

ILLINOIS POLLUTION CONTROL BOARD
February 22, 2018

IN THE MATTER OF:)	
WASTEWATER PRETREATMENT)	R18-6
UPDATE, USEPA AMENDMENTS (January)	(Identical-in-Substance
1, 2017 through June 30, 2017))	Rulemaking - Water)
)	
WASTEWATER PRETREATMENT)	R18-14
UPDATE, USEPA AMENDMENTS (July 1,)	(Identical-in-Substance
2017 through December 31, 2017))	Rulemaking - Water)
)	(Consolidated)

Proposed Rule. Proposal for Public Comment.

OPINION AND ORDER OF THE BOARD (by C.M. Santos):

The Board today proposes amendments to Illinois regulations that are “identical in substance” (IIS) to wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA) during 2017. USEPA took two actions related to wastewater pretreatment during the first half of 2017, the update period of docket R18-6. USEPA took another two actions related to wastewater pretreatment during the second half of 2017, the update period of docket R18-14.

Sections 7.2 and 13.3 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13.3 (2016)) provide for quick adoption by the Board of regulations that are “identical in substance” to regulations that USEPA adopts to implement sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the federal Clean Water Act (CWA) (33 U.S.C. §§ 1317(b), (c), and (d) and 1412(b)(8) and (b)(9) (2016)). The federal wastewater pretreatment standards implement these sections of the CWA and are found in segments of 40 C.F.R. 401, 403, 405 through 415, 417 through 430, 432 through 455, 457 through 461, 463 through 469, and 471. Section 13.3 of the Act also provides that Title VII of the Act and Section 5 of the Illinois Administrative Procedure Act (5 ILCS 100/5-35 and 5-40 (2016)) do not apply to the Board’s adoption of identical-in-substance regulations.

The Board proposes amendments to Illinois regulations (35 Ill. Adm. Code 307) that are identical in substance to the recent federal actions. The Board also proposes updating incorporations by reference in the open provisions of the Illinois wastewater pretreatment regulations. For administrative economy and the benefit of those who will be subject to the regulations, the Board consolidates the R18-6 and R18-14 dockets for joint consideration.

The Board will cause the proposed amendments to be published in the *Illinois Register* and will receive public comments for at least 45 days after publication. The Board expects to adopt final rules by the statutory due date of June 14, 2018. The Board specifically requests comment on two specific aspects of the rules.

This opinion has three main segments. First, the Board provides its timetable for completing this rulemaking. Second, the Board identifies USEPA’s actions that resulted in this

rulemaking and discusses the proposed amendments. Third, the Board invites public comment on the proposed amendments. The text of the Board's proposed amendments is appended to the order following this opinion.

TIMETABLE TO COMPLETE RULEMAKING

Under Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2016)), the Board must complete this rulemaking within one year after the corresponding federal action. Based on the earliest date USEPA took action, the Board's deadline to adopt final rules is June 14, 2018.

Adopting this proposal for public comment today will allow the Board to complete this rulemaking by early May 2018, barring unforeseen delays. The Board intends to adhere the following schedule:

Board order proposing amendments:	February 22, 2018
Submission for <i>Illinois Register</i> publication:	March 5, 2018
Estimated <i>Illinois Register</i> publication:	March 16, 2018
Estimated end of 45-day public comment period:	April 30, 2018
Board order adopting amendments:	May 10, 2018
Estimate of when the rules take effect:	May 21, 2018
Estimated <i>Illinois Register</i> publication:	June 1, 2018

This timetable includes a slight amount of extra time to allow for unforeseen delays. Thus, the Board may adopt these amendments as final rules well ahead of the statutory due date.

DISCUSSION

The discussion includes two segments. In the first segment, the Board considers incorporating into the Illinois wastewater pretreatment regulations rules adopted by USEPA. In the second segment, the Board considers a problem that the Board sees in one segment of the USEPA text.

Federal Regulations Implemented

The USEPA actions that require corresponding amendments to the Illinois regulations are summarized below.

June 14, 2017 (82 Fed. Reg. 27154): USEPA adopted pretreatment standards for dental dischargers. New sources are to comply by July 20, 2017. Existing sources are to comply by July 14, 2020.

June 26, 2017 (82 Fed. Reg. 28777): USEPA corrected the pretreatment standards for dental dischargers.

July 5, 2017 (82 Fed. Reg. 30997): USEPA corrected the June 26, 2017 corrections to its June 14, 2017 pretreatment standards for dental dischargers.

September 18, 2017 (82 Fed. Reg. 43494): USEPA postponed the effective date of pretreatment standards for the steam electric power generating point source category adopted November 3, 2015.

Thus, the USEPA actions involved relate to wastewater pretreatment standards for two point source categories: dental offices and steam electric power generating facilities.

Standards for Dental Offices

On June 14, 2017, USEPA adopted wastewater pretreatment standards for dental offices. USEPA corrected those new standards on June 26, 2017 and July 5, 2017. USEPA intends to reduce mercury discharges to publicly owned treatment works (POTWs). USEPA estimates that the standards will nationally reduce discharges of mercury by 5.1 tons per year and discharges of other metals found in dental amalgam by 5.3 tons per year.

The standards require dental offices to use compliant dental amalgam separators or removal devices and engage in specified inspection and maintenance activities. 40 C.F.R. § 441.30(a) (2017), as amended at 82 Fed. Reg. 30997 (July 5, 2017); *see* 40 C.F.R. § 441.40 (2017). Existing sources¹ must comply with the standards by July 14, 2027, unless replacement of its existing separator is necessary before that time. 40 C.F.R. § 441.30(a)(1)(iii) and (a)(1)(v) (2017), as amended at 82 Fed. Reg. 30997 (July 5, 2017). New were to comply by July 14, 2017. 82 Fed. Reg. at 27154; *see* 40 C.F.R. § 441.40 (2017).

The new standards do not apply to specified dental facilities: facilities that practice oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or orthodontics. 40 C.F.R. § 441.10(c) (2017). The standards also do not apply to mobile dental units, dental offices that do not discharge wastewater to a POTW, and dental offices that do not place or remove dental amalgam except in limited emergency or unplanned circumstances. 40 C.F.R. § 441.10(d), (e), and (f). (2017).

The Board proposes incorporating the new USEPA standards for dental offices into the Illinois wastewater pretreatment standards without substantive deviation from the federal rules. The Board's general practice is to add the language of federal applicability provisions to the Illinois regulations and incorporate all other provisions by reference. The Board follows that practice with the new federal standards for dental offices. The Board combines all five sections of new 40 C.F.R. 441 into new Section 307.5100 of new Subpart BP within 35 Ill. Adm. Code 307, "Dental Offices." Specifically, the Board adds the applicability statement of 40 C.F.R. § 441.10 as subsection (a) of Section 307.5100. The Board adds the definitions provision of 40 C.F.R. § 441.20, the pretreatment standards for existing sources of 40 C.F.R. § 441.30, the pretreatment standards for new sources of 40 C.F.R. § 441.40, and the reporting and recordkeeping requirements of 40 C.F.R. § 441.50 by incorporating them by reference in corresponding subsections (b) through (e) of Section 307.5100.

¹ Sources that installed an amalgam separator before June 14, 2017. *See* 40 C.F.R. § 441.20(g) and (i) (2017).

Altering a Segment of Text. The Board finds it necessary to revise the language of one subsection of USEPA’s applicability statement because it suggests that terms are defined when they are not:

Unless otherwise designated by the Control Authority, dental dischargers subject to this part are not Significant Industrial Users as defined in 40 CFR part 403, and are not “Categorical Industrial Users” or “industrial users subject to categorical pretreatment standards” as those terms and variations are used in 40 CFR part 403, as a result of applicability of this rule. 40 C.F.R. § 441.10(b) (2017).

“Categorical Industrial Users” and “industrial users subject to categorical pretreatment standards” are not defined in 40 C.F.R. § 403.3 (2017). *See* 40 C.F.R. § 403.3(j) and (v) (2017). The term “categorical standards,” however, is implicitly defined by section 402(f) of the CWA (33 U.S.C. § 1342(f) (2016)), which requires USEPA to establish categories of point sources, and 40 C.F.R. § 403.6, which provides for industry subcategories and requires compliance with categorical standards. Thus, the terms are used and understood by their common meanings.

The Board finds that using capitalization and quotation marks on these terms in 40 C.F.R. § 441.10(b) is risks making them appear to be defined terms. The Board further finds the phrase “as those terms and variations are used in 40 CFR part 403” bolsters this impression. The Board therefore uses lower-case for the terms, drops the quotation marks, and omits the phrase “as those terms and variations are used . . .” in the text of corresponding 35 Ill. Adm. Code 307.5100(a)(2).

“Industrial user” and “significant industrial user” are defined in USEPA and Board regulations.² A “significant industrial user” is (1) any “industrial user”³ that is subject to a categorical pretreatment standard; (2) any industrial user that contributes sufficient volume of flow to a POTW; or (3) any industrial user that the Control Authority determines has a reasonable potential to adversely impact the POTW’s operation or violate a pretreatment standard. 40 C.F.R. § 403.3(v)(1) (2017) (corresponding with 35 Ill. Adm. Code 310.110).

More rigorous requirements apply to a significant industrial user than apply to an industrial user. A significant industrial user must apply for and obtain a pretreatment permit before discharging to the collection works of a POTW. 40 C.F.R. § 403.8(f)(1)(iii) and (f)(1)(iii)(A)(2) (2017) (corresponding with 35 Ill. Adm. Code 310.510(a)(3) and (g)(2)). A POTW must monitor and evaluate discharges from a significant industrial user more thoroughly. 40 C.F.R. § 403.8(f)(2)(v) and (f)(2)(vi) (2017) (corresponding with 35 Ill. Adm. Code 310.510(a)(3) and (g)(2)).

² USEPA defines and uses the terms as capitalized. *See, e.g.*, 40 C.F.R. §§ 403.3(j), (l), (t), and (v); 403.5(c)(2); 403.6; and 403.7 (2017). The Board defines and uses lower-case “industrial user” and “significant industrial user.” *See* 35 Ill. Adm. Code 310.110 and Subparts B and C of 35 Ill. Adm. Code 310.

³ Defined as a source of an indirect discharge to a POTW. 40 C.F.R. § 403.3(j) (2017); *see* 40 C.F.R. 403.3(i) (2017) (definition of “indirect discharge”).

By the plain meanings of terms in 40 C.F.R. § 441.10(b) and the definition of “significant industrial user” in 40 C.F.R. § 403.3(v)(1), a dental office is not a significant industrial user merely because it is subject to the new categorical standards. *See* 40 C.F.R. § 403.3(v)(1)(i) (2017). USEPA does not intend the greater burdens of compliance and oversight to apply to dental offices that would ordinarily apply to them as significant industrial users. 82 Fed. Reg. at 27156.

The Control Authority could deem a dental office a significant industrial user based on a reasonable potential of adverse impact on the receiving POTW. *See* 40 C.F.R. § 403.3(v)(1)(ii) (2017). It is less clear whether a dental office is a significant industrial user where it contributes more than five percent of average dry weather flows to a POTW. *See* 40 C.F.R. 403.3(v)(1)(ii) (2017). The Board observes, however, that these contingencies would only occur if the dental office discharges a large volume of wastewater to a very small POTW—seemingly, a very unlikely scenario.

Postponed Effective Date for Steam Electric Power Generating Standards

On September 18, 2017 (82 Fed. Reg. 43494), USEPA postponed the effective date of a rule adopted in 2015. On November 3, 2015, USEPA revised the effluent limitations and wastewater pretreatment standards applicable to fossil fuel-fired units in the Steam Electric Power Generating Point Source Category. The 2015 amendments added pretreatment standards for existing sources (PSES) effluent limits for flue gas desulfurization (FGD) wastewater, fly ash transport water, bottom ash transport water, flue gas mercury control water, and gasification wastewater. 40 C.F.R. § 423.16(e) through (i) (2017).

By the recent amendments, USEPA delayed the effective date of the PSES from November 1, 2018 until November 1, 2020. USEPA is reconsidering the 2015 standards. The postponed PSES effective date does not affect applicability of the pretreatment standards for new sources (PSNS). A new source is one for which construction began on or after June 7, 2013. 40 C.F.R. § 423.17(b) (2017).

The Board incorporated the 2015 amendments relating to wastewater pretreatment into the Illinois regulations in Wastewater Pretreatment Update, USEPA Amendments (July 1, 2015 through December 31, 2015), R16-9 (Jan. 19, 2017). The Board added the 2015 USEPA amendments in 35 Ill. Adm. Code 307.3301. The Board followed the usual practice for wastewater pretreatment of revising the language of the applicability statement in 35 Ill. Adm. Code 307.3301(a) and using incorporation by reference for definitions and substantive requirements in 35 Ill. Adm. Code 307.3301(b), (c)(1), and (d)(1).

Incorporating the September 18, 2017 USEPA amendments delaying the effective date requires updating the incorporations by reference in 35 Ill. Ad. Code 307.3301(b) (definition of “as soon as possible”) and 307.3301(c)(1) (PSES). This means updating the *Code of Federal Regulations* citations to the 2017 edition and adding a citation to the notice of final rule in the September 18, 2017 *Federal Register*.

Adding Previously Omitted Incorporations by Reference. When using incorporation by reference, the referenced federal provision itself cross-references other federal documents.

The Board does not ordinarily add the cross-referenced document to the incorporation by reference.

The USEPA provisions incorporated by reference in 35 Ill. Adm. Code 307.3301(c)(1) and (d)(1) for the PSES and PSNS both refer to the list of priority pollutants in appendix A to 40 C.F.R. 423 to identify the pollutants subject to discharge prohibition. *See* 40 C.F.R. §§ 423.16(d)(1) and 423.17(a)(4)(i) (2017). The Board considers identification of the pollutants as fundamental. The Board adds incorporations by reference to appendix A to the existing incorporations by reference to 40 C.F.R. §§ 423.16 and 423.17.

PUBLIC COMMENTS

The Board invites public comments on this proposal. The Board will receive public comments for at least 45 days following the proposal's publication in the *Illinois Register*. The Board specifically requests comments on the following:

1. Using lower-case and omitting of quotation marks for the terms, “categorical industrial users” and “industrial users subject to categorical pretreatment standards,” and omitting the phrase “as those terms and variations are used . . .” in 35 Ill. Adm. Code 307.5100(a)(2).
2. Adding incorporations by reference to appendix A in 35 Ill. Adm. Code 307.3301(c)(1) and (d)(1).

IIS Rulemaking Addendum

The IIS Rulemaking Addendum to the Proposed Opinion and Order of the Board (IIS-RA (P)) fully lists the differences between the text of the USEPA amendments and the Board's language in this rulemaking. Entries in the tables briefly explain the differences. The first table lists deviations from the text of federal rules. The second table lists corrections and clarifications to rules not prompted by USEPA amendments, but which the Board finds are needed.

The Board included the IIS-RA (P) in the docket for this rulemaking, available on the Board's website (www.ipcb.state.il.us). The Board directs interested persons to the IIS-RA (P) for information about deviations from the federal text and amendments not directly derived from current federal amendments.

ORDER

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

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on February 22, 2018, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, looped initial "D".

Don A. Brown, Clerk
Illinois Pollution Control Board

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

PART 307
 SEWER DISCHARGE CRITERIA

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307.103	Mercury (Renumbered)
307.104	Cyanide (STORET number 00720) (Renumbered)
307.105	Pretreatment Requirements (Repealed)
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307.2002	Wool Finishing
307.2003	Low Water Use Processing
307.2004	Woven Fabric Finishing
307.2005	Knit Fabric Finishing
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- 307.2102 Leaching
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SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS

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307.3811	Latex Foam

SUBPART BD: TIMBER PRODUCTS PROCESSING

Section	
307.3900	General Provisions
307.3901	Barking
307.3902	Veneer
307.3903	Plywood
307.3904	Dry Process Hardboard
307.3905	Wet Process Hardboard
307.3906	Wood Preserving—Water Borne or Nonpressure
307.3907	Wood Preserving—Steam
307.3908	Wood Preserving—Boulton
307.3909	Wet Storage
307.3910	Log Washing
307.3911	Sawmills and Planing Mills
307.3912	Finishing
307.3913	Particleboard Manufacturing
307.3914	Insulation Board
307.3915	Wood Furniture and Fixture Production without Water Wash Spray Booths or without Laundry Facilities
307.3916	Wood Furniture and Fixture Production with Water Wash Spray Booths or with Laundry Facilities

SUBPART BE: PULP, PAPER, AND PAPERBOARD

Section	
307.4000	General Provisions
307.4001	Dissolving Kraft
307.4002	Bleached Papergrade Kraft and Soda
307.4003	Unbleached Kraft
307.4004	Dissolving Sulfite
307.4005	Papergrade Sulfite
307.4006	Semi-Chemical
307.4007	Mechanical Pulp
307.4008	Non-Wood Chemical Pulp

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

SUBPART BF: BUILDERS' PAPER AND BOARD MILLS

Section

307.4101	Builder's Paper and Roofing Felt (Repealed)
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SUBPART BG: MEAT PRODUCTS

Section

307.4201	Simple Slaughterhouse
307.4202	Complex Slaughterhouse
307.4203	Low-Processing Packinghouse
307.4204	High-Processing Packinghouse
307.4205	Small Processor
307.4206	Meat Cutter
307.4207	Sausage and Luncheon Meats Processor
307.4208	Ham Processor
307.4209	Canned Meats Processor
307.4210	Renderer

SUBPART BH: METAL FINISHING

Section

307.4300	General Provisions
307.4301	Metal Finishing

SUBPART BJ: OIL AND GAS EXTRACTION

Section

307.4503	Onshore Facility Standards
307.4508	Coalbed Methane Subcategory

SUBPART BL: CENTRALIZED WASTE TREATMENT

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

SUBPART BN: PHARMACEUTICAL MANUFACTURING

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

SUBPART BP: DENTAL OFFICES

<u>Section</u>	
<u>307.5100</u>	<u>Dental Offices</u>

SUBPART BQ: TRANSPORTATION EQUIPMENT CLEANING

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

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

Section	
307.5301	Asphalt Emulsion
307.5302	Asphalt Concrete
307.5303	Asphalt Roofing
307.5304	Linoleum and Printed Asphalt Felt

SUBPART BS: WASTE COMBUSTORS

Section	
307.5401	Commercial Hazardous Waste Combustor

SUBPART BT: LANDFILLS

Section	
307.5500	General Provisions
307.5501	RCRA Subtitle C Hazardous Waste Landfill

307.5502 RCRA Subtitle D Non-Hazardous Waste Landfill

SUBPART BU: PAINT FORMULATING

Section

307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

Section

307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section

307.6500 General Provisions

307.6501 Organic Pesticide Chemicals Manufacturing

307.6502 Metallo-Organic Pesticides Chemicals Manufacturing

307.6503 Pesticide Chemicals Formulating and Packaging

307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments

SUBPART CG: CARBON BLACK MANUFACTURING

Section

307.6801 Carbon Black Furnace Process

307.6802 Carbon Black Thermal Process

307.6803 Carbon Black Channel Process

307.6804 Carbon Black Lamp Process

SUBPART CJ: BATTERY MANUFACTURING

Section

307.7100 General Provisions

307.7101 Cadmium

307.7102 Calcium

307.7103 Lead

307.7104 Leclanche

307.7105 Lithium

307.7106 Magnesium

307.7107 Zinc

SUBPART CL: PLASTICS MOLDING AND FORMING

Section

307.7300 General Provisions

307.7301 Contact Cooling and Heating Water

307.7302 Cleaning Water

307.7303 Finishing Water

SUBPART CM: METAL MOLDING AND CASTING

Section

307.7400 General Provisions

307.7401 Aluminum Casting

307.7402 Copper Casting
 307.7403 Ferrous Casting
 307.7404 Zinc Casting

SUBPART CN: COIL COATING

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

SUBPART CO: PORCELAIN ENAMELING

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

SUBPART CP: ALUMINUM FORMING

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

SUBPART CQ: COPPER FORMING

Section
 307.7800 General Provisions
 307.7801 Copper Forming
 307.7802 Beryllium Copper Forming

SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

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

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

Section
 307.8100 General Provisions

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

307.APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

SOURCE: Adopted in R70-5, March 31, 1971; amended in R70-8/R71-14/R71-20, March 7, 1972; amended in R74-3, October 30, 1975; amended in R74-15/R74-16 at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17 at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21 at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5/R82-10 at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1735, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10867, effective August 14, 2001; amended in R03-13 at 27 Ill. Reg. 15095, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3076, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10661, effective July 13, 2004; amended in R05-4/R05-15 at 29 Ill. Reg. 6921, effective April 26, 2005; amended in R06-13 at 30 Ill. Reg. 17811, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 18986, effective November 26, 2008; amended in R13-7 at 37 Ill. Reg. 1936, effective February 4, 2013; amended in R16-9 and R17-8 at 41 Ill. Reg. 1129, effective January 23, 2017; amended in R18-6 and R18-14 at 42 Ill. Reg. _____, effective _____.

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section 307.3301 Steam Electric Power Generating

- a) **Applicability.** This Section applies to discharges resulting from operation of a generating unit by an establishment whose generation of electricity is the

predominant source of revenue or principal reason for operation, and whose generation of electricity results primarily from a process utilizing fossil-type fuel (coal, oil, or gas), fuel derived from fossil fuel (e.g., petroleum coke, synthesis gas), or nuclear fuel in conjunction with a thermal cycle employing the steam water system as the thermodynamic medium. This Section applies to discharges associated with both the combustion turbine and steam turbine portions of a combined cycle generating unit.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 423.11 (2017), as amended at 82 Fed. Reg. 43494 (Sep. 18, 2017) ~~(2016)~~. This incorporation includes no later amendments or editions.
- c) Existing sources.
 - 1) The Board incorporates by reference 40 CFR 423.16 (2017), as amended at 82 Fed. Reg. 43494 (Sep. 18, 2017), and appendix A to 40 CFR 423 (2017) ~~(2016)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of those standards.
- d) New sources.
 - 1) The Board incorporates by reference 40 CFR 423.17 and appendix A to 40 CFR 423 (2017) ~~(2016)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of those standards.
 - 3) “New source” means any building, structure, facility, or installation the construction of which commenced after October 14, 1980.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART BP: DENTAL OFFICE

Section 307.5100 Dental Offices

- a) Applicability.
 - 1) Except as provided in subsections (a)(3), (a)(4), and (a)(5), this Subpart BP applies to dental dischargers.

- 2) Unless otherwise designated by the control authority, a dental discharger subject to this Subpart BP is not a significant industrial user, as defined in 35 Ill. Adm. Code 310, and is not a categorical industrial user or industrial user subject to categorical pretreatment standards as a result of applicability of this Subpart BP.
 - 3) This Subpart BP does not apply to dental dischargers that exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.
 - 4) This Subpart BP does not apply to wastewater discharges from a mobile unit operated by a dental discharger.
 - 5) This Subpart BP does not apply to dental dischargers that do not discharge any amalgam process wastewater to a POTW, such as dental dischargers that collect all dental amalgam process wastewater for transfer to a centralized waste treatment facility, as defined in 40 CFR 437.2(c).
 - 6) A dental discharger that does not place dental amalgam and does not remove amalgam, except in limited emergency or unplanned, unanticipated circumstances, and which certifies these facts to the control authority, as required in subsection (d), is exempt from any further requirements of this Subpart BP.
- b) General Definitions. The Board incorporates by reference 40 CFR 441.20 (2017), as added at 82 Fed. Reg. 30997 (July 5, 2017). This incorporation includes no later amendments or editions.
 - c) Pretreatment Standards for Existing Sources (PSES). The Board incorporates by reference 40 CFR 441.30 (2017), as added at 82 Fed. Reg. 30997 (July 5, 2017). This incorporation includes no later amendments or editions.
 - d) Pretreatment Standards for New Sources (PSNS). The Board incorporates by reference 40 CFR 441.40 (2017), as added at 82 Fed. Reg. 30997 (July 5, 2017). This incorporation includes no later amendments or editions.
 - e) Reporting and Recordkeeping Requirements. The Board incorporates by reference 40 CFR 441.50 (2017), as added at 82 Fed. Reg. 30997 (July 5, 2017). This incorporation includes no later amendments or editions.

(Source: Added at 42 Ill. Reg. _____, effective _____)