

**IDENTICAL-IN-SUBSTANCE RULEMAKING ADDENDUM  
TO THE MAY 10, 2018 OPINION AND ORDER OF THE BOARD**

**Wastewater Pretreatment Update, USEPA Amendments  
(January 1, 2017 through June 30, 2017), R18-6**  
**Wastewater Pretreatment Update, USEPA Amendments (July  
1, 2017 through December 31, 2017), R18-14**  
**(May 10, 2018) (Consolidated)**

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The tables included in this addendum supplement the Board’s May 10, 2018 proposed opinion and order in the above-cited identical-in-substance rulemaking.

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

35 Ill. Adm. Code 307 table of contents, 307.5100 heading; derived from 40 C.F.R. 441.10 through 441.50

Combined all five USEPA sections into a single section, with each federal section represented by a single subsection.

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

Updated the incorporation by reference to the *Code of Federal Regulations* to the latest version available, adding the *Federal Register* reference to incorporate the later USEPA amendments.

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

Updated the incorporation by reference to the *Code of Federal Regulations* to the latest version available, adding the *Federal Register* reference to incorporate the later USEPA amendments. See the entry in Table 2 below.

35 Ill. Adm. Code 307.5100 heading; derived from 40 C.F.R. 441.10 through 441.50

Used the subpart heading as a section heading, since all five USEPA sections are combined into a single section.

35 Ill. Adm. Code 307.5100(a); derived from 40 C.F.R. 441.10(b)

Designated the federal section as a subsection.

35 Ill. Adm. Code 307.5100(a)(2); derived from 40 C.F.R. 441.10

Changed “Control Authority” to lower-case “control authority”; changed “dental dischargers . . . are not . . . are not” to singular “a dental discharger . . . is not. . . is not”; removed the quotation marks and changed “Significant Industrial Users” to singular, lower-case “a significant industrial user”; removed the quotation marks “Categorical Industrial Users or Industrial Users subject to categorical pretreatment standards” to singular “a categorical

industrial user or industrial user subject to categorical pretreatment standards”; removed “as those terms and variations are used in 40 CFR part 403,” together with the offsetting comma.

35 Ill. Adm. Code 307.5100(a)(3); derived from 40 C.F.R. 441.10(c)

Changed “Oral pathology” to lower-case “oral pathology.”

35 Ill. Adm. Code 307.5100(a)(5); derived from 40 C.F.R. 441.10(e)

Changed “Centralized Waste Treatment facility” to lower-case “centralized waste treatment facility,” added a comma before “as required” to offset the parenthetical; changed “40 CFR 437” to more-specific “40 CFR 437.2(c).”

Note: The Board cross-referenced the federal provision at 40 C.F.R. 437.2(c), rather than the corresponding Illinois provision at 35 Ill. Adm. Code 307.4700, because the Illinois provision is an incorporation by reference that does not define the intended facility.

35 Ill. Adm. Code 307.5100(a)(6); derived from 40 C.F.R. 441.10(f)

Changed “Dental Dischargers . . . do not . . . do not . . . are exempt” to singular, lower-case “a dental discharger . . . does not . . . does not . . . is exempt”; moved the comma after “place dental amalgam,” which separated a two-element series, to after “remove amalgam,” to offset the parenthetical that follows; changed “and that certify such” to “and which certifies these facts”; changed “Control Authority” to lower-case “control authority”; added commas before and after “as required in subsection (d)” to offset the parenthetical.

35 Ill. Adm. Code 307.5100(b); derived from 40 C.F.R. 441.20

Designated the federal section as a subsection, capitalizing the federal section heading as a topical subheading and incorporating the federal provision by reference.

35 Ill. Adm. Code 307.5100(c); derived from 40 C.F.R. 441.30

Designated the federal section as a subsection, capitalizing the federal section heading as a topical subheading and incorporating the federal provision by reference.

35 Ill. Adm. Code 307.5100(d); derived from 40 C.F.R. 441.40

Designated the federal section as a subsection, capitalizing the federal section heading as a topical subheading and incorporating the federal provision by reference.

35 Ill. Adm. Code 307.5100(e); derived from 40 C.F.R. 441.50

Designated the federal section as a subsection, capitalizing the federal section heading as a topical subheading and incorporating the federal provision by reference.

**Table 2:**  
**Board Housekeeping Amendments**

35 Ill. Adm. Code 307.3301(c)(1); derived from 40 C.F.R. 423.16 (Board): Updated the incorporation by reference to the *Code of Federal Regulations* to the latest version available; added incorporation of appendix A to 40 C.F.R. 423 by reference. See the entry in Table 1 above.

Note: The corresponding USEPA provision, at 40 C.F.R. 423.16(d)(1), significantly relies on the table of priority pollutants in appendix A.

35 Ill. Adm. Code 307.3301(d)(1); derived from 40 C.F.R. 423.17 (Board): Updated the incorporation by reference to the *Code of Federal Regulations* to the latest version available;

added incorporation of appendix A to 40 C.F.R. 423 by reference. See the entry in Table 1 above.

Note: The corresponding USEPA provision, at 40 C.F.R. 423.17(a)(4)(i), significantly relies on the table of priority pollutants in appendix A.

**Table 3:**

**Revision to the Text of the Proposed Amendments on Final Adoption**

35 Ill. Adm. Code 307 source note (Board): Changed “R18-6 and R18-14” to “R18-6/R18-14.”

**Table 4:**

**Suggested Revisions to the Text That the Board Declines to Make**

35 Ill. Adm. Code 307.3301(c)(1)

JCAR: Change “appendix A to 40 CFR 423” to capitalized “Appendix A to 40 CFR 423.”

Response: To date, JCAR has urged lower-case for federal citations, reserving capitalization for citations to State provisions.

35 Ill. Adm. Code 307.3301(d)(1)

JCAR: Change “appendix A to 40 CFR 423” to capitalized “Appendix A to 40 CFR 423.”

Response: See the item above.

35 Ill. Adm. Code 307.3301(d)(1)

JCAR: Change “a dental discharger that does not place dental amalgam . . . and which certifies these facts” to “a dental discharger that does not place dental amalgam . . . and that certifies these facts.”

Response: The Board prefers to use “which” for subsequent restrictive relative clauses.