

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

February 28, 2022

POLLUTION CONTROL BOARD DON BROWN 100 W RANDOLPH ST STE 11-500 CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 46, Issue 10 of the Illinois Register, dated 3/4/2022.

OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED Notice of Public Information	IN THE ILLINOIS REGISTER
Point of Contact: Shannon Bilbruck	3612
PROPOSED RULES	
Air Quality Standards	
35 Ill. Adm. Code 243	3485
Point of Contact: Shannon Bilbruck	
Pretreatment Programs	
35 Ill. Adm. Code 310	3497
Point of Contact: Shannon Bilbruck	

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

Index Department - Administrative Code Division - 111 East Monroe Springfield, IL 62756

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) <u>Heading of the Part:</u> Pretreatment Programs
- 2) <u>Code Citation:</u> 35 Ill. Adm. Code 310
- 3) <u>Section Number:</u> 310.107

Proposed Action: Amendment

- 4) <u>Statutory Authority:</u> 415 ILCS 5/7.2, 13.3, and 27.
- 5) <u>A Complete Description of the Subjects and Issues Involved</u>: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of February 17, 2022 proposing an amendment in docket R22-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the Illinois Register before proceeding to adopt amendment based on this proposal.

The docket R22-7 proceeding relates to the wastewater pretreatment requirements in 35 III. Adm. Code 310 of the Illinois water pollution control rules. The amendment implements USEPA's May 19, 2021 updated analytical methods in 40 C.F.R. 136 used for effluent analyses under the Clean Water Act. The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than incorporating the text of the NPDES electronic reporting requirements. Thus, updating the incorporations by reference includes the USEPA action.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R22-7 which list the limited revisions that are not based on current federal amendments. The tables contain the deviation from the literal text of the federal actions underlying this amendment, as well as updates to incorporations by reference to the *Code of Federal Regulations* that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R22-7.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

6) <u>Published studies or reports, and sources of underlying data, used to compose this</u> rulemaking: None

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ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does the proposed rule contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 12) <u>Time, Place and manner in which interested persons may comment on this proposed</u> <u>rulemaking:</u> The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R22-7 and be addressed to:

Don A. Brown, Clerk Illinois Pollution Control Board State of Illinois Center, Suite 11-500 100 W. Randolph St. Chicago, IL 60601

Please direct inquiries to the following person and reference docket R22-7:

Michael J. McCambridge Staff Attorney Illinois Pollution Control Board 100 W. Randolph 11-500 Chicago, IL 60601

312-814-6924 michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312-814-3620 or download a copy from the Board's Website at <u>http://www.pcb.illinois.gov</u>.

13) Initial regulatory flexibility analysis:

A) <u>Types of small businesses, small municipalities, and not-for-profit corporations</u> affected: This rulemaking may affect those small businesses, small

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2020)].

- B) <u>Reporting, bookkeeping or other procedures required for compliance:</u> The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2020)].
- C) <u>Types of professional skills necessary for compliance</u>: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2020)].
- 14) <u>Small Business Impact Analysis:</u> Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-insubstance rulemaking.

15) Regulatory agenda on which this rulemaking was summarized: January 2021

The full text of the proposed amendment begins on the next page: