

**IDENTICAL-IN-SUBSTANCE RULEMAKING ADDENDUM
TO THE NOVEMBER 17, 2016 OPINION AND ORDER OF THE BOARD**

**Wastewater Pretreatment Update (January 1, 2016
through June 30, 2016 and September 30, 2016), R17-8
(Nov. 17, 2016)**

This addendum includes the following table:

Table 1: Deviations from the Text of the Federal Amendments

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The table included in this addendum supplements the Board’s November 17, 2016 opinion and order in the above-cited identical-in-substance rulemaking.

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

35 Ill. Adm. Code 307 table of contents, Subpart BJ heading; derived from 40 C.F.R. 435 heading)

Deemed the federal part as Subpart BJ.

35 Ill. Adm. Code 307 table of contents, Section 307.4503 heading; derived from 40 C.F.R. 435, subpart C heading)

Deemed the federal subpart as Section 307.4503.

35 Ill. Adm. Code 307 table of contents, Section 307.4508 heading; derived from 40 C.F.R. 435, subpart H heading)

Deemed the federal subpart as Section 307.4508.

35 Ill. Adm. Code 307.4503 heading; derived from 40 C.F.R. 435, subpart C heading)

Added the formerly omitted existing federal provision; changed “Onshore Subcategory” to “Onshore Facility Standards.”

35 Ill. Adm. Code 307.4503(a); derived from 40 C.F.R. 435.30)

Added the formerly omitted existing federal provision; used “Applicability” from the section heading as a topical subheading; changed “the provisions of this subpart are applicable to those facilities” to “this section applies to facilities”; added the serial comma before “and well treatment”; changed “ which are located landward of the inner boundary of the territorial seas as defined in 40 CFR 125.1(gg) and which are not included within subpart D, E, or F” to “that are not included in subpart F of 40 C.F.R. 435 (2016), incorporated by reference”; added “this incorporation includes no later amendments or editions”; removed the statement, “*Provided, however, That the applicability of this subpart to (a) facilities . . . which are located on land and which would have been considered “coastal” . . . or which are (b) located in the Santa Maria Basin of California is suspended.*”

35 Ill. Adm. Code 307.4503(a) Board note; derived from 40 C.F.R. 435.30)

Added the statement of derivation.

35 Ill. Adm. Code 307.4503(b); derived from 40 C.F.R. 435.31)

Added the formerly omitted existing federal provision; changed “Specialized definitions” to capitalized “Specialized Definitions” and used it as a topical subheading; combined the

preamble with the text of subsection (a); added a version date and incorporation by reference language to the *Code of Federal Regulations* citation; changed “shall apply” to “apply”; added the statement, “this incorporation includes no later amendments or editions.”

35 Ill. Adm. Code 307.4503(b) Board note; derived from 40 C.F.R. 435.31)

Added the statement of derivation.

35 Ill. Adm. Code 307.4503(c); derived from 40 C.F.R. 435.33 heading)

Changed “Pretreatment standards for existing sources” to capitalized “Pretreatment Standards for Existing Sources” for a topical subheading.

35 Ill. Adm. Code 307.4503(c)(1); derived from 40 C.F.R. 435.33(a))

Changed “wastewater from unconventional oil and gas extraction” to capitalized “Wastewater from Unconventional Oil and Gas Extraction” for a topical subheading; added incorporation by reference language to the *Code of Federal Regulations* citations, offset by a comma; removed the unnecessary comma from between the subject and the verb before “must achieve”; added the statement “This incorporation by reference includes no later amendments or editions.”

35 Ill. Adm. Code 307.4503(c)(1)(A); derived from 40 C.F.R. 435.33(a)(1))

Changed “shall” to “must”; added the conjunction “or” before the final element of the series “produced water.”

35 Ill. Adm. Code 307.4503(c)(1)(B); derived from 40 C.F.R. 435.33(a)(2))

Changed “this section” to “this subsection (c) and subsection (d)”; added “the following definitions apply” and the ending colon.

35 Ill. Adm. Code 307.4503(c)(1)(A)(i); derived from 40 C.F.R. 435.33(a)(2)(i))

Placed the defined term, “unconventional oil and gas,” in quotation marks; changed “and/or” to “or”; added the conjunction “or” before the final element of the series “tight oil.”

35 Ill. Adm. Code 307.4503(c)(1)(A)(ii); derived from 40 C.F.R. 435.33(a)(2)(ii))

Placed the defined term, “drill cuttings,” in quotation marks.

35 Ill. Adm. Code 307.4503(c)(1)(A)(iii); derived from 40 C.F.R. 435.33(a)(2)(iii))

Placed the defined term, “drilling mud,” in quotation marks.

35 Ill. Adm. Code 307.4503(c)(1)(A)(iv); derived from 40 C.F.R. 435.33(a)(2)(iv))

Placed the defined term, “produced sand,” in quotation marks.

35 Ill. Adm. Code 307.4503(c)(1)(A)(v); derived from 40 C.F.R. 435.33(a)(2)(v))

Placed the defined term, “produced water,” in quotation marks.

35 Ill. Adm. Code 307.4503(c)(1)(C); derived from 40 C.F.R. 435.33(a)(3))

Changed “deadline for existing sources” to capitalized “Deadline for Existing Sources” for a topical subheading; changed “shall” to “must”; changed “by August 29, 2019” to “before August 29, 2019”; changed “shall comply by August 29, 2016” to “must immediately comply.”

35 Ill. Adm. Code 307.4503(c)(1)(C) Board note; derived from 40 C.F.R. 435.33(a)(3))

Added explanation that the corresponding federal provision requires compliance “by August 29, 2016.”

35 Ill. Adm. Code 307.4503(c)(2); derived from 40 C.F.R. 435.33(b))

Added the explanatory statement about the federal provision marked “reserved.”

35 Ill. Adm. Code 307.4503(c) Board note; derived from 40 C.F.R. 435.33)

Added the statement of derivation.

35 Ill. Adm. Code 307.4503(d); derived from 40 C.F.R. 435.34)

Changed “Pretreatment standards for new sources” to capitalized “Pretreatment Standards for New Sources” for a topical subheading.

35 Ill. Adm. Code 307.4503(d)(1); derived from 40 C.F.R. 435.34(a))

Added the explanatory statement about the federal provision marked “reserved.”

35 Ill. Adm. Code 307.4503(d) Board note; derived from 40 C.F.R. 435.34)

Added the statement of derivation.

35 Ill. Adm. Code 307.4503(h); derived from subpart H of 40 C.F.R. 435)

Added the explanatory statement about the federal provision marked “reserved.”