

**IDENTICAL-IN-SUBSTANCE RULEMAKING ADDENDUM
TO THE JANUARY 19, 2017 OPINION AND ORDER OF THE BOARD**

**Wastewater Pretreatment Update (July 1, 2015 through
December 31, 2015), R16-7 (January 19, 2017)**

This addendum includes the following tables:

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The tables included in this addendum supplement the Board’s January 19, 2017 final opinion and order in the above-cited identical-in-substance rulemaking.

**Table 1:
Federal Amendments That Are Not Necessary in This Docket**

40 C.F.R. 122.22(e)

Duplicates requirements in 40 C.F.R. 127.12, which the Board has codified as 35 Ill. Adm. Code 310.106(b)(4).

40 C.F.R. 122.26(b)(15)(i)(A), (b)(15)(i)(C) & 122.26(g)(1)(iii)

Applicable only to “storm water discharge” from small construction activity, not related to wastewater pretreatment.

40 C.F.R. 122.28(b)(2)(i) & (b)(2)(ii)

Duplicates requirements in 40 C.F.R. 127.16(a), which the Board has codified as 35 Ill. Adm. Code 310.106(b)(8)(A).

40 C.F.R. 122.34(g)(3)

Applicable only to small municipal small separate storm sewer systems (MS4s), not related to wastewater pretreatment.

40 C.F.R. 122.41(l)(4)(i), (l)(6)(i), (l)(7), (l)(9) & (m)(3)

Applicable only to Discharge Monitoring Reports; 24-hour reporting; noncompliance reports for combined sewer overflows, sanitary sewer overflows, or bypass events; and initial digital reporting by NPDES permittees, much of which does not apply to wastewater pretreatment. Duplicates requirements in 40 C.F.R. 127.16(a), which the Board has codified as 35 Ill. Adm. Code 310.106(b)(8)(A), to the extent any segments apply to wastewater pretreatment.

40 C.F.R. 122.42(c), (e)(4) & (e)(4)(vi)

Applicable only to annual reports by large or medium MS4s and concentrated animal feedlot operations (CAFOs) that hold an NPDES permit, not related to wastewater pretreatment.

40 C.F.R. 122.43(a), 122.44(i)(2), 122.48(c) & 122.63(f)

Applicable only to NPDES permit conditions relating to reporting, which are federal requirements applicable to the State as a regulator. There is no need to add the requirements to Board rules.

40 C.F.R. 122.64(c)

Duplicates requirements in 40 C.F.R. 127.16(a), which the Board has codified as 35 Ill. Adm. Code 310.106(b)(8)(A).

40 C.F.R. 123.22(g)

Requiring a state that wishes to implement NPDES requirements after March 21, 2016 to notify USEPA whether the state will be the initial recipient of electronic NPDES information, which is a federal requirement applicable to the State as a regulator. There is no need to add the requirements to Board rules.

40 C.F.R. 123.24(b)(3)

Requiring a state that wishes to implement NPDES requirements to provide for USEPA access to electronic NPDES information in the Memorandum of Agreement, which is a federal requirement applicable to the State as a regulator. There is no need to add the requirements to Board rules.

40 C.F.R. 123.25(a)(46)

Requiring a state that wishes to implement NPDES requirements to have legal authority for electronic reporting of NPDES information, which is a federal requirement applicable to the State as a regulator. There is no need to add the requirements to Board rules.

40 C.F.R. 123.26(b), (b)(1), (b)(2)(ii), (b)(2)(iii), (b)(2)(iv), (e)(1) & (f)

Requiring a state that wishes to implement NPDES requirements to have, maintain, and operate an electronic system for reporting NPDES information, compliance evaluation using the information reported, generating an inventory of all sources covered by an NPDES permit and an electronic schedule of reports (allowing states to use USEPA's national reporting system), which is a federal requirement applicable to the State as a regulator. There is no need to add the requirements to Board rules.

40 C.F.R. 123.41(a), 123.43(d)

Providing for availability and transmission to USEPA of information reported electronically to a state, which is a federal requirement applicable to the State as a regulator. There is no need to add the requirements to Board rules.

40 C.F.R. 123.45

Providing for regular periodic reports by USEPA of information reported electronically to a state, which is a federal requirement applicable to the State as a regulator. There is no need to add the requirements to Board rules.

40 C.F.R. 123, subpart A

Applicable only to State noncompliance reporting, which is a federal requirement applicable to the State as a regulator. There is no need to add the requirements to Board rules.

40 C.F.R. 127.1(a)(6)

The definition applies only with regard to only to sewage sludge/biosolids programs, which is subject matter outside the scope of wastewater pretreatment.

40 C.F.R. 127.2(g)

The definition applies only with regard to construction stormwater general permits, which is subject matter outside the scope of wastewater pretreatment.

40 C.F.R. 127.11(a)(2), (a)(4), (a)(7), (b)(3) & (b)(4)

Relating to sewage sludge/biosolids annual reports, municipal separate stormwater sewer system reports, and cooling intake water reports, which are subject matters outside the scope of wastewater pretreatment.

40 C.F.R. 127.16(a) table (certain entries only)

Relating to Discharge Monitoring Reports, sewage sludge/biosolids annual reports, concentrated animal feeding operation annual reports, municipal separate stormwater sewer system reports, sewer overflow and bypass incident reports, and cooling intake water reports, which are subject matters outside the scope of wastewater pretreatment.

40 C.F.R. 127.21

Requiring digital transfer of NPDES information by authorized states to USEPA, which is a federal requirement applicable to the State as a regulator. There is no need to add the requirements to Board rules.

40 C.F.R. 127.22

Deeming authorized states responsible for data transferred to USEPA and requiring quality control procedures, which is a federal requirement applicable to the State as a regulator. There is no need to add the requirements to Board rules.

40 C.F.R. 127.23(a), (b) & (d)

Requiring timely, accurate, complete, and consistent transfers of data to USEPA and providing that USEPA will become initial recipient should the authorized state fail to do so, which is a federal requirement applicable to the State as a regulator. There is no need to add the requirements to Board rules.

40 C.F.R. 127.24(c)

Duplicates requirements in 40 C.F.R. 127.15(b)(4) and (c)(4), which the Board has codified as 35 Ill. Adm. Code 310.106(b)(7)(B)(iv) and (b)(7)(C)(iv).

40 C.F.R. 127.25

Requiring an authorized state to use the federally required procedure for NPDES program revisions, which is a federal requirement applicable to the State as a regulator. There is no need to add the requirements to Board rules.

40 C.F.R. 127.26(a)-(e) & (g)-(j)

Requiring an implementation plan that includes specified elements and requiring authorized states to obtain and maintain the authorities and tools for implementation, which is a federal requirement applicable to the State as a regulator. There is no need to add the requirements to Board rules.

40 C.F.R. 127.27

Procedures for state application and USEPA approval or disapproval of a state to act as initial recipient, which is a federal requirement applicable to the State as a regulator. There is no need to add the requirements to Board rules.

40 C.F.R. 403.10(f)(2)(viii)

Requiring USEPA to regularly notify states of electronic submission requirements, which is a federal requirement only applicable to USEPA. There is no need to add the requirement to Board rules.

40 C.F.R. 423.12

Prescribing effluent guidelines for best practicable control technology currently available (BPT), which do not relate to wastewater pretreatment.

40 C.F.R. 423.13

Prescribing effluent guidelines for best available technology economically available (BAT), which do not relate to wastewater pretreatment.

40 C.F.R. 423.15

Prescribing new source performance standards (NSPS), which do not relate to wastewater pretreatment.

40 C.F.R. 501.21

Applicable only to sludge management programs, not to wastewater pretreatment programs.

40 C.F.R. 503.18(a), 503.28 & 503.48

Applicable only to Class I sludge management facilities with a design flow rate of a million gallons per day or greater and which serve 10,000 persons or more, not to any industrial user.

Table 2:
Deviations from the Text of the Federal Amendments

35 Ill. Adm. Code 307.3301(b); derived from 40 C.F.R. 423.11

Retained incorporation by reference, rather than providing the text of the federally derived provision.

35 Ill. Adm. Code 307.3301(c)(1); derived from 40 C.F.R. 423.16

Retained incorporation by reference, rather than providing the text of the federally derived provision.

35 Ill. Adm. Code 307.3301(d)(1); derived from 40 C.F.R. 423.17

Retained incorporation by reference, rather than providing the text of the federally derived provision.

35 Ill. Adm. Code 310.106(b); derived from 40 C.F.R. 127 heading

Changed capitalization to title case; added the ending period.

35 Ill. Adm. Code 310.106(b)(1); derived from 40 C.F.R. 127.1 heading

Changed capitalization to title case.

35 Ill. Adm. Code 310.106(b)(1)(A); derived from 40 C.F.R. 127.1(a)

Omitted parallel citations for 40 C.F.R. 122, 123, 124, 125, 501, and 503.

35 Ill. Adm. Code 310.106(b)(1)(A)(iii); derived from 40 C.F.R. 127.1(a)(3)

Omitted “stormwater or.”

35 Ill. Adm. Code 310.106(b)(1)(A)(v) (JCAR): Added the conjunction “and.” See the entries in Tables 4 and 5 below.

35 Ill. Adm. Code 310.106(b)(1)(A)(vi); derived from 40 C.F.R. 127.1(a)(6)

Replaced the federal text with a parenthetical explanatory statement. See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(1)(A)(vii); derived from 40 C.F.R. 127.1(a)(7)

Changed “EPA” “USEPA” (four times); changed “the states, tribes, or territories that have received authorization” to “the Agency, to the extent the Agency has received authorization”; omitted citations parallel to 40 C.F.R. 123 and 501 to change “in conjunction with 40 CFR parts 123, 403, and 501” to “in conjunction with other segments of this Part.”

35 Ill. Adm. Code 310.106(b)(1)(B); derived from 40 C.F.R. 127.1(b)

Omitted the statement, “These regulations are not . . . NPDES data systems”; changed “however, these states, tribes, or territories must ensure” to “to the extent the Agency is authorized to implement a segment of the NPDES program, the Agency must ensure”; added “incorporated by reference in Section 310.107” offset by a comma; changed “EPA” to “USEPA” (twice). See the entries in Tables 4 and 5 below.

35 Ill. Adm. Code 310.106(b)(1)(C); derived from 40 C.F.R. 127.1(c)

Changed “under 10 U.S.C. 130e, the Secretary of Defense may exempt . . . under the Freedom of Information Act (FOIA)” to “to the extent that the Secretary of Defense has exempted . . . under the federal Freedom of Information Act pursuant to 10 USC 130e”; omitted “in response to a FOIA request”; replaced the period at the end of the first sentence with a comma and added “the exempted” before “NPDES program data” to make the second sentence an independent clause in a combined sentence; added “see also section 7(1)(k) of the FOIA” after “withheld from the public”; changed “in the instance where” to “in the instance that”; changed “EPA and the authorized state, tribe or territory” to “USEPA and the Agency under the authorized State NPDES program.” See the entries in Tables 4 and 5 below.

35 Ill. Adm. Code 310.106(b)(1)(D); derived from 40 C.F.R. 127.1(d)

Added “incorporated by reference in Section 310.107” offset by a comma; added the indefinite article before “timely, complete, accurate, and nationally consistent set”; corrected “nationally-consistent” to “nationally consistent.” See the entries in Tables 4 and 5 below.

35 Ill. Adm. Code 310.106(b)(1) Board note; derived from 40 C.F.R. 127.1

Added a statement of derivation of the provision.

35 Ill. Adm. Code 310.106(b)(2); derived from 40 C.F.R. 127.2 heading & (a)

Combined the heading and applicability statement; omitted the statement, “the definitions in . . . apply to all subparts of this part”; added “for the purposes of this subpart (b), the following terms have the following meanings.”

35 Ill. Adm. Code 310.106(b)(2), “initial recipient of electronic NPDES information from NPDES-regulated facilities”; derived from 40 C.F.R. 127.2(b)

Removed the subsection designation “(b)”; changed the defined term and alternative defined term from italics; placed the defined term and alternative defined term in quotation marks; removed the parentheses from the alternative defined term; added the conjunction “or” before the alternative defined term; changed “EPA” to “USEPA” (twice); added “after Illinois is” before “authorized” offset as a parenthetical by a comma;; changed “state, tribe, or territory” to “Agency” changed “the designated entity” to “designated by USEPA”; omitted the statement “Section 127.27 outlines the process for . . . NPDES-regulated facilities”; omitted the statement “EPA must become the initial recipient . . . in compliance with this part and 40 C.F.R. part 3”; omitted the statement “Timely means . . . submitted by a regulated entity”; omitted the statement “For example, . . . that same year (e.g., 40 days after October 5th).” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(2), “initial recipient of electronic NPDES information from NPDES-regulated facilities” Board note; derived from 40 C.F.R. 127.2(b)

Added a statement of derivation of the definition; added explanation that USEPA is the initial recipient until USEPA authorizes the State to act as initial recipient.

35 Ill. Adm. Code 310.106(b)(2), “minimum set of NPDES data”; derived from 40 C.F.R. 127.2(e)

Removed the subsection designation “(e)”; changed the defined term from italics; placed the defined term in quotation marks. See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(2), “minimum set of NPDES data” Board note; derived from 40 C.F.R. 127.2(e)

Added a statement of derivation of the definition; added explanation that the definition is limited to the data and information for NPDES data groups 1, 2, 7, and 8, which are the only ones that relate to wastewater pretreatment. See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(2), “NPDES data group”; derived from 40 C.F.R. 127.2(c)

Removed the subsection designation “(c)”; changed the defined term from italics; placed the defined term in quotation marks; added “incorporated by reference in Section 310.107 offset by a comma.

35 Ill. Adm. Code 310.106(b)(2), “NPDES data group” Board note; derived from 40 C.F.R. 127.2(c)

Added a statement of derivation of the definition.

35 Ill. Adm. Code 310.106(b)(2), “NPDES program”; derived from 40 C.F.R. 127.2(d)

Removed the subsection designation “(d)”; changed the defined term from italics; changed “Program” to lower-case “program”; placed the defined term in quotation marks; added “for the purposes of this subsection (b)” as a parenthetical offset by commas; omitted “the National Pollutant Discharge Elimination System (Clean Water Act section 402)”; omitted “the Federal Sewage Sludge (Biosolids) Program (Clean Water Act section 405)”; omitted

the conjunction “and” from before and changed “Federal Pretreatment Program” to lower-case “federal pretreatment program”; omitted the parentheses and changed “Clean Water Act section 307(b); 40 CFR part 403” to “adopted by the Board pursuant to Section 13.3 of the Act to implement sections 307(b) of the Clean Water Act (42 U.S.C. 1307(b))”; changed “authorize the states, tribes, and territories” to “authorize the State”; omitted “sewage sludge/biosolids.” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(2), “NPDES program” Board note; derived from 40 C.F.R. 127.2(d)

Added a statement of derivation of the definition; added explanation that the definition is limited to wastewater pretreatment; added that the corresponding federal definition includes all other aspects of the NPDES program.

35 Ill. Adm. Code 310.106(b)(2), “NPDES-regulated entity”; derived from 40 C.F.R. 127.2(h)

Removed the subsection designation “(h)”; changed the defined term from italics; placed the defined term in quotation marks. See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(2), “NPDES-regulated entity” Board note; derived from 40 C.F.R. 127.2(e); derived from 40 C.F.R. 127.2(b)

Added a statement of derivation of the definition; added explanation that the definition is limited to wastewater pretreatment; added that the corresponding federal definition includes all other aspects of the NPDES program.

35 Ill. Adm. Code 310.106(b)(2), “program reports”; derived from 40 C.F.R. 127.2(f)

Removed the subsection designation “(f)”; changed the defined term from italics; placed the defined term in quotation marks; added “incorporated by reference in Section 310.107” offset by commas; changed “NPDES Data Groups 1, 2, and 3” to “NPDES data groups 1 and 2.” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(2), “program reports” Board note; derived from 40 C.F.R. 127.2(f)

Added a statement of derivation of the definition. Added explanation that the definition is limited to NPDES data groups 7 and 8. See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(3); derived from 40 C.F.R. 127.11 heading

Omitted “Types of” from before, omitted “by NPDES permittees, facilities, and entities subject to this part [see § 127.1(a)]” after, and used title case to make the federal section heading a topical subheading “Data to be Reported Electronically.”

35 Ill. Adm. Code 310.106(b)(3)(A); derived from 40 C.F.R. 127.11(a)

Changed “NPDES-regulated entities” to singular “an NPDES-regulated entity”; removed the parentheses and changed “if such reporting requirements are applicable” to “as applicable” offset as a parenthetical by a comma.

35 Ill. Adm. Code 310.106(b)(3)(A)(i); derived from 40 C.F.R. 127.11(a)(1)

Changed “Discharge Monitoring Report” to lower-case, plural “discharge monitoring reports”; changed the brackets to parentheses and added “as required by USEPA pursuant to”; changed the ending semicolon to a period.

35 Ill. Adm. Code 310.106(b)(3)(A)(ii); derived from 40 C.F.R. 127.11(a)(2)

Replaced the entire federal text with an explanatory statement.

35 Ill. Adm. Code 310.106(b)(3)(A)(iii); derived from 40 C.F.R. 127.11(a)(3)

Changed “Concentrated Animal Feeding Operation (CAFO) Annual Program Report” to lower-case, plural “concentrated animal feeding operation annual program reports”; changed the brackets to parentheses and added “as required by USEPA pursuant to”; changed the ending semicolon to a period.

35 Ill. Adm. Code 310.106(b)(3)(A)(iv); derived from 40 C.F.R. 127.11(a)(4)

Replaced the entire federal text with an explanatory statement.

35 Ill. Adm. Code 310.106(b)(3)(A)(v); derived from 40 C.F.R. 127.11(a)(5)

Changed “Pretreatment Program Annual Report” to lower-case, plural “pretreatment program annual reports”; changed the brackets to parentheses and added “see”; changed the ending semicolon to a period.

35 Ill. Adm. Code 310.106(b)(3)(A)(vi); derived from 40 C.F.R. 127.11(a)(6)

Changed “Sewer Overflow and Bypass Incident Event Report” to lower-case, plural “sewer overflow and bypass incident event reports”; changed the brackets to parentheses and added “as required by USEPA pursuant to”; changed the ending semicolon to a period.

35 Ill. Adm. Code 310.106(b)(3)(A)(vii); derived from 40 C.F.R. 127.11(a)(7)

Replaced the entire federal text with an explanatory statement.

35 Ill. Adm. Code 310.106(b)(3)(B); derived from 40 C.F.R. 127.11(b)

Changed “facilities or entities” to singular “a facility or entity”; changed “NPDES general permits” to singular “an NPDES permit”; omitted “and facilities or entities submitting stormwater certifications or waivers from NPDES permit requirements [see Exhibit 1 to 40 CFR 122.26(b)(15) and (g)]”; changed “such reporting requirements” to “those reporting requirements.” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(3)(B)(i); derived from 40 C.F.R. 127.11(b)(1)

Added the ending conjunction “and.”

35 Ill. Adm. Code 310.106(b)(3)(B)(ii); derived from 40 C.F.R. 127.11(b)(2)

Changed the ending semicolon to a period.

35 Ill. Adm. Code 310.106(b)(3)(C); derived from 40 C.F.R. 127.11(c)

Changed “industrial users located in municipalities without approved local pretreatment programs” to singular “an industrial user located in a municipality without an approved local pretreatment program”; changed “such reporting requirements” to “those reporting requirements.” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(3)(C)(ii); derived from 40 C.F.R. 127.11(c)(2)

Changed “Industrial Users” to lower-case “industrial users”; changed “Pretreatment Standards” to lower-case “pretreatment standards.”

35 Ill. Adm. Code 310.106(b)(3)(D); derived from 40 C.F.R. 127.11(d)

Added “incorporated by reference in Section 310.107” offset by a comma.

35 Ill. Adm. Code 310.106(b)(3) Board note; derived from 40 C.F.R. 127.11

Added a statement of derivation of the provision.

35 Ill. Adm. Code 310.106(b)(4); derived from 40 C.F.R. 127.12

Combined the heading and text; changed the federal section heading to title case for a topical heading “Signature and Certification of Electronic Reporting”; omitted cross-references parallel to “(including, in all cases, subpart D to part 3)” and 40 C.F.R. 122.22”; omitted “must” from before “also”; omitted a citation parallel to “[see § 127.1(a)].”

35 Ill. Adm. Code 310.106(b)(4) Board note; derived from 40 C.F.R. 127.12

Added a statement of derivation of the provision.

35 Ill. Adm. Code 310.106(b)(5); derived from 40 C.F.R. 127.13 heading

Used title case to make the federal section heading a topical subheading “Requirements Regarding Quality Assurance and Quality Control.”

35 Ill. Adm. Code 310.106(b)(5)(A); derived from 40 C.F.R. 127.13(a)

Omitted a citation parallel to “[see § 127.1(a)].”

35 Ill. Adm. Code 310.106(b)(5) Board note; derived from 40 C.F.R. 127.13

Added a statement of derivation of the provision.

35 Ill. Adm. Code 310.106(b)(6); derived from 40 C.F.R. 127.14 heading & preamble

Combined the heading and text of the preamble; changed the federal section heading to title case for a topical heading “Requirements Regarding Timeliness, Accuracy, Completeness, and National Consistency”; omitted a citation parallel to “[see § 127.1(a)].”

35 Ill. Adm. Code 310.106(b)(6)(A)(i); derived from 40 C.F.R. 127.14(a)(1)

Changed to title case for the topical heading “Measurement Data.”

35 Ill. Adm. Code 310.106(b)(6)(A)(ii); derived from 40 C.F.R. 127.14(a)(2)

Changed to title case for the topical heading “Program Report Data.”

35 Ill. Adm. Code 310.106(b)(6)(B); derived from 40 C.F.R. 127.14(b)

Changed “owner, operator, or their duly authorized representative” to “owner or operator, or their duly authorized representative.” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(6)(C); derived from 40 C.F.R. 127.14(c)

Added “incorporated by reference in Section 310.107” offset by a comma.

35 Ill. Adm. Code 310.106(b)(6)(D); derived from 40 C.F.R. 127.14(d)

Changed “EPA” to “USEPA” (twice); changed “and be fully compatible with” to “fully compatible with.” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(6) Board note; derived from 40 C.F.R. 127.14

Added a statement of derivation of the provision.

35 Ill. Adm. Code 310.106(b)(7); derived from 40 C.F.R. 127.15 heading

Used title case to make the federal section heading a topical subheading “Waivers from Electronic Reporting.”

35 Ill. Adm. Code 310.106(b)(7)(A); derived from 40 C.F.R. 127.15(a)

Omitted citations parallel to “[see § 127.1(a)],” “(including, in all cases, subpart D to part 3),” and “40 CFR 122.22.” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(7)(B); derived from 40 C.F.R. 127.15(b)

Changed “Temporary waivers from electronic reporting may be granted by the authorized NPDES program (EPA, or states, territories, and tribes that have received authorization to implement the NPDES program)” to active-voice “USEPA or the Board, . . . to the extent that the State is authorized to administer a segment of the NPDES program, may grant . . . a temporary waiver”; added “by an adjusted standard or variance . . . Subpart D or B of 35 Ill. Adm. Code 104” as a parenthetical offset by a comma; added “to an NPDES permittee, facility, or entity”; omitted a citation parallel to “[see § 127.1(a)].” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(7)(B)(i); derived from 40 C.F.R. 127.15(b)(1)

Omitted citations parallel to “40 CFR 122.22” and “[see § 127.1(a)]”; changed “authorized NPDES programs” to “the Board.”

35 Ill. Adm. Code 310.106(b)(7)(B)(ii); derived from 40 C.F.R. 127.15(b)(2)

Omitted citations parallel to “40 CFR 122.22” and “[see § 127.1(a)]”; changed “authorized NPDES programs” to “the Board”; changed “the following information” to “listed in subsection (b)(7)(E)” and moved the texts of federal subsections (b)(2)(i) through (b)(2)(vi) to appear as subsections (b)(7)(E)(i) through (b)(7)(E)(vi); added “in the petition for temporary waiver.”

35 Ill. Adm. Code 310.106(b)(7)(B)(ii) Board note; derived from 40 C.F.R. 127.15(b)(2)

added explanation of the movement of text to subsections (b)(7)(E)(i) through (b)(7)(E)(vi).

35 Ill. Adm. Code 310.106(b)(7)(B)(iii); derived from 40 C.F.R. 127.15(b)(3)

Changed “authorized NPDES program” to “the Board”; added “the the extent is authorized to administer the pertinent NPDES program area”; changed “authorized NPDES program must submit the following information” to “the Board will.”

35 Ill. Adm. Code 310.106(b)(7)(B)(iv); derived from 40 C.F.R. 127.15(b)(4)

Changed “NPDES permittees, facilities, and entities . . . have” to singular “an NPDES permittee, facility, or entity . . . has”; omitted a citation parallel to “[see § 127.1(a)]”; changed “authorized NPDES program” to “the Agency.”

35 Ill. Adm. Code 310.106(b)(7)(C); derived from 40 C.F.R. 127.15(c)

Changed “permanent waivers from electronic reporting may be granted by the authorized NPDES program (EPA, or states, territories, and tribes that have received authorization to implement the NPDES program)” to active-voice “USEPA or the Board, . . . to the extent that the State is authorized to administer a segment of the NPDES program, may grant . . . a permanent waiver”; added “by an adjusted standard . . . Subpart D of 35 Ill. Adm. Code 104” as a parenthetical offset by a comma; added “to an NPDES permittee, facility, or entity”; omitted a citation parallel to “[see § 127.1(a)].” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(7)(C)(i); derived from 40 C.F.R. 127.15(c)(1)

Changed “permanent are only available to facilities or entities . . . religious communities that choose” to singular “a permanent waiver is only available to a facility or entity that is . . . a religious community that chooses”; changed “authorized NPDES programs” to “the Board.”

35 Ill. Adm. Code 310.106(b)(7)(C)(ii); derived from 40 C.F.R. 127.15(c)(2)

Omitted citations parallel to “40 CFR 122.22” and “[see § 127.1(a)]”; changed “to their authorized NPDES program” to “the Board”; changed “the following information” to “in the

petition for permanent waiver” and replaced the texts of federal subsections (b)(3)(i) through (b)(3)(vi) with a cross-reference to subsections (b)(7)(E)(i) through (b)(7)(E)(vi); changed the ending colon to a period.

35 Ill. Adm. Code 310.106(b)(7)(C)(iii); derived from 40 C.F.R. 127.15(c)(3)

Changed “NPDES permittees, facilities, and entities . . . that have” to singular “an NPDES permittee, facility, and entity . . . that has”; changed “authorized NPDES programs” to “the Agency” changed “subpart C of this part” to “subparts (b)(7) and (b)(9).”

35 Ill. Adm. Code 310.106(b)(7)(D); derived from 40 C.F.R. 127.15(c)

Changed “episodic waivers from electronic reporting may be granted by the authorized NPDES program (EPA, or states, territories, and tribes that have received authorization to implement the NPDES program)” to active-voice “USEPA or the Board, . . . to the extent that the State is authorized to administer a segment of the NPDES program, may grant . . . an episodic waiver”; added “by a provisional variance . . . Subpart C of 35 Ill. Adm. Code 104” as a parenthetical offset by a comma; added “to an NPDES permittee, facility, or entity”; omitted a citation parallel to “[see § 127.1(a)]”; changed the ending period to a semicolon. See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(7)(D)(ii); derived from 40 C.F.R. 127.15(c)(2)

Changed “episodic waivers are” to singular “an episodic waiver is.”

35 Ill. Adm. Code 310.106(b)(7)(D)(iii); derived from 40 C.F.R. 127.15(c)(3)

Changed “episodic waivers are” to singular “an episodic waiver is.” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(7)(D)(iii) Board note; derived from 40 C.F.R. 127.15(c)(3)

Added explanation of the 45-day maximum term of an adjusted standard, the availability of a single extension, and the 60-day maximum term of an episodic waiver. See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(7)(D)(iv); derived from 40 C.F.R. 127.15(c)(4)

Added explanation of movement of the text of federal subsections (d)(4)(i) and (d)(4)(ii) to appear as subsections (b)(7)(F)(i) and (b)(7)(F)(ii) to comport with codification requirements.

35 Ill. Adm. Code 310.106(b)(7)(D)(iv) Board note; derived from 40 C.F.R. 127.15(c)(4)

Changed “authorized NPDES program or initial recipient” to “Agency”; changed “episodic waivers are” to singular “an episodic waiver is”; changed “facilities and entities” to singular “a facility or entity”; changed “in the following circumstances” to “in the circumstances listed in subsection (b)(7)(F)”; moved the text of federal subsections (d)(4)(i) and (d)(4)(ii) to appear as subsections (b)(7)(F)(i) and (b)(7)(F)(ii) to comport with codification requirements.

35 Ill. Adm. Code 310.106(b)(7)(E); derived from 40 C.F.R. 127.15(b)(2)

Added the subsection to accommodate moving 40 C.F.R. 127.15(b)(2)(i) through (b)(2)(vi) to an indent level allowed by codification requirements. See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(7)(E)(i); derived from 40 C.F.R. 127.15(b)(2)(i)

Added the definite article “the” before “facility.”

35 Ill. Adm. Code 310.106(b)(7)(E)(ii); derived from 40 C.F.R. 127.15(b)(2)(ii)

Added the definite article “the” before “NPDES permit number.”

35 Ill. Adm. Code 310.106(b)(7)(E)(iii); derived from 40 C.F.R. 127.15(b)(2)(iii)

Added the definite article “the” before “facility.”

35 Ill. Adm. Code 310.106(b)(7)(E)(iv); derived from 40 C.F.R. 127.15(b)(2)(iv)

Added the definite article “the” before “name.”

35 Ill. Adm. Code 310.106(b)(7)(E)(v); derived from 40 C.F.R. 127.15(b)(2)(v)

Added the indefinite article “a” before “facility.”

35 Ill. Adm. Code 310.106(b)(7)(E)(vi); derived from 40 C.F.R. 127.15(b)(2)(vi)

Changed “authorized NPDES program” to “the Act [415 ILCS 5] or Board regulations (35 Ill. Adm. Code: Subtitle C, Chapter I).” See the entries in Tables 4 and 5 below.

35 Ill. Adm. Code 310.106(b)(7)(E) Board note; derived from 40 C.F.R. 127.15(b)(2)

Added explanation of movement of the text of federal subsections (b)(2)(i) through (b)(2)(vi) to appear as subsections (b)(7)(E)(i) through (b)(7)(E)(vi) to comport with codification requirements.

35 Ill. Adm. Code 310.106(b)(7)(F); derived from 40 C.F.R. 127.15(d)(4)

Added the subsection to accommodate moving 40 C.F.R. 127.15(d)(4)(i) and (d)(4)(ii) to an indent level allowed by codification requirements.

35 Ill. Adm. Code 310.106(b)(7)(F)(i); derived from 40 C.F.R. 127.15(d)(4)(i)

Changed “large scale emergencies” to hyphenated, singular “a large-scale emergency”; changed “facilities” to singular “facility”; changed “forces of nature” to singular “a force of nature”; changed “hurricanes, floods, and earthquakes” to singular “a hurricane, flood, or earthquake”; changed “other national disasters” to singular “other national disaster”; changed from “the initial recipient, which may also be the authorized NPDES program will” to “Agency must”; changed “determination if” to “determination of whether.” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(7)(F)(ii); derived from 40 C.F.R. 127.15(d)(4)(ii)

Changed “prolonged electronic reporting system outages” to singular “a prolonged electronic reporting system outage”; changed “outages” to singular “an outage”; changed from “the initial recipient, which may also be the authorized NPDES program will” to “Agency must.”

35 Ill. Adm. Code 310.106(b)(7)(F) Board note; derived from 40 C.F.R. 127.15(d)(4)

Added explanation of movement of the text of federal subsections (d)(4)(i) and (d)(4)(ii) to appear as subsections (b)(7)(F)(i) and (b)(7)(F)(ii) to comport with codification requirements. See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(7)(G); derived from 40 C.F.R. 127.24

Added the topical subsection heading to accommodate elements of 40 C.F.R. 127.24(a), (b), and (d) that the Board believes are needed in the Illinois rules.

35 Ill. Adm. Code 310.106(b)(7)(G)(i); derived from 40 C.F.R. 127.24(a) and (b)

Omitted the statement, “under § 127.15, and NPDES permittee, facility, or entity . . . may seek a waiver from electronic reporting”; changed “states, tribes, and territories that have received authorization from EPA to implement the NPDES program must review the temporary or permanent waiver requests that they receive and either approve or reject these requests within 120 days” (federal subsection (a)) and “the authorized NPDES state, tribe, or territory program must provide the permittee, facility, or entity with notice of the approval or

rejection of their temporary or permanent waiver request from electronic reporting” (federal subsection (b)) to “USEPA requires that the Board grant or deny a request for temporary or permanent waiver from electronic reporting in writing within 120 days after receiving the request.” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(7)(G)(i) Board note; derived from 40 C.F.R. 127.24(a) and (b)
Added as statement of derivation to the subsection.

35 Ill. Adm. Code 310.106(b)(7)(G)(ii); derived from 40 C.F.R. 127.24(d)
Omitted “under § 127.15, episodic waivers from electronic reporting may be granted by the authorized NPDES program or the initial recipient to NPDES permittees, facilities, and entities”; changed “the authorized NPDES program or the initial recipient granting an episodic waiver must provide notice” to “the Agency must provide notice of an episodic waiver”; omitted the commas before and after “individually or through means of mass communication”; changed “regarding when such” to “when”; added a period after “available” and “the notice must state “ before “the facilities” to divide the run-on sentence into two sentences; changed “NPDES program or the initial recipient” to “to the initial recipient, as defined in subsection (b)(2)”; changed “authorized NPDES program or initial recipient granting the episodic waiver will determine” to “Agency, when granting the episodic waiver, must determine”; changed “or to send hardcopy” to “or to have the facilities and entities send hardcopy.” See the entries in Tables 4 and 5 below.

35 Ill. Adm. Code 310.106(b)(7)(G)(ii) Board note; derived from 40 C.F.R. 127.24(d)
Added as statement of derivation to the subsection.

35 Ill. Adm. Code 310.106(b)(7)(G)(iii); derived from 40 C.F.R. 127.24(c)
Changed “the authorized state, tribe, or territory” to “the Agency”; changed “as specified in appendix A to this part” to “as defined in Section 310.106(b)(2)”; changed “that they receive” to “that it receives”; changed “permittees, facilities, or entities with a waiver . . . in accordance with § 127.23” to singular “a permittee, facility, or entity that has received a waiver . . . pursuant to this subsection (b)(7).”

35 Ill. Adm. Code 310.106(b)(7)(G)(iii) Board note; derived from 40 C.F.R. 127.24(c)
Added as statement of derivation to the subsection.

35 Ill. Adm. Code 310.106(b)(7) Board note; derived from 40 C.F.R. 127.15
Added as statement of derivation for subsections (b)(7)(A) through (b)(7)(F).

35 Ill. Adm. Code 310.106(b)(8); derived from 40 C.F.R. 127.16 heading
Omitted “[see § 127.1(a)].” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(8)(A); derived from 40 C.F.R. 127.16(a)
Changed “schedule” to “Schedule” for a topical subheading; corrected “facilitys” to “facility”; changed “NPDES permittees, facilities, and entities” to singular “an NPDES permittee, facility, or entity”; omitted “[see § 127.1(a)]”; changed “§§ 127.15 and 127.24” to “subsection (b)(7)”; changed “Table 1 of this section” to “the following table”; removed the statement, “this subsection (b) is not intended to undo existing requirements for electronic reporting”; omitted the statement, “prior to this date, and independent of this subsection (b), the permittee may be required to report electronically if specified by a particular permit or if required to do so by state law”; omitted the table heading, “Table 1—Start Dates for Electronic Submissions of NPDES Information.” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(8)(A) table ; derived from table 1 to 40 C.F.R. 127.16(a)

Omitted the table heading, “Table 1—Start Dates for Electronic Submissions of NPDES Information”; omitted “No Exposure Certifications (NOEs)”; Low Erosivity Waivers (LEWs)”; the entries for biosolids, concentrated animal feedlot operations, municipal separate stormwater sewer systems, sewer overflow events, and CWA § 316(b) annual reports the parenthetical abbreviations; “NOIs” and NOTs”; and parallel citations to “[40 CFR 122.26(b)(15), 122.28 and 122.64] and changed the enclosing brackets to commas in the column one row 1 entry; changed brackets to parentheses, added “see” and the ending period in the column one row 3 entry; changed brackets to parentheses, added “see,” and placed the ending period within the parentheses in the column one row 4 entry. See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(8)(B); derived from 40 C.F.R. 127.16(b)

Changed “reporting standards” to “Reporting Standards” for a topical heading; corrected “facilitys” to “facility”; changed “NPDES permittees, facilities, and entities” to singular “an NPDES permittee, facility, or entity”; omitted “[see § 127.1(a)]”; changed “Table 1” to “the table”; omitted a cross-reference parallel to “40 CFR 122.22.” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(8)(C); derived from 40 C.F.R. 127.16(c)

Changed “reporting” to “Reporting” for a topical subheading; corrected “facilitys” to “facility”; corrected “C.F.R.” to “CFR”; changed “NPDES permittees, facilities, and entities” to singular “an NPDES permittee, facility, or entity”; omitted “[see § 127.1(a)]”; changed “Table 1” to “the table”; changed “the Director” to “USEPA Region 5”; added the definite article before “Control Authority”; added the definite article before “Approval Authority”; added the definite article before “initial recipient”; omitted “as” from before “defined”; changed the brackets to parentheses on “as identified . . . subsection (b)(2)”; changed “identified in §127.27” to “identified pursuant to 40 CFR 127.27”; changed “EPA must identify” to “USEPA was to identify”; changed “an EPA Web site” to “a USEPA website.” See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(8)(C) Board note; derived from 40 C.F.R. 127.16(c) & 127.27

Added explanation that 40 C.F.R. 127.27 provides the procedure by which USEPA determines the initial recipient and that USEPA is the initial recipient where the state is not authorized or fails to fulfill the requirements. See the entry in Table 4 below.

35 Ill. Adm. Code 310.106(b)(8)(D); derived from 40 C.F.R. 127.16(d)

Changed “NPDES regulated” to hyphenated “NPDES-regulated” and capitalized “Standards for NPDES-Regulated Entities with Electronic Reporting Waivers” for a topical subheading; changed “NPDES permittees, facilities, and entities . . . that have received” to singular “an NPDES permittee, facility, or entity. . . that has received”; omitted “[see § 127.1(a)]”; changed “authorized NPDES program” to “the Agency.”

35 Ill. Adm. Code 310.106(b)(8) Board note; derived from 40 C.F.R. 127.16

Added as statement of derivation.

35 Ill. Adm. Code 310.106(b)(9); derived from 40 C.F.R. 127.26(f)

Capitalized “Inclusion of Electronic Reporting Requirements in NPDES Permits” for a topical subheading; changed “EPA and the authorized states, tribes, or territory NPDES program” to “Agency”; changed “NPDES-regulated facilities . . . have electronic reporting

requirements in their permits . . . meet the requirements . . . their electronic reporting” to singular “an NPDES-regulated facility . . . having an electronic reporting requirement in its permit . . . that meets the requirements . . . its electronic reporting”; omitted a cross-reference parallel to “40 CFR 122.22” and the conjunction “and” (twice); omitted cross-references parallel to “[see §§ 127.2(b) and 127.27].” See the entries in Tables 4 and 5 below.

35 Ill. Adm. Code 310.106(b)(9) Board note; derived from 40 C.F.R. 127.26(f)

Added as statement of derivation.

35 Ill. Adm. Code 310.106, incorporation by reference to appendix A to 40 C.F.R. 127; derived from 40 C.F.R. 127, appendix A

Used incorporation by reference, rather than repeating the requirements of the federal tables.

35 Ill. Adm. Code 310.106, incorporation by reference to appendix A to 40 C.F.R. 127 Board note; derived from 40 C.F.R. 127, appendix A

Added explanation of limitation to wastewater pretreatment program electronic reporting.

35 Ill. Adm. Code 310.605(a); derived from 40 C.F.R. 403.12(e)(1)

Changed “Industrial Users” to plural, lower-case “an industrial user”; changed “EPA” to “USEPA” (twice); changed authorized state, tribe, or territory” to “Agency”; added a comma after “as of December 21, 2020” to offset the parenthetical; omitted “(including, in all cases, subpart D to part 3)”; omitted a cross-reference parallel to “40 CFR 122.22”; omitted the statement, “Part 127 is not intended to undo existing requirements for electronic reporting”; omitted the statement, “Prior to this date, and independent of part 127, . . . if specified by a particular control mechanism or if required to do so by state law.” See the entries in Tables 3 and 4 below.

35 Ill. Adm. Code 310.611; derived from 40 C.F.R. 403.12(h)

Changed “Industrial Users” to plural, lower-case “an industrial user”; changed “EPA” to “USEPA” (twice); changed authorized state, tribe, or territory” to “Agency”; added a comma after “as of December 21, 2020” to offset the parenthetical; omitted “(including, in all cases, subpart D to part 3)”; omitted a cross-reference parallel to “40 CFR 122.22”; omitted the statement, “Part 127 is not intended to undo existing requirements for electronic reporting”; omitted the statement, “Prior to this date, and independent of part 127, . . . if specified by a particular control mechanism or if required to do so by state law.”

35 Ill. Adm. Code 310.612; derived from 40 C.F.R. 403.12(i)

Added “incorporated by reference in Section 310.106” offset by a comma; added a comma after “as of December 21, 2020” to offset the parenthetical; changed “POTW Pretreatment Program” to lower-case “POTW pretreatment program”; omitted “(including, in all cases, subpart D to part 3)”; omitted a cross-reference parallel to “40 CFR 122.22”; omitted the statement, “Part 127 is not intended to undo existing requirements for electronic reporting”; omitted the statement, “Prior to this date, and independent of part 127, . . . if specified by a particular control mechanism or if required to do so by state law.”

Table 3:
Board Housekeeping Amendments

35 Ill. Adm. Code 307.3301(c)(2) (JCAR): Changed “subsection (c)(1) of this Section” to “subsection (c)(1)”; changed “such standards” to “those standards.”

- 35 Ill. Adm. Code 307.3301(d)(2) (JCAR): Changed “subsection (d)(1) of this Section” to “subsection (d)(1)”; changed “such standards” to “those standards.”
- 35 Ill. Adm. Code 310 main source note (JCAR): Corrected “39 Ill. Reg. August 24, 2015” to “39 Ill. Reg. 12357, effective August 24, 2015.”
- 35 Ill. Adm. Code 310.106 preamble (Board): Removed “as an electronic document in lieu of a paper document” to accommodate the NPDES electronic reporting rule.
- 35 Ill. Adm. Code 310.106(a) (Board): Added the topical subheading, “General Federal Requirements for Electronic Reporting”; increased the indent level and renumbered all subsections to accommodate addition of the NPDES electronic reporting rule as subsection (b).
- 35 Ill. Adm. Code 310.106(a)(1)(A) (Board, JCAR): Added the opening statements, “USEPA has established . . . authorized programs” and “USEPA requires adherence to . . . submissions are authorized by USEPA” for enhanced clarity; changed “the USEPA” to “USEPA”; changed “the Board, or the Agency” to “the Board, the Agency, or the Control Authority”; corrected “this Section” to “this subsection (a)” (twice).
- 35 Ill. Adm. Code 310.106(a)(1)(A)(i) (Board): Added a comma before “under” to offset the parenthetical; changed “Title 40” to “40 CFR 127”.
- 35 Ill. Adm. Code 310.106(a)(1)(A)(ii) (Board): Added a comma before “pursuant to” to offset the parenthetical; corrected “35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, or 739” to “this Part or 35 Ill. Adm. Code 307”.
- 35 Ill. Adm. Code 310.106(a)(1)(B) (Board): Corrected “this Section” to “this subsection (a).”
- 35 Ill. Adm. Code 310.106(a)(1)(B)(ii) (Board, JCAR): Moved text from former subsection (a)(1)(B)(iii) into this subsection to change “under the following circumstances” to “into an electronic document . . . system in writing”; corrected “Section 611.102(c)” to “Section 310.107” (twice); corrected “40 C.F.R. 3.2000” to “40 CFR 3.2000”; replaced the colon after “circumstances” with a period; removed the texts of former subsections (a)(1)(B)(i) and (a)(1)(B)(ii) that no longer applied after a past effective date.
- 35 Ill. Adm. Code 310.106(a)(1) Board note (Board): Updated the *Code of Federal Regulations* citation to the latest version available, including removal of a now-obsolete *Federal Register* citation to later amendments.
- 35 Ill. Adm. Code 310.106(a)(1)(C) (Board): Corrected “this Section” to “this subsection (a).”
- 35 Ill. Adm. Code 310.106(a)(2) (Board): Corrected “this Section” to “this subsection (a)”; corrected “Section 611.102(c)” to “Section 310.107.”
- 35 Ill. Adm. Code 310.106(a)(3)(A) (Board): Corrected “Section 611.102(c)” to “Section 310.107.”
- 35 Ill. Adm. Code 310.106(a)(3) Board note (Board): Updated the *Code of Federal Regulations* citation to the latest version available, including removal of a now-obsolete *Federal Register* citation to later amendments.

- 35 Ill. Adm. Code 310.106(a)(4) Board note (Board): Updated the *Code of Federal Regulations* citation to the latest version available, including removal of a now-obsolete *Federal Register* citation to later amendments.
- 35 Ill. Adm. Code 310.106(a)(4)(A) (JCAR): Corrected “5 ILCS 100/Art. 5” to “5 ILCS 100/5.”
- 35 Ill. Adm. Code 310.106(a)(4)(D) (Board): Corrected “this Section” to “this subsection (a).”
- 35 Ill. Adm. Code 310.106(a)(5) Board note (Board): Updated the *Code of Federal Regulations* citation to the latest version available, including removal of a now-obsolete *Federal Register* citation to later amendments.
- 35 Ill. Adm. Code 310.106(a)(5)(A) (Board): Corrected “this Section” to “this subsection (a).”
- 35 Ill. Adm. Code 310.106(a)(5)(D) (Board): Corrected “this Section” to “this subsection (a).”
- 35 Ill. Adm. Code 310.106(a)(6)(A) (JCAR): Corrected “Administrative Procedure Act” to “Illinois Administrative Procedure Act.”
- 35 Ill. Adm. Code 310.106(a)(6)(B) (JCAR): Added “FOIA” in parentheses.
- 35 Ill. Adm. Code 310.106(a)(7) Board note (Board): Updated the *Code of Federal Regulations* citation to the latest version available, including removal of a now-obsolete *Federal Register* citation to later amendments.
- 35 Ill. Adm. Code 310.106(a)(7) (Board): Corrected “this Section” to “this subsection (a)”; changed “subsection (d)(1) of this Section” to “subsection (a)(4)(A).”
- 35 Ill. Adm. Code 310.106(a) Board note (Board): Changed “derived from” to “is derived from”; updated the *Code of Federal Regulations* citation to the latest version available, including removal of a now-obsolete *Federal Register* citation to later amendments.
- 35 Ill. Adm. Code 310.107(b), 40 C.F.R. 2.302 (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 C.F.R. 3.2 (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 C.F.R. 3.3 (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 C.F.R. 3.10 (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 C.F.R. 3.2000 (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 C.F.R. 25 (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.107(b), tables II and III in appendix D to 40 C.F.R. 122 (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 C.F.R. 122.23(b) and (c) (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.

- 35 Ill. Adm. Code 310.107(b), 40 C.F.R. 136 (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.107(b), 40 C.F.R. 401.15 (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 C.F.R. 403 (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 C.F.R. 403.12(b) (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 C.F.R. 403.15 (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.107(b), appendix D to 40 C.F.R. 403 (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.107(b), appendix G to 40 C.F.R. 403 (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 C.F.R. 503 (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 18 U.S.C. § 1001 (Board): Updated the reference to the *United States Code* to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 U.S.C. §§ 1251 et seq. (Board): Updated the reference to the *United States Code* to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 U.S.C. § 1284(b) (Board): Updated the reference to the *United States Code* to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 U.S.C. § 1292(2) (Board): Updated the reference to the *United States Code* to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 U.S.C. § 1317(b), (c) & (d) (Board): Updated the reference to the *United States Code* to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 U.S.C. § 1318 (Board): Updated the reference to the *United States Code* to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 U.S.C. § 1319(c)(4) (Board): Updated the reference to the *United States Code* to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 U.S.C. § 1319(c)(6) (Board): Updated the reference to the *United States Code* to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 U.S.C. § 1345 (Board): Updated the reference to the *United States Code* to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 42 U.S.C. §§ 6921-6939e & 6941-6949a (Board): Updated the reference to the *United States Code* to the latest version available.
- 35 Ill. Adm. Code 310.110 preamble (Board, JCAR): Added the statement of applicability and derivation. See the entries in Tables 4 and 5 below.

- 35 Ill. Adm. Code 310.110, “Agency” Board note (Board, JCAR): Added the explanation of rendering “Director” as “Agency” where the function is within the Agency’s statutory authority and USEPA has not clearly reserved the function to itself. See the entry in Table 4 below.
- 35 Ill. Adm. Code 310.110, “Approval Authority” (Board, JCAR): Added “after USEPA has approved the . . . program”; added the statement “Approval Authority” means USEPA . . . pretreatment program.” See the entry in Table 4 below.
- 35 Ill. Adm. Code 310.110, “Approval Authority” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.110, “approved POTW pretreatment program” (Board): Added “USEPA, pursuant to 40 CFR 403.11, or” before “the Agency”; added a comma before “in accordance with” to offset the parenthetical.
- 35 Ill. Adm. Code 310.110, “approved POTW pretreatment program” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.110, “authorization to discharge” Board note (Board): Added explanation that the Board added the definition to distinguish a “pretreatment permit.”
- 35 Ill. Adm. Code 310.110, “best management practices” Board note (Board, JCAR): Updated the reference to the *Code of Federal Regulations* to the latest version available, including removal of a now-obsolete *Federal Register* citation to later amendments. See the entry in Table 4 below.
- 35 Ill. Adm. Code 310.110, “blowdown” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.110, “Board” Board note (Board): Added the explanation of rendering “Director” as “Board” where the function is within the Board’s statutory authority and USEPA has not clearly reserved the function to itself.
- 35 Ill. Adm. Code 310.110, “CWA” (Board): Added the federal statutory citation “(33 USC 1251 et seq.)”; removed the duplicative incorporation by reference statement.
- 35 Ill. Adm. Code 310.110, “CWA” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.110, “Control Authority” (Board): Added “by the Agency” after “approved”; corrected “Section 310.540 through 310.546” to “Sections 310.541 through 310.546”; added “or by USEPA in accordance with 40 CFR 403.11”; changed “Agency” to “Approval Authority”; changed “the submission has not been approved” to “no pretreatment program submission has yet been approved.”
- 35 Ill. Adm. Code 310.110, “Control Authority” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.110, “existing source” (Board, JCAR): Added the definition of this fundamental term. See the entry in Table 4 below.

- 35 Ill. Adm. Code 310.110, “existing source” Board note (Board): Added explanation of addition of the definition of this fundamental term.
- 35 Ill. Adm. Code 310.110, “indirect discharge” (Board): Changed “Discharge” to lower-case “discharge”; added “incorporated by reference in Section 310.107” offset by a comma.
- 35 Ill. Adm. Code 310.110, “indirect discharge” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.110, “industrial user” (Board): Changed “User” to lower-case “user”; removed the elaboration of the definition formerly added by the Board.
- 35 Ill. Adm. Code 310.110, “industrial user” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.110, “interference” (Board, JCAR): Changed “sewage sludge disposal” to “sewage sludge use or disposal”; changed “any sludge requirements” to “applicable laws and permits issued under these laws”; added “including 33 USC 405 . . . and State standards relating to sludge use and disposal,” offset by a comma followed by a listing of State and federal statutes that might apply. See the entry in Table 4 below.
- 35 Ill. Adm. Code 310.110, “interference” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.110, “municipal sewage” (Board, JCAR): Removed the definition on final adoption. See the entries in Tables 4 and 5 below.
- 35 Ill. Adm. Code 310.110, “municipal sludge” (Board, JCAR): Removed the definition on final adoption. See the entries in Tables 4 and 5 below.
- 35 Ill. Adm. Code 310.110, “municipality” (JCAR, Board): Moved the period after the defined term “municipality” outside the closing quotation mark; moved the period after the cited defined term “unit of local government” outside the closing quotation mark. See the entry in Table 4 below.
- 35 Ill. Adm. Code 310.110, “municipality” Board note (Board): Added explanation of derivation of the definition. See the entries in Tables 4 and 5 below.
- 35 Ill. Adm. Code 310.110, “new source” (Board): Added the indefinite article before “new source.” See the entry in Table 4 below.
- 35 Ill. Adm. Code 310.110, “new source” Board note (Board): Corrected “40 CFR 401.11(c) to 401.11(e)”; updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.110, “noncontact cooling water” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.110, “noncontact cooling water pollutants” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.

- 35 Ill. Adm. Code 310.110, “NPDES permit” (Board): Added a comma before “as defined in.” See the entry in Table 4 below.
- 35 Ill. Adm. Code 310.110, “NPDES permit” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.110, “NPDES permit” (Board): Added the statutory citation “[415 ILCS 5/12(f)]”; added a comma before “as defined in.”
- 35 Ill. Adm. Code 310.110, “O and M” (Board): Removed the unnecessary definition.
- 35 Ill. Adm. Code 310.110, “pass through” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.110, “person” (Board): Removed the quotation marks from “unit of local government”; added “commission” offset by commas as an element of a series. See the entry in Table 4 below.
- 35 Ill. Adm. Code 310.110, “person” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available; updated the reference to the *United States Code to the latest version available*.
- 35 Ill. Adm. Code 310.110, “point source” (Board): Added the definition formerly omitted by the Board.
- 35 Ill. Adm. Code 310.110, “point source” Board note (Board): Added a statement of attribution for the definition.
- 35 Ill. Adm. Code 310.110, “pollutant” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.110, “pollution” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.110, “POTW treatment plant” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available; updated the reference to the *United States Code* to the latest version available.
- 35 Ill. Adm. Code 310.110, “pretreatment” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.110, “pretreatment permit” Board note (JCAR, Board): Changed “an authorization to discharge” to “a permit to discharge.” See the entry in Table 4 below.
- 35 Ill. Adm. Code 310.110, “pretreatment permit” Board note (Board): Added explanation that the Board added the definition to distinguish a “pretreatment permit.” See the entry in Table 4 below.
- 35 Ill. Adm. Code 310.110, “pretreatment requirement” (Board): Changed the defined term “pretreatment requirements” to singular “pretreatment requirement”; moved “imposed on an industrial user” from after “other than a pretreatment standard” to follow “related to

pretreatment,” removing the offsetting comma; added “by a pretreatment permit or lawful order” after “imposed on an industrial user.” See the entry in Table 4 below.

- 35 Ill. Adm. Code 310.110, “pretreatment requirement” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments. See the entry in Table 4 below.
- 35 Ill. Adm. Code 310.110, “pretreatment standard” (Board): Removed the comma from before “and incorporated by reference”; corrected “Section 310.201 through 310.213” to singular “Sections 310.201 through 310.213”; removed “pursuant to Section 310.211” from after “local limits”; added “as provided in Section 310.211” offset by a comma after “approved pretreatment program.”
- 35 Ill. Adm. Code 310.110, “pretreatment standard” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.110, “process wastewater” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.110, “process wastewater pollutants” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.110, “Project XL” Board note (Board): Removed the obsolete definition.
- 35 Ill. Adm. Code 310.110, “publicly owned treatment works” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.110, “schedule of compliance” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.110, “significant industrial user” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.110, “sludge requirements” (Board, JCAR): Changed the comma after “(Solid Waste Permits)” to a semicolon; removed “the federal Toxic Substances Control Act (15 USC 2601), or the federal Marine Protection, Research and Sanctuaries Act (33 USC 1401)” and the offsetting commas; removed “[415 ILCS 5/39(b)]” and changed the comma to a semicolon after “(NPDES permits)”; removed the conjunction “and” from before “Section 405(b) of the federal Clean Water Act”; corrected “federally-imposed” to “federally imposed”; changed the comma to a semicolon after “(federally imposed . . . requirements)”; added “and 40 CFR 501 and 503” with an offsetting comma at the end. See the entry in Table 4 below.
- 35 Ill. Adm. Code 310.110, “sludge requirements” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.

- 35 Ill. Adm. Code 310.110, “submission” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.110, “treatment works” (Board): Changed “Section 310.107(c)” to “Section 310.107.”
- 35 Ill. Adm. Code 310.110, “treatment works” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.110, “unit of local government” (Board): Removed “having jurisdiction over disposal of sewage” and the offsetting comma.
- 35 Ill. Adm. Code 310.110, “unit of local government” Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available.
- 35 Ill. Adm. Code 310.605(a) (Board): Moved “any industrial user subject to . . . Section 310.110)” from before to after “after the compliance date . . . in the case of a new source,” removing the offsetting comma; changed “such pretreatment standard” to “a pretreatment standard” added a comma after “a pretreatment standard”; added a comma before “as defined in Section 310.110” to offset the parenthetical; removed the comma after “as defined in Section 310.110”); moved “a report indicating . . . categorical pretreatment standards” from the end of the run-on sentence to follow “Control Authority”; changed “such categorical pretreatment standards” to “the categorical pretreatment standards”; added a period after “categorical pretreatment standards” and “the industrial user must submit the report” before “during the months” to split the run-on sentence; changed “unless required more frequently in the pretreatment standard or by the Control Authority” to “the Control authority of pretreatment standard requires more frequent reporting”; changed “in cases where” to “if.” See the entries in Table 2 above and Table 4 and 5 below.
- 35 Ill. Adm. Code 310.605(a) Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.605(b)(6) (JCAR, Board): Changed “subsection (a) of this Section” to “subsection (a)”; changed the semicolon after “imposed by the Control Authority” to a comma; changed “it must” to “the industrial user must.” See the entry in Table 4 below.
- 35 Ill. Adm. Code 310.611 Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.
- 35 Ill. Adm. Code 310.612 Board note (Board): Updated the reference to the *Code of Federal Regulations* to the latest version available, including deletion of a now-obsolete *Federal Register* notice for subsequent amendments.

Table 4:
Revisions to the Text of the Proposed Amendments Made in Final Adoption

- 35 Ill. Adm. Code 307.3301(c)(2) (JCAR): Changed “subsection (c)(1) of this Section” to “subsection (c)(1)”; changed “such standards” to “those standards.”

- 35 Ill. Adm. Code 307.3301(d)(2) (JCAR): Changed “subsection (d)(1) of this Section” to “subsection (d)(1)”; changed “such standards” to “those standards.”
- 35 Ill. Adm. Code 310 main source note (JCAR): Corrected “39 Ill. Reg. August 24, 2015” to “39 Ill. Reg. 12357, effective August 24, 2015.”
- 35 Ill. Adm. Code 310.106(a)(1)(A) (JCAR, Board): Corrected “all electronic submission” to “all electronic submissions”; overstruck “the” before “USEPA” for removal; corrected “this Section” to “this subsection (a)” (twice). See the entries in Table 3 above and Table 5 below.
- 35 Ill. Adm. Code 310.106(a)(1)(B) (Board): Corrected “this Section” to “this subsection (a).” See the entry in Table 3 above.
- 35 Ill. Adm. Code 310.106(a)(1)(B)(ii) (JCAR): Removed the erroneous underlined duplicated language “so long as the system. . . and USEPA has not withdrawn its approval of the system in writing”; corrected “40 C.F.R. 3.2000” to “40 CFR 3.2000”; added the ending period. See the entry in Table 3 above.
- 35 Ill. Adm. Code 310.106(a)(1)(C) (Board): Corrected “this Section” to “this subsection (a).” See the entry in Table 3 above.
- 35 Ill. Adm. Code 310.106(a)(2) (Board): Corrected “this Section” to “this subsection (a).”
- 35 Ill. Adm. Code 310.106(a)(4)(A) (JCAR): Corrected “5 ILCS 100/Art. 5” to “5 ILCS 100/5.” See the entry in Table 3 above.
- 35 Ill. Adm. Code 310.106(a)(4)(D) (Board): Corrected “this Section” to “this subsection (a).” See the entry in Table 3 above.
- 35 Ill. Adm. Code 310.106(a)(5)(A) (Board): Corrected “this Section” to “this subsection (a).” See the entry in Table 3 above.
- 35 Ill. Adm. Code 310.106(a)(5)(D) (Board): Corrected “this Section” to “this subsection (a).” See the entry in Table 3 above.
- 35 Ill. Adm. Code 310.106(a)(6)(A) (JCAR): Corrected “Administrative Procedure Act” to “Illinois Administrative Procedure Act.” See the entry in Table 3 above.
- 35 Ill. Adm. Code 310.106(a)(6)(B) (JCAR): Added “FOIA” in parentheses. See the entry in Table 3 above.
- 35 Ill. Adm. Code 310.106(a)(7) (Board): Corrected “this Section” to “this subsection (a)”; changed “subsection (d)(1) of this Section” to “subsection (a)(4)(A).” See the entry in Table 3 above.
- 35 Ill. Adm. Code 310.106(a) Board note (JCAR): Changed “derived from” to “is derived from.” See the entry in Table 3 above.
- 35 Ill. Adm. Code 310.106(b)(1)(A)(v) (JCAR): Added the conjunction “and.” See the entry in Table 3 above.
- 35 Ill. Adm. Code 310.106(b)(1)(A)(vi) (JCAR, Board): Put the entire text of the subsection into parentheses; changed “this subsection (b)(1)(A)(vi) corresponds with 40 CFR 127.1(a)(6), which pertains to subject matter exclusively outside the scope of wastewater pretreatment” to “the Board omitted a provision derived from 40 CFR 127.1(a)(6), as subject matter outside

the scope of wastewater pretreatment”; replaced the ending semicolon with a period; removed the ending conjunction “and.” See the entries in Table 2 above and Table 5 below.

35 Ill. Adm. Code 310.106(b)(1)(B) (JCAR, Board): Changed “to the extent authorized to implement a segment of the NPDES program, the Agency must” to “to the extent the Agency is authorized to implement a segment of the NPDES program, the Agency must.” See the entries in Table 2 above and Table 5 below.

35 Ill. Adm. Code 310.106(b)(1)(C) (JCAR, Board): Added “see also section 7(1)(k) of the FOIA” after “withheld from the public”; changed “in the instance where” to “in the instance that.” See the entries in Table 2 above and Table 5 below.

35 Ill. Adm. Code 310.106(b)(1)(D) (JCAR, Board): Added the indefinite article before “timely, complete, accurate, and nationally consistent set”; corrected “nationally-consistent” to “nationally consistent.” See the entry in Table 2 above.

35 Ill. Adm. Code 310.106(b)(2), “initial recipient of electronic NPDES information from NPDES-regulated facilities” (JCAR): Corrected “NPDEA-regulated” to “NPDES-regulated”; changed “USEPA or Agency, after Illinois is authorized by USEPA to implement the NPDES program” to “USEPA or, after Illinois is authorized by USEPA to implement the NPDES program, the Agency.”

35 Ill. Adm. Code 310.106(b)(2), “minimum set of NPDES data” (JCAR): Corrected “Table 1 in Appendix A to 40 CFR 127” to “table 1 in appendix A to 40 CFR 127.”

35 Ill. Adm. Code 310.106(b)(2), “minimum set of NPDES data” Board note (JCAR): Corrected “NPDES Data groups” to “NPDES data groups.”

35 Ill. Adm. Code 310.106(b)(2), “NPDES program” (JCAR): Moved the comma outside the quotation mark for the defined term; removed “[415 ILCS 5/13.3]” from after “Section 13.3 of the Act”; corrected “sections 307(b) of the Clean Water Act (42 U.S.C. 1307(b))” to “section 307(b) of the Clean Water Act (42 USC 1307(b)).” See the entries in Table 2 above and Table 5 below.

35 Ill. Adm. Code 310.106(b)(2), “NPDES-regulated entity” (JCAR): Changed “NPDES Program” to “NPDES program.” See the entry in Table 2 above.

35 Ill. Adm. Code 310.106(b)(2), “program reports” (JCAR): Corrected “Table 1 in Appendix A to 40 CFR 127” to “table 1 in appendix A to 40 CFR 127.” See the entry in Table 2 above.

35 Ill. Adm. Code 310.106(b)(2), “program reports” Board note (JCAR): Corrected “are those” to “is that.”

35 Ill. Adm. Code 310.106(b)(3)(B) (JCAR): Changed “such reporting requirements” to “those reporting requirements.” See the entry in Table 2 above.

35 Ill. Adm. Code 310.106(b)(3)(C) (JCAR): Changed “such reporting requirements” to “those reporting requirements.” See the entry in Table 2 above.

35 Ill. Adm. Code 310.106(b)(6)(B) (JCAR): Changed “owner, operator, or their duly authorized representative” to “owner or operator, or their duly authorized representative.” See the entry in Table 2 above.

35 Ill. Adm. Code 310.106(b)(6)(D) (JCAR): Changed “and be fully compatible with” to “fully compatible with.” See the entry in Table 2 above.

35 Ill. Adm. Code 310.106(b)(7)(A) (JCAR, Board): Changed “this subsections (b)(7) and (b)(7)(G)” to “this subsection (b)(7) and the procedures of subsection (b)(7)(G).” See the entries in Table 2 above and Table 5 below.

35 Ill. Adm. Code 310.106(b)(7)(B) (JCAR, Board): Added “issued” before “pursuant to”; corrected “section 28.1 or sections 35 through 37 of the Act [415 ILCS 5/28.1 or 35-37]” to “Section 28.1 or Sections 35 through 37 of the Act”; changed “this subsections (b)(7) and (b)(7)(G)” to “this subsection (b)(7) and the procedures of subsection (b)(7)(G).” See the entries in Table 2 above and Table 5 below.

35 Ill. Adm. Code 310.106(b)(7)(C) (JCAR, Board): Corrected “this subsections (b)(7) and subsection (b)(12)” to “this subsection (b)(7) and the procedures of subsection (b)(7)(G).” See the entry in Table 2 above.

35 Ill. Adm. Code 310.106(b)(7)(D) (JCAR, Board): Corrected “sections 35 through 37 of the Act [415 ILCS 5/35-37]” to “sections 35 through 37 of the Act”; changed “this subsection (b)(7) and (b)(7)(G)” to “subsections (b)(7)(G) and (b)(9).” See the entries in Table 2 above and Table 5 below.

Note: Corresponding 40 C.F.R. 127.15(b)(4) refers to “subpart C of this part.” The only segments of subpart C of 40 C.F.R. 127 incorporated into the Illinois rules 40 C.F.R. 127.24 and 127.26(f) appear in 35 Ill. Adm. Code 310.106(b)(7)(G) and (b)(9). There is a reference to 40 C.F.R. 127.27 in 35 Ill. Adm. Code 310.106(b)(8)(C), but that provision does not derive from subpart C of 40 C.F.R. 127.

35 Ill. Adm. Code 310.106(b)(7)(D)(iii) Board note (JCAR, Board): Corrected “45-days” to “45 days”; changed “provisional” to “provisional variance”; changed “60 days total duration” to “60 days in total duration.” See the entries in Table 3 above and Table 5 below.

35 Ill. Adm. Code 310.106(b)(7)(E) (JCAR): Changed “pursuant to” to “issued pursuant to.” See the entries in Table 2 above and Table 5 below.

35 Ill. Adm. Code 310.106(b)(7)(E)(vi) (JCAR, Board): Deleted “[415 ILCS 5]”; changed “35 Ill. Adm. Code: Chapter I” to “35 Ill. Adm. Code: Subtitle C, Chapter I.” See the entries in Table 2 above and Table 5 below.

Note: This is the citation format required by 1 Ill. Adm. Code 100.370(a)(6) where there are Subtitles. (The narrative form is “Chapter I of Subtitle B of Title 35 of the Code.”) The citation format required by 1 Ill. Adm. Code 100.370(a)(5) is “35 Ill. Adm. Code: Chapter I” where there are Subtitles. (The narrative form is “Chapter I of Title 35 of the Code.”)

35 Ill. Adm. Code 310.106(b)(7)(F)(i) (JCAR): Changed “determination if” to “determination of whether.” See the entry in Table 2 above.

35 Ill. Adm. Code 310.106(b)(7)(F) Board note (JCAR): Changed the indent level to correlate with all of subsection (b)(7)(F); corrected “35 Ill. Adm. Code 310.106(b)(7)(F)(i) and (b)(7)(E)(ii)” to “35 Ill. Adm. Code 310.106(b)(7)(F)(i) and (b)(7)(F)(ii).”

35 Ill. Adm. Code 310.106(b)(7)(G)(i) (JCAR): Changed “within 120 days of” to “within 120 days after.” See the entry in Table 2 above.

35 Ill. Adm. Code 310.106(b)(7)(G)(ii) (JCAR, Board): Changed “to the authorized the Agency or USEPA, as the initial recipient” to “to the initial recipient, as defined in subsection (b)(2).” See the entries in Table 2 above and Table 5 below.

Note: The original federal language is “to the authorized NPDES program or the initial recipient.” The Agency must represent an authorized NPDES program or be authorized as initial recipient to receive the minimum set of NPDES data.

35 Ill. Adm. Code 310.106(b)(7) Board note (JCAR): Corrected “subsection (b)(7)(A) through (b)(7)(F)” to “subsections (b)(7)(A) through (b)(7)(F).” See the entries in Table 2 above and Table 5 below.

35 Ill. Adm. Code 310.106(b)(8) (JCAR): Changed “Electronic Reporting Requirements for NPDES Permittees, Facilities, and Entities Subject to this Subsection (b)” to “electronic reporting requirements for NPDES permittees, facilities, and entities subject to this subsection (b)” for a topical subheading. See the entry in Table 2 above.

35 Ill. Adm. Code 310.106(b)(8)(A) (JCAR): Changed “schedule” to “Schedule” for a topical subheading; corrected “facilitys” to “facility.” See the entries in Table 2 above and Table 5 below.

35 Ill. Adm. Code 310.106(b)(8)(A) table (JCAR): Changed “information” to “Information” and “dates for electronic submissions” to “Dates for Electronic Submissions” for column headings; changed “discharge” and “other” to “Discharge” and “Other” for a row heading; changed “See Section 310.612” to “see Section 310.612,” deleting the ending period; changed “See Sections 310.605 and 310.611” to “see Sections 310.605 and 310.611,” deleting the ending period; deleted the ending periods (four times) in the second column entries. See the entries in Table 2 above and Table 5 below.

35 Ill. Adm. Code 310.106(b)(8)(B) (JCAR): Changed “reporting standards” to “Reporting Standards” for a topical heading; corrected “facilitys” to “facility.” See the entry in Table 2 above.

35 Ill. Adm. Code 310.106(b)(8)(C) (JCAR): Changed “reporting” to “Reporting” for a topical subheading; corrected “facilitys” to “facility”; corrected “C.F.R.” to “CFR.” See the entry in Table 2 above.

35 Ill. Adm. Code 310.106(b)(8)(C) Board note (JCAR): Changed “where the State has not gained authorization from USEPA or has failed to fulfill the requirements for an initial recipient in subpart C of 40 CFR 127” to “where the State is not approved by USEPA to act as initial recipient.” See the entries in Table 2 above and Table 5 below.

35 Ill. Adm. Code 310.106(b)(9) (JCAR, Board): Change “facility that already has an electronic reporting requirement in its permit which meets the requirements” to “facility already having an electronic reporting requirement in its permit that meets the requirements.” See the entry in Table 5 below. See the entries in Table 2 above and Table 5 below.

35 Ill. Adm. Code 310.110 preamble (JCAR): Corrected “40 C.F.R. 401.11” to “40 CFR 401.11”; corrected “35 Ill. Adm. Code 310” to “35 Ill. Adm. Code 307.” See the entry in Table 5 below.

35 Ill. Adm. Code 310.110, “Agency” Board note (JCAR): Moved the comma outside the quotation mark for the cited defined term.

- 35 Ill. Adm. Code 310.110, “authorization to discharge” Board note (Board): Changed “an equivalent mechanism” to “a control mechanism.”
- 35 Ill. Adm. Code 310.110, “best management practices” Board note (JCAR): Added the missing ending period.
- 35 Ill. Adm. Code 310.110, “existing source” (JCAR): Moved the comma outside the quotation mark for the cited defined term.
- 35 Ill. Adm. Code 310.110, “industrial wastewater” (Board): Removed the amendments to the definition. See the entry in Table 5 below.
- 35 Ill. Adm. Code 310.110, “industrial wastewater” Board note (Board): Removed the proposed Board note. See the entry in Table 5 below.
- 35 Ill. Adm. Code 310.110, “interference” (JCAR, Board): Changed “these laws” to “those laws”; added “such as 415 ILCS 5/21 and 22.56a and 35 Ill. Adm. Code 309.155, 309.208, and 391” in parentheses after “State standards relating to sludge use or disposal”; moved the closing parenthesis mark from after “Resource Conservation and Recovery Act” to after “(hazardous waste and municipal solid waste disposal requirements””; removed the unnecessary conjunction “and” from before “53 USC 2601 et seq.”; added “such as 415 ILCS 5/21 and 35 Ill. Adm. Code 732, 807, and 810” in parentheses after “any Illinois requirements relating to toxic substances.”
- 35 Ill. Adm. Code 310.110, “municipal sewage” (Board): Removed the definition.
Note: This term is used only in the definitions of “POTW treatment plant” and “publicly owned treatment works” in 35 Ill. Adm. Code 310.110, as used in corresponding 40 C.F.R. 403.3(q) and (r).
- 35 Ill. Adm. Code 310.110, “municipal sewage” Board note (Board): Removed the proposed Board note. See the entry in Table 5 below.
Note: This term is used only in 35 Ill. Adm. Code 310.501(b).
- 35 Ill. Adm. Code 310.110, “municipal sludge” Board note (Board): Removed the proposed Board note. See the entry in Table 5 below.
- 35 Ill. Adm. Code 310.110, “municipality” (JCAR): Moved the period after the defined term “municipality” outside the closing quotation mark; moved the period after the defined term “unit of local government” outside the closing quotation mark. See the entry in Table 5 below.
- 35 Ill. Adm. Code 310.110, “municipality” Board note (JCAR, Board): Moved the comma after the cited defined term “unit of local government” outside the closing quotation mark. See the entry in Table 5 below.
- 35 Ill. Adm. Code 310.110, “new source” (JCAR): Removed the unnecessary comma added after “as defined in Section 310.111” because this is not a parenthetical clause.
- 35 Ill. Adm. Code 310.110, “NPDES permit” (JCAR): Removed “[415 ILCS 5/12(f)].”
- 35 Ill. Adm. Code 310.110, “person” (JCAR): removed the quotation marks from “unit of local government.”

- 35 Ill. Adm. Code 310.110, “pretreatment permit” (JCAR, Board): Changed “an authorization to discharge” to “a permit to discharge.”
- 35 Ill. Adm. Code 310.110, “pretreatment permit” Board note (JCAR, Board): Changed “an authorization to discharge” to “a permit to discharge”; changed “which an equivalent mechanism” to “which is a control mechanism.”
- 35 Ill. Adm. Code 310.110, “pretreatment requirement” (JCAR, Board): Added “by a pretreatment permit or lawful order” after “imposed on an industrial user.”
- 35 Ill. Adm. Code 310.110, “pretreatment requirement” Board note (JCAR): Added the missing ending period.
- 35 Ill. Adm. Code 310.110, “sludge requirements” (JCAR, Board): Changed the comma after “(Solid Waste Permits)” to a semicolon; removed “[415 ILCS 5/39(b)]” and changed the comma to a semicolon after “(NPDES permits)”; corrected “federally-imposed” to “federally imposed”; changed the comma to a semicolon after “(federally imposed . . . requirements).”
- 35 Ill. Adm. Code 310.605(a) (JCAR): Moved “after commencement of the discharge into the POTW” and its offsetting comma from before to follow “in the case of a new source”; removed the unnecessary comma from before “must submit,” which separated the subject and verb; changed “where the pretreatment standard requires compliance” to “if the pretreatment standard requires.” See the entry in Table 5 below.
- 35 Ill. Adm. Code 310.605(b)(6) (JCAR, Board): Changed “subsection (a) of this Section” to “subsection (a)”; changed the semicolon after “imposed by the Control Authority” to a comma; changed “it must” to “the industrial user must.”

Table 5:
Requested Revisions to the Text of the Proposed Amendments
Not Made in Final Adoption

35 Ill. Adm. Code 310.106(a)(1)(A)

JCAR: Change “where electronic submissions are authorized” to “when electronic submissions are authorized.”

Response: “Where” is appropriate in the situational sense intended here.

35 Ill. Adm. Code 310.106(a)(1)(A)(i)

JCAR: Remove the comma from before “under 40 CFR 127.”

Response: The comma is needed to offset the parenthetical.

35 Ill. Adm. Code 310.106(a)(1)(A)(ii)

JCAR: Remove the comma from before “pursuant to any provision of this Part or 35 Ill. Adm. Code 307.”

Response: The comma is needed to offset the parenthetical.

35 Ill. Adm. Code 310.106(b)(1)(A)(vi)

JCAR: Place the entire subsection in parentheses; put “Section omitted.” at the beginning of the statement; remove the ending conjunction “and.”

Response: The Board incorporated most of this suggestion in a preferred alternative. See the entry in Table 4 above.

35 Ill. Adm. Code 310.106(b)(1)(A)(vii)

JCAR: Place the second sentence elsewhere in the text.

Response: The text adapted by the Board follows the corresponding federal text in structure. Subsection (b)(1)(A) through the first sentence of subsection (b)(1)(A)(vii) state the first function of subsection (b). The second sentence of subsection (b)(1)(A)(vii) then states the second function of subsection (b). Logically, that second sentence of subsection (b)(1)(A)(vii) is parallel to subsection (b)(1)(A). The Board could separate the text of the second sentence into a separate paragraph indented at the level of subsection (b)(1)(A) to act as a post-amble correlate to the preamble of subsection (b)(1)(A). The board has not done this in prior rules, and is hesitant to do so now because reference to the text could be confusing. If subsection (b)(1)(A) could be referred to as “preamble,” would the separated paragraph be the “post-amble”?

35 Ill. Adm. Code 310.106(b)(1)(B)

JCAR: Change “to the extent authorized to implement a segment of the NPDES program, the Agency must” to “to the extent it is authorized to implement a segment of the NPDES program, the Agency must.”

Response: The Board used a preferred alternative. See the entry in Table 4 above.

35 Ill. Adm. Code 310.106(b)(1)(C)

JCAR: Change “in the instance where” to “in the instance in which.”

Response: The Board used a preferred alternative. See the entry in Table 4 above.

35 Ill. Adm. Code 310.106(b)(7)(A)

JCAR: Change “this subsections (b)(7) and (b)(7)(G)” to “this subsection (b)(7).”

Response: The Board used a preferred alternative. See the entry in Table 4 above.

35 Ill. Adm. Code 310.106(b)(7)(B)

JCAR: Change “this subsections (b)(7) and (b)(7)(G)” to “this subsection (b)(7).”

Response: The Board used a preferred alternative. See the entry in Table 4 above.

35 Ill. Adm. Code 310.106(b)(7)(D)

JCAR: Change “this subsection (b)(7) and (b)(7)(G)” to “this subsection (b)(7).”

Response: The Board used a preferred alternative. See the entry in Table 4 above.

35 Ill. Adm. Code 310.106(b)(7)(D)(iii) Board note

JCAR: Change “60 days total duration” to “60 days’ total duration.”

Response: The Board used a preferred alternative. See the entry in Table 4 above.

35 Ill. Adm. Code 310.106(b)(7)(E)(vi)

JCAR: Change “required by the Act [415 ILCS 5] or Board regulations (35 Ill. Adm. Code: Chapter I)” to “required by the Act [415 ILCS 5] or Chapter I of Title 35 Ill. Adm. Code: Chapter I of the Illinois Administrative Code.”

Response: The revision offered is duplicative, so the Board infers that JCAR intended the following revision: “required by the Act [415 ILCS 5] or Chapter I of Title 35 of the Illinois Administrative Code.” The JCAR-suggested format does not comport with 1 Ill. Adm. Code 100.370(a). The Board prefers to use “or Board regulations” and the citation form of Chapter I in parentheses for enhanced clarity. The Board used a preferred alternative. See the entry in Table 4 above.

35 Ill. Adm. Code 310.106(b)(7)(G)(ii)

JCAR: Change “to the authorized the Agency or USEPA, as the initial recipient” to “to the Agency or USEPA, as the initial recipient.”

Response: The JCAR-suggested change would deem it appropriate to submit the minimum set of NPDES data to the Agency under all circumstances. This runs counter to the corresponding federal provision, which allows submission only to an authorized entity. The Board used a preferred alternative. See the entry in Table 4 above.

35 Ill. Adm. Code 310.106(b)(8)(C) Board note

JCAR: Change “where the State has not gained authorization” to “when the State has not gained authorization”; added “for an initial recipient in subpart C of 40 CFR 127” after “fulfill the requirements.”

Response: “Where” is appropriate where a situational (location in circumstance) sense, not a temporal sense, is intended.

35 Ill. Adm. Code 310.106(b)(9)

JCAR: Change “facility that already has an electronic reporting requirement in its permit which meets the requirements” to “facility that already has an electronic reporting requirement in its permit that meets the requirements.”

Response: The Board prefers to use “which” for a subsequent restrictive relative clause. The Board used a preferred alternative to avoid a subsequent restrictive relative clause. See the entry in Table 4 above.

35 Ill. Adm. Code 310.110 preamble

JCAR: Change “this Part and 35 Ill. Adm. Code 310” to “this Part.”

Response: The Board used a preferred alternative to state what was originally intended. See the entry in Table 4 above.

35 Ill. Adm. Code 310.110, “Approved POTW pretreatment program”

JCAR: Omit the comma from before “in accordance with Sections 310.541 through 310.546.”

Response: The comma is necessary to offset the parenthetical statement.

35 Ill. Adm. Code 310.110, “industrial wastewater” Board note

JCAR: Place the comma outside the document title “Terms of Environment.”

Response: The Board used a preferred alternative to state what was originally intended. See the entry in Table 4 above.

35 Ill. Adm. Code 310.110, “municipal sewage”

JCAR: Place the comma after “(mostly liquid).”

Response: The Board used a preferred alternative. See the entry in Table 4 above.

35 Ill. Adm. Code 310.110, “municipal sewage” Board note

JCAR: Place the comma outside the document title “Terms of Environment.”

Response: See the response for the entry for “industrial wastewater” Board note above.

35 Ill. Adm. Code 310.110, “municipality”

JCAR: Remove the quotation marks from “unit of local government.”

Response: “Unit of local government” is a citation to a defined term. Throughout the definitions all citations to a defined term are placed within quotation marks. See the entry in Table 4 above.

35 Ill. Adm. Code 310.110, “treatment works” Board note

JCAR: Delete “and 33 USC 1292(2).”

Response: The Board intended the federal statutory citation in the statement of derivation.

35 Ill. Adm. Code 310.605(a)

JCAR: Changed “where the pretreatment standard requires” to “when the pretreatment standard requires.”

Response: The Board used a preferred alternative. See the entry in Table 4 above.

35 Ill. Adm. Code 310.605(c)

JCAR: Change “where the Control Authority has imposed mass limitations” to “when the Control Authority has imposed mass limitations.”

Response: The change would shift the meaning from a situational sense to a temporal sense. That could change the range of possible interpretations of the condition. Corresponding 40 C.F.R. 403.12(e)(3) uses “where.”