310.602 Baseline Report**

337
338
339 Within the time limits specified in subsection (h) of this Section, existing industrial users subject
340 to such categorical pretreatment standards and currently discharging to or scheduled to discharge
341 to a POTW must submit to the Control Authority a report that contains the information listed in

342 subsections (a) through (g) of this Section. New sources, and sources that become industrial
 343 users subsequent to the promulgation of an applicable categorical standard, must submit to the
 344 Control Authority a report that contains the information listed in subsections (a) through (e) of
 345 this Section. Where reports containing this information already have been submitted to the
 346 USEPA in compliance with 40 CFR 128.140(b) (1977), the industrial user must not be required
 347 to submit this information again. New sources must also include in the report information on the
 348 method of pretreatment the source intended to use to meet applicable pretreatment standards.
 349 New sources must give estimates of the information requested in subsections (d) and (e) of this
 350 Section.

- 351
- 352 a) Identifying information. The industrial user must submit the name and address of
 353 the facility including the name of the operator and owners;
 - 354
 - 355 b) Permits. The industrial user must submit a list of any environmental control
 356 permits held by or for the facility;
 - 357
 - 358 c) Description of operations. The industrial user must submit a brief description of
 359 the nature, average rate of production, and standard industrial classification (SIC
 360 Code) of the operations carried out by such industrial user, as determined using
 361 the Standard Industrial Classification Manual, incorporated by reference in
 362 Section ~~310.107(a)~~310.110(a). This description should include a schematic
 363 process diagram that indicates points of discharge to the POTW from the
 364 regulated processes;
 - 365
 - 366 d) Flow measurement. The industrial user must submit information showing the
 367 measured average daily and maximum daily flow, in gallons per day, to the
 368 POTW from each of the following:
 - 369
 - 370 1) Regulated process streams; and
 - 371
 - 372 2) Other streams as necessary to allow use of the combined waste stream
 373 formula of Section 310.233. (See subsection (e)(4) of this Section.);
 - 374 - 375 e) Measurement of pollutants.
 - 376
 - 377 1) The industrial user must identify the pretreatment standards applicable to
 378 each regulated process.
 - 379
 - 380 2) In addition, the industrial user must submit the results of sampling and
 381 analysis identifying the nature and concentration (or mass, where required
 382 by the standard or Control Authority) of regulated pollutants in the
 383 discharge from each regulated process. Both daily maximum and average
 384 concentration (or mass, where required) must be reported. The sample

- 385 must be representative of daily operations. In cases where the categorical
 386 standard requires compliance with a best management practice or
 387 pollution prevention alternative, the industrial user shall submit
 388 documentation as required by the Control Authority or the applicable
 389 categorical standards to determine compliance with the categorical
 390 standard.
- 391
- 392 3) The user must take a minimum of one representative sample to compile
 393 that data necessary to comply with the requirements of this subsection.
 394
- 395 4) Samples must be taken immediately downstream from pretreatment
 396 facilities if such exist or immediately downstream from the regulated
 397 process if no pretreatment exists. If other wastewaters are mixed with the
 398 regulated wastewater prior to pretreatment the industrial user must
 399 measure the flows and concentrations necessary to allow use of the
 400 combined waste stream formula of Section 310.233 in order to evaluate
 401 compliance with the pretreatment standards. Where an alternate
 402 concentration or mass limit has been calculated in accordance with Section
 403 310.233, this adjusted limit along with supporting data must be submitted
 404 to the Control Authority.
 405
- 406 5) Analytical methods. Sampling and analysis must be performed in
 407 accordance with the techniques prescribed in 35 Ill. Adm. Code 307.1003.
 408 When 35 Ill. Adm. Code 307.1003 does not reference sampling or
 409 analytical techniques for the pollutant in question or where USEPA has
 410 determined that sampling and analysis techniques are inappropriate
 411 pursuant to 40 CFR 403.12(b), incorporated by reference in Section
 412 310.107(c), sampling and analysis must be performed by using validated
 413 analytical methods or any other applicable sampling and analytical
 414 procedures approved by the Agency, including procedures suggested by
 415 the POTW or other parties.
 416
- 417 6) The Control Authority may allow the submission of a baseline report that
 418 utilizes only historical data so long as the data provides information
 419 sufficient to determine the need for industrial pretreatment measures.
 420
- 421 7) The baseline report must indicate the time, date, and place of sampling,
 422 and methods of analysis, and must certify that such sampling and analysis
 423 is representative of normal work cycles and expected pollutant discharges
 424 to the POTW;:-
 425
- 426 f) Certification. A statement, reviewed by an authorized representative of the
 427 industrial user (as defined in Section 310.633) and certified to by a qualified

428 professional, indicating whether pretreatment standards are being met on a
 429 consistent basis, and, if not, whether additional operation and maintenance (O and
 430 M) or additional pretreatment is required for the industrial user to meet the
 431 pretreatment standards and requirements;
 432

433 g) Compliance schedule. If additional pretreatment or O and M will be required to
 434 meet the pretreatment standards; the shortest schedule by which the industrial user
 435 will provide such additional pretreatment or O and M. The completion date in this
 436 schedule must not be later than the compliance date established for the applicable
 437 pretreatment standard.
 438

439 1) Where the industrial user's categorical pretreatment standard has been
 440 modified by a removal allowance (Subpart C of this Part), by the
 441 combined waste stream formula (Section 310.233) or a fundamentally
 442 different factors determination (Subpart E of this Part) at the time the user
 443 submits the report required by this Section, the information required by
 444 subsections (f) and (g) of this Section must pertain to the modified limits.
 445

446 2) If the categorical pretreatment standard is modified by a removal
 447 allowance (Subpart C of this Part), by the combined waste stream formula
 448 (Section 310.233) or a fundamentally different factors determination
 449 (Subpart E of this Part) after the user submits the report required by this
 450 Section, any necessary amendments to the information requested by
 451 subsections (f) and (g) of this Section must be submitted by the user to the
 452 Control Authority within 60 days after the modified limit is approved;:-
 453

454 h) Deadlines for baseline reports.
 455

456 1) For standards adopted by USEPA prior to authorization of the Illinois
 457 pretreatment program, baseline reports must be submitted pursuant to 40
 458 CFR 403.12(b).
 459

460 2) For standards adopted by USEPA after authorization of the Illinois
 461 pretreatment program:
 462

463 A) Baseline reports for existing sources are due within 180 days after
 464 the Board adopts or incorporates a categorical pretreatment
 465 standard or 180 days after the final administrative decision made
 466 upon a category determination submission under Section
 467 310.221(d), whichever is later.
 468

469 B) New sources and sources that become industrial users subsequent
 470 to the promulgation of an applicable categorical standard must

471 submit the baseline report within 90 days before beginning
472 discharge.

473
474 C) New sources already in existence and discharging on the date the
475 Board adopts or incorporates a categorical pretreatment standard or
476 180 days after the final administrative decision made upon a
477 category determination submission under Section 310.221(d), as
478 described for existing sources under subsection (h)(1)(A) of this
479 Section, are considered existing sources for the purposes of the due
480 date provisions of this subsection.

481
482 BOARD NOTE: Derived from 40 CFR 403.12(b) ~~(2012)(2005)~~, as amended at 70 Fed. Reg.
483 60134 (Oct. 14, 2005).

484
485 (Source: Amended at 37 Ill. Reg. _____, effective _____)