

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

PART 301
INTRODUCTION

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301.APPENDIX A References to Previous Rules

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

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 5 Ill. Reg. 6384, effective May 28, 1981; codified at 6 Ill. Reg. 7818; amended in R88-1 at 13 Ill. Reg. 5984, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2879, effective February 13, 1990; amended in R99-8 at 23 Ill. Reg. 11277, effective August 26, 1999; amended in R02-11 at 27 Ill. Reg. 158, effective December 20, 2002; amended in R08-9(A) at 35 Ill. Reg. 15071, effective August 23, 2011; amended in R11-18 at 36 Ill. Reg. 18863, effective December 12, 2012; amended in R__-__ at __ Ill. Reg. _____, effective _____.

Section 301.101 Authority (Repealed)

~~Pursuant to the authority contained in Section 13 of the Environmental Protection Act which authorizes the Board to issue regulations "to restore, maintain and enhance the purity of the waters of this State in order to protect health, welfare, property, and the quality of life, and to assure that no contaminants are discharged into the waters . . . without being given the degree of treatment or control necessary to prevent pollution" (Section 11 of the Environmental Protection Act (Ill. Rev. Stat. 1979, ch. 111 1/2, par. 1011)); to adopt water quality standards, effluent standards, standards for the issuance of permits, standards for the certification of sewage works operators, standards relating to water pollution episodes or emergencies, and requirements for the inspection of pollution sources and for monitoring the aquatic environment, and which directs the Board to adopt requirements, standards, and procedures which will enable the State to implement and participate in the National Pollutant Discharge Elimination System (NPDES) established by the Clean Water Act (33 USC 1251 et seq.), the Board adopts the following rules and regulations:~~

(Source: Repealed at __ Ill. Reg. _____, effective _____)

Section 301.103 Repeals (Repealed)

~~These rules and regulations replace and supersede Rules and Regulations SWB 1, SWB 2, SWB 5 through SWB 15, SWB 17 and SWB 19, adopted by the Illinois Sanitary Water Board and continued in effect by Section 49(c) of the Environmental Protection Act "Until repealed, amended, or superseded by regulations under this Act" (Ill. Rev. Stat. 1979, Ch. 111 1/2, par. 1049(c)). Accordingly Rules and Regulations SWB 1, SWB 2, SWB 5 through SWB 15, SWB 17 and SWB 19 are hereby repealed, except that any proceeding arising from any act committed before the effective date of the applicable provision of this Chapter shall be governed by the above listed regulations:~~

(Source: Repealed at __ Ill. Reg. _____, effective _____)

Section 301.105 References to Other Sections (Repealed)

~~Unless the contrary is clearly indicated, all references to "Parts" or "Sections" are to Ill. Adm. Code, Title 35: Environmental Protection. For example, "Part 309" is 35 Ill. Adm. Code 309, and "Section 309.101" is 35 Ill. Adm. Code 309.101.~~

(Source: Repealed at __ Ill. Reg.____, effective _____)

Section 301.106 Incorporations by Reference

- a) Abbreviations. The following abbreviated names are used for materials incorporated by reference:

"ASTM" means American Society for Testing and Materials.

"GPO" means Superintendent of Documents, U.S. Government Printing Office.

~~"NTIS" means National Technical Information Service.~~

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health Association.

"USEPA" means United States Environmental Protection Agency.

- b) The Board incorporates the following publications by reference:

American Public Health Association et al., 800 I Street, N.W., Washington, D.C. 20001-3710, (202)777-2742.

Standard Methods for the Examination of Water and Wastewater, 21st Edition, 2005.

ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, (610)832-9585

~~ASTM Standard E 724-80 "Standard Practice for Conducting Static Acute Toxicity Tests with Larvae of Four Species of Bivalve Molluscs", approved 1980.~~

~~ASTM Standard E 729-80 "Standard Practice for Conducting Static Acute Toxicity Tests with Fishes, Macroinvertebrates, and Amphibians", approved 1980.~~

~~ASTM Standard E 857-81 "Standard Practice for Conducting Subacute~~

~~Dietary Toxicity Tests with Avian Species", approved 1981.~~

~~ASTM Standard E 1023-84 "Standard Guide for Assessing the Hazard of a Material to Aquatic Organisms and Their Uses", approved 1984.~~

~~ASTM Standard E 1103-86 "Method for Determining Subchronic Dermal Toxicity", approved 1986.~~

~~ASTM Standard E 1147-87 "Standard Test Method for Partition Coefficient (n-Octanol/Water) Estimation by Liquid Chromatography", approved February 27, 1987.~~

~~ASTM Standard E 1192-88 "Standard Guide for Conducting Acute Toxicity Tests on Aqueous Effluents with Fishes, Macroinvertebrates and Amphibians", approved 1988.~~

~~ASTM Standard E 1193-87 "Standard Guide for Conducting Renewal Life Cycle Toxicity Tests with Daphnia Magna", approved 1987.~~

~~ASTM Standard E 1241-88 "Standard Guide for Conducting Early Life-Stage Toxicity Tests with Fishes", approved 1988.~~

~~ASTM Standard E 1242-88 "Standard Practice for Using Octanol-Water Partition Coefficients to Estimate Median Lethal Concentrations for Fish due to Narcosis", approved 1988.~~

~~ASTM Standard E 4429-84 "Standard Practice for Conducting Static Acute Toxicity Tests on Wastewaters with Daphnia", approved 1984.~~

~~NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703)487-4600~~

~~SIDES: STORET Input Data Editing System, January 1973, Document Number PB 227-052/8.~~

~~Water Quality Data Base Management Systems, February 1984, Document Number AD-P004-768/8.~~

USEPA, NSCEP. United States Environmental Protection Agency, National Service Center for Environmental Publications, P.O. Box 42419, Cincinnati, OH 45242-0419 (accessible on-line and available by download from <http://www.epa.gov/nscep/>). Office of Health and Environmental Assessment, Washington, D.C. 20460

Mutagenicity and Carcinogenicity Assessment for 1,3-Butadiene, September 1985, Document Number EPA/600/8-85/004F004A.

Method OIA-1677, DW: Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry, January 2004, Document Number EPA-821-R-04-001.

- c) The Board incorporates the following federal regulations by reference. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202)783-3238:

~~Procedure 5.b.2 of Appendix F of 40 CFR 132 (2017) (1995)~~

Appendix F

~~40 CFR 122 (2017)~~

~~40 CFR 136 (2017)(1996)~~

~~40 CFR 141 (2017)(1988)~~

~~40 CFR 302.4 (2017)(1988)~~

- d) ~~The Board incorporates the following federal regulations by reference, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202)783-3238:~~

~~USEPA-1996: The Metals Translator: Guidance for Calculating a Total Recoverable Permit Limit from a Dissolved Criterion. EPA 823-B-96-007 (1996).~~

- e) This Section incorporates no future editions or amendments.

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

Section 301.108 Adjusted Standards (Repealed)

- a) ~~AFTER ADOPTING A REGULATION OF GENERAL APPLICABILITY, THE BOARD MAY GRANT, IN A SUBSEQUENT ADJUDICATORY DETERMINATION, AN ADJUSTED STANDARD FOR PERSONS WHO CAN JUSTIFY SUCH AN ADJUSTMENT CONSISTENT WITH SUBSECTION (a) OF SECTION 27 OF THE ILLINOIS ENVIRONMENTAL PROTECTION ACT. IN GRANTING SUCH ADJUSTED STANDARDS, THE BOARD MAY IMPOSE SUCH CONDITIONS AS MAY BE NECESSARY TO ACCOMPLISH THE PURPOSES OF THE ILLINOIS ENVIRONMENTAL PROTECTION ACT. THE RULE MAKING PROVISIONS OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT (Ill. Rev. Stat. 1987, ch. 127, par. 1001 et seq.) AND TITLE VII OF THE ENVIRONMENTAL PROTECTION~~

~~ACT SHALL NOT APPLY TO SUCH SUBSEQUENT DETERMINATIONS.
(Section 28.1(a) of the Act)~~

~~b) IN ADOPTING A RULE OF GENERAL APPLICABILITY, THE BOARD
MAY SPECIFY THE LEVEL OF JUSTIFICATION REQUIRED OF A
PETITIONER FOR AN ADJUSTED STANDARD CONSISTENT WITH THIS
SECTION. (Section 28.1(b) of the Act)~~

~~e) IF A REGULATION OF GENERAL APPLICABILITY DOES NOT SPECIFY
A LEVEL OF JUSTIFICATION REQUIRED OF A PETITIONER TO
QUALIFY FOR AN ADJUSTED STANDARD, THE BOARD MAY GRANT
INDIVIDUAL ADJUSTED STANDARDS WHENEVER THE BOARD
DETERMINES UPON ADEQUATE PROOF BY PETITIONER, THAT:~~

~~1) FACTORS RELATING TO THAT PETITIONER ARE
SUBSTANTIALLY AND SIGNIFICANTLY DIFFERENT FROM THE
FACTORS RELIED UPON BY THE BOARD IN ADOPTING THE
GENERAL REGULATION APPLICABLE TO THAT PETITIONER;~~

~~2) THE EXISTENCE OF THOSE FACTORS JUSTIFIES AN ADJUSTED
STANDARD;~~

~~3) THE REQUESTED STANDARD WILL NOT RESULT IN
ENVIROMENTAL OR HEALTH EFFECTS SUBSTANTIALLY AND
SIGNIFICANTLY MORE ADVERSE THAN THE EFFECTS
CONSIDERED BY THE BOARD IN ADOPTING THE RULE OF
GENERAL APPLICABILITY; AND~~

~~4) THE ADJUSTED STANDARD IS CONSISTENT WITH ANY
APPLICABLE FEDERAL LAW.~~

~~(Section 28.1(e) of the Act)~~

(Source: Repealed at __ Ill. Reg. ____, effective _____)

Section 301.200 Definitions

Except as otherwise provided within individual Parts of this Chapter, the terms defined in the Sections which follow shall have the meanings specified.

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

Section 301.290 Institute (Repealed)

~~"Institute" means the Illinois Department of Energy and Natural Resources (formerly Illinois Institute of Natural Resources).~~

(Source: Repealed at __ Ill. Reg.____, effective _____)

Section 301.312 Minimum Level

Minimum Level or ML is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed. The analytical procedure used for determining minimum level must be a procedure published by USEPA or nationally recognized organization, including but not limited to those methods found in 40 CFR 136, 40 CFR 132, or Standard Methods, incorporated by reference in 35 Ill. Adm. Code 301.106302.510.

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

Section 301.331 Outlier (Repealed)

~~Outlier is a test value that is not statistically valid under tests approved in 40 CFR 136.~~

(Source: Repealed at __ Ill. Reg.____, effective _____)

Section 301.341 Pollutant Minimization Program

Pollutant Minimization Program means a structured set of activities to improve processes and pollutant controls that will prevent and reduce pollutant loading~~plan to achieve or maintain the goal of reducing contaminant discharges to below water quality based effluent limits.~~

Section 301.371 Quantification Level

Quantification Level is a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure and calibrated at a specified concentration above the method detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant. The analytical procedure used for determining quantification level must be a procedure published by USEPA or nationally recognized organization, including but not limited to those methods found in 40 CFR 136, 40 CFR 132, or Standard Methods, incorporated by reference in 35 Ill. Adm. Code 301.106302.510.

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

Section 301.APPENDIX A REFERENCES TO PREVIOUS RULES

~~Rule 101~~
Rule 102
~~Rule 103~~
Rule 104
Rule 105

~~Section 301.101~~
Section 301.102
~~Section 301.103~~
Section 301.200 et seq.
Section 301.104