

ILLINOIS POLLUTION CONTROL BOARD  
April 21, 2022

IN THE MATTER OF: )  
 )  
AMENDMENTS TO 35 ILL. ADM. CODE ) R 18-23  
SUBTITLE C: WATER POLLUTION ) (Rulemaking - Water)

Proposed Rule. First Notice.

OPINION AND ORDER OF THE BOARD (by C.M. Santos & J. Van Wie):

The Board opened this docket to review its water pollution rules; determine which of them may be obsolete, repetitive, confusing, or unnecessary; and propose non-substantive clarifications. Today, the Board proposes amended rules for first-notice publication in the *Illinois Register*, which begins a period of at least 45 days during which any person may file a public comment on the proposed amendments with the Board.

In this opinion and order, the Board first provides background on this rulemaking's objectives and its procedural history. Next, the Board discusses proposed amendments Part-by-Part. The Board then discusses technical feasibility and economic reasonableness before concluding to propose amended rules. Finally, the Board directs its Clerk to provide first-notice publication of the proposal in the *Illinois Register*.

**BACKGROUND**

In 2016, the Board began reviewing its rules to identify obsolete, unclear, or otherwise unnecessary language. On January 10, 2018, the Illinois Environmental Protection Agency (IEPA or Agency) filed a proposal to amend numerous Board rules, including Parts 301-304, 306, and 309 of the Board's water pollution regulations. Clean-Up Amendments to 35 Ill. Adm. Code Parts 201, 211, 212, 214, 215, 216, 217, 218, 219, 225, 228, 232, 237, 301, 302, 303, 304, 306, 309, 401, 402, 403, 404, 405, 501, 611, 615, 616, 617, 722, 811, 813, 855, and 1000, R18-21 (Jan. 10, 2018). IEPA's proposal cited Executive Order 2016-13, which required agencies to review existing regulations to identify provisions that are outdated, repetitive, confusing, or unnecessary and then revise or repeal them as appropriate.

The amendments proposed by the Board in this order consist of both IEPA's original proposals in R18-21 and additional revisions identified by the Board in its own review. Both IEPA and the Board intend proposed amendments to be non-substantive in nature. PC 1 at 1.

**PROCEDURAL HISTORY**

On January 10, 2018, IEPA filed a proposal to make non-substantive revisions to Board rules including provisions of Subtitle C (IEPA Clean-Up). On March 22, 2018, the Board opened this rulemaking docket to address water pollution regulations in Subtitle C of its rules. On November 4, 2021, the Board adopted a proposal for public comment (Board Prop.). The

proposal included both amendments originally proposed by IEPA in R18-21 and amendments proposed by the Board. In its order, the Board requested comment both generally and on 41 specific matters.

In a letter dated October 26, 2021, the Board requested that the Department of Commerce and Economic Opportunity (DCEO) perform an economic impact study of the Board's proposal and respond to the request by December 10, 2021. *See* 415 ILCS 5/27(b) (2020). In a letter dated November 17, 2021, DCEO respectfully declined the Board's request.

On December 30, 2021, IEPA filed responses to the Board's questions and requests for comments (IEPA Cmts.).

The first hearing took place as scheduled on January 6, 2022, and the Board received the transcript (Tr.1) on January 14, 2022. Because of unusually severe winter weather and a gubernatorial disaster proclamation, the Board cancelled the second hearing originally scheduled on February 3, 2022. The Board re-scheduled the hearing to take place on March 17, 2022. The hearing took place as re-scheduled, and the Board received the transcript (Tr.2) on March 24, 2022.

On April 5, 2022, IEPA filed post-hearing comments (PC 1).

### **SUMMARY OF PROPOSED AMENDMENTS**

Subtitle C of the Board's regulations addresses water pollution and includes water quality standards, water use designations, effluent standards, and provisions for monitoring, reporting, and permits. 35 Ill. Adm. Code 301-310, 312. The Board proposes to amend Subtitle C by removing redundant or unnecessary language, replacing outdated language, updating statutory references, and providing other non-substantive clarifications.

In the following subsections, the Board addresses these changes Part-by-Part.

#### **Part 301**

IEPA proposed to repeal Section 301.101. IEPA Clean-Up at 13; PC 1 at 2; *see* 35 Ill. Adm. Code 301.101 (Authority). IEPA argued that this section is unnecessary because it restates statutory language and because the Authority Note for Part 301 provides the relevant rulemaking authority. IEPA Clean-Up at 13; PC 1 at 2.

In its proposal for public comment, the Board proposed to revise Section 301.102 by replacing its first sentence with similar statutory language making legislative findings. *See* 415 ILCS 5.11(a)(1) (2020); 35 Ill. Adm. Code 301.102 (Policy). The Board requested comment on this proposed revision. Board Prop. at 12. IEPA responded that this revision "is acceptable to the Agency." IEPA Cmts. at 4; PC 1 at 2.

IEPA proposed to repeal Section 301.103 as unnecessary. IEPA Clean-Up at 13; PC 1 at 2; *see* 35 Ill. Adm. Code 301.103 (Repeals). IEPA argued that it refers to pre-existing rules of

the Illinois Sanitary Water Board and Section 49(c) of the Environmental Protection Act (Act), both of which have been repealed. IEPA Clean-Up at 13.

IEPA also proposed to repeal Section 301.105 as unnecessary. IEPA Clean-Up at 13; PC 1 at 2; *see* 35 Ill. Adm. Code 301.105 (References to Other Sections). IEPA argued that its form of cross references is not consistent with the Secretary of State's codification of Illinois regulations. IEPA Clean-Up at 13 (citation omitted). IEPA also suggested that it is unnecessary because it addresses cross references that Part 301 does not include. *See id.*; PC 1 at 2.

IEPA proposed a number of revisions to Section 301.106. IEPA Clean-Up at 13; *see* 35 Ill. Adm. Code 301.106 (Incorporations by Reference). Because both Sections 301.106 and 302.510 incorporate materials by reference, IEPA proposed to provide all incorporations in Section 301.106 and repeal Section 302.510. IEPA Clean-Up at 13, 16.

In Section 301.106, IEPA also proposed to update references to incorporated materials. IEPA Clean-Up at 13. One proposed revision to subsection (b) updated the number of a 1985 USEPA document from "EPA/600/8-85/004A" to "EPA/600/8-85/004F." In its post-hearing comments, IEPA suggested that the Board's proposal "appears to contain a scrivener's error and should be modified." PC 1 at 2. However, IEPA's suggested modification strikes through an "F" that is not in the current rules, and it does not underline "F" to indicate adding it. *Id.* The Board believes that its original proposal correctly updates this document number and declines to accept this proposed revision.

Subsection (b) also incorporates by reference the 2005 21st edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association. 35 Ill. Adm. Code 301.106(b). The Board requests that IEPA comment on whether this incorporation should be updated to a more recent version.

Section 301.106(c) now incorporates by reference Parts 136, 141, and 302.4 of USEPA regulations and Procedure 5.b.2 of Appendix F of Part 132. 35 Ill. Adm. Code 301.106(c). IEPA proposed to update references to the 2017 version of each of these four incorporated Parts, revise the reference to Part 132 to incorporate the entire Appendix F, and add an incorporation of Part 122. The Board proposed IEPA's revisions, including its format, but placed the Parts of incorporated USEPA rules in numeric order. Board Prop. at 22-23. IEPA responds that placing the incorporation of Part 122 "above 'Appendix F', instead of below it, as the Agency proposes, would lead to an incomplete list of cross-references under 'Appendix F'." PC 1 at 3. The Board believes that its proposal reflects IEPA's intended revisions. However, to more clearly indicate the revised incorporation of Part 132, the Board proposes to place that incorporation to a single line:

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

IEPA may of course address these revised incorporations in a first-notice comment.

Section 301.107 addresses severability. 35 Ill. Adm. Code 301.107. The Board proposed to clarify it with revisions based on the severability provision of its recently-adopted coal ash

rules. Board Prop. at 12; *see* 35 Ill. Adm. Code 845.160. The Board requested comment on this proposed revision. Board Prop. at 12. IEPA responded that this revision “is acceptable to the Agency.” IEPA Cmts. at 4; PC 1 at 3.

IEPA proposed to repeal Section 301.108. IEPA Clean-Up at 13; *see* 35 Ill. Adm. Code 301.108 (Adjusted Standards). IEPA argues that it is unnecessary because it merely restates the adjusted standard provisions of Section 28.1 of the Act from 1990, when this section became effective. IEPA Clean-Up at 13; PC 1 at 3.

Part 301 includes definitions (35 Ill. Adm. Code 301.200 – 301.443), to which both IEPA and the Board proposed amendments. First, IEPA proposed to repeal the definition of “Institute” (35 Ill. Adm. Code 301.290) because it is no longer used in Subtitle C. IEPA Clean-Up at 14; PC 1 at 4. Second, IEPA also proposed to repeal the definition of “Outlier” (35 Ill. Adm. Code 301.331) because Subtitle C regulations do not use the term. IEPA Clean-Up at 14; PC 1 at 4.

Third, the Board proposed to revise the definition of “Pollutant” (35 Ill. Adm. Code 301.340) by updating references to approving injection and disposal by the “Department of Mines and Minerals” to refer to the Department of Natural Resources (IDNR). Board Prop. at 12. IEPA responded that this revision “is acceptable to the Agency.” IEPA Cmts. at 4; PC 1 at 4. The Board requests that IEPA also comment on whether this definition should include a cross reference to IDNR regulations under which it approves injection and disposal.

Fourth, IEPA proposed to revise the definition of “Pollutant Minimization Program” (35 Ill. Adm. Code 301.341). The proposed revision follows the definition in recently-adopted rules for time-limited water quality standards, which is based on a definition adopted by the United States Environmental Protection Agency. IEPA Clean-Up at 13, citing 80 Fed. Reg 51047 (Aug. 21, 2015); Regulatory Relief Mechanisms: Proposed New 35 Ill. Adm. Code 104.Subpart E, R 18-18; PC 1 at 4.

Fifth, the Board proposed to revise the definition of “Publicly Regulated Treatment Works” (35 Ill. Adm. Code 301.370) by updating its statutory cross reference. The Board requested comment on this proposed revision. Board Prop. at 13. IEPA responded that this revision “is acceptable to the Agency.” IEPA Cmts. at 4; PC 1 at 5.

In addition, the Board notes the definition of “Combined Sewer Service Area,” which provides in part that “[u]ndeveloped areas within a combined sewer service area may be included in that area if deemed appropriate by the Agency pursuant to the guidelines in 35 Ill. Adm. Code 306.102.” 35 Ill. Adm. Code 301.260. However, Section 306.102, entitled “Systems Reliability,” addresses constructing facilities to minimize the risk of violations resulting from malfunctions and providing measures to prevent spilling contaminants. The Board requests that IEPA comment on whether the cross reference to Section 306.102 should be revised.

The Board also notes the definition of “Total Maximum Daily Load” or “TMDL,” which refers to load allocations and natural background, “as more fully defined at 40 CFR 130.2(i).” 35 Ill. Adm. Code 301.411. The Board requests that IEPA comment on whether to revise this definition or incorporate 40 CFR 130 or any part of it by reference in 35 Ill. Adm. Code 301.106.

In addition, the definition of “Waste Load Allocation” or “WLA” refers to a definition at 40 CFR 130.2(h) and TMDLs approved by USEPA under 40 CFR 130.7. 35 Ill. Adm. Code 301.421. The Board also requests that IEPA comment on whether to revise this definition or incorporate either of these provisions or any part of them by reference in 35 Ill. Adm. Code 301.106.

The Appendix to Part 301 consists of a table referring five current Board rules to the corresponding previous rule numbers. The Board originally proposed to delete two references to sections that it proposed to delete, and IEPA commented that this revision is acceptable. Board Prop. at 13; PC 1 at 6. However, the Board adopted this conversion table many years ago to clarify a re-codification of the Illinois rules. There are now other ways to determine the previous rule numbers, including Source Notes and electronic resources. Also, the Board repealed references to previous rules from Part 307 in 1987 (Pretreatment Regulations, R86-44 (Dec. 3, 1987)), and the Board recently repealed a similar table in another of its clean-up dockets (Noise Rule Update: Amendments to 35 Ill. Adm. Code Parts 900, 901, 902, and 910, R18-19 (Nov. 1, 2018)). Because one of its main objectives in this docket is eliminating obsolete and unnecessary provisions, the Board today proposes to repeal the entire appendix. The Board welcomes comment on this revision to its proposal for public comment.

Throughout Part 301, the Board proposed non-substantive revisions including matters of capitalization, punctuation, spelling, numerical order, gendered language, and duplication. The Board proposed additional amendments such as changing passive to active voice, avoiding unnecessary nominalizations, making regulatory cross references more precise, making the form of definitions more consistent, and using “must” to be more clearly mandatory. The Board intended that each of these proposed revisions is non-substantive, and the Board does not specifically discuss them in this opinion. IEPA’s post-hearing comments indicate that these proposed revisions generally “are acceptable to the Agency.” PC 1 at 2-6.

### **Part 302**

STORET codes appear throughout Part 302. Although the codes refer to the specific substance or form of a substance to which a standard applies, IEPA argued that the codes are “no longer a viable data system at USEPA.” IEPA Clean-Up at 19. It added that “the numeric STORET codes that appear in current Board water quality standards are no longer maintained and are of little use in instructing the reader. . . .” *Id.* IEPA indicated that, beginning in 2009, the Water Quality Exchange (WQX) has been the means to report and submit data. *Id.* IEPA argued that “[t]he legacy STORET codes that appear in Board regulations are not associated with the WQX framework and are no longer needed.” *Id.* Consequently, IEPA proposed to strike STORET numbers from the following sections: 302.204 (pH), 302.205 (Phosphorus), 302.207 (Radioactivity), 302.208 (Numerical Standards for Chemical Constituents), 302.209 (Fecal Coliform), 302.211 (Temperature), 302.212 (Total Ammonia Nitrogen), 302.306 (Fecal Coliform), 302.207 (Radium 226 and 228), 302.407 (Chemical Constituents), 302.408 (Temperature), 302.502 (Dissolved Oxygen), 302.503 (pH), 302.505 (Fecal Coliform), 302.506 (Temperature), 302.525 (Radioactivity), and 302.535 (Ammonia Nitrogen). IEPA Clean-Up at 20.

In Section 302.101 (35 Ill. Adm. Code 302.101 (Scope and Applicability)), the Board proposed to strike subsection (g). Board Prop. at 13. The Board noted that IEPA had proposed to strike virtually identical language in Section 301.105 because it is not consistent with the Secretary of State's codification of Illinois regulations and is unnecessary. *Id.*, see IEPA Clean-Up at 13 (citation omitted). The Board also noted that, throughout Part 302, it proposed to revise regulatory references to make them more precise and to make subsection (g) unnecessary. Board Prop. at 13. The Board sought comment on this proposed revision. IEPA responded that striking subsection (g) "is acceptable to the Agency." IEPA Cmts. at 4; PC 1 at 6.

IEPA proposed to revise Section 302.105. IEPA Clean-Up at 14; see 35 Ill. Adm. Code 302.105 (Antidegradation). Subsection (d)(6) refers to a 1991 publication of the Illinois Department of Conservation entitled "Biologically Significant Streams." IEPA argued that the Department of Conservation no longer exists and that its successor, the Illinois Department of Natural Resources (IDNR), does not publish a comparable document. IEPA Clean-Up at 14. IEPA added that IDNR designates biologically significant streams "through a software program which cannot be incorporated." *Id.* IEPA proposed to revise subsection (d)(6) by referring to "streams identified by the Illinois Department of Natural Resources as 'biologically significant.'" *Id.*; see PC 1 at 6.

IEPA proposed to revise Section 302.202 by striking a reference to Section 302.213, which the Board repealed in 2002. IEPA Clean-Up at 15; Board Prop. at 53; see 35 Ill. Adm. Code 302.202 (Purpose).

IEPA proposed to revise Section 302.208(e), Numeric Water Quality Standards for the Protection of Aquatic Organisms. In the key to the table establishing acute and chronic standards, IEPA proposed to clarify that the natural logarithm of hardness is measured "in mg/L as CaCO<sub>3</sub>" (calcium carbonate). IEPA Clean-Up at 15; Board Prop. at 58.

In Section 302.210, Other Toxic Substances, IEPA proposed to add to subsection (f) the heading "Challenges to application of criteria" based on a similar provision. IEPA Clean-Up at 15, citing 35 Ill. Adm. Code 302.540(g); Board Prop. at 62. IEPA also proposed to strike from subsection (f)(2) language establishing the contents of the administrative record in a permit appeal, which the Board's procedural rules address. IEPA Clean-Up at 15, citing 35 Ill. Adm. Code 105.212; Board Prop. at 63. IEPA also proposed to strike language addressing the burden of proof in an appeal, which the Act establishes. IEPA Clean-Up at 15, citing 415 ILCS 5/40(a)(1) (2020); Board Prop. at 63. IEPA also proposed to strike from subsection (g)(3), which addresses aquatic pesticides, "an outdated and unnecessary reference to the Illinois Department of Energy and Natural Resources." IEPA Clean-Up at 15; Board Prop. at 63.

For Section 302.211(f), based on the effective date of the regulation, the Board requested comment on whether the deadline of "not less than 5 nor more than 6 years after the effective date of these regulations" should be struck as obsolete or revised. Board Prop. at 13. IEPA responded that this deadline "should be struck as obsolete." IEPA Cmts. at 5. IEPA comments that the Board's proposed revisions "are acceptable." PC 1 at 7. Subsection (g) refers to "the assimilative capacity of the receiving stream as defined in the regulation above." 35 Ill. Adm. Code 302.211(g). However, "assimilative capacity" is not defined in Part 301 or 302. The

Board requests comment on whether this language refers to a demonstration under subsection (f) or whether the rules require any revision to clarify this definition.

In Section 302.212, the Board proposes to strike STORET numbers as originally suggested by IEPA. However, the Board request that IEPA comment on whether subsection (a) and (b) should retain “(as N)” and refer to “total ammonia nitrogen (as N).”

Section 302.407 includes a subsection (e) consisting of a table captioned “Numeric Water Quality Standards for the Protection of Aquatic Organisms. 35 Ill. Adm. Code 302.407(e). For the key to that table, IEPA comments that “ $\ln(H)$  = natural logarithm of Hardness in milligrams per liter” should be replaced with “ $\ln(H)$  = natural logarithm of Hardness in mg/L as  $\text{CaCO}_3$ .” PC 1 at 8. The Board’s first notice proposal includes this revision.

Section 302.407(g)(2) establishes standards for two constituents “[f]rom July 1, 2015 until July 1, 2018.” 35 Ill. Adm. Code 302.407(g)(2). Because this period has passed, IEPA comments that the Board should repeal this subsection ~~because this period has passed~~. PC 1 at 8. The Board’s first-notice proposal repeals subsection (g)(2) and re-numbers the following subsection.

Section 302.407(g)(3) repeals the standard in Subsection (g)(2) and establishes a chloride standard “[b]eginning July 1, 2018.” 35 Ill. Adm. Code 302.407(g)(3). Because it proposes to strike subsection (g)(2), IEPA comments that the Board should revise subsection (g)(3) by striking the cross reference to the repealed standards. The Board’s first-notice proposal includes this revision. Since the chloride standard in subsection (g)(3) has taken effect, the Board requests that IEPA comment on whether that standard can be added to the standards in subsection (g)(1).

Section 302.408(a) establishes temperature limits for the South Branch of the Chicago River (Bubbly Creek) that “shall not” be exceeded. 35 Ill. Adm. Code 302.408(a). The Board had proposed to revise “shall not exceed” to “must never exceed.” Board Prop. at 78. IEPA comments that “the clarity and intent of this Section is enhanced with the phrase ‘must not’, as opposed to the ‘must never’.” PC 1 at 9. The Board agrees that the proposed revision is clearly prohibitory. The Board accepts this proposed revision and includes it in its first-notice proposal.

Section 302.408(b) establishes temperature limits for waters with specified uses that “will not” be exceeded. 35 Ill. Adm. Code 302.408(b). The Board had proposed to revise “will not exceed” to “must never exceed.” Board Prop. at 79. IEPA comments that “the clarity and intent of this Section is enhanced with the phrase ‘must not’, as opposed to the ‘must never’.” PC 1 at 9. The Board agrees that the proposed revision is clearly prohibitory. The Board accepts this proposed revision and includes it in its first-notice proposal. However, this language establishes standards “[s]tarting July 1, 2015” until standards in subsection (c) through (i) become applicable on July 1, 2018. 35 Ill. Adm. Code 302.408(b). The Board requests that IEPA comment on whether to strike the second sentence of subsection (b) because the more stringent standards in subsection (c) through (i) have taken effect.

Section 302.408(f) establishes temperature limits for “representative locations in the main river” that “shall not” be exceeded. 35 Ill. Adm. Code 302.408(f). The Board had proposed to revise “shall not exceed” to “must never exceed.” Board Prop. at 79. IEPA comments that “the clarity and intent of this Section is enhanced with the phrase ‘must not’, as opposed to the ‘must never’.” PC 1 at 9. The Board agrees that the proposed revision is clearly prohibitory. The Board accepts this proposed revision and includes it in its first-notice proposal.

Section 302.408(g) establishes temperature limits for the Chicago Area Waterway System Aquatic Life Use A waters that “shall not” be exceeded. 35 Ill. Adm. Code 302.408(g). The Board had proposed to revise “shall not exceed” to “must never exceed.” Board Prop. at 79. IEPA comments that “the clarity and intent of this Section is enhanced with the phrase ‘must not’, as opposed to the ‘must never’.” PC 1 at 9. The Board agrees that the proposed revision is clearly prohibitory. The Board accepts this proposed revision and includes it in its first-notice proposal. In addition, the Board has added to subsection (g) daily maximum temperatures in Celsius consistent with 35 Ill. Adm. Code 211.

Section 302.408(h) establishes temperature limits for specified waters that “shall not” be exceeded. 35 Ill. Adm. Code 302.408(h). The Board had proposed to revise “shall not exceed” to “must never exceed.” Board Prop. at 79. IEPA comments that “the clarity and intent of this Section is enhanced with the phrase ‘must not’, as opposed to the ‘must never’.” PC 1 at 9. The Board agrees that the proposed revision is clearly prohibitory. The Board accepts this proposed revision and includes it in its first-notice proposal. In addition, the Board has added to subsection (h) daily maximum temperatures in Celsius consistent with 35 Ill. Adm. Code 211.

Section 302.408(i) establishes temperature limits for the Upper Dresden Island Pool Aquatic Life uses water that “shall not” be exceeded. 35 Ill. Adm. Code 302.408(i). The Board had proposed to revise “shall not exceed” to “must never exceed.” Board Prop. at 80. IEPA comments that “the clarity and intent of this Section is enhanced with the phrase ‘must not’, as opposed to the ‘must never’.” PC 1 at 9. The Board agrees that the proposed revision is clearly prohibitory. The Board accepts this proposed revision and includes it in its first-notice proposal. In addition, the Board has added to subsection (i) daily maximum temperatures in Celsius consistent with 35 Ill. Adm. Code 211.

Section 302.504(a) includes a table of concentration limits for various constituents. 35 Ill. Adm. Code 302.504. In that table, IEPA proposed to correct the equation for the chronic standard for arsenic. IEPA Clean-Up at 15, citing Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h) and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157, R 02-11, slip op. at 25 (Dec. 19, 2002).

In the key to that table, IEPA comments that “ $\ln(H)$  = natural logarithm of Hardness” should be clarified as “ $\ln(H)$  = natural logarithm of Hardness in mg/L as  $\text{CaCO}_3$ .” PC 1 at 10. IEPA argues that this “revision is appropriate in order to be consistent with Section 302.208(e). *Id.* The Board’s first notice proposal includes this revision.



IEPA proposed to repeal Section 302.510 because it had proposed to consolidate incorporations by reference for Subtitle C into Section 301.106. IEPA Clean-Up at 13, 16; PC 1 at 10. Throughout Part 302, IEPA proposed to replace references to Section 302.510 with references to Section 301.106.

Under “Supplemental Antidegradation Provisions for BCCs,” Section 302.521(a)(5) refers to a demonstration satisfying “the public participation requirements of 40 CFR 25.” 35 Ill. Adm. Code 302.521(a)(5). The Board requests that IEPA comment on whether that regulation should be incorporated by reference at Section 301.106.

In Section 302.530 (Supplemental Mixing Provisions for Bioaccumulative Chemicals of Concern (BCCs)), IEPA proposes revisions to the undesignated preamble that are consistent with the Board’s proposal, and the Board proposes additional clarifying revisions. Board Prop. at 102; PC 1 at 11. However, IEPA comments that the Board should eliminate each of the four designated subsections. IEPA argues that they “are outdated, since they refer to the time period of December 24, 1997 to March 23, 2007.” PC 1 at 11. For first notice, the Board declines to strike subsection (a). Because it provides that “[n]o mixing shall be allowed for BCCs for new discharges commencing on or after December 24, 1997,” the Board requests comment on whether this provision is an ongoing requirement that should not be struck as outdated. The Board also declines for first notice to strike subsections (b) through (d). Because they provide for mixing to continue beyond March 23, 2007, the Board requests comment on whether these subsections should be struck as outdated. The Board specifically requests that IEPA comment on whether this extended mixing allowance applies to any source. For first notice, the Board proposes non-substantive clarifications to these subsections.

Section 302.535 establishes ammonia nitrogen limits. 35 Ill. Adm. Code 302.535. In the undesignated preamble the Board requests that IEPA comment on whether the first sentence should refer to “ammonia nitrogen.” The Board also requests comment on whether the preamble and subsections (a) and (b) should retain “(as N)” as suggested by subsection (c) and the key to its equation. While the Board proposed to strike numerous references to a STORET Number, IEPA comments that the Board should strike a reference in subsection (b) that it had not addressed. Board Prop. at 103; PC 1 at 11. IEPA argues that it “seeks the consistent removal of all references to STORET numbers throughout Subtitle C.” PC 1 at 11. The Board’s first-notice proposal strikes this reference from subsection (b).

IEPA proposed to strike from Section 302.540(g) language establishing the contents of the administrative record in a permit appeal, which the Board’s procedural rules address. IEPA Clean-Up at 16, citing 35 Ill. Adm. Code 105.212; PC 1 at 11. IEPA also proposed to strike language addressing the burden of proof in an appeal, which the Act establishes. IEPA Clean-Up at 16, citing 415 ILCS 5/40(a)(1) (2020); PC 1 at 11.

IEPA proposed to revise Section 302.606 by striking a reference to methods approved by the American Society for Testing and Materials (ASTM) as unnecessary. IEPA Clean-Up at 17. IEPA stated that this section requires testing and other aspects of acquiring data to meet the USEPA’s or other nationally recognized standards. *Id.* IEPA argued that it is no longer necessary to specify ASTM standards. *Id.*; PC 1 at 13.

IEPA proposed to revise Section 302.612(a) by correcting a reference to Section 302.681, which does not exist, to Section 302.618. IEPA Clean-Up at 17; PC 1 at 13.

In Section 302.648, “Determining the Human Threshold Criteria,” the key to the equation refers to “areas which are determined to be public access areas pursuant to Section 302.102(b)(3).” 35 Ill. Adm. Code 302.648. However, although Section 302.102(b)(3) provides that mixing is not allowed in water adjacent to specified areas “or any other public access area,” it does not establish procedures or standard for determinations. The Board requests that IEPA comment on whether Section 302.648 should be clarified.

Part 302 includes two appendices: Appendix A refers previous rule numbers to current Board rules, and Appendix B refers current Board rules to its source in a previous rule. The Board adopted these conversion tables many years ago to clarify a re-codification of the Illinois rules. There are now other ways such as Source Notes and electronic resources to determine the previous rule numbers. Also, the Board repealed references to previous rules from Part 307 in 1987 (Pretreatment Regulations, R86-44 (Dec. 3, 1987)), and the Board recently repealed a similar table in another of its clean-up dockets (Noise Rule Update: Amendments to 35 Ill. Adm. Code Parts 900, 901, 902, and 910, R18-19 (Nov. 1, 2018)). Because one of its main objectives in this docket is eliminating obsolete and unnecessary provisions, the Board proposes to repeal these two appendices. The Board welcomes comment on this revision to its proposal for public comment.

Throughout Part 302, the Board proposed non-substantive amendments including matters of spelling, punctuation, format, and duplication. The Board proposed additional amendments such as changing passive to active voice, avoiding unnecessary nominalizations, making regulatory cross references more precise, striking unnecessary language from those references, and using “must” to be more clearly mandatory. The Board intended that each of these proposed revisions would be non-substantive, and the Board does not specifically discuss them in this opinion. IEPA’s post-hearing comments indicate that these proposed revisions generally “are acceptable to the Agency.” PC 1 at 6-14.

### **Part 303**

STORET codes appear throughout Part 303, and the Board above summarized IEPA’s position that they are outdated and unnecessary. *Supra* at 5. IEPA proposed to strike STORET codes from Sections 303.322 (Unnamed Tributary of the Vermilion River), 303.326 (Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River), 303.352 (Unnamed Tributary of Wood River Creek), 303.444 (Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River), and 303.445 (Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River). IEPA Clean-Up at 19-20.

In Section 303.100, the Board proposed to strike subsection (b) and its “Editor’s Note.” *See* 35 Ill. Adm. Code 303.100 (Scope and Applicability). IEPA proposed to strike virtually identical language in Section 301.105 because it is not consistent with the Secretary of State’s codification of Illinois regulations and is unnecessary. IEPA Clean-Up at 13 (citation omitted).

In addition, throughout Part 303, the Board proposed to revise numerous regulatory references to make them more precise and to make provision such as subsection (b) unnecessary. The Board sought comment on this proposed revision. Board Prop. at 13. IEPA responded that striking this language “is acceptable to the Agency.” IEPA Cmts. at 5; PC 1 at 14.

Section 303.206 addresses Outstanding Resource Waters. 35 Ill. Adm. Code 303.206. The Board had proposed to revise “pursuant to 35 Ill. Adm. Code” to “under 35 Ill. Adm. Code.” Board Prop. at 228. IEPA comments that the proposal must underline “under” as new language, and the first-notice proposal reflects this comment.

Section 303.230 addresses Upper Dresden Island Pool Aquatic Life Use Waters. 35 Ill. Adm. Code 303.230. In subsection (a), IEPA comments that the Board should revise “[s]uch aquatic life” to “[t]he aquatic life” so that it is consistent with the Board’s proposed revision of Section 303.235. PC 11 at 15; Board Prop. at 229, 230. The Board agrees and revises its first-notice proposal.

Section 303.322 establishes a site-specific fluoride standard for a foundry owned by the General Motors Corporation in Danville. 35 Ill. Adm. Code 303.322. The Board requests that IEPA comment on whether this facility continues to operate or whether this section could be struck as obsolete.

Section 303.353(b) provides in part that “[t]he standard of 35 Ill. Adm. Code 302.208 for the parameter below [Iron (total)] does not apply to these waters.” 35 Ill. Adm. Code 303.353. However, 35 Ill. Adm. Code 302.208 addresses dissolved iron. IEPA proposed a revision clarifying that this dissolved standard does not apply. IEPA Clean-Up at 17.

IEPA proposed to repeal the site-specific standard in Section 303.430. IEPA states that “[t]his facility’s NPDES permit was terminated on February 2, 2016,” so the standard has become unnecessary. IEPA Clean-Up at 18; PC 1 at 17.

IEPA also proposed to repeal the site-specific standard in Section 303.341 because “the facility was destroyed,” and the standard has become unnecessary. IEPA Clean-Up at 18; PC 1 at 17.

Section 303.445(a) refers to “the total dissolved solids (TDS) water quality standard for Secondary Contact and Indigenous Aquatic Life Use water in 35 Ill. Adm. Code 302.407.” Under Section 302.407(g)(3), that standard was repealed beginning July 1, 2018. Similarly, Section 303.445(b) refers to “the TDS water quality standard for General Use Waters in 35 Ill. Adm. Code 302.208,” which no longer includes that standard. 35 Ill. Adm. Code 303.445(b). The Board requests comment from IEPA on whether these two subsections should be revised.

IEPA proposed to amend Section 303.446 by striking subsection (b), (c), and (d). IEPA Clean-Up at 18. IEPA argued that, because the water quality standard for boron has changed, the relief provided in these subsections is no longer necessary to provide site-specific relief. *Id.*; PC 1 at 17. Under Section 302.208, the Board notes that the boron standard changed from a single value to two value standards: an acute standard of 40.1 mg/L and a chronic standard of 7.6

mg/L. The Board requests that IEPA comment in greater detail on why subsection (b), (c), and (d) should be repealed in light of the revised boron standard and also why subsection (a) is necessary. For first notice, the Board will retain all four subsections unchanged and propose only clarifying revisions to the undesignated preamble.

IEPA proposed to repeal Sections 303.447 and 303.448. IEPA argues that these two site-specific standards are now more stringent than the revised General Use standards for boron, so these two sections are no longer necessary to provide site-specific relief. IEPA Clean-Up at 18; PC 1 at 17-18.

Section 303.449 establishes standard for the Chicago Sanitary and Ship Canal, and the Board proposed the following revisions:

The numeric water quality standards for chloride and Total Dissolved Solids ~~inset forth at 35 Ill. Adm. Code 302.407(g)~~ do not apply to the Chicago Sanitary and Ship Canal ~~from~~ during the period of December 1 through April 30. Chloride levels in these waters must meet the numeric water quality standards for the protection of aquatic organisms of 620 mg/L as a chronic water quality standard and 990 mg/L as an acute water quality standard for chloride ~~from~~ during the period of December 1 through April 30. Board Prop. at 242.

While IEPA accepts these proposed revisions, it comments that the Board should also add the phrase “for the protection of aquatic organisms” after “April 30” and strike it after “numeric water quality standards.” PC 1 at 18. The Board agrees that this revision clarifies the section and includes in its first-notice proposal.

IEPA also comments that the Board should strike the phrase “for chloride” after “acute water quality standard.” PC 1 at 18. This sentence refers to chloride levels, and the Board agrees to strike the phrase as unnecessary.

Part 303 includes two appendices: Appendix A refers previous rule numbers to current Board rules, and Appendix B refers current Board rules to its source in a previous rule. The Board originally proposed limited revision to these appendices, and IEPA commented that they were acceptable. Board Prop. at 240-41; PC 1 at 18. The Board adopted these conversion tables many years ago to clarify a re-codification of the Illinois rules. There are now other ways such as Source Notes and electronic resources to determine the previous rule numbers. Also, the Board repealed references to previous rules from Part 307 in 1987 (Pretreatment Regulations, R86-44 (Dec. 3, 1987)), and the Board recently repealed a similar table in another of its clean-up dockets (Noise Rule Update: Amendments to 35 Ill. Adm. Code Parts 900, 901, 902, and 910, R18-19 (Nov. 1, 2018)). Because one of its main objectives in this docket is eliminating obsolete and unnecessary provisions, the Board proposes to repeal these two appendices. The Board welcomes comment on this revision to its proposal for public comment.

Throughout Part 303, the Board proposed non-substantive amendments including matters of format and duplication. The Board proposed additional amendments such making regulatory cross references more precise and using “must” to be more clearly mandatory. The Board

intended that each of these proposed revisions would be non-substantive and does not specifically discuss them in this opinion. IEPA's post-hearing comments indicate that these proposed revisions generally "are acceptable to the Agency." PC 1 at 14-18.

### **Part 304**

In Section 304.101, the Board proposed to strike subsection (b) and "Editor's Note." See 35 Ill. Adm. Code 304.101 (Preamble). IEPA proposed to strike virtually identical language in Section 301.105 because it is not consistent with the Secretary of State's codification of Illinois regulations and is unnecessary. IEPA Clean-Up at 13 (citation omitted). In addition, throughout Part 304, the Board revised numerous regulatory references to make them more precise and to make provision such as subsection (b) unnecessary. The Board sought comment on this proposed revision. Board Prop. at 13. IEPA responded that striking this language "is acceptable to the Agency." IEPA Cmts. at 5; PC 1 at 18.

STORET codes appear in Part 304, and the Board above described IEPA's position that these codes are outdated and unnecessary. *Supra* at 5. IEPA proposed to strike STORET codes from Sections 304.122 (Total Ammonia Nitrogen) and 304.123 (Phosphorus) of the Table of Contents and from Section 304.212 (Sanitary District of Decatur Discharges). IEPA Clean-Up at 19-20.

In Section 304.120 (35 Ill. Adm. Code 304.120 (Deoxygenating Wastes)), the Board sought comment on deleting the STORET numbers. Board Prop. at 13. IEPA responded that "it is appropriate to delete the STORET numbers." IEPA Cmts. at 5; PC 1 at 19.

In Section 304.123 (35 Ill. Adm. Code 304.123 (Phosphorus)), IEPA comments that "[t]he Board's proposed revisions are acceptable." PC 1 at 19. In the Board Note for subsection (f)(1), IEPA comments that the Board also should strike the phrase "for secondary contact or indigenous aquatic life waters" and then insert after the end of the current Note:

302.405(a)—South Fork of the South Branch of the Chicago River (Bubbly Creek)  
 302.405(b)---Upper Dresden Island Pool Aquatic Life Use waters  
 302.405(c)---Chicago Area Waterway System Aquatic Life Use A waters  
 302.405(d)—Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters. PC 1 at 19.

IEPA explains that the Board has replaced references to "secondary contact or indigenous aquatic life waters" with the four designations it proposes to add. *Id.*, citing Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and Lower Des Plaines River: Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D) (June 18, 2015). The Board agrees that IEPA's proposed revision clarifies the Board Note and includes it in its first-notice proposal with a limited number of non-substantive format changes.

In Section 304.124 (35 Ill. Adm. Code 304.124 (Additional Contaminants)), the Board sought comment on the STORET numbers. Board Prop. at 13. IEPA responded that “it is appropriate to delete the STORET numbers.” IEPA Cmts. at 5; PC 1 at 19.

In Section 304.125 (35 Ill. Adm. Code 304.125 (pH)), the Board sought comment on the STORET number. Board Prop. at 13. IEPA responded that “it is appropriate to delete the STORET number.” IEPA Cmts. at 6; PC 1 at 19.

In Section 304.201 (35 Ill. Adm. Code 304.201 (Wastewater Treatment Plant Discharges of The Metropolitan Water Reclamation District of Greater Chicago)), the Board sought comment on the STORET numbers. Board Prop. at 13. IEPA responded that “it is appropriate to delete the STORET numbers.” IEPA Cmts. at 6; PC 1 at 20.

In Section 304.204 (35 Ill. Adm. Code 304.204 (Schoenberger Creek: Groundwater Discharges)), the Board sought comment on the STORET numbers. Board Prop. at 13. IEPA responded that “it is appropriate to delete the STORET numbers.” IEPA Cmts. at 5; PC 1 at 20.

IEPA proposes to repeal the site-specific standard at Section 304.205. 35 Ill. Adm. Code 304.205 (John Deere Foundry Discharges). IEPA argues that “[t]his facility ceased operations in 1991,” so the standards are unnecessary. IEPA Clean-Up at 18; PC 1 at 20.

In Section 304.207 (35 Ill. Adm. Code 304.207 (Galesburg Sanitary District Deoxygenating Wastes Discharges)), the Board sought comment on STORET numbers. Board Prop. at 13. IEPA responded that “it is appropriate to delete the STORET numbers.” IEPA Cmts. at 6; PC 1 at 20.

In Section 304.208 (35 Ill. Adm. Code 304.208 (City of Lockport Treatment Plant Discharges)), the Board sought comment on the STORET numbers. Board Prop. at 13. IEPA responded that “it is appropriate to delete the STORET numbers.” IEPA Cmts. at 6; PC 1 at 20.

In Section 304.209, the Board sought comment on whether this site-specific rule correctly refers to the current owner of the site, whether it is consistent with coal combustion residuals rules at 35 Ill. Adm. Code 845, and whether it requires any revision. Board Prop. at 13; 35 Ill. Adm. Code 304.209 (Wood River Station Total Suspended Solids Discharge). IEPA responded that the reference to “Illinois Power Company” should be replaced with a reference to “CTI Development, LLC.” IEPA Cmts. at 6; PC 1 at 21.

In Section 304.210 (35 Ill. Adm. Code 304.210 (Alton Wastewater Treatment Plant Discharges)), the Board sought comment on the STORET numbers. Board Prop. at 14. IEPA responded that “it is appropriate to delete the STORET numbers.” IEPA Cmts. at 7; PC 1 at 21.

IEPA proposed to repeal the site-specific standard at Section 304.211. 35 Ill. Adm. Code 304.211 (Discharges from Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough). IEPA states that “[i]n 2007 this facility suffered a fire and explosion and never again operated. Following a site remediation, the facility’s NPDES permit was terminated on October 6, 2015.” IEPA Clean-Up at 18; PC 1 at 21.

IEPA also proposes to repeal the site-specific standard at Section 304.213. 35 Ill. Adm. Code 304.213 (PDV Midwest Refining, LLC Refinery Ammonia Discharge). IEPA argues that, by its plain language, the standard expired on December 31, 2008. IEPA Clean-Up at 19; PC 1 at 21; *see* 35 Ill. Adm. Code 304.213(g).

IEPA also proposes to repeal the site-specific standard at Section 304.214. 35 Ill. Adm. Code 304.214 (Mobil Oil Refinery Ammonia Discharge). IEPA argues that, by its plain language, the standard expired on December 31, 2007. IEPA Clean-Up at 19; PC 1 at 21; *see* 35 Ill. Adm. Code 304.214(e).

In Section 304.216, the Board sought comment on whether this site-specific rule correctly refers to the current owner of the site, whether it is consistent with coal combustion residuals rules at 35 Ill. Adm. Code 845, and whether it requires any revision. Board Prop. at 14; 35 Ill. Adm. Code 304.216 (Newton Station Suspended Solids Discharge). IEPA responded that the reference to “Central Illinois Public Service Company” should be replaced with a reference to “Illinois Power Generation Company.” IEPA Cmts. at 7; PC 1 at 21.

In Section 304.219, IEPA proposed to revise outdated references to the North Shore Sanitary District to refer to the North Shore Water Reclamation District. IEPA Clean-Up at 19, citing 70 ILCS 2305/0.5 (2020); PC 1 at 21.

Also in Section 304.219, the Board sought comment on whether deadlines in subsections (c), (d), and (e), each of which passed approximately 30 years ago, should be struck as obsolete. Board Prop. at 14. IEPA responded that these deadlines “should remain” as they are. IEPA Cmts. at 7.

In Section 304.219(g), the Board sought comment on whether a deadline of April 1, 1992, to submit a study should be struck as obsolete. Board Prop. at 14. IEPA responded that language establishing that deadline “should be deleted.” IEPA Cmts. at 7.

The Board sought comment on whether Section 304.220, which expired by its own terms on January 1, 1992, should be struck as obsolete. Board Prop. at 14; 35 Ill. Adm. Code 304.220 (East St. Louis Treatment Facility, Illinois American Water Company). IEPA responded that “it is appropriate to strike” this section. IEPA Cmts. at 7; PC 1 at 22.

For Section 304.222, IEPA comments that the second sentence should strike the term “usage.” PC 1 at 22. As the Board intended to replace that term with “using,” the first-notice proposal will strike the term as proposed by IEPA.

IEPA proposed to repeal the temporary effluent standard at Section 304.302. 35 Ill. Adm. Code 304.302 (City of Joliet East Side Wastewater Treatment Plant). IEPA argued that, by its plain language, the standard expired on January 1, 1994. IEPA Clean-Up at 19; PC 1 at 22.

IEPA also proposed to repeal the temporary effluent standard at Section 304.303. 35 Ill./Adm. Code 304.303 (Amerock Corporation, Rockford Facility). IEPA argued that, by its plain language, the standard expired on December 31, 2000. IEPA Clean-Up at 19; PC 1 at 22.

The Appendix to Part 304 consists of a table referring previous rule numbers to corresponding current Board rules. The Board originally proposed limited revision to this appendix, and IEPA commented that they were acceptable. Board Prop. at 270-71; PC 1 at 22. The Board adopted this conversion table many years ago to clarify a re-codification of the Illinois rules. There are now other ways to determine the previous rule numbers. Also, the Board repealed references to previous rules from Part 307 in 1987 (Pretreatment Regulations, R86-44 (Dec. 3, 1987)), and the Board recently repealed a similar table in another of its clean-up dockets (Noise Rule Update: Amendments to 35 Ill. Adm. Code Parts 900, 901, 902, and 910, R18-19 (Nov. 1, 2018)). Because one of its main objectives in this docket is eliminating obsolete and unnecessary provisions, the Board proposes to repeal this appendix.

Throughout Part 304, the Board proposed non-substantive amendments including matters of punctuation, format, and duplication. The Board proposed additional amendments such as changing passive to active voice, avoiding unnecessary nominalizations, making regulatory cross references more precise, striking unnecessary language from those references, and using “must” to be more clearly mandatory. The Board intended that each of these proposed revisions would be non-substantive, and the Board does not specifically discuss them in this opinion. IEPA’s post-hearing comments indicate that these proposed revisions generally “are acceptable to the Agency.” PC 1 at 18-22.

### **Part 305**

In Section 305.101, the Board proposed to strike the second and third sentences. *See* 35 Ill. Adm. Code 305.101 (Preamble). IEPA proposed to strike similar language in Section 301.105 because it is not consistent with the Secretary of State’s codification of Illinois regulations and is unnecessary. IEPA Clean-Up at 13 (citation omitted). In addition, throughout Part 305, the Board revised numerous regulatory references to make them more precise and to make language such as these two sentences unnecessary. The Board sought comment on this proposed revision. Board Prop. at 14. IEPA responded that this proposed revision “is acceptable to the Agency.” IEPA Cmts. at 8; PC 1 at 22.

The Appendix to Part 305 consists of a table referring previous rule numbers to corresponding current Board rules. The Board originally proposed limited revision to this appendix, and IEPA commented that they were acceptable. Board Prop. at 272; PC 1 at 23. The Board adopted this conversion table many years ago to clarify a re-codification of the Illinois rules. There are now other ways to determine the previous rule numbers. Also, the Board repealed references to previous rules from Part 307 in 1987 (Pretreatment Regulations, R86-44 (Dec. 3, 1987)), and the Board recently repealed a similar table in another of its clean-up dockets (Noise Rule Update: Amendments to 35 Ill. Adm. Code Parts 900, 901, 902, and 910, R18-19 (Nov. 1, 2018)). Because one of its main objectives in this docket is eliminating obsolete and unnecessary provisions, the Board proposes to repeal this appendix.



In Part 305, the Board proposed non-substantive amendments such as changing passive to active voice, avoiding unnecessary nominalizations, making regulatory cross references more precise, and using “must” to be more clearly mandatory. The Board intended that each of these proposed revisions would be non-substantive, and the Board does not specifically discuss them in this opinion. IEPA’s post-hearing comments indicate that these proposed revisions generally “are acceptable to the Agency.” PC 1 at 22-23.

### **Part 306**

In Section 306.101, the Board proposed to strike the second and third sentences addressing the form of cross references. *See* 35 Ill. Adm. Code 306.101 (Preamble). IEPA proposed to strike similar language in Section 301.105 because it is not consistent with the Secretary of State’s codification of Illinois regulations and is unnecessary. IEPA Clean-Up at 13 (citation omitted). In addition, throughout Part 306, the Board revised numerous regulatory references to make them more precise and to make language such as these two sentences unnecessary. The Board sought comment on this proposed revision. Board Prop. at 14. IEPA responded that this proposed revision “is acceptable to the Agency.” IEPA Cmts. at 8; PC 1 at 23.

In the preamble to Section 306.305 (35 Ill. Adm. Code 306.305 (Treatment of Overflows and Bypasses)), the Board sought comment on whether it would be appropriate to strike the reference to Subpart D, which IEPA proposed to repeal. Board Prop. at 14. IEPA responded that this reference should be struck and should not be replaced with a reference to any other provision. IEPA Cmts. at 8; PC 1 at 23.

In Section 306.306 (35 Ill. Adm. Code 306.306 (Compliance Dates)), the Board noted that subsections (d)(1), (d)(2), and (d)(3) are based on a grant program with an application deadline of March 1, 1977. The Board sought comment on whether it would be appropriate to strike these subsections as obsolete or to revise them. Board Prop. at 14. IEPA responded that these three subsections “should remain” as they are. IEPA Cmts. at 8; PC 1 at 23.

IEPA proposed to repeal Subpart D, Exception Procedures. IEPA noted that, under Section 306.373, “the last day for the Board to accept a petition for an exception was January 1, 1986.” IEPA Clean-Up at 20; 35 Ill. Adm. Code 306.373 (Final Date for Petitions). IEPA argued that the entire subpart of 13 sections is moot. *Id.*; PC 1 at 24-25.

IEPA also proposed to strike cross references to Subpart D from Sections 306.305 (35 Ill. Adm. Code 306.305 (Treatment of Overflows and Bypasses)) and 306.306 (35 Ill. Adm. Code 306.306 (Compliance Dates)). *Id.*

IEPA stated that Section 306.401 (35 Ill. Adm. Code 306.401 (Publication of Lists)) and IEPA’s rules at Section 392.402 (35 Ill. Adm. Code 392.402 (Notification to the Public)) both provide similar requirements for notifying the public of lists for critical review and restricted status of wastewater facilities. IEPA proposed to combine the two provisions in Section 306.401 “without proposing any change to the current process. . . .” IEPA Clean-Up at 20; PC 1 at 25.

IEPA stated that Section 306.402 (35 Ill. Adm. Code 306.402 (Restricted Status) and IEPA's rules at Sections 392.202 (35 Ill. Adm. Code 392.202 (Criteria for Placing Sewage Treatment Plants on Restricted Status)) and 392.203 (35 Ill. Adm. Code 392.203 (Criteria for Placing Sewers and Lift Stations on Restricted Status)) provide duplicate requirements concerning criteria for restricted status. IEPA proposed to combine the requirements into Section 306.402 without change "to improve readability and usability by both the Agency and the regulated public." IEPA Clean-Up at 20; PC 1 at 26.

In Section 306.403, IEPA first proposed "striking outdated citations." IEPA Clean-Up at 20; *see* 35 Ill. Adm. Code 306.403 (Critical Review). IEPA also proposed to add a subsection (b) language based on Section 392.302 of IEPA's rules. IEPA Clean-Up at 20; *see* 35 Ill. Adm. Code 392.302 (Criteria for Notification of Critical Review). IEPA comments that the Board's proposed revisions "are acceptable to the Agency." PC 1 at 26.

Also, IEPA stated that Section 306.405 (35 Ill. Adm. Code 306.405 (Notification of Restricted Status or Critical Review) and IEPA's rules at Section 392.203 (35 Ill. Adm. Code 392.203 (Criteria for Placing Sewers and Lift Stations on Restricted Status) also include duplicate requirements concerning notification of restricted status or critical review. IEPA proposed to combine the requirements in Section 306.405 without change "to improve readability and usability by both the Agency and the regulated public." IEPA Clean-Up at 21; PC 1 at 26.

Also in Section 306.405, IEPA proposed to strike a cross reference to 35 Ill. Adm. Code 390, a Part in which IEPA has not adopted rules. IEPA Clean-Up at 21.

Section 306.406 refers to appeals under Title X of the Act. IEPA argued that, while Title X includes Section 40 of the Act and general authority for the Board to decide permit appeals, Section 5(d) of the Act "gives the Board broader authority to decide appeal such as those contesting IEPA decisions on restricted status." IEPA Clean-Up at 21, citing 415 ILCS 5/5(d), 40 (2020); PC 1 at 26. IEPA proposed to revise the statutory reference by replacing Title X with Section 5(d).

IEPA proposed to repeal Section 306.407 (35 Ill. Adm. Code 306.407 (Effective Date)), which refers to this Subpart becoming "effective upon filing." IEPA argued that this section is unnecessary because "each section must be accompanied by a source note which specifies when the section is effective." IEPA Clean-Up at 21; PC 1 at 26.

The one appendix to Part 306 consists of a table referring previous rule numbers to corresponding current Board rules. The Board originally proposed limited revision to this appendix, and IEPA commented that they were acceptable. Board Prop. at 287; PC 1 at 27. The Board adopted this conversion table many years ago to clarify a re-codification of the Illinois rules. There are now other ways including Source Notes and electronic resources to determine the previous rule numbers. Also, the Board repealed references to previous rules from Part 307 in 1987 (Pretreatment Regulations, R86-44 (Dec. 3, 1987)), and the Board recently repealed a similar table in another of its clean-up dockets (Noise Rule Update: Amendments to 35 Ill. Adm. Code Parts 900, 901, 902, and 910, R18-19 (Nov. 1, 2018)). Because one of its main objectives

in this docket is eliminating obsolete and unnecessary provisions, the Board proposes to repeal this appendix.

Throughout Part 306, the Board proposed non-substantive amendments including matters of format and duplication. The Board also proposed amendments such as making regulatory cross references more precise, striking unnecessary language from those references, and using “must” to be more clearly mandatory. The Board intended that each of these proposed revisions would be non-substantive, and the Board does not specifically discuss them in this opinion. IEPA’s post-hearing comments indicate that these proposed revisions generally “are acceptable to the Agency.” PC 1 at 22-27.

### **Part 307**

Much of Part 307 consists of rules identical-in-substance to federal regulations. While the Board proposes a number of revisions, it has sought chiefly to make regulatory cross references more precise, strike unnecessary language from those references, and address technical matters such as format and spelling. The Board intends that each of these proposed revisions is non-substantive in nature. The Board also intends to maintain rules that are identical in substance to the federal rules on which they are largely based, and it does not specifically address the proposed revisions in this opinion. IEPA’s post-hearing comments indicate that these proposed revisions generally “are acceptable to the Agency.” PC 1 at 27-60.

The Board sought comment on whether to strike Section 307.1815, Sewer Discharge Criteria for the Fish Meal Processing Subcategory. The applicability provision of that section, which refers to discharges resulting from processing specific fish species on the Gulf, Atlantic, and West Coasts, indicates that it does not apply in Illinois. Board Prop. at 14-15. IEPA responded that “[t]he Board should repeal Section 307.1815, since it does not apply to any discharge in Illinois.” IEPA Cmts. at 9; PC 1 at 30; *see* 415 ILCS 5/7.2(a)(1) (2020) (“The Board shall not adopt the equivalent of USEPA rules that are not applicable to persons or facilities in Illinois. . . .”).

In Section 307.2006 (35 Ill. Adm. Code 307.2006 (Carpet Finishing)), the Board noted that it referred to “Subpart C of this Part,” which the rules do not include. The Board sought comment on a revision that would correct the cross reference. Board Prop. at 15. IEPA responded that “[t]he appropriate cross-reference that should be included in Section 307.2006 is 35 Ill. Adm. Code 307.2003.” IEPA Cmts. at 9; PC 1 at 31.

### **Part 308**

In Section 308.101, the Board proposed the strike the second and third sentences addressing the form of cross references. *See* 35 Ill. Adm. Code 308.101 (Preamble). IEPA proposed to strike similar language in Section 301.105 because it is not consistent with the Secretary of State’s codification of Illinois regulations and is unnecessary. IEPA Clean-Up at 13 (citation omitted). In addition, in Part 308 the Board revised regulatory references to make them more precise and to make language such as these two sentences unnecessary. The Board sought

comment on this proposed revision. Board Prop. at 15. IEPA responded that this proposed revision “is acceptable to the Agency.” IEPA Cmts. at 9; PC 1 at 60.

In Section 308.102, the Board noted that subsection (a) refers to a subsection (d) that this section does not include. The Board sought comment on whether this reference should be struck or revised. Board Prop. at 15. IEPA responded that the reference to subsection (d) should be deleted. IEPA Cmts. at 10; PC 1 at 60.

The Appendix to Part 308 consists of a table referring previous rule numbers to corresponding current Board rules. The Board originally proposed limited revision to this appendix. Board Prop. at 570. The Board adopted this conversion table many years ago to clarify a re-codification of the Illinois rules. There are now other ways to determine the previous rule numbers. Also, the Board repealed references to previous rules from Part 307 in 1987 (Pretreatment Regulations, R86-44 (Dec. 3, 1987)), and the Board recently repealed a similar table in another of its clean-up dockets (Noise Rule Update: Amendments to 35 Ill. Adm. Code Parts 900, 901, 902, and 910, R18-19 (Nov. 1, 2018)). Because one of its main objectives in this docket is eliminating obsolete and unnecessary provisions, the Board proposes to repeal this appendix.

In Part 308, the Board proposed non-substantive amendments including updating statutory citations, correcting cross references, striking unnecessary terms from regulatory cross references, and using “must” to be more clearly mandatory. The Board intended that each of these proposed revisions would be non-substantive, and the Board does not specifically discuss them in this opinion. IEPA’s post-hearing comments indicate that these proposed revisions generally “are acceptable to the Agency.” PC 1 at 60.

### **Part 309**

In Section 309.101, the Board proposed to strike subsection (b) and “Editor’s Note.” 35 Ill. Adm. Code 309.101 (Preamble). IEPA proposed to strike virtually identical language in Section 301.105 because it is not consistent with the Secretary of State’s codification of Illinois regulations and is unnecessary. IEPA Clean-Up at 13 (citation omitted). In addition, throughout Part 309, the Board revised numerous regulatory references to make them more precise and to make provision such as subsection (b) unnecessary. The Board sought comment on this proposed revision. Board Prop. at 15. IEPA responded that this proposed revision “is acceptable to the Agency.” IEPA Cmts. at 10; PC 1 at 60.

In Section 309.103(a)(3)(D), IEPA proposes to clarify a cross reference to incorporations by reference by citing 35 Ill. Adm. Code 301.106. IEPA Clean-Up at 21; PC 1 at 60; *see* 35 Ill. Adm. Code 309.103 (Application – General). In addition, the Board requests that IEPA comment on whether the reference to “40 CFR 122.62(a) (1994), as amended at 60 Fed. Reg. 33926, effective June 29, 1995” should be revised to reflect the incorporation of 40 CFR 122 (2017) by reference in Section 301.106.

Section 309.107(a) refers in the second sentence to “navigation” waters. The Board sought comment on whether it should refer instead to “navigable” waters as it does in the next

sentence. Board Prop. at 15. IEPA responded that the term “navigation” should be revised to “navigable.” IEPA Cmts. at 10; PC 1 at 61.

Section 309.107(b) requires IEPA to send two copies of complete NPDES permit applications to USEPA. 35 Ill. Adm. Code 309.107 (Distribution of Applications). IEPA argues that “[o]ne copy is sufficient,” and it proposes to revise the subsection to require that it send only a single copy. IEPA Clean-Up at 21; PC 1 at 61.

In Section 309.114, subsection (c) refers to 40 CFR 124.34(c). 35 Ill. Adm. Code 309.114 (Notice to Other Governmental Agencies). IEPA indicated that this federal regulation no longer exists. IEPA added that that regulation had required notice by sending a fact sheet to the District Engineer of the Army Corps of Engineers. IEPA reported that 40 CFR 124.10(c)(1)(iii) now requires instead that it provide public notice of any draft permit to relevant state or federal agencies. IEPA Clean-Up at 22. IEPA proposed to strike subsection (c) and modify subsection (d):

Unless otherwise waived~~Upon request~~, send a copy of the public notice and a copy of the fact sheet for NPDES Permit applications to any other Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources, the Advisory Council on Historic Preservation, state Historic Preservation Officers, and other appropriate government authorities, including affected States, states, or local agency, or any affected country, and provide thesuch agencies an opportunity to respond, comment, or request a public hearing under 35 Ill. Adm. Code~~pursuant to Sections 309.115-309.119. TheSuch agencies must~~ include at least the following:

- 1) The agency responsible for ~~preparingthe preparation of~~ an approved plan under~~pursuant to~~ Section 208(b) of the CWA; and
- 2) The State or interstate agency responsible for ~~preparingthe preparation of~~ a plan under~~pursuant to~~ an approved continuous planning process under Section 303(e) of the CWA. PC 1 at 61-62.

In Section 309.148, subsection (e) requires IEPA to make available a quarterly list regarding compliance according to 40 CFR 124.44(d), a provision which no longer exists. 35 Ill. Adm. Code 309.148 (Schedules of Compliance). IEPA argued that, since Section 309.148 was drafted in 1978, the corresponding federal rule has undergone significant revision and repeated re-codification. IEPA Clean-Up at 22; PC 1 at 63. Based on the outdated citation, numerous revisions of the underlying USEPA rules, and the availability of Agency documents through the Freedom of Information Act, IEPA proposed to strike subsection (e). IEPA Clean-Up at 22; PC 1 at 63. IEPA also proposed to revise subsection (f) by adding a reference to adjusted standards and time-limited water quality standards as examples of regulatory relief. IEPA Clean-Up at 23’ PC 1 at 63.

Section 309.154(c)(1) refers to “criteria promulgated by the Agency under Section 309.221,” which lists required elements of a permit application. 35 Ill. Adm. Code 309.154 (Authorization to Construct). The Board sought comment on whether this cross reference should be revised. Board Prop. at 15. IEPA initially responded the “[t]he cross-reference should be ‘Section 309.1549(c).’” IEPA Cmts. at 10. At the first hearing, the hearing officer noted that the Board’s request for comment had mistakenly referred to a subsection (d) that Section 309.154 does not include. The hearing officer requested that IEPA review its response to determine whether it wishes to revise its response or propose a different cross reference. Tr.1 at 9-10. However, IEPA comments that “[t]he Board’s proposed changes are acceptable to the Agency.” PC 1 at 64. The Board does not revise its original proposal for first notice but requests comment from IEPA on this cross reference.

Section 309.157 directs IEPA to adopt procedures consistent with “The Metals Translator: Guidance for Calculating a Total Recoverable Permit Limit from a Dissolved Criterion.” 35 Ill. Adm. Code 309.157 (Permit Limits for Total Metals). IEPA argued that the guidance itself is sufficient to determine site-specific translators and that it is not necessary for it to adopt regulations. IEPA Clean-Up at 23. IEPA proposed to strike the reference to adopting procedures. *Id.*; PC 1 at 64.

Section 309.181 requires filing a permit appeal within 30 days after IEPA action, which is not consistent with the 35-day deadline under the Act. IEPA Clean-Up at 23, citing 415 ILCS 5.40 (2020); 35 Ill. Adm. Code 309.181 (Appeal of Final Agency Action on a Permit Application). IEPA proposed to revise the appeal deadline to 35 days. IEPA Clean-Up at 23; PC 1 at 64.

Section 309.183(b) provides in its entirety that “[s]uch Agency revision shall only be made when the Agency has determined that the final compliance date shall not be extended beyond a total of 90 days as originally contained in the permit.” 35 Ill. Adm. Code 309.183(b) (Revision of Schedule of compliance). The Board sought comment on whether it would clarify this subsection by revising it to provide that, “[u]nder subsection (a), the Agency must not extend a final compliance date more than 90 days.” Board Prop. at 15. IEPA responded that this clarification “is acceptable to the Agency.” IEPA Cmts. at 10,

In Section 309.184, IEPA proposed to add a reference to adjusted standards and time-limited water quality standards, which were not available when the section was last amended. IEPA Clean-Up at 23; 35 Ill. Adm. Code 309.184 (Permit Modification Pursuant to Variance). Since the section heading refers only to a variance, IEPA proposed revising it to refer more generally to “Regulatory Relief.” IEPA Clean-Up at 23; PC 1 at 65.

Section 309.185 requires that “[t]he Agency and the Board shall assure public access to information pursuant to Section 7(b) of the Act.” 35 Ill. Adm. Code 309.185 (Public Access to Information). IEPA argued that this provision “is unnecessary because it only requires the Agency and the Board to follow the Act.” IEPA Clean-Up at 23. IEPA added that both it and the Board must comply with the Freedom of Information Act. *Id.* IEPA proposed to repeal this section. *Id.*; PC 1 at 65.

For Subpart A, Section 309.191(a) establishes a general effective date of October 24, 1977, and subsection (b) establishes an effective date for an underground injection control permit exception. 35 Ill. Adm. Code 309.191 (Effective Date). IEPA “does not believe a section stating the effective dates of this part is necessary and therefore proposes to repeal this section.” IEPA Clean-Up at 23; PC 1 at 65.

For Section 309.202(d), based on the four-year construction deadline and the 1972 effective date under Section 309.281, the Board sought comment on whether it would be appropriate to strike subsection (d) as obsolete. Board Prop. at 15; 35 Ill. Adm. Code 309.202 (Construction Permits). IEPA responded that it would not be appropriate to strike it because “[n]o other section defines the construction/modification of any pretreatment works based on the discharge of toxic pollutants, hydraulic flow received, or biological loading received.” IEPA Cmts. at 11.

For Section 309.208(a)(3), the Board sought comment on whether it should revise the cross reference to “Parts 700 et seq.” Board Prop. at 15; 35 Ill. Adm. Code 309.208 (Permits for Sites Receiving Sludge or Land Application). IEPA responded that, “[s]ince Part 700 has been repealed, the reference to ‘Parts 700 et seq. should be removed.’” IEPA Cmts. at 11; PC 1 at 66.

For Section 309.221, the Board sought comment on whether it is appropriate to update the statutory cross reference to the “Professional Engineering Practice Act of 1989.” Board Prop. at 15; 35 Ill. Adm. Code 309.221 (Applications – Contents). IEPA responded that the update is appropriate with a statutory citation of 225 ILCS 325. IEPA Cmts. at 11; PC 1 at 66.

Section 309.223 requires a permit application submitted by mail to be sent by registered or certified mail, and it also addresses hand delivery. 35 Ill. Adm. Code 309.223 (Applications – Registered or Certified Mail). IEPA proposed to “update this Section to reflect the current practices used at the Agency.” IEPA Clean-Up at 23. IEPA’s proposal provided that “[a]ll permit applications shall be mailed or delivered to the appropriate address designated by the Agency.” *Id.* The Board sought comment on whether the heading of this section should be revised to reflect IEPA’s proposed revision of the rule. Board Prop. at 15. IEPA responded that this heading should be revised to “Applications – Delivery.” IEPA Cmts. at 11. In its post-hearing comments, IEPA proposed to change the heading to “Applications – Mailed or Delivered.” PC 1 at 66. The Board also revises the Table of Contents of Part 309 as recommended by IEPA.

In Section 309.241, IEPA proposes to strike subsection (b) “because it contains a cross reference to Section 309.262, which the Agency has proposed to repeal.” PC 1 at 66.

Section 309.262 authorizes IEPA to adopt criteria for design, operation, and maintenance of water facilities. IEPA originally proposed “to repeal this Section because it has been determined to be unnecessary.” IEPA Clean-Up at 24. The Board sought comment on the determination that this section has become unnecessary. Board Prop. at 16.

IEPA responded that, “[u]pon further examination and analysis, Section 309.262 should not be repealed.” IEPA Cmts. at 11. For first notice, the Board does not propose to repeal

Section 309.262, but it proposes non-substantive clarifications. The Board notes that IEPA originally proposed to strike Section 309.241(b) because it refers to criteria adopted under Section 309.262. Because IEPA no longer proposes to repeal Section 309.262, the Board does not strike Section 309.241(b) from its first notice proposal but also revises that subsection with non-substantive clarifications.

In Section 309.265, IEPA proposed to add references to adjusted standards and time-limited water quality standards as additional examples of regulatory relief. IEPA Clean-Up at 24; 35 Ill. Adm. Code 309.265 (Approval of Federal Permits); PC 1 at 67.

IEPA proposed to repeal Section 309.266, which authorizes IEPA to “all adopt procedures reasonably necessary to perform its duties and responsibilities under this Chapter.” 35 Ill. Adm. Code 309.262. IEPA argues that this section “has been determined to be unnecessary.” IEPA Clean-Up at 24; 35 Ill. Adm. Code 309.266 (Procedures); PC 1 at 67.

IEPA proposed to repeal Section 309.281, which establishes 1972 and 1983 effective dates for Subpart B, “since it has been determined to be unnecessary.” IEPA Clean-Up at 24; 35 Ill. Adm. Code 309.281 (Effective Date); PC 1 at 67.

IEPA proposed to repeal Section 309.282 (Severability) because Subtitle C includes a severability provision at 35 Ill. Adm. Code 309.107. IEPA Clean-Up at 24; 35 Ill. Adm. Code 309.282 (Severability); PC 1 at 67.

The Appendix to Part 309 consists of a table referring previous rule numbers to corresponding current Board rules. The Board originally proposed limited revision to this appendix. Board Prop. at 619-21. The Board adopted this conversion table many years ago to clarify a re-codification of the Illinois rules. There are now other ways to determine the previous rule numbers. Also, the Board repealed references to previous rules from Part 307 in 1987 (Pretreatment Regulations, R86-44 (Dec. 3, 1987)), and the Board recently repealed a similar table in another of its clean-up dockets (Noise Rule Update: Amendments to 35 Ill. Adm. Code Parts 900, 901, 902, and 910, R18-19 (Nov. 1, 2018)). Because one of its main objectives in this docket is eliminating obsolete and unnecessary provisions, the Board proposes to repeal this appendix.

Throughout Part 309, the Board proposed non-substantive amendments including matters such as capitalization, format, gendered language, and duplication. The Board proposed additional amendments such as changing passive to active voice, avoiding unnecessary nominalizations, making regulatory cross references more precise, using “must” to be more clearly mandatory, and correcting apparent inadvertent errors. The Board intended that each of these proposed revisions would be non-substantive, and the Board does not specifically discuss them in this opinion. IEPA’s post-hearing comments indicate that these proposed revisions generally “are acceptable to the Agency.” PC 1 at-60-67.

### **Part 310**



Much of Part 310 consists of rules identical-in-substance to federal regulations. While the Board proposes a number of revisions, it has sought chiefly to make regulatory cross references more precise, strike unnecessary language from those references, and address technical matters such as format and spelling. The Board intends that each of these proposed revisions is non-substantive in nature. The Board also intends to maintain rules that are identical in substance to the federal rules on which they are largely based, and it does not specifically address the proposed revisions in this opinion. IEPA's post-hearing comments indicate that these proposed revisions generally "are acceptable to the Agency." PC 1 at 67-75.

In Section 310.110, the Board proposes non-substantive clarifications to the definition of "industrial wastewater." The revisions are intended to make the definition more consistent with the Board proposal in R 16-9 and with clarifications proposed by JCAR in that rulemaking. Wastewater Pretreatment Update, USEPA Amendments (July 1, 2015 through December 31, 2015), R 16-9 (Nov. 4, 2016) (JCAR comment).

### **Part 312**

The Board proposed to strike Section 312.100. 35 Ill. Adm. Code 312.100 (References to Other Sections). IEPA proposed to strike similar language in Section 301.105 because it is not consistent with the Secretary of State's codification of Illinois regulations and is unnecessary. IEPA Clean-Up at 13 (citation omitted). In addition, throughout Part 312, the Board revised numerous regulatory references to make them more precise and to make a provision such as Section 312.100 unnecessary. The Board sought comment on this proposed revision. Board Prop. at 16. IEPA responded that this proposed revision "is acceptable to the Agency." IEPA Cmts. at 12; PC 1 at 75.

The Appendix to Part 312 consists of a table referring previous rule numbers to corresponding current Board rules. The Board originally proposed limited revision to this appendix, which "Are acceptable to the Agency." Board Prop. at 733; PC 1 at 76. The Board adopted this conversion table many years ago to clarify a re-codification of the Illinois rules. There are now other ways to determine the previous rule numbers. Also, the Board repealed references to previous rules from Part 307 in 1987 (Pretreatment Regulations, R86-44 (Dec. 3, 1987)), and the Board recently repealed a similar table in another of its clean-up dockets (Noise Rule Update: Amendments to 35 Ill. Adm. Code Parts 900, 901, 902, and 910, R18-19 (Nov. 1, 2018)). Because one of its main objectives in this docket is eliminating obsolete and unnecessary provisions, the Board proposes to repeal this appendix.

Also in Part 312, the Board proposed non-substantive amendments including matters such as duplication, capitalization and correcting a statutory citation. The Board proposed additional amendments such as changing passive to active voice, making regulatory cross references more precise, and using "must" to be more clearly mandatory. The Board intended that each of these proposed revisions would be non-substantive, and the Board does not specifically discuss them in this opinion. IEPA's post-hearing comments indicate that these proposed revisions generally "are acceptable to the Agency." PC 1 at 75-76.

### **TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS**

As noted above under “Procedural History,” the Board on October 26, 2021, requested that DCEO perform an economic impact study of the Board’s proposal. *See* 415 ILCS 5/27(b) (2020). In a letter dated November 17, 2021, DCEO responded that it had “conducted a preliminary review of the proposed rule changes and an initial economic analysis. The proposed rule changes are administrative in nature, with no meaningful economic impact on businesses or workers based on our initial review.” DCEO respectfully declined the Board’s request to perform a study. No participant at either hearing testified or commented on the Board’s request or DCEO’s response. Tr.1 at 17; Tr.2 at 8-9.

In this proceeding, the Board intends to propose only non-substantive amendments that clarify the language of existing rules. The Board has carefully considered the record, particularly IEPA’s comments on the Board’s proposal for public comment and IEPA’s post-hearing comments. Based on the record now before it, the Board concludes that its first-notice proposal does not make substantive revisions that affect complying with existing rules. Accordingly, the Board finds that the proposal is both technically feasible and economically reasonable. *See* 415 ILCS 5/27(a) (2020). The Board further finds that these proposed non-substantive amendments would not have any adverse economic impact on the people of the State of Illinois. *See* 415 ILCS 5/27(b) (2020).

### **FILING PUBLIC COMMENTS**

*Illinois Register* publication of the Board’s first-notice proposal will start a period of at least 45 days during which any person may file a public comment with the Board, regardless of whether the person has already filed a public comment. 5 ILCS 100/5-40(b) (2020) (Illinois Administrative Procedure Act).

Public comments must be filed electronically through the Clerk’s Office On-Line (COOL) at [pcb.illinois.gov](http://pcb.illinois.gov). The Board requests that comments indicate the docket number R 18-23 of this rulemaking. Questions about electronic filing should be directed to the Board’s Clerk at 312-814-3461.

### **CONCLUSION**

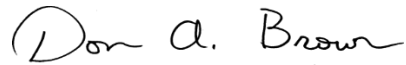
The Board concludes to propose non-substantive amendments to its water pollution rules for first-notice publication in the *Illinois Register*. The proposed amendments appear in the addendum to this opinion. The Board invites public comments on all aspects of the proposal.

### **ORDER**

The Board directs the Clerk to provide *Illinois Register* publication of the proposed first-notice amendments that appear in the addendum to this opinion.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 7, 2022, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above the printed name.

Don A. Brown, Clerk  
Illinois Pollution Control Board

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

**PART 301**  
**INTRODUCTION**

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301.101	Authority ( <u>Repealed</u> )
301.102	Policy
301.103	Repeals ( <u>Repealed</u> )
301.104	Analytical Testing
301.105	References to Other Sections ( <u>Repealed</u> )
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301.295	Interstate Waters
301.300	Intrastate Waters
301.301	Lake Michigan Lakewide Management Plan
301.305	Land Runoff
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301.311	Method Detection Level
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301.313	Metals Translator
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301.371	Quantification Level
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301.375	Sanitary Sewer
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301.405	STORET
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301.421	Wasteload Allocation
301.425	Wastewater
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301.442	Wet Weather Point Source
301.443	Whole Effluent Toxicity
Section 301.APPENDIX A References to Previous Rules ( <u>Repealed</u> )	

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 R18-23 at 46 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 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 301.102 Policy

*The General Assembly finds that pollution of the waters of this State constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish, and aquatic life, impairs domestic, agricultural, industrial, recreational, and other legitimate beneficial uses of water, depresses property values, and offends the senses [415 ILCS 5/11(a)(1)].* ~~The General Assembly has found that water pollution "constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish, and aquatic life, impairs domestic, agricultural, industrial, recreational, and other legitimate beneficial uses of water, depresses property values, and offends the senses".~~ It is the purpose of these rules and regulations to designate the uses for which the various waters of the State will ~~shall~~ be maintained and protected; to prescribe the water quality standards required to sustain the designated uses; to establish effluent standards to limit the contaminants discharged to the waters; and to prescribe additional regulations necessary for implementing, achieving and maintaining the prescribed water quality. It is also the purpose of these regulations ~~Regulations~~ to meet the requirements of Section 402 of the Clean Water Act.

(Source: Amended at 46 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 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.104 Analytical Testing**

All methods ~~to collect, preserve, and analyze samples of sample collection, preservation, and analysis~~ used in applying any of the requirements of this ~~Subtitle will~~ Chapter shall be consistent with United States Environmental Protection Agency's current manual of practice or with other procedures acceptable to USEPA and the Agency.

(Source: Amended at 46 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 46 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, 21<sup>st</sup> 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/600/8-85/004FA.~~

~~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:

40 CFR 122 (2017)

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

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 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.107 Severability**

If any provision of this Subtitle ~~or its~~ ~~is adjudged invalid, or if the application thereof to any person or in any circumstance is adjudged invalid, that adjudication will~~ ~~such invalidity shall not affect the validity of this Subtitle as a whole, or any portion~~ ~~Part, Subpart, Section, subsection, sentence or clause thereof not adjudged invalid.~~

(Source: Amended at 46 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(c) of the Act)~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.200 Definitions**

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

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.210 Administrator**

"Administrator" means the Administrator of the United States Environmental Protection Agency or his or her designee.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.221 Area of Concern**

"Area of Concern" or "AOC" is an area specially designated for remediation efforts.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.231 Bioaccumulative Chemicals of Concern**

"Bioaccumulative Chemicals of Concern" or "BCC" means a chemical or class of chemicals meeting the definition at 35 Ill. Adm. Code 302.501.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.260 Combined Sewer Service Area**

"Combined Sewer Service Area" ~~means~~ Means a specific geographical drainage area served by a combined sewer system. Areas served by separate sewer systems which enter the combined system are not included. Undeveloped areas within a combined sewer service area may be included in that area if deemed appropriate by the Agency ~~under~~ pursuant to the guidelines in 35 Ill. Adm. Code 306.102.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.275 Effluent**

"Effluent" means any wastewater discharged, directly or indirectly, to the waters of the State or to any storm sewer, and the runoff from land used for the disposition of wastewater or sludges, but does not otherwise include nonpoint source discharges such as runoff from land or any livestock management facility or livestock ~~waste handling~~ wastewater handling facility subject to regulation under Subtitle E.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.280 Hearing Board**

"Hearing Board" ~~means shall mean~~ an Agency hearing board of one or more employees, appointed by the Director ~~under 35 Ill. Adm. Code in accordance with the requirements of Section 309.115(c), which conducts shall conduct~~ public hearings and ~~makes make~~ recommendations to the Agency with respect to ~~issuing or denying the issuance or denial of~~ issuing or denying NPDES permits.

(Source: Amended at 46 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 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.295 Interstate Waters**

"Interstate Waters" ~~are area~~ are all waters which cross or form part of the border between Illinois and other states.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.301 Lake Michigan Lakewide Management Plan**

"Lake Michigan Lakewide Management Plan" or "LaMP" is a plan to manage the Illinois portion of Lake Michigan as approved by USEPA.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.311 Method Detection Level**

"Method Detection Level" is the minimum concentration of an analyte (substance) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero as determined by the procedure set forth in Appendix B of 40 CFR 136 (2017), incorporated by reference in 35 Ill. Adm. Code 301.106.

(Source: Amended at 46 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 301.106 ~~302.510~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.325 NPDES**

"NPDES" means the National Pollutant Discharge Elimination System for issuing, establishing conditions for, and denying permits under Section 402 of the CWA. All terms used in connection with NPDES ~~that which~~ which have been defined in the CWA or regulations adopted under ~~it thereunder shall~~ have the meanings specified ~~therein~~, unless specifically noted otherwise.

(Source: Amended at 46 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 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.340 Pollutant**

"Pollutant" means dredged: ~~Dredged~~ spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. This term does not mean:

- a) 'sewage from vessels' within the meaning of the CWA; or
- b) water, gas, or other material which is injected into a well to facilitate production and disposed of in a well, if the well, used either to facilitate production or for disposal purposes, is approved by the Department of Natural Resources, Office of Mines and Minerals, and if the Office~~Department~~ of Mines and Minerals determines that such injection or disposal will not result in the degradation of ground or surface water resources.

(Source: Amended at 46 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.~~

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.346 Preliminary Effluent Limitation**

"Preliminary Effluent Limitation" or "PEL" is an estimate of an allowable discharge considering~~taking into consideration~~ mixing or dilution.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.350 Pretreatment Works**

"Pretreatment Works" means a treatment works designed and intended to treat for the treatment ~~of~~ wastewater from an indirect discharge or industrial user as defined in 40 CFR 403, before it is introduced~~introduction~~ into a sewer system tributary to a publicly owned or publicly regulated treatment works.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.356 Projected Effluent Quality**

"Projected Effluent Quality" or "PEQ" is the amount of a contaminant estimated to be discharged by a facility or activity considering~~taking into account~~ statistical analysis of the discharge or activity.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.365 Publicly Owned Treatment Works**

"Publicly Owned Treatment Works" ~~means a~~ treatment works owned by a municipality, sanitary district, county or state agency, and which treats domestic and industrial wastes collected by a publicly owned or regulated sewer system. Industrial treatment works which are publicly owned and financed by bond issues of public agencies are not included in this definition.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.370 Publicly Regulated Treatment Works**

"Publicly Regulated Treatment Works" means those otherwise private companies ~~that which~~ are regulated as public utilities engaged in the disposal of domestic and industrial wastes and regulated ~~as such~~ by the Illinois Commerce Commission, under the Public Utilities Act [220 ILCS 5/1-101 et seq.] pursuant to "an Act concerning public utilities" approved June 29, 1921, effective July 21, 1921, as amended. (Ill. Rev. Stat. 1979, ch. 111 2/3, pars. 1 et seq.)

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.371 Quantification Level**

"Quantification Level" is a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure 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 ~~301.106~~ 302.510.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.372 Reasonable Potential Analysis**

"Reasonable Potential Analysis" or "Reasonable Potential to Exceed" means the procedure to predict whether an existing or future discharge would cause or contribute to a violation of water quality standards, criteria or values.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.373 Same Body of Water**

"Same Body of Water" means that, for purposes of evaluating intake toxic substances consistent with 35 Ill. Adm. Code 352.425, the Agency will consider intake toxic substances to be from the same body of water if the Agency finds that the intake toxic substance would have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee and there is a direct hydrological connection between the intake and the discharge points. ~~Despite~~~~Notwithstanding~~ the provisions of this definition, an intake toxic substance ~~will shall~~ be considered to be from the same body of water if the permittee's intake point is located on Lake Michigan and the outfall point is located on a tributary of Lake Michigan. In this situation, the background concentration of the toxic substance in the receiving water ~~must shall~~ be similar to or greater than that in the intake water and the difference, if any, between the water quality characteristics of the intake and receiving water ~~must shall~~ not result in an adverse impact on the receiving water.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.395 Sludge**

"Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial ~~commercial~~, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.400 Standard of Performance**

"Standard of Performance" means a standard ~~for the control of the discharge of pollutants,~~ promulgated by the Administrator ~~under pursuant to~~ Section 306 of the CWA, for the control of the discharge of pollutants, which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.411 Total Maximum Daily Load**

"Total Maximum Daily Load" or "TMDL" is the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background, as more fully defined at 40 CFR 130.2(i). A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water body and still assure attainment and maintenance of water quality standards.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.421 Wasteload Allocation**



"Waste Load Allocation" or "WLA" is the portion of receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution, as more fully defined at 40 CFR 130.2(h). In the absence of a TMDL approved by USEPA ~~underpursuant to 40 CFR 130.7~~ or an assessment and remediation plan developed and approved ~~according to in accordance with~~ procedure 3.A of Appendix F of 40 CFR 132, incorporated by reference at 35 Ill. Adm. Code 301.106, a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.430 Wastewater Source**

"Wastewater Source" ~~means~~ ~~Means~~ any equipment, facility, or other source of any type whatsoever which discharges wastewater, directly or indirectly to the waters of the State.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.441 Water Quality Based Effluent Limitation**

"Water Quality Based Effluent Limitation" or "WQBEL" is a limit imposed in a permit so that the applicable water quality standard, criteria or value is not exceeded outside of a designated mixing zone.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.442 Wet Weather Point Source**

"Wet Weather Point Source" means any discernible, confined and discrete conveyance from which pollutants are, or may be, discharged as the result of a wet weather event. Discharges from wet weather point sources ~~must shall~~ include only: discharges of stormwater from a municipal separate storm sewer as defined at 40 CFR 122.26(b)(8); incorporated by reference at 35 Ill. Adm. Code 301.106, stormwater discharge associated with industrial activity as defined at 40 CFR 122.26(b)(14); incorporated by reference at 35 Ill. Adm. Code 301.106, discharges of stormwater and sanitary wastewaters (domestic, commercial, and industrial) from a combined sewer overflow; or any other stormwater discharge for which a permit is required under Section 402(p) of the Clean Water Act. A stormwater discharge associated with industrial activity that is mixed with process wastewater will shall not be considered a wet weather point source.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 301.443 Whole Effluent Toxicity**

"Whole Effluent Toxicity" or "WET" means a test procedure that determines the effect of an effluent on aquatic life.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**APPENDIX  
REFERENCES TO PREVIOUS RULES (Repealed)**

<del>Rule 101</del>	<del>Section 301.101</del>
<del>Rule 102</del>	<del>Section 301.102</del>
<del>Rule 103</del>	<del>Section 301.103</del>
<del>Rule 104</del>	<del>Section 301.200 et seq.</del>
<del>Rule 105</del>	<del>Section 301.104</del>

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

**PART 302  
WATER QUALITY STANDARDS**

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**AUTHORITY:** Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b), and 27].

**SOURCE:** Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended at R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended at R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990; amended in R88-21(B) at 14 Ill. Reg. 11974, effective July 9, 1990; amended in R94-1(A) at 20 Ill. Reg. 7682, effective May 24, 1996; amended in R94-1(B) at 21 Ill. Reg.

370, effective December 23, 1996; expedited correction at 21 Ill. Reg. 6273, effective December 23, 1996; amended in R97-25 at 22 Ill. Reg. 1356, effective December 24, 1997; amended in R99-8 at 23 Ill. Reg. 11249, effective August 26, 1999; amended in R01-13 at 26 Ill. Reg. 3505, effective February 22, 2002; amended in R02-19 at 26 Ill. Reg. 16931, effective November 8, 2002; amended in R02-11 at 27 Ill. Reg. 166, effective December 20, 2002; amended in R04-21 at 30 Ill. Reg. 4919, effective March 1, 2006; amended in R04-25 at 32 Ill. Reg. 2254, effective January 28, 2008; amended in R07-9 at 32 Ill. Reg. 14978, effective September 8, 2008; amended in R11-18 at 36 Ill. Reg. 18871, effective December 12, 2012. ; amended in R11-18(B) at 37 Ill. Reg. 7493 effective May 16, 2013, amended at in R08-09(D) at 39 Ill. Reg. 9388, effective July 1, 2015; amended in R18-23 at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## **SUBPART A: GENERAL WATER QUALITY PROVISIONS**

### **Section 302.100 Definitions**

Unless otherwise specified, the definitions of the Environmental Protection Act (Act) [415 ILCS 5] and 35 Ill. Adm. Code 301 apply to this Part. As used in this Part, each of the following definitions has the specified meaning.

"Acute Toxicity" means the capacity of any substance or combination of substances to cause mortality or other adverse effects in an organism resulting from a single or short-term exposure to the substance.

"Adverse Effect" means any gross or overt effect on an organism, including but not limited to reversible histopathological damage, severe convulsions, irreversible functional impairment and lethality, as well as any non-overt effect on an organism resulting in functional impairment or pathological lesions which may affect the performance of the whole organism, or which reduces an organism's ability to respond to an additional challenge.

"Chronic Toxicity" means the capacity of any substance or combination of substances to cause injurious or debilitating effects in an organism which result from exposure for a time period representing a substantial portion of the natural life cycle of that organism, including but not limited to the growth phase, the reproductive phases or such critical portions of the natural life cycle of that organism.

"Criterion" means the numerical concentration of one or more toxic substances derived in ~~compliance accordance~~ with the procedures in Subpart F of this Part which, if not exceeded, would assure compliance with the narrative toxicity standard of 35 Ill. Adm. Code Section 302.210 ~~of this Part~~.

"Early Life Stages" of fish means the pre-hatch embryonic period, the post-hatch free embryo or yolk-sac fry, and the larval period, during which the organism feeds. Juvenile fish, which are anatomically similar to adults, are not considered an early life stage.

"Hardness" means a water quality parameter or characteristic consisting of the sum of calcium and magnesium concentrations expressed in terms of equivalent milligrams per liter as calcium carbonate. Hardness is measured in compliance accordance with methods specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 301.106.

"Mixing Zone" means a portion of the waters of the State identified as a region within which mixing is allowed under 35 Ill. Adm. Code~~pursuant to Section 302.102(d) of this Part.~~

"Thermocline" means the plane of maximum rate of decrease of temperature with respect to depth in a thermally stratified body of water.

"Total Residual Chlorine" or "TRC" means those substances which include combined and uncombined forms of both chlorine and bromine and which are expressed, by convention, as an equivalent concentration of molecular chlorine. TRC is measured in compliance accordance with methods specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 301.106.

"Toxic Substance" means a chemical substance that causes adverse effects in humans, or in aquatic or terrestrial animal or plant life. Toxic substances include, but are not limited to, those substances listed in 40 CFR 302.4, incorporated by reference in 35 Ill. Adm. Code 301.106, or any "chemical substance" as defined by the Illinois Chemical Safety Act [430 ILCS 45]

"ZID" or "Zone of Initial Dilution" means a portion of a mixing zone, identified pursuant to 35 Ill. Adm. Code~~Section 302.102(e) of this Part~~, within which acute toxicity standards need not be met.

(Source: Amended at 46 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

### **Section 302.101 Scope and Applicability**

- a) This Part contains ~~schedules~~ of water quality standards which apply~~are applicable~~ throughout the State as designated in 35 Ill. Adm. Code 303. Site specific water quality standards are found with the water use designations in 35 Ill. Adm. Code 303.
- b) Subpart B contains general use water quality standards which must be met in waters of the State for which there is no specific use designation (35 Ill. Adm. Code 303.201).
- c) Subpart C contains the public and food processing water supply standards. These are cumulative with Subpart B and must be met by all designated waters at the

point at which water is drawn for treatment and distribution as a potable supply or for food processing (35 Ill. Adm. Code 303.202).

- d) Subpart D contains the Chicago Area Water System and the Lower Des Plaines River water quality standards. These standards must be met only by certain waters designated in 35 Ill. Adm. Code 303.204, 303.220, 303.225, 303.227, 303.230, 303.235, 303.240 and 303.449. Subpart D also contains water quality standards applicable to indigenous aquatic life waters found only in the South Fork of the South Branch of the Chicago River (Bubbly Creek).
- e) Subpart E contains the Lake Michigan Basin water quality standards. These must be met in the waters of the Lake Michigan Basin as designated in 35 Ill. Adm. Code 303.443.
- f) Subpart F contains the procedures for determining each of the criteria designated in 35 Ill. Adm. Code Sections 302.210 and 302.410.
- g) ~~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: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.102 Allowed Mixing, Mixing Zones and ZIDs**

- a) Whenever a water quality standard is more restrictive than its corresponding effluent standard, or where there is no corresponding effluent standard specified at 35 Ill. Adm. Code 304, an opportunity will shall be allowed for compliance with 35 Ill. Adm. Code 304.105 by mixture of an effluent with its receiving waters, provided the discharger has made every effort to comply with the requirements of 35 Ill. Adm. Code 304.102.
- b) The portion, volume and area of any receiving waters within which mixing is allowed pursuant to subsection (a) must shall be limited by the following:
  - 1) Mixing must be confined in an area or volume of the receiving water no larger than the area or volume which would result after incorporation of outfall design measures to attain optimal mixing efficiency of effluent and receiving waters. These measures may include the, but are not limited to, use of diffusers and engineered location and configuration of discharge points.
  - 2) Mixing is not allowed in waters which include a tributary stream entrance if the mixing occludes the tributary mouth or otherwise restricts the movement of aquatic life into or out of the tributary.



- 3) Mixing is not allowed in water adjacent to bathing beaches, bank fishing areas, boat ramps or dockages or any other public access area.
- 4) Mixing is not allowed in waters containing mussel beds, endangered species habitat, fish spawning areas, areas of important aquatic life habitat, or any other natural features vital to the well being of aquatic life in such a manner that ~~maintaining the maintenance~~ of aquatic life in the body of water as a whole would be adversely affected.
- 5) Mixing is not allowed in waters that contain intake structures of public or food processing water supplies, points of withdrawal of water for irrigation, or watering areas accessed by wild or domestic animals.
- 6) Mixing must allow for a zone of passage for aquatic life in which water quality standards are met. However, a zone of passage is not required in receiving streams that have zero flow for at least seven consecutive days recurring on average in nine years out of 10.
- 7) The area and volume in which mixing occurs, alone or in combination with other areas and volumes of mixing, must not intersect any area of any body of water in such a manner that the maintenance of aquatic life in the body of water as a whole would be adversely affected.
- 8) The area and volume in which mixing occurs, alone or in combination with other areas and volumes of mixing must not contain more than 25% of the cross-sectional area or volume of flow of a stream except for those streams for which the dilution ratio is less than 3:1. In streams where the dilution ratio is less than 3:1, the volume in which mixing occurs, alone or in combination with other volumes of mixing, must not contain more than 50 % of the volume flow unless an applicant for an NPDES permit demonstrates, pursuant to subsection (d), that an adequate zone of passage is provided for pursuant to subsection (b)(6).
- 9) No mixing is allowed when the water quality standard for the constituent in question is already violated in the receiving water.
- 10) No body of water may be used totally for mixing of single outfall or combination of outfalls, except as provided in subsection (b)(6).
- 11) Single sources of effluents that have more than one outfall ~~must~~ shall be limited to a total area and volume of mixing no larger than that allowable if a single outfall were used.
- 12) The area and volume in which mixing occurs must be as small as is practicable under the limitations prescribed in this subsection (b), and in

no circumstances may the mixing encompass a surface area larger than 26 acres.

- c) All water quality standards of this Part must be met at every point outside of the area and volume of the receiving water within which mixing is allowed. The acute toxicity standards of this Part must be met within the area and volume within which mixing is allowed, except as provided in subsection (e).
- d) Pursuant to the procedures of Section 39 of the Act and 35 Ill. Adm. Code 309, a person may apply to the Agency to include as a condition in an NPDES permit formal definition of the area and volume of the waters of the State within which mixing is allowed for the NPDES discharge in question. The defined area and volume of allowed mixing shall constitute a "mixing zone" for the purposes of 35 Ill. Adm. Code: Subtitle C. Upon proof by the applicant that a proposed mixing zone conforms with the requirements of Section 39 of the Act, this section and any additional limitations as may be imposed by the Clean Water Act (CWA) (33 USC 1251 et seq.), the Act or Board regulations, the Agency ~~must~~ shall, ~~underpursuant to~~ Section 39(b) of the Act, include within the NPDES permit a condition defining the mixing zone.
- e) ~~Under Pursuant to~~ Pursuant to the procedures of Section 39 of the Act and 35 Ill. Adm. Code 309, a person may apply to the Agency to include as a condition in an NPDES permit a ZID as a component portion of a mixing zone. The ZID ~~must~~ shall, ~~at a minimum,~~ be limited to waters within which effluent dispersion is immediate and rapid. For the purposes of this subsection, "immediate" dispersion means an effluent's merging with receiving waters without delay in time after its discharge and within close proximity of the end of the discharge pipe, so as to minimize the length of exposure time of aquatic life to undiluted effluent, and "rapid" dispersion means an effluent's merging with receiving waters so as to minimize the length of exposure time of aquatic life to undiluted effluent. Upon proof by the applicant that a proposed ZID conforms with the requirements of Section 39 of the Act and this Section, the Agency ~~must~~ undershall, ~~pursuant to~~ Section 39(b) of the Act, include within the NPDES permit a condition defining the ZID.
- f) ~~Under Pursuant to~~ Pursuant to Section 39 of the Act and 35 Ill. Adm. Code 309.103, an applicant for an NPDES permit ~~must~~ shall submit data to allow the Agency to determine that the nature of any mixing zone or mixing zone in combination with a ZID conforms with the requirements of Section 39 of the Act and of this Section. A permittee may appeal Agency determinations concerning a mixing zone or ZID ~~underpursuant to~~ the procedures of Section 40 of the Act and 35 Ill. Adm. Code 309.181.
- g) When a mixing zone is defined in an NPDES permit, the waters within that mixing zone, for the duration of that NPDES permit, ~~constitutes~~ shall constitute the sole waters within which mixing is allowed for the permitted discharge. It ~~will~~ shall not be a defense in any action brought pursuant to 35 Ill. Adm. Code

304.105 that the area and volume of waters within which mixing may be allowed pursuant to subsection (b) is less restrictive than the area or volume or waters encompassed in the mixing zone.

- h) When a mixing zone is explicitly denied in a NPDES permit, no waters may be used for mixing by the discharge to which the NPDES permit applies, all other provisions of this Section notwithstanding.
- i) Where an NPDES permit is silent on the matter of a mixing zone, or when no NPDES permit is in effect, the burden of proof ~~will~~shall be on the discharger to demonstrate compliance with this Section in any action brought pursuant to 35 Ill. Adm. Code 304.105.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.103 Stream Flows**

Except as otherwise provided in this Chapter, the water quality standards in this Part ~~shall~~ apply at all times except during periods when flows are less than the average minimum seven day low flow which occurs once in ten years.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.105 Antidegradation**

This ~~The purpose of this~~ Section protects ~~is to protect~~ existing uses of all waters of the State of Illinois, maintains ~~maintain~~ the quality of waters with quality that is better than water quality standards, and prevents ~~prevent~~ unnecessary deterioration of waters of the State.

#### a) Existing Uses

Uses actually attained in a surface water body or water body segment on or after November 28, 1975, whether or not they are included in the water quality standards, must be maintained and protected. Examples of degradation of existing uses of the waters of the State include:

- 1) an action that would result in the deterioration of the existing aquatic community, such as a shift from a community of predominantly pollutant-sensitive species to pollutant-tolerant species or a loss of species diversity;
- 2) an action that would result in a loss of a resident or indigenous species whose presence is necessary to sustain commercial or recreational activities; or
- 3) an action that would preclude continued use of a surface water body or water body segment for a public water supply or for recreational or

commercial fishing, swimming, paddling or boating.

b) Outstanding Resource Waters

- 1) Waters that are designated as Outstanding Resource Waters (ORWs) pursuant to 35 Ill. Adm. Code 303.205 and listed in 35 Ill. Adm. Code 303.206 must not be lowered in quality except as provided below:
  - A) Activities that result in short-term, temporary (i.e., weeks or months) lowering of water quality in an ORW; or
  - B) Existing site stormwater discharges that comply with applicable federal and State stormwater management regulations and do not result in a violation of any water quality standards.
- 2) Any activity in subsection (b)(1)(A) or (b)(1)(B) that requires a National Pollutant Discharge Elimination System (NPDES) permit or a Clean Water Act (CWA) Section 401 certification must also comply with subsection (c)(2).
- 3) Any activity listed in subsection (b)(1) or any other proposed increase in pollutant loading to an ORW must also meet the following requirements:
  - A) All existing uses of the water will be fully protected; and
  - B) Except for activities falling under one of the exceptions provided in subsection (b)(1)(A) or (B) above:
    - i) The proposed increase in pollutant loading is necessary for an activity that will improve water quality in the ORW; and
    - ii) The improvement could not be practicably achieved without the proposed increase in pollutant loading.
- 4) Any proposed increase in pollutant loading requiring an NPDES permit or a CWA 401 certification for an ORW must be assessed pursuant to subsection (f) to determine compliance with this Section.

c) High Quality Waters

- 1) Except as otherwise provided in subsection (d) ~~of this Section~~, waters of the State whose existing quality is better than any of the established standards of this Part must be maintained in their present high quality, unless the lowering of water quality is necessary to accommodate important economic or social development.

- 2) The Agency must assess any proposed increase in pollutant loading that necessitates a new, renewed or modified NPDES permit or any activity requiring a CWA Section 401 certification to determine compliance with this Section. The assessment to determine compliance with this Section must be made on a case-by-case basis. In making this assessment, the Agency must:
- A) Consider the fate and effect of any parameters proposed for an increased pollutant loading.
  - B) Assure the following:
    - i) The applicable numeric or narrative water quality standard will not be exceeded as a result of the proposed activity;
    - ii) All existing uses will be fully protected;
    - iii) All technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and
    - iv) The activity that results in an increased pollutant loading will benefit the community at large.
  - C) ~~Use~~Utilize the following information sources, when available:
    - i) Information, data or reports available to the Agency from its own sources;
    - ii) Information, data or reports supplied by the applicant;
    - iii) Agency experience with factually similar permitting scenarios; and
    - iv) Any other valid information available to the Agency.
  - d) Activities Not Subject to a Further Antidegradation Assessment

The following activities will not be subject to a further antidegradation assessment ~~under~~pursuant to subsection (c) ~~of this Section.~~

- 1) Short-term, temporary (i.e., weeks or months) lowering of water quality;
- 2) Bypasses that are not prohibited at 40 CFR 122.41(m), incorporated by reference at 35 Ill. Adm. Code 301.106;

- 3) Response actions ~~underpursuant to~~ the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, corrective actions, ~~underpursuant to~~ the Resource Conservation and Recovery Act (RCRA), as amended, or similar federal or State authority, taken to alleviate a release into the environment of hazardous substances, pollutants or contaminants which may pose a danger to public health or welfare;
  - 4) Thermal discharges that have been approved through a CWA Section 316(a) demonstration;
  - 5) New or increased discharges of a non-contact cooling water:
    - A) without additives, except as provided in subsection (d)(5)(B), returned to the same body of water from which it was taken, as defined by 35 Ill. Adm. Code 352.104, provided that the discharge complies with applicable Illinois thermal standards; or
    - B) containing chlorine when the non-contact cooling water is treated to remove residual chlorine, and returned to the same body of water from which it was taken, as defined in 35 Ill. Adm. Code 352.104, provided that the discharge complies with applicable Illinois thermal and effluent standards at 35 Ill. Adm. Code 302, 303, and 304;
  - 6) Discharges permitted under a current general NPDES permit as provided by 415 ILCS 5/39(b) or a nationwide or regional CWA Section 404 permit are not subject to facility-specific antidegradation review; however, the Agency must assure that individual permits or certifications are required prior to all new pollutant loadings or hydrological modifications that necessitate a new, renewed or modified NPDES permit or CWA Section 401 certification that affects waters of particular biological significance, which may include streams identified by the Illinois Department of Natural Resources as "biologically significant". ~~Waters of particular biological significance may include streams listed in a 1991 publication by the Illinois Department of Conservation entitled "Biologically Significant Illinois Streams";~~ or
  - 7) ~~Changing or including~~ Changes to or inclusion of a new permit limitation that does not result in an actual increase of a pollutant loading, such as those stemming from improved monitoring data, new analytical testing methods, new or revised technology or water quality based effluent limits.
- e) Lake Michigan Basin

Waters in the Lake Michigan basin as identified in 35 Ill. Adm. Code 303.443 are also subject to the requirements applicable to bioaccumulative chemicals of concern found at 35 Ill. Adm. Code Section 302.521 ~~of this Part~~.

f) Antidegradation Assessments

In conducting an antidegradation assessment ~~underpursuant to~~ this Section, the Agency must comply with the following procedures.

- 1) A permit application for any proposed increase in pollutant loading that necessitates the issuance of a new, renewed, or modified NPDES permit or a CWA Section 401 certification must include, to the extent necessary for the Agency to determine that the permit application meets the requirements of this Section, the following information:
  - A) Identification and characterization of the water body affected by the proposed load increase or proposed activity and the existing water body's uses. Characterization must address physical, biological and chemical conditions of the water body.
  - B) Identification and quantification of the proposed load increases for the applicable parameters and of the potential impacts of the proposed activity on the affected waters.
  - C) The purpose and anticipated benefits of the proposed activity. Such benefits may include:
    - i) Providing a centralized wastewater collection and treatment system for a previously unsewered community;
    - ii) ~~Expanding~~Expansion to provide service for anticipated residential or industrial growth consistent with a community's long range urban planning;
    - iii) ~~Adding~~Addition of a new product line or production increase or modification at an industrial facility; or
    - iv) ~~Increasing or retaining~~An increase or the retention of current employment levels at a facility.
  - D) Assessments of alternatives to proposed increases in pollutant loading or activities subject to Agency certification ~~underpursuant to~~ Section 401 of the CWA that result in less of a load increase, no load increase or minimal environmental degradation. Such alternatives may include:

- i) Additional treatment levels, including no discharge alternatives;
    - ii) Discharge of waste to alternate locations, including publicly-owned treatment works and streams with greater assimilative capacity; or
    - iii) Manufacturing practices that incorporate pollution prevention techniques.
  - E) Any additional information the Agency may request.
  - F) Proof that a copy of the application has been provided to the Illinois Department of Natural Resources.
- 2) The Agency must complete an antidegradation assessment in ~~compliance accordance~~ with the provisions of this Section on a case-by-case basis.
- A) The Agency must consider the criteria stated in 35 Ill. Adm. Code Section 302.105(c)(2).
  - B) The Agency must consider the information provided by the applicant ~~underpursuant to~~ subsection (f)(1).
  - C) After its assessment, the Agency must produce a written analysis addressing the requirements of this Section and provide a decision yielding one of the following results:
    - i) If the proposed activity meets the requirements of this Section, then the Agency must proceed with public notice of the NPDES permit or CWA Section 401 certification and include the written analysis as a part of the fact sheet accompanying the public notice;
    - ii) If the proposed activity does not meet the requirements of this Section, then the Agency must provide a written analysis to the applicant and must be available to discuss the deficiencies that led to the disapproval. The Agency may suggest methods to remedy the conflicts with the requirements of this Section;
    - iii) If the proposed activity does not meet the requirements of this Section, but some lowering of water quality is allowable, then the Agency will contact the applicant with the results of the review. If the reduced loading increase is



acceptable to the applicant, upon the receipt of an amended application, the Agency will proceed to public notice; or if the reduced loading increase is not acceptable to the applicant, the Agency will transmit its written review to the applicant in the context of an NPDES permit denial or a CWA Section 401 certification denial.

- 3) The Agency will conduct public notice and public participation through the public notice procedures found in 35 Ill. Adm. Code 309.109 or CWA Section 401 certifications. The Agency must incorporate the following information into a fact sheet accompanying the public notice:
- A) A description of the activity, including identification of water quality parameters for which there will be an increased pollutant loading;
  - B) Identification of the affected surface water body or water body segment, any downstream surface water body or water body segment also expected to experience a lowering of water quality, characterization of the designated and current uses of the affected surface water body or water body segment and identification of which uses are most sensitive to the proposed load increase;
  - C) A summary of any review comments and recommendations provided by Illinois Department of Natural Resources, local or regional planning commissions, zoning boards and any other entities the Agency consults regarding the proposal;
  - D) An overview of alternatives considered by the applicant and identification of any provisions or alternatives imposed to lessen the load increase associated with the proposed activity; and
  - E) The name and telephone number of a contact person at the Agency who can provide additional information.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART B: GENERAL USE WATER QUALITY STANDARDS**

### **Section 302.201 Scope and Applicability**

Subpart B contains general use water quality standards which must be met in waters of the State for which there is no specific designation (35 Ill. Adm. Code~~Section 303.201~~).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.202 Purpose

The General Use standards will protect the State's water for aquatic life (~~except as provided in Section 302.213~~), wildlife, agricultural use, secondary contact use and most industrial uses and ensure the aesthetic quality of the State's aquatic environment. Primary contact uses are protected for all General Use waters whose physical configuration permits such use.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.203 Offensive Conditions

Waters of the State ~~must shall~~ be free from sludge or bottom deposits, floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than natural origin. The allowed mixing provisions of ~~35 Ill. Adm. Code Section 302.102~~ ~~must shall~~ not be used to comply with the provisions of this Section.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.204 pH

pH(~~STORET number 00400~~) ~~must shall~~ be within the range of 6.5 to 9.0 except for natural causes.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.205 Phosphorus

Phosphorus (~~STORET number 00665~~): After December 31, 1983, Phosphorus as P ~~must shall~~ not exceed 0.05 milligram per liter (mg/L) in any reservoir or lake with a surface area of 8.1 hectares (20 acres) or more, or in any stream at the point where it enters any such reservoir or lake. For ~~the purposes of this Section~~, the term "reservoir or lake" ~~does shall~~ not include low level pools constructed in free flowing streams or any body of water which is an integral part of an operation which includes the application of sludge on land. Point source discharges which comply with ~~35 Ill. Adm. Code Section 304.123~~ ~~must shall~~ be in compliance with this Section for purposes of application of ~~35 Ill. Adm. Code Section 304.105~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.206 Dissolved Oxygen

General use waters must maintain dissolved oxygen concentrations at or above the values contained in subsections (a), (b) and (c) ~~of this Section~~.

- a) General use waters at all locations must maintain sufficient dissolved oxygen concentrations to prevent offensive conditions as required in 35

~~Ill. Adm. Code Section 302.203 of this Part.~~ Quiescent and isolated sectors of General Use waters including ~~but not limited to~~ wetlands, sloughs, backwaters and waters below the thermocline in lakes and reservoirs must be maintained at sufficient dissolved oxygen concentrations to support their natural ecological functions and resident aquatic communities.

- b) Except in those waters identified in Appendix D ~~of this Part~~, the dissolved oxygen concentration in the main body of all streams, in the water above the thermocline of thermally stratified lakes and reservoirs, and in the entire water column of unstratified lakes and reservoirs must not be less than the following:
- 1) During the period of March through July,
    - A) 5.0 mg/L at any time; and
    - B) 6.0 mg/L as a daily mean averaged over 7 days.
  - 2) During the period of August through February,
    - A) 3.5 mg/L at any time;
    - B) 4.0 mg/L as a daily minimum averaged over 7 days; and
    - C) 5.5 mg/L as a daily mean averaged over 30 days.
- c) The dissolved oxygen concentration in all sectors within the main body of all streams identified in Appendix D ~~of this Part~~ must not be less than:
- 1) During the period of March through July,
    - A) 5.0 mg/L at any time; and
    - B) 6.25 mg/L as a daily mean averaged over 7 days.
  - 2) During the period of August through February,
    - A) 4.0 mg/L at any time;
    - B) 4.5 mg/L as a daily minimum averaged over 7 days; and
    - C) 6.0 mg/L as a daily mean averaged over 30 days.
- d) Assessing attainment of dissolved oxygen mean and minimum values.

- 1) Daily mean is the arithmetic mean of dissolved oxygen concentrations in 24 consecutive hours.
- 2) Daily minimum is the minimum dissolved oxygen concentration in 24 consecutive hours.
- 3) The measurements of dissolved oxygen used to determine attainment or lack of attainment with any of the dissolved oxygen standards in this Section must assure daily minima and daily means that represent the true daily minima and daily means.
- 4) The dissolved oxygen concentrations used to determine a daily mean or daily minimum should not exceed the air-equilibrated concentration.
- 5) "Daily minimum averaged over 7 days" means the arithmetic mean of daily minimum dissolved oxygen concentrations in 7 consecutive 24-hour periods.
- 6) "Daily mean averaged over 7 days" means the arithmetic mean of daily mean dissolved oxygen concentrations in 7 consecutive 24-hour periods.
- 7) "Daily mean averaged over 30 days" means the arithmetic mean of daily mean dissolved oxygen concentrations in 30 consecutive 24-hour periods.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.207 Radioactivity**

- a) Gross beta (~~STORET number 03501~~) concentration ~~must shall~~ not exceed 100 picocuries per liter (pCi/L).
- b) Strontium 90 (~~STORET number 13501~~) concentration must not exceed 2 ~~picocuries per liter (pCi/L)~~.
- c) The annual average radium 226 and 228 (~~STORET number 11503~~) combined concentration must not exceed 3.75 ~~picocuries per liter (pCi/L)~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.208 Numeric Standards for Chemical Constituents**

- a) The acute standard (AS) for the chemical constituents listed in subsection (e) ~~shall~~ must not be exceeded at any time except for those waters for which a zone of initial dilution (ZID) has been approved by the Agency ~~underpursuant to~~ 35 Ill. Adm. Code Section 302.102.

- b) The chronic standard (CS) for the chemical constituents listed in subsection (e) ~~must shall~~ not be exceeded by the arithmetic average of at least four consecutive samples collected over any period of at least four days, except for those waters in which the Agency has approved a mixing zone or in which mixing is allowed ~~under pursuant to 35 Ill. Adm. Code Section 302.102~~. The samples used to demonstrate attainment or lack of attainment with a CS must be collected in a manner that assures an average representative of the sampling period. For the chemical constituents that have water quality based standards dependent upon hardness, the chronic water quality standard will be calculated according to subsection (e) using the hardness of the water body at the time the sample was collected. To calculate attainment status of chronic-standards, the concentration of the chemical constituent in each sample is divided by the calculated water quality standard for the sample to determine a quotient. The water quality standard is attained if the mean of the sample quotients is less than or equal to one for the duration of the averaging period.
- c) The human health standard (HHS) for the chemical constituents listed in subsection (f) ~~must shall~~ not be exceeded when the stream flow is at or above the harmonic mean flow ~~under pursuant to 35 Ill. Adm. Code Section 302.658~~ nor ~~must shall~~ an annual average, based on at least eight samples, collected in a manner representative of the sampling period, exceed the HHS except for those waters in which the Agency has approved a mixing zone or in which mixing is allowed ~~under 35 Ill. Adm. Code pursuant to Section 302.102~~.
- d) The standard for the chemical constituents of subsections (g) and (h) ~~must shall~~ not be exceeded at any time except for those waters in which the Agency has approved a mixing zone or in which mixing is allowed ~~under 35 Ill. Adm. Code pursuant to Section 302.102~~.
- e) Numeric Water Quality Standards for the Protection of Aquatic Organisms

Constituent	AS (µg/L)	CS (µg/L)
Arsenic (trivalent, dissolved)	$360 \times 1.0^* = 360$	$190 \times 1.0^* = 190$
Boron (total)	40,100	7,600
Cadmium (dissolved)	$e^{A+B \ln(H)} \times \left\{ \frac{1.138672 -}{[(\ln(H))(0.041838)]} \right\}^*$	$e^{A+B \ln(H)} \times \left\{ \frac{1.101672 -}{[(\ln(H))(0.041838)]} \right\}^*$
	where $A = -2.918$ and	where $A = -3.490$ and

	$B = 1.128$	$B = 0.7852$
Chromium (hexavalent, total)	16	11
Chromium (trivalent, dissolved)	$e^{A+B \ln(H)} \times 0.316^*$ where $A = 3.688$ and $B = 0.8190$	$e^{A+B \ln(H)} \times 0.860^*$ where $A = 1.561$ and $B = 0.8190$
Copper (dissolved)	$e^{A+B \ln(H)} \times 0.960^*$ where $A = -1.464$ and $B = 0.9422$	$e^{A+B \ln(H)} \times 0.960^*$ where $A = -1.465$ and $B = 0.8545$
Cyanide**	22	5.2
Fluoride (total)	$e^{A+B \ln(H)}$ where $A = 6.7319$ and $B = 0.5394$	$e^{A+B \ln(H)}$ , but <u>must</u> <del>shall</del> not exceed 4.0 mg/L where $A = 6.0445$ and $B = 0.5394$
Lead (dissolved)	$e^{A+B \ln(H)} \times$ $\{1.46203 -$ $[(\ln(H))(0.145712)]\}^*$ where $A = -1.301$ and $B = 1.273$	$e^{A+B \ln(H)} \times$ $\{1.46203 -$ $[(\ln(H))(0.145712)]\}^*$ where $A = -2.863$ and $B = 1.273$
Manganese (dissolved)	$e^{A+B \ln(H)} \times 0.9812^*$ where $A = 4.9187$ and $B = 0.7467$	$e^{A+B \ln(H)} \times 0.9812^*$ where $A = 4.0635$ and $B = 0.7467$
Mercury (dissolved)	$2.6 \times 0.85^* = 2.2$	$1.3 \times 0.85^* = 1.1$
Nickel (dissolved)	$e^{A+B \ln(H)} \times 0.998^*$ where $A = 0.5173$ and $B = 0.8460$	$e^{A+B \ln(H)} \times 0.997^*$ where $A = -2.286$ and $B = 0.8460$

TRC	19	11
Zinc (dissolved)	$e^{A+B\ln(H)} \times 0.978^*$	$e^{A+B\ln(H)} \times 0.986^*$
	where $A = 0.9035$ and $B = 0.8473$	where $A = -0.4456$ and $B =$ $0.8473$
Benzene	4200	860
Ethylbenzene	150	14
Toluene	2000	600
Xylene(s)	920	360

where:

- $\mu\text{g/L}$  = microgram per liter
- $e^x$  = base of natural logarithms raised to the x-power
- $\ln(H)$  = natural logarithm of Hardness (in mg/L as CaCO<sub>3</sub>)
- \* = conversion factor multiplier for dissolved metals
- \*\* = standard to be evaluated using either of the following USEPA approved methods, incorporated by reference at 35 Ill. Adm. Code 301.106:  
Method OIA-1677, DW: Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry, January 2004, Document Number EPA-821-R-04-001 or Cyanide Amenable to Chlorination, Standard Methods 4500-CN-G (40 CFR 136.3)

f) Numeric Water Quality Standard for the Protection of Human Health

Constituent	( $\mu\text{g/L}$ )
Mercury (total)	0.012
Benzene	310

where:

$\mu\text{g/L}$  = micrograms per liter

g) Single-value standards apply at the following concentrations for these substances:

Constituent	Unit	Standard
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Barium (total)	mg/L		5.0
Chloride (total)	mg/L		500
Iron (dissolved)	mg/L	<del>01046</del>	1.0
Phenols	mg/L		0.1
Selenium (total)	mg/L		1.0
Silver (total)	µg/L		5.0

where:

mg/L = milligram per liter and

µg/L = microgram per liter

h) Water quality standards for sulfate are as follows:

- 1) At any point where water is withdrawn or accessed for purposes of livestock watering, the average of sulfate concentrations must not exceed 2,000 mg/L when measured at a representative frequency over a 30 day period.
- 2) The results of the following equations provide sulfate water quality standards in mg/L for the specified ranges of hardness (in mg/L as CaCO<sub>3</sub>) and chloride (in mg/L) and must be met at all times:
  - A) If the hardness concentration of receiving waters is greater than or equal to 100 mg/L but less than or equal to 500 mg/L, and if the chloride concentration of waters is greater than or equal to 25 mg/L but less than or equal to 500 mg/L, then:

$$C = [1276.7 + 5.508 (\text{hardness}) - 1.457 (\text{chloride})] * 0.65$$

where:

C = sulfate concentration

- B) If the hardness concentration of waters is greater than or equal to 100 mg/L but less than or equal to 500 mg/L, and if the chloride



concentration of waters is greater than or equal to 5 mg/L but less than 25 mg/L, then:

$$C = [-57.478 + 5.79 (\text{hardness}) + 54.163 (\text{chloride})] * 0.65$$

where:

C = sulfate concentration

- 3) The following sulfate standards must be met at all times when hardness (in mg/L as CaCO<sub>3</sub>) and chloride (in mg/L) concentrations other than specified in (h)(2) are present:
  - A) If the hardness concentration of waters is less than 100 mg/L or chloride concentration of waters is less than 5 mg/L, the sulfate standard is 500 mg/L.
  - B) If the hardness concentration of waters is greater than 500 mg/L and the chloride concentration of waters is 5 mg/L or greater, the sulfate standard is 2,000 mg/L.
  - C) If the combination of hardness and chloride concentrations of existing waters are not reflected in subsection (h)(3)(A) or (B), the sulfate standard may be determined in a site-specific rulemaking under pursuant to section 303(c) of the Federal Water Pollution Control Act of 1972 (Clean Water Act), 33 USC 1313, and Federal Regulations at 40 CFR 131.10(j)(2).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.209 Fecal Coliform

- a) During the months May through October, based on a minimum of five samples taken over not more than a 30 day period, fecal coliform (~~SECRET number 31616~~) ~~must~~ shall not exceed a geometric mean of 200 per 100 milliliter (ml), nor ~~must~~ shall more than 10% of the samples during any 30 day period exceed 400 per 100 ml in protected waters. Protected waters are defined as waters which, due to natural characteristics, aesthetic value or environmental significance are deserving of protection from pathogenic organisms. Protected waters will meet one or both of the following conditions:
  - 1) presently support or have the physical characteristics to support primary contact;
  - 2) flow through or adjacent to parks or residential areas.

- b) Waters unsuited to support primary contact uses because of physical, hydrologic or geographic configuration and are located in areas unlikely to be frequented by the public on a routine basis as determined by the Agency at 35 Ill. Adm. Code 309.Subpart A, are exempt from this standard.
- c) The Agency ~~must shall~~ apply this rule ~~as required by pursuant to~~ 35 Ill. Adm. Code 304.121.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.210 Other Toxic Substances**

Waters of the State ~~must shall~~ be free from any substances or combination of substances in concentrations toxic or harmful to human health, or to animal, plant or aquatic life. Individual chemical substances or parameters for which numeric standards are specified in this Subpart are not subject to this Section.

- a) Any substance or combination of substances ~~must shall~~ be deemed to be toxic or harmful to aquatic life if present in concentrations that exceed the following:
  - 1) An Acute Aquatic Toxicity Criterion (AATC) validly derived and correctly applied ~~underpursuant to~~ procedures set forth in 35 Ill. Adm. Code Sections 302.612 through 302.618 or in 35 Ill. Adm. Code Section 302.621; or
  - 2) A Chronic Aquatic Toxicity Criterion (CATC) validly derived and correctly applied ~~underpursuant to~~ procedures set forth in 35 Ill. Adm. Code Sections 302.627 or 302.630.
- b) Any substance or combination of substances ~~must shall~~ be deemed to be toxic or harmful to wild or domestic animal life if present in concentrations that exceed any Wild and Domestic Animal Protection Criterion (WDAPC) validly derived and correctly applied ~~underpursuant to~~ 35 Ill. Adm. Code Section 302.633.
- c) Any substance or combination of substances ~~must shall~~ be deemed to be toxic or harmful to human health if present in concentrations that exceed criteria, validly derived and correctly applied, based on either of the following:
  - 1) Disease or functional impairment due to a physiological mechanism for which there is a threshold dose below which no damage occurs calculated ~~underpursuant to~~ 35 Ill. Adm. Code Sections 302.642 through 302.648 (Human Threshold Criterion); or
  - 2) Disease or functional impairment due to a physiological mechanism for which any dose may cause some risk of damage calculated under 35 Ill.

Adm. Code pursuant to Sections 302.651 through 302.658 (Human Nonthreshold Criterion).

- d) The most stringent criterion of subsections (a), (b), and (c) ~~applies shall apply~~ at all points outside of any waters within which, mixing is allowed under 35 Ill. Adm Code pursuant to Section 302.102. In addition, the AATC derived ~~under pursuant to~~ subsection (a)(1) ~~applies shall apply~~ in all waters except that it ~~must shall~~ not apply within a ZID that is ~~prescribed in compliance accordance~~ with 35 Ill. Adm. Code Section 302.102.
- e) The procedures of Subpart F set forth minimum data requirements, appropriate test protocols and data assessment methods for establishing criteria under pursuant to subsections (a), (b), and (c). No other procedures may be used to establish such criteria unless approved by the Board in a rulemaking or adjusted standards proceeding under pursuant to Title VII of the Act. The validity and applicability of the Subpart F procedures may not be challenged in any proceeding brought under pursuant to Titles VIII or X of the Act, although the validity and correctness of application of the numeric criteria derived under pursuant to Subpart F may be challenged in such proceedings under pursuant to subsection (f).
- f) Challenges to application of criteria
- 1) A permittee may challenge the validity and correctness of application of a criterion derived by the Agency under pursuant to this Section only at the time such criterion is first applied in an NPDES permit under pursuant to 35 Ill. Adm. Code 309.152 or in an action under pursuant to Title VIII of the Act for violation of the toxicity water quality standard. Failure of a person to challenge the validity of a criterion at the time of its first application ~~will shall~~ constitute a waiver of such challenge in any subsequent proceeding involving application of the criterion to that person.
  - 2) Consistent with subsection (f)(1), if a criterion is included as, or is used to derive, a condition of an NPDES discharge permit, a permittee may challenge the criterion in a permit appeal under pursuant to Section 40 of the Act and 35 Ill. Adm. Code 309.181. ~~In any such action, the Agency shall include in the record all information upon which it has relied in developing and applying the criterion, whether such information was developed by the Agency or submitted by the Petitioner. THE BURDEN OF PROOF SHALL BE ON THE PETITIONER TO DEMONSTRATE THAT THE CRITERION BASED CONDITION IS NOT NECESSARY TO ACCOMPLISH THE PURPOSES OF SUBSECTION (a) (Section 40(a)(1) of the Act), but there is no presumption in favor of the general validity and correctness of the application of the criterion as reflected in the challenged condition.~~

- 3) Consistent with subsection (f)(1), in an action where alleged violation of the toxicity water quality standard is based on alleged excursion of a criterion, the person bringing such action ~~will~~shall have the burdens of going forward with proof and of persuasion regarding the general validity and correctness of application of the criterion.
- g) Subsections (a) through (e) do not apply to USEPA registered pesticides approved for aquatic application and applied ~~under~~pursuant to the following conditions:
- 1) Application ~~must~~shall be made in strict ~~compliance~~accordance with label directions;
  - 2) Applicator ~~must~~shall be properly certified under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq. (1972));
  - 3) Applications of aquatic pesticides must be in ~~compliance~~accordance with the laws, regulations and guidelines of all state and federal agencies authorized by law to regulate, use or supervise pesticide applications, ~~among which is included the Department of Energy and Natural Resources pursuant to Section 3 of "AN ACT in relation to natural resources, research, data collection and environmental studies", Ill. Rev. Stat. 1987 ch. 96 1/2, par. 7403.~~
  - 4) ~~Aquatic~~ No aquatic pesticide ~~must not~~shall be applied to waters affecting public or food processing water supplies unless a permit to apply the pesticide has been obtained from the Agency. All permits ~~must~~shall be issued so as not to cause a violation of the Act or of any of the Board's rules or regulations. To aid applicators in determining their responsibilities under this subsection, a list of waters affecting public water supplies will be published and maintained by the Agency's Division of Public Water Supplies.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.211 Temperature

- a) ~~Temperature has STORET number (F°) 00011 and (C°) 00010.~~
- b) There ~~must not~~shall be ~~no~~ abnormal temperature changes that may adversely affect aquatic life unless caused by natural conditions.
- b)e) The normal daily and seasonal temperature fluctuations which existed before the addition of heat due to other than natural causes ~~must~~shall be maintained.

- c)d) The maximum temperature rise above natural temperatures must shall not exceed 2.8 °C (5 °F) 2.8° C (5° F).
- d)e) In addition, the water temperature at representative locations in the main river must shall not exceed the maximum limits in the following table during more than one percent of the hours in the 12-month period ending with any month. Moreover, ~~at no time shall~~ the water temperature at such locations must never exceed the maximum limits in the following table by more than 1.7 °C (3 °F) 1.7° C (3° F).

	° C	° F		° C	° F
JAN.	16	60	JUL.	32	90
FEB.	16	60	AUG.	32	90
MAR.	16	60	SEPT.	32	90
APR.	32	90	OCT.	32	90
MAY	32	90	NOV.	32	90
JUNE	32	90	DEC.	16	60

- e)f) The owner or operator of a source of heated effluent which discharges 150 megawatts (0.5 billion British thermal units per hour) or more must shall demonstrate in a hearing before ~~the this Pollution Control Board (Board)~~ not less than 5 nor more than 6 years after the effective date of these regulations or, in the case of new sources, after the commencement of operation, that discharges from that source have not caused and cannot be reasonably expected to cause significant ecological damage to the receiving waters. If the demonstrations such proof is not made to the satisfaction of the Board, the Board must order appropriate corrective measures to be implemented shall be ordered to be taken within a reasonable time as determined by the Board.
- f)g) Permits for heated effluent discharges, whether issued by the Board or the Illinois Environmental Protection Agency (Agency), can be revised if shall be subject to revision in the event that reasonable future development creates a need for reallocation of the assimilative capacity of the receiving stream as defined in the regulation above.
- g)h) The owner or operator of a source of heated effluent must shall maintain ~~such~~ records and conduct ~~such~~ studies of the effluents from ~~the such~~ sources and of their effects as may be required by the Agency or in any permit granted under the ~~Illinois Environmental Protection Act (Act)~~.
- h)i) Appropriate corrective measures will be required if, upon complaint filed in compliance accordance with Board rules, it is found at any time that any heated effluent causes significant ecological damage to the receiving stream.

- i) All effluents to an artificial cooling lake must comply with the applicable provisions of the thermal water quality standards ~~as set forth~~ in this Section and 35 Ill. Adm. Code 303, except when all of the following requirements are met:
- 1) All discharges from the artificial cooling lake to other waters of the State comply with the applicable provisions of subsections (~~a~~) through (~~d~~).
  - 2) The heated effluent discharged to the artificial cooling lake complies with all other applicable provisions of this Chapter, except subsections (~~a~~) through (~~d~~).
  - 3) At an adjudicative hearing the discharger ~~must~~ shall satisfactorily demonstrate to the Board that the artificial cooling lake receiving the heated effluent will be environmentally acceptable, and within the intent of the Act, including, ~~but not limited to~~:
    - A) ~~providing provision~~ of conditions capable of supporting shellfish, fish and wildlife, and recreational uses consistent with good management practices, and
    - B) ~~controlling control~~ of the thermal component of the discharger's effluent by a technologically feasible and economically reasonable method.
  - 4) The required ~~demonstrations~~ showing in subsection (j)(3) may take the form of an acceptable final environmental impact statement or pertinent provisions of environmental assessments used in the preparation of the final environmental impact statement, or may take the form of a demonstration under ~~showing pursuant to~~ Section 316(a) of the Clean Water Act (CWA) (33 U.S.C. 1251 et seq.), which addresses the requirements of subsection (j)(3).
  - 5) If ~~the Board finds the demonstration to be an~~ adequate ~~showing~~ as provided in subsection (~~i~~) (3) ~~is found~~, the Board ~~must~~ shall promulgate specific thermal standards to be applied to the discharge to that artificial cooling Lake.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.212 Total Ammonia Nitrogen**

- a) Total ammonia nitrogen (~~as N: STORET Number 00610~~) must in no case exceed 15 mg/L.
- b) The total ammonia nitrogen (~~as N: STORET Number 00610~~) acute, chronic, and sub-chronic standards are determined by the equations given in subsections (b)(1)

and (b)(2) ~~of this Section~~. Attainment of each standard must be determined by subsections (c) and (d) ~~of this Section~~ in mg/L.

- 1) The acute standard (AS) is calculated using the following equation:

$$AS = \frac{0.411}{1 + 10^{7.204-pH}} + \frac{58.4}{1 + 10^{pH-7.204}}$$

- 2) The chronic standard (CS) is calculated using the following equations:

- A) During the Early Life Stage Present period, as defined in subsection (e) ~~of this Section~~:

- i) When water temperature is less than or equal to 14.51°C:

$$CS = \frac{\left\{ \frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}} \right\} (2.85)}{1}$$

- ii) When water temperature is above 14.51°C:

$$CS = \frac{\left\{ \frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}} \right\} (1.45 * 10^{0.028*(25-T)})}{1}$$

Where T = Water Temperature, degrees Celsius

- B) During the Early Life Stage Absent period, as defined in subsection (e) ~~of this Section~~:

- i) When water temperature is less than or equal to 7°C:

$$CS = \frac{\left\{ \frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}} \right\} (1.45 * 10^{0.504})}{1}$$

- ii) When water temperature is greater than 7°C:

$$CS = \frac{\left\{ \frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}} \right\} (1.45 * 10^{0.028*(25-T)})}{1}$$

Where T = Water Temperature, degrees Celsius

- 3) The sub-chronic standard is equal to 2.5 times the chronic standard.

- c) Attainment of the Total Ammonia Nitrogen Water Quality Standards
- 1) The acute standard of total ammonia nitrogen (in mg/L) must not be exceeded at any time except in those waters for which the Agency has approved a ZID under 35 Ill. Adm. Code~~pursuant to Section 302.102~~.
  - 2) The 30-day average concentration of total ammonia nitrogen (in mg/L) must not exceed the chronic standard (CS) except in those waters in which mixing is allowed under~~pursuant to 35 Ill. Adm Code~~~~Section 302.102~~~~of this Part~~. Attainment of the chronic standard (CS) is evaluated under~~pursuant to subsection (d) of this Section~~ by averaging at least four samples collected at weekly intervals or at other sampling intervals that statistically represent a 30-day sampling period. The samples must be collected in a manner that assures a representative sampling period.
  - 3) The 4-day average concentration of total ammonia nitrogen (in mg/L) must not exceed the sub-chronic standard except in those waters in which mixing is allowed under 35 Ill. Adm. Code~~pursuant to Section 302.102~~. Attainment of the sub-chronic standard is evaluated pursuant to subsection (d) ~~of this Section~~ by averaging daily sample results collected over a period of four consecutive days within the 30-day averaging period. The samples must be collected in a manner that assures a representative sampling period.
  - d) The water quality standard for each water body must be calculated based on the temperature and pH of the water body measured at the time of each ammonia sample. The concentration of total ammonia in each sample must be divided by the calculated water quality standard for the sample to determine a quotient. The water quality standard is attained if the mean of the sample quotients is less than or equal to one for the duration of the averaging period.
  - e) The Early Life Stage Present period occurs from March through October. In addition, during any other period when early life stages are present, and where the water quality standard does not provide adequate protection for these organisms, the water body must meet the Early Life Stage Present water quality standard. All other periods are subject to the Early Life Stage Absent period.

BOARD NOTE: Acute and chronic standard concentrations for total ammonia nitrogen (in mg/L) for different combinations of pH and temperature are shown in Appendix C.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS**



### Section 302.301 Scope and Applicability

Subpart C contains the public and food processing water supply standards. These are cumulative with the general use standards of Subpart B and must be met in all waters designated in Part 303 at any point at which water is withdrawn for treatment and distribution as a potable supply or for food processing. Waters of the State are generally designated for public and food processing use (35 Ill. Adm. Code Section 303.202).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.302 Algicide Permits

The water quality standards of Subparts B and C may be exceeded if ~~the~~ such occurrence results from ~~applying the application of an algicide under in accordance with the terms of an algicide permit issued by the Agency under 35 Ill. Adm. Code pursuant to Part 602.~~

(~~Note: Prior to codification, Rules 203 and 204(d) of Ch 6: Public Water Supplies.~~)

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.303 Finished Water Standards

Water ~~must shall~~ be of such quality that with treatment consisting of coagulation, sedimentation, filtration, storage and chlorination, or other equivalent treatment processes, the treated water ~~meets shall meet in all respects the requirements of 35 Ill. Adm. Code Part 611.~~

(~~Note: Prior to codification, Table I, Rule 304 of Ch 6: Public Water Supplies~~)

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.304 Chemical Constituents

The following levels of chemical constituents ~~must shall~~ not be exceeded:

CONSTITUENT	CONCENTRATION (mg/L)
Arsenic (total)	0.05
Barium (total)	1.0
Boron (total)	1.0
Cadmium (total)	0.010
Chloride (total)	250
Chromium	0.05
Fluoride (total)	1.4
Iron (dissolved)	0.3
Lead (total)	0.05

Manganese (total)	1.0
Nitrate-Nitrogen	10
Oil (hexane-solubles or equivalent)	0.1
Organics	
Pesticides	
Chlorinated Hydro- carbon Insecticides	
Aldrin	0.001
Chlordane	0.003
DDT	0.05
Dieldrin	0.001
Endrin	0.0002
Heptachlor	0.0001
Heptachlor Expoxide	0.0001
Lindane	0.004
Methoxychlor	0.1
Toxaphene	0.0005
Organophosphate Insecticides	
Parathion	0.1
Chlorophenoxy Herbicides	
2,4-Dichlorophenoxy- acetic acid (2,4-D)	0.1
2-(2,4,5-Trichloro- phenoxy)-propionic acid (2,4,5-TP or Silvex)	0.01
Phenols	0.001
Selenium (total)	0.01
Sulphates	250
Total Dissolved Solids	500

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.305 Other Contaminants

Other contaminants which will not be adequately reduced by the treatment processes noted in 35 Ill. Adm. Code Section 302.303 ~~must~~ shall not be present in concentrations hazardous to human health.

### Section 302.306 Fecal Coliform

Notwithstanding the provisions of 35 Ill. Adm. CodeSection 302.209, at no time shall the geometric mean, based on a minimum of five samples taken over not more than a 30 day period, of fecal coliform (~~STORET number 31616~~) exceed 2000 per 100 ml.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.307 Radium 226 and 228**

Radium 226 and 228 (~~STORET number 11503~~) combined concentration must not exceed 5 picocuries per liter (pCi/L) at any time.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART D: CHICAGO AREA WATERWAY SYSTEM AND LOWER DES PLAINES RIVER WATER QUALITY STANDARDS AND INDIGENOUS AQUATIC LIFE STANDARDS**

### **Section 302.401 Scope and Applicability**

- a) Subpart D contains the standards that must be met only by the South Fork of the South Branch of the Chicago River (Bubbly Creek). The Subpart B general use and Subpart C public and food processing water supply standards ~~of this Part~~ do not apply to Bubbly Creek.
- b) Subpart D also contains the Chicago Area Waterway System and Lower Des Plaines River water quality standards. Except for the Chicago River, these standards must be met only by waters specifically designated in 35 Ill. Adm. Code 303. The Subpart B general use and Subpart C public and food processing water supply standards of this Part do not apply to waters described in 35 Ill. Adm. Code 303.204 as the Chicago Area Waterway System or Lower Des Plaines River and listed in 35 Ill. Adm. Code 303.220 through 303.240, except that waters designated as Primary Contact Recreation Waters in 35 Ill. Adm. Code 303.220 must meet the numeric water quality standard for bacteria applicable to protected waters in 35 Ill. Adm. CodeSection 302.209 ~~of this Part~~. The Chicago River must meet the general use standards, including the numeric water quality standard for fecal coliform bacteria applicable to protected waters in 35 Ill. Adm. CodeSection 302.209 ~~of this Part~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.402 Purpose**

The Chicago Area Waterway System and Lower Des Plaines River standards ~~shall~~ protect primary contact, incidental contact or non-contact recreational uses (except when designated as non-recreational waters); commercial activity, including navigation and industrial water supply uses; and the highest quality aquatic life and wildlife that is attainable, limited only by the

physical condition of these waters and hydrologic modifications to these waters. The numeric and narrative standards ~~contained~~ in this Part will assure the protection of the aquatic life, wildlife, human health, and recreational uses of the Chicago Area Waterway System and Lower Des Plaines River as those uses are defined in 35 Ill. Adm. Code 301 and designated in 35 Ill. Adm. Code 303. Indigenous aquatic life standards are intended for the South Fork of the South Branch of the Chicago River (Bubbly Creek), which is capable of supporting an indigenous aquatic life limited only by the physical configuration of the body of water, characteristics and origin of the water and the presence of contaminants in amounts that do not exceed the water quality standards listed in this Subpart D. However, the Chicago River is required to meet the general use standard, including the water quality standard for fecal coliform bacteria applicable to protected waters in 35 Ill. Adm. Code Section 302.209 ~~of this Part~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.403 Unnatural Sludge**

Waters subject to this subpart ~~must shall~~ be free from unnatural sludge or bottom deposits, floating debris, visible oil, odor, unnatural plant or algal growth, or unnatural color or turbidity.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.404 pH**

pH ~~must shall~~ be within the range of 6.5 to 9.0 except for natural causes, except for the South Fork of the South Branch of the Chicago River (Bubbly Creek) for which pH ~~must shall~~ be within the range of 6.0 to 9.0 except for natural causes.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.405 Dissolved Oxygen**

Dissolved oxygen concentrations ~~must shall~~ not be less than the applicable values in subsections (a), (b), (c), and (d).

- a) For South Fork of the South Branch of the Chicago River (Bubbly Creek), dissolved oxygen concentrations ~~must shall~~ not be less than 4.0 mg/L at any time.
- b) For the Upper Dresden Island Pool Aquatic Life Use waters listed in 35 Ill. Adm. Code 303.230:
  - 1) during the period of March through July:
    - A) 6.0 mg/L as a daily mean averaged over 7 days; and
    - B) 5.0 mg/L at any time; and

- 2) during the period of August through February:
  - A) 5.5 mg/L as a daily mean averaged over 30 days;
  - B) 4.0 mg/L as a daily minimum averaged over 7 days; and
  - C) 3.5 mg/L at any time.
- c) For the Chicago Area Waterway System Aquatic Life Use A waters listed in 35 Ill. Adm. Code 303.235:
  - 1) during the period of March through July, 5.0 mg/L at any time; and
  - 2) during the period of August through February:
    - A) 4.0 mg/L as a daily minimum averaged over 7 days; and
    - B) 3.5 mg/L at any time.
- d) For the Chicago Area Waterway System and Brandon Pool Aquatic Life Use B waters listed in 35 Ill. Adm. Code~~Section~~ 303.240:
  - 1) 4.0 mg/L as a daily minimum averaged over 7 days; and
  - 2) 3.5 mg/L at any time.
- e) Assessing attainment of dissolved oxygen mean and minimum values.
  - 1) Daily mean is the arithmetic mean of dissolved oxygen concentrations in 24 consecutive hours.
  - 2) Daily minimum is the minimum dissolved oxygen concentration in 24 consecutive hours.
  - 3) The measurements of dissolved oxygen used to determine attainment or lack of attainment with any of the dissolved oxygen standards in this Section must assure daily minima and daily means that represent the true daily minima and daily means.
  - 4) The dissolved oxygen concentrations used to determine a daily mean or daily minimum should not exceed the air-equilibrated concentration.
  - 5) "Daily minimum averaged over 7 days" means the arithmetic mean of daily minimum dissolved oxygen concentrations in 7 consecutive 24-hour periods.

- 6) "Daily mean averaged over 7 days" means the arithmetic mean of daily mean dissolved oxygen concentrations in 7 consecutive 24-hour periods.
- 7) "Daily mean averaged over 30 days" means the arithmetic mean of daily mean dissolved oxygen concentrations in 30 consecutive 24-hour periods.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.407 Chemical Constituents

- a) The acute standard (AS) for the chemical constituents listed in subsection (e) must ~~shall~~ not be exceeded at any time except as provided in subsection (d).
- b) The chronic standard (CS) for the chemical constituents listed in subsection (e) must ~~shall~~ not be exceeded by the arithmetic average of at least four consecutive samples collected over any period of four days, except as provided in subsection (d). The samples used to demonstrate attainment or lack of attainment with a CS must be collected in a manner that assures an average representative of the sampling period. For the chemical constituents that have water quality based standards dependent upon hardness, the chronic water quality standard will be calculated according to subsection (e) using the hardness of the water body at the time the sample was collected. To calculate attainment status of chronic standards, the concentration of the chemical constituent in each sample is divided by the calculated water quality standard for the sample to determine a quotient. The water quality standard is attained if the mean of the sample quotients is less than or equal to one for the duration of the averaging period.
- c) The human health standard (HHS) for the chemical constituents listed in subsection (f) must ~~shall~~ not be exceeded, on a 12-month rolling average based on at least eight samples, collected in a manner representative of the sampling period, except as provided in subsection (d).
- d) In waters where mixing is allowed under pursuant to 35 Ill. Adm. CodeSection 302.102 of this Part, the following apply:
  - 1) The AS must ~~shall~~ not be exceeded in any waters except for those waters for which a zone of initial dilution (ZID) applies under pursuant to 35 Ill. Adm. CodeSection 302.102 of this Part.
  - 2) The CS must ~~shall~~ not be exceeded outside of waters in which mixing is allowed under pursuant to 35 Ill. Adm. CodeSection 302.102 of this Part.
  - 3) The HHS must ~~shall~~ not be exceeded outside of waters in which mixing is allowed under pursuant to 35 Ill. Adm. CodeSection 302.102 of this Part.
- e) Numeric Water Quality Standards for the Protection of Aquatic Organisms

Constituent	AS (µg/L)	CS (µg/L)
Arsenic (trivalent, dissolved)	340 X 1.0*=340	150 X 1.0*=150
Benzene	4200	860
Cadmium (dissolved)	$e^{A+B \ln(H)} \times \{1.138672 - [(\ln(H))(0.041838)]\}^*$ , where A=-2.918 and B=1.128	$e^{A+B \ln(H)} \times \{1.101672 - [(\ln(H))(0.041838)]\}^*$ , where A= -3.490 and B=0.7852
Chromium (hexavalent, total)	16	11
Chromium (trivalent, dissolved)	$e^{A+B \ln(H)} \times 0.316^*$ , where A=3.7256 and B=0.8190	$e^{A+B \ln(H)} \times 0.860^*$ , where A=0.6848 and B=0.8190
Copper (dissolved)	$e^{A+B \ln(H)} \times 0.960^*$ , where A=-1.645 and B=0.9422	$e^{A+B \ln(H)} \times 0.960^*$ . where A=-1.646 and B=0.8545
Cyanide**	22	10
Ethylbenzene	150	14
Fluoride (total)	$e^{A+B \ln(H)}$ where A = 6.7319 and B = 0.5394	$e^{A+B \ln(H)}$ , but <u>must</u> <del>shall</del> not exceed 4.0 mg/L where A = 6.0445 and B = 0.5394
Lead (dissolved)	$e^{A+B \ln(H)} \times \{1.46203 - [(\ln(H))(0.145712)]\}^*$ , where A=-1.301 and B=1.273	$e^{A+B \ln(H)} \times \{1.46203 - [(\ln(H))(0.145712)]\}^*$ , where A=-2.863 and B=1.273
Manganese (dissolved)	$e^{A+B \ln(H)} \times 0.9812^*$ , where A=4.9187 and B=0.7467	$e^{A+B \ln(H)} \times 0.9812^*$ , where A=4.0635 and B=0.7467
Mercury (dissolved)	1.4 X 0.85*=1.2	0.77 X 0.85*=0.65
Nickel (dissolved)	$e^{A+B \ln(H)} \times 0.998^*$ , where A=0.5173 and B=0.8460	$e^{A+B \ln(H)} \times 0.997^*$ , where A=-2.286 and B=0.8460
Toluene	2000	600
TRC	19	11
Xylene(s)	920	360
Zinc (dissolved)	$e^{A+B \ln(H)} \times 0.978^*$ , where A=0.9035 and B=0.8473	$e^{A+B \ln(H)} \times 0.986^*$ , where A =-0.4456 and B=0.8473

where:

$\mu\text{g/L}$  = microgram per liter,

H = Hardness concentration of receiving water in mg/L as  $\text{CaCO}_3$ ,

$e^x$  = base of natural logarithms raised to the x- power,

$\ln(H)$  = natural logarithm of Hardness in mg/L as  $\text{CaCO}_3$  milligrams per liter,

\* = conversion factor multiplier for dissolved metals, and

\*\* = standard to be evaluated using either of the following USEPA approved methods, incorporated by reference at 35 Ill. Adm. Code 301.106: Method OIA-1677, DW: Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry, January 2004, Document Number EPA-821-R-04-001 or Cyanide Amenable to Chlorination, Standard Methods 4500-CN-G (40 CFR 136.3).

f) Numeric Water Quality Standard for the Protection of Human Health

Constituent	HHS in <del>micrograms per liter</del> ( $\mu\text{g/L}$ )
Benzene	310
Mercury (total)	0.012
Phenols	860,000

where:

$\mu\text{g/L}$  = microgram per liter.

g) Numeric Water Quality Standards for Other Chemical Constituents

- 1) Concentrations of the following chemical constituents must shall not be exceeded except in waters for which mixing is allowed under pursuant to 35 Ill. Adm. Code ~~Section 302.102 of this Part~~.

Constituent	Unit	Standard
Iron (dissolved)	mg/L	1.0
Selenium (total)	mg/L	1.0
Silver (dissolved)	$\mu\text{g/L}$	$e^{A+B\ln(H)}$ X 0.85*, where A=-6.52 and B=1.72
Sulfate (where H is $\geq 100$ but	mg/L	$[1276.7+5.508(H)-1.457(C)]$ X 0.65



$\leq 500$ and $C$ is $\geq 25$ but $\leq 500$ )		
Sulfate (where $H$ is $\geq 100$ but $\leq 500$ and $C$ is $\geq 5$ but $< 25$ )	mg/L	$[-57.478 + 5.79(H) + 54.163(C)] \times 0.65$
Sulfate (where $H > 500$ and $C \geq 5$ )	mg/L	2,000

where:

mg/L = milligram per liter,

µg/L = microgram per liter,

$H$  = Hardness concentration of receiving water in mg/L as  $\text{CaCO}_3$ ,

$C$  = Chloride concentration of receiving water in mg/L,

$\exp^x$  = base of natural logarithms raised to the  $x$ -power,

$\ln(H)$  = natural logarithm of Hardness in milligrams per liter, and

\* = conversion factor multiplier for dissolved metals

- 2) ~~From July 1, 2015 until July 1, 2018, the following concentrations for Chloride and Total Dissolved Solids must shall not be exceeded except in waters for which mixing is allowed under pursuant to 35 Ill. Adm. Code Section 302.102 of this Part.~~

Constituent	Unit	Standard
Chloride during the period of May 1 through November 30	mg/ L	500
Total Dissolved Solids during the period of December 1 through April 30	mg/ L	1,500

- 3) ~~Beginning July 1, 2018, the Chloride and Total Dissolved Solids standards in subsection (g)(2) of this Section are repealed and the following concentration for Chloride must shall not be exceeded except in waters for which mixing is allowed under pursuant to 35 Ill. Adm. Code Section 302.102 of this Part:~~

Constituent	Unit	Standard
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Chloride	mg/L	500
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where:

mg/L = milligram per liter

- h) Concentrations of other chemical constituents in the South Fork of the South Branch of the Chicago River (Bubbly Creek) ~~must shall~~ not exceed the following standards:

CONSTITUENT	<del>STORET</del> NUMBER	CONCENTRATION (mg/L)
Ammonia Un-ionized (as N*)	<del>00612</del>	0.1
Arsenic (total)	<del>01002</del>	1.0
Barium (total)	<del>01007</del>	5.0
Cadmium (total)	<del>01027</del>	0.15
Chromium (total hexavalent)	<del>01032</del>	0.3
Chromium (total trivalent)	<del>01033</del>	1.0
Copper (total)	<del>01042</del>	1.0
Cyanide (total)	<del>00720</del>	0.10
Fluoride (total)	<del>00951</del>	15.0
Iron (total)	<del>01045</del>	2.0
Iron (dissolved)	<del>01046</del>	0.5
Lead (total)	<del>01051</del>	0.1
Manganese (total)	<del>01055</del>	1.0
Mercury (total)	<del>71900</del>	0.0005
Nickel (total)	<del>01067</del>	1.0
Oil, fats and grease	<del>00550, 00556</del> <del>or 00560</del>	15.0**
Phenols	<del>32730</del>	0.3
Selenium (total)	<del>01147</del>	1.0
Silver	<del>01077</del>	1.1
Zinc (total)	<del>01092</del>	1.0
Total Dissolved Solids	<del>70300</del>	1500

- \* For purposes of this Section the concentration of un-ionized ammonia ~~must shall~~ be computed according to the following equation:

$$U = \frac{N}{[0.94412(1 + 10^X) + 0.0559]}$$

where:

$$X = 0.09018 + \frac{2729.92}{(T + 273.16)} - \text{pH}$$

U = Concentration of un-ionized ammonia as N in mg/L  
 N = Concentration of ammonia nitrogen as N in mg/L  
 T = Temperature in degrees Celsius

- \*\* Oil ~~must~~ shall be analytically separated into polar and non-polar components if the total concentration exceeds 15 mg/L. In no case shall either of the components exceed 15 mg/L (i.e., 15 mg/L polar materials and 15 mg/L non-polar materials).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.408 Temperature

- a) For the South Fork of the South Branch of the Chicago River (Bubbly Creek), temperature (~~STORET number (°F) 00011 and (°C) 00010~~) ~~must~~ shall not exceed 34 °C (93 °F)~~34 °C (93 °F)~~ more than 5% of the time, or 37.8 °C (100 °F)~~37.8 °C (100 °F)~~ at any time.
- b) The temperature standards in subsections (c) through (i) will become applicable beginning July 1, 2018. Starting July 1, 2015, the waters designated at 35 Ill. Adm. Code 303 as Chicago Area Waterway System Aquatic Life Use A, Chicago Area Waterway System and Brandon Pool Aquatic Life Use B, and Upper Dresden Island Pool Aquatic Life Use ~~must~~ will not exceed temperature (~~STORET number (°F) 00011 and (°C) 00010~~) of 34 °C (93 °F)~~34 °C (93 °F)~~ more than 5% of the time, or 37.8 °C (100 °F)~~37.8 °C (100 °F)~~ at any time.
- c) There ~~must not~~ shall be no abnormal temperature changes that may adversely affect aquatic life unless caused by natural conditions.
- d) The normal daily and seasonal temperature fluctuations that existed before the addition of heat due to other than natural causes ~~must~~ shall be maintained.
- e) The maximum temperature rise above natural temperatures ~~must never~~ shall not exceed 2.8 °C (5 °F)~~2.8 °C (5 °F)~~.
- f) Water temperature at representative locations in the main river ~~must never~~ shall not exceed the maximum limits in the applicable table in subsections (g), (h) and (i), during more than one percent of the hours in the 12-month period ending with any month. ~~Moreover, at no time shall the~~ The water temperature ~~must not~~ exceed the maximum limits in the applicable table that follows by more than 1.7 °C (3.0 °F)~~1.7 °C (3.0 °F)~~.
- g) Water temperature in the Chicago Area Waterway System Aquatic Life Use A waters listed in 35 Ill. Adm. Code 303.235 ~~must~~ shall not exceed the limits in the following table in ~~compliance~~ accordance with subsection (f):

Months	Daily Maximum	
	(° C)	(° F)(°F)
January	<u>16</u>	60
February	<u>16</u>	60
March	<u>16</u>	60
April	<u>32</u>	90
May	<u>32</u>	90
June	<u>32</u>	90
July	<u>32</u>	90
August	<u>32</u>	90
September	<u>32</u>	90
October	<u>32</u>	90
November	<u>32</u>	90
December	<u>16</u>	60

- h) Water temperature in the Chicago Area Waterway System and Brandon Pool Aquatic Life Use B waters listed in 35 Ill. Adm. Code 303.240, ~~must~~ shall not exceed the limits in the following table in ~~compliance~~ accordance with subsection (f):

Months	Daily Maximum	
	(° C)	(° F)(°F)
January	<u>16</u>	60
February	<u>16</u>	60
March	<u>16</u>	60
April	<u>32</u>	90
May	<u>32</u>	90
June	<u>32</u>	90
July	<u>32</u>	90
August	<u>32</u>	90
September	<u>32</u>	90
October	<u>32</u>	90
November	<u>32</u>	90
December	<u>16</u>	60

- i) Water temperature for the Upper Dresden Island Pool Aquatic Life Use waters, as defined in 35 Ill. Adm. Code 303.230, ~~must~~ shall not exceed the limits in the following table in ~~compliance~~ accordance with subsection (f):

Months	Daily Maximum	
	(° C)	(° F)(°F)
January	<u>16</u>	60
February	<u>16</u>	60

March	<u>16</u>	60
April	<u>32</u>	90
May	<u>32</u>	90
June	<u>32</u>	90
July	<u>32</u>	90
August	<u>32</u>	90
September	<u>32</u>	90
October	<u>32</u>	90
November	<u>32</u>	90
December	<u>16</u>	60

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.409 Cyanide for the South Fork of the South Branch of the Chicago River (Bubbly Creek)**

Cyanide (total) ~~must shall~~ not exceed 0.10 mg/L in the South Fork of the South Branch of the Chicago River (Bubbly Creek).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.410 Other Toxic Substances**

Any substance or combination of substances toxic to aquatic life not listed in Section 302.407 ~~must shall~~ not exceed one-half of the 96-hour median tolerance limit (96-hour TL<sub>m</sub>) for native fish or essential fish food organisms in the South Fork of the South Branch of the Chicago River (Bubbly Creek). All other Chicago Area Waterway System and Lower Des Plaines River waters as designated in 35 Ill. Adm. Code 303 ~~must shall~~ be free from any substances or combination of substances in concentrations toxic or harmful to human health, or to animal, plant or aquatic life. Individual chemical substances or parameters for which numeric standards are specified in this Subpart are not subject to this Section.

- a) Any substance or combination of substances ~~will shall~~ be deemed to be toxic or harmful to aquatic life if present in concentrations that exceed the following:
  - 1) An Acute Aquatic Toxicity Criterion (AATC) validly derived and correctly applied ~~underpursuant to procedures set forth in 35 Ill. Adm. Code Sections 302.612 through 302.618 of this Part or in 35 Ill. Adm. Code Section 302.621 of this Part;~~ or
  - 2) A Chronic Aquatic Toxicity Criterion (CATC) validly derived and correctly applied ~~underpursuant to procedures set forth in 35 Ill. Adm. Code Section 302.627 or 302.630 of this Part.~~
- b) Any substance or combination of substances ~~will shall~~ be deemed to be toxic or harmful to wild or domestic animal life if present in concentrations that exceed

any Wild and Domestic Animal Protection Criterion (WDAPC) validly derived and correctly applied ~~under pursuant to 35 Ill. Adm. Code~~ Section 302.633 of this Part.

- c) Any substance or combination of substances ~~will shall~~ be deemed to be toxic or harmful to human health if present in concentrations that exceed criteria, validly derived and correctly applied, based on either of the following:
- 1) Disease or functional impairment due to a physiological mechanism for which there is a threshold dose below which no damage occurs calculated ~~under pursuant to 35 Ill. Adm. Code~~ Sections 302.642 through 302.648 (Human Threshold Criterion) of this Part; or
  - 2) Disease or functional impairment due to a physiological mechanism for which any dose may cause some risk of damage calculated ~~under pursuant to 35 Ill. Adm. Code~~ Sections 302.651 through 302.658 (Human Nonthreshold Criterion) of this Part.
- d) The most stringent criterion of subsections (a), (b) and (c) ~~applies shall apply~~ at all points outside of any waters within which, mixing is allowed ~~under pursuant to 35 Ill. Adm. Code~~ Section 302.102 of this Part. In addition, the AATC derived ~~under pursuant to~~ subsection (a)(1) ~~applies shall apply~~ in all waters except that it ~~must shall~~ not apply within a ZID that is prescribed in ~~compliance accordance~~ with 35 Ill. Adm. Code Section 302.102 of this Part.
- e) The procedures of Subpart F set forth minimum data requirements, appropriate test protocols, and data assessment methods for establishing criteria ~~under pursuant to~~ subsections (a), (b) and (c). No other procedures may be used to establish such criteria unless approved by the Board in a rulemaking or adjusted standard proceeding ~~under pursuant to~~ Title VII of the Act. The validity and applicability of the Subpart F procedures may not be challenged in any proceeding brought ~~under pursuant to~~ Title VIII or X of the Act, although the validity and correctness of application of the numeric criteria derived ~~under pursuant to~~ Subpart F may be challenged in the proceedings ~~under pursuant to~~ subsection (f).
- f) Agency derived criteria may be challenged as follows:
- 1) A permittee may challenge the validity and correctness of application of a criterion derived by the Agency ~~under pursuant to~~ this Section only at the time the criterion is first applied in an NPDES permit ~~under pursuant to~~ 35 Ill. Adm. Code 309.152 or in an action ~~under pursuant to~~ Title VIII of the Act for violation of the toxicity water quality standard. Failure of a person to challenge the validity of a criterion at the time of its first application ~~constitutes shall constitute~~ a waiver of the challenge in any subsequent proceeding involving application of the criterion to that person.

- 2) Consistent with subsection (f)(1), if a criterion is included as, or is used to derive, a condition of an NPDES discharge permit, a permittee may challenge the criterion in a permit appeal ~~under pursuant to~~ Section 40 of the Act and 35 Ill. Adm. Code 309.181. In any such action, the Agency ~~must shall~~ include in the record all information upon which it has relied in developing and applying the criterion, whether that information was developed by the Agency or submitted by the Petitioner. The burden of proof ~~is shall be~~ on the petitioner to demonstrate that the criterion-based condition is not necessary to accomplish the purposes of subsection (f)(1) (see Section 40(a)(1) of the Act), but there is no presumption in favor of the general validity and correctness of the application of the criterion as reflected in the challenged condition.
  - 3) Consistent with subsection (f)(1), in an action in which alleged violation of the toxicity water quality standard is based on alleged excursion of a criterion, the person bringing the action ~~has shall have~~ the burdens of going forward with proof and of persuasion regarding the general validity and correctness of application of the criterion.
- g) Subsections (a) through (e) do not apply to USEPA registered pesticides approved for aquatic application and applied ~~under pursuant to~~ the following conditions:
- 1) Application ~~must shall~~ be made in strict ~~compliance accordance~~ with label directions;
  - 2) Applicator ~~must shall~~ be properly certified under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 135 et seq. (1972)); and
  - 3) Applications of aquatic pesticides must ~~comply be in accordance~~ with the laws, regulations and guidelines of all state and federal agencies authorized by law to regulate, use or supervise pesticide applications.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.412 Total Ammonia Nitrogen**

- a) This Section does not apply to the South Fork of the South Branch of the Chicago River (Bubbly Creek).
- b) For the Chicago Area Waterway System and the Lower Des Plaines River described in 35 Ill. Adm. Code 303.204 and listed in 35 Ill. Adm. Code 303.220 through 303.240, total ammonia nitrogen must in no case exceed 15 mg/L.

- c) The total ammonia nitrogen acute, chronic, and sub-chronic standards are determined in compliance with the equations in subsections (c)(1) and (c)(2). Attainment of each standard must be determined in compliance with subsections (d) and (e) in mg/L.

- 1) The acute standard (AS) is calculated using the following equation:

$$AS = \frac{0.411}{1 + 10^{7.204-pH}} + \frac{58.4}{1 + 10^{pH-7.204}}$$

- 2) The chronic standard (CS) is calculated using the following equations:

- A) During the Early Life Stage Present period, as defined in subsection (f):

- i) When water temperature is less than or equal to 14.51°C:

$$CS = \left\{ \frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}} \right\} (2.85)$$

- ii) When water temperature is above 14.51°C:

$$CS = \left\{ \frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}} \right\} (1.45 * 10^{0.028*(25-T)})$$

where:

T = Water Temperature, degrees Celsius

- B) During the Early Life Stage Absent period, as defined in subsection (f) of this Section:

- i) When water temperature is less than or equal to 7°C:

$$CS = \left\{ \frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}} \right\} (1.45 * 10^{0.504})$$

- ii) When water temperature is greater than 7°C:

$$CS = \left\{ \frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}} \right\} (1.45 * 10^{0.028(25-T)})$$

Where:



T = Water Temperature, degrees Celsius

- 3) The sub-chronic standard is equal to 2.5 times the chronic standard.
- d) Attainment of the Total Ammonia Nitrogen Water Quality Standards.
- 1) The acute standard for total ammonia nitrogen (in mg/L) must not be exceeded at any time except in those waters for which the Agency has approved a ZID under 35 Ill. Adm. Code pursuant to Section 302.102 of this Part.
  - 2) The 30-day average concentration of total ammonia nitrogen (in mg/L) must not exceed the chronic standard (CS) except in those waters in which mixing is allowed under 35 Ill. Adm. Code pursuant to Section 302.102 of this Part. Attainment of the chronic standard (CS) is determined in compliance accordance with subsection (e) of this Section by averaging at least four samples collected at weekly intervals or at other sampling intervals that statistically represent a 30-day sampling period. The samples must be collected in a manner that assures a representative sampling period.
  - 3) The 4-day average concentration of total ammonia nitrogen (in mg/L) must not exceed the sub-chronic standard is except in those waters in which mixing is allowed under 35 Ill. Adm. Code pursuant to Section 302.102 of this Part. Attainment of the sub-chronic standard is determined in compliance accordance with subsection (e) by averaging daily sample results collected over a period of four consecutive days within the 30-day averaging period. The samples must be collected in a manner that assures a representative sampling period.
- e) The water quality standard for each water body must be calculated based on the temperature and pH of the water body measured at the time of each ammonia sample. The concentration of total ammonia in each sample must be divided by the calculated water quality standard for the sample to determine a quotient. The water quality standard is attained if the mean of the sample quotients is less than or equal to one for the duration of the averaging period.
- f) The Early Life Stage Present period occurs from March through October. All other periods are subject to the Early Life Stage Absent period, except that waters listed in 35 Ill. Adm. Code 303.240 are not subject to Early Life Stage Present ammonia limits at any time.

BOARD NOTE: Acute and chronic standard concentrations for total ammonia nitrogen (in mg/L) for different combinations of pH and temperature are shown in Appendix C.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS

### Section 302.501 Scope, Applicability, and Definitions

- a) Subpart E contains the Lake Michigan Basin water quality standards. These must be met in the waters of the Lake Michigan Basin as designated in 35 Ill. Adm. Code 303.443.
- b) In addition to the definitions provided at 35 Ill. Adm. Code 301.200 through 301.444, and in place of conflicting definitions at 35 Ill. Adm. Code ~~Section~~ 302.100, the following terms have the meanings specified for the Lake Michigan Basin:

"Acceptable daily exposure" or "ADE" means an estimate of the maximum daily dose of a substance that is not expected to result in adverse noncancer effects to the general human population, including sensitive subgroups.

"Acceptable endpoints", for the purpose of deriving wildlife criteria ~~derivation~~, means acceptable subchronic and chronic endpoints that affect reproductive or developmental success, organismal viability or growth, or any other endpoint that is, or is directly related to, parameters that influence population dynamics.

"Acute to chronic ratio" or "ACR" is the standard measure of the acute toxicity of a material divided by an appropriate measure of the chronic toxicity of the same material under comparable conditions.

"Acute toxicity" means adverse effects that result from an exposure period that is a small portion of the life span of the organism.

"Adverse effect" means any deleterious effect to organisms due to exposure to a substance. This includes effects that are or may become debilitating, harmful or toxic to the normal functions of the organism, but does not include non-harmful effects such as tissue discoloration alone or the induction of enzymes involved in the metabolism of the substance.

"Baseline BAF" for organic chemicals, means a BAF that is based on the concentration of freely dissolved chemical in the ambient water and takes into account the partitioning of the chemical within the organism; for inorganic chemicals, a BAF is based on the wet weight of the tissue.

"Baseline BCF" for organic chemicals, means a BCF that is based on the concentration of freely dissolved chemical in the ambient water and takes into account the partitioning of the chemical within the organism; for inorganic chemicals, a BAF is based on the wet weight of the tissue.

"Bioaccumulative chemical of concern" or "BCC" is any chemical that has the potential to cause adverse effects and that, upon entering the surface waters, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor greater than 1,000, after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation, in ~~compliance~~ accordance with the methodology in 35 Ill. Adm. Code Section 302.570. In addition, the half life of the chemical in the water column, sediment or biota must be greater than eight weeks. BCCs include, ~~but are not limited to~~, the following substances:

Chlordane  
 4,4'-DDD; p,p'-DDD; 4,4'-TDE; p,p'-TDE  
 4,4'-DDE; p,p'-DDE  
 4,4'-DDT; p,p'-DDT  
 Dieldrin  
 Hexachlorobenzene  
 Hexachlorobutadiene; Hexachloro-1,3-butadiene  
 Hexachlorocyclohexanes; BHCs  
 alpha- Hexachlorocyclohexane; alpha-BHC  
 beta- Hexachlorocyclohexane; beta-BHC  
 delta- Hexachlorocyclohexane; delta-BHC  
 Lindane; gamma- Hexachlorocyclohexane; gamma-BHC  
 Mercury  
 Mirex  
 Octachlorostyrene  
 PCBs; polychlorinated biphenyls  
 Pentachlorobenzene  
 Photomirex  
 2,3,7,8-TCDD; Dioxin  
 1,2,3,4-Tetrachlorobenzene  
 1,2,4,5-Tetrachlorobenzene  
 Toxaphene

"Bioaccumulation" is the net accumulation of a substance by an organism as a result of uptake from all environmental sources.

"Bioaccumulation factor" or "BAF" is the ratio (in L/kg) of a substance's concentration in the tissue of an aquatic organism to its concentration in the ambient water, in situations where both the organism and its food are exposed and the ratio does not change substantially over time.

"Bioconcentration" means the net accumulation of a substance by an aquatic organism as a result of uptake directly from the ambient water through gill membranes or other external body surfaces.

"Bioconcentration Factor" or "BCF" is the ratio (in L/kg) of a substance's

concentration in the tissue of an aquatic organism to its concentration in the ambient water, in situations where the organism is exposed through the water only and the ratio does not change substantially over time.

"Biota-sediment accumulation factor" or "BSAF" means the ratio (in kg of organic carbon/kg of lipid) of a substance's lipid-normalized concentration in the tissue of an aquatic organism to its organic carbon-normalized concentration in surface sediment, in situations where the ratio does not change substantially over time, both the organism and its food are exposed, and the surface sediment is representative of average surface sediment in the vicinity of the organism.

"Carcinogen" means a substance that causes an increased incidence of benign or malignant neoplasms, or substantially decreases the time to develop neoplasms, in animals or humans. The classification of carcinogens is determined by the procedures in Section II.A of Appendix C to 40 CFR 132, (1996) incorporated by reference in 35 Ill. Adm. Code 301.106 Section 302.510.

"Chronic effect" means an adverse effect that is measured by assessing an acceptable endpoint, and results from continual exposure over several generations, or at least over a significant part of the test species' projected life span or life stage.

"Chronic toxicity" means adverse effects that result from an exposure period that is a large portion of the life span of the organism.

"Dissolved organic carbon" or "DOC" means organic carbon that passes through a 1  $\mu\text{m}$  pore size filter.

"Dissolved metal" means the concentration of a metal that will pass through a 0.45  $\mu\text{m}$  pore size filter.

"Food chain" means the energy stored by plants is passed along through the ecosystem through trophic levels in a series of steps of eating and being eaten, also known as a food web.

"Food chain multiplier" or "FCM" means the ratio of a BAF to an appropriate BCF.

"Linearized multi-stage model" means a mathematical model for cancer risk assessment. This model fits linear dose-response curves to low doses. It is consistent with a no-threshold model of carcinogenesis.

"Lowest observed adverse effect level" or "LOAEL" means the lowest tested dose or concentration of a substance that results in an observed adverse effect in exposed test organisms when all higher doses or concentrations result in the same or more severe effects.

"No observed adverse effect level" or "NOAEL" means the highest tested dose or concentration of a substance that results in no observed adverse effect in exposed test organisms where higher doses or concentrations result in an adverse effect.

"Octanol water partition coefficient" or "Kow" is the ratio of the concentration of a substance in the n-octanol phase to its concentration in the aqueous phase in an equilibrated two-phase octanol water system. For log Kow, the log of the octanol water partition coefficient is a base 10 logarithm.

"Open Waters of Lake Michigan" means all of the waters within Lake Michigan in Illinois jurisdiction lakeward from a line drawn across the mouth of tributaries to Lake Michigan, but not including waters enclosed by constructed breakwaters.

"Particulate organic carbon" or "POC" means organic carbon that is retained by a 1  $\mu\text{m}$  pore size filter.

"Relative source contribution" or "RSC" means the percent of total exposure that can be attributed to surface water through water intake and fish consumption.

"Resident or indigenous species" means species that currently live a substantial portion of their life cycle, or reproduce, in a given body of water, or that are native species whose historical range includes a given body of water.

"Risk associated dose" or "RAD" means a dose of a known or presumed carcinogenic substance in mg/kg/day which, over a lifetime of exposure, is estimated to be associated with a plausible upper bound incremental cancer risk equal to one in 100,000.

"Slope factor" or " $q_1^*$ " is the incremental rate of cancer development calculated through use of a linearized multistage model or other appropriate model. It is expressed in mg/kg/day of exposure to the chemical in question.

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

"Subchronic effect" means an adverse effect, measured by assessing an acceptable endpoint, resulting from continual exposure for a period of time less than that deemed necessary for a chronic test.

"Target species" is a species to be protected by the criterion.

"Target species value" is the criterion value for the target species.

"Test species" is a species that has test data available to derive a criterion.

"Test dose" or "TD" is a LOAEL or NOAEL for the test species.

"Tier I criteria" are numeric values derived by use of the Tier I methodologies that either have been adopted as numeric criteria into a water quality standard or are used to implement narrative water quality criteria.

"Tier II values" are numeric values derived by use of the Tier II methodologies that are used to implement narrative water quality criteria. They are applied as criteria, have the same effect, and subject to the same appeal rights as criteria.

"Trophic level" means a functional classification of taxa within a community that is based on feeding relationships. For example, aquatic green plants and herbivores comprise the first and second trophic levels in a food chain.

"Toxic unit acute" or "TU<sub>a</sub>" is the reciprocal of the effluent concentration that causes 50 percent of the test organisms to die by the end of the acute exposure period, which is 48 hours for invertebrates and 96 hours for vertebrates.

"Toxic unit chronic" or "TU<sub>c</sub>" is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period, which is at least seven days for Ceriodaphnia, fathead minnow and rainbow trout.

"Uncertainty factor" or "UF" is one of several numeric factors used in deriving criteria from experimental data to account for the quality or quantity of the available data.

"USEPA" means United States Environmental Protection Agency.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.502 Dissolved Oxygen**

Dissolved oxygen (~~STORET number 00300~~) must not be less than 90% of saturation, except due to natural causes, in the Open Waters of Lake Michigan as defined at 35 Ill. Adm. Code ~~Section~~ 302.501. The other waters of the Lake Michigan Basin must not be less than 6.0 mg/L during at least 16 hours of any 24 hour period, nor less than 5.0 mg/L at any time.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.503 pH**

pH (~~STORET number 00400~~) must be within the range of 7.0 to 9.0, except for natural causes, in the Open Waters of Lake Michigan as defined at 35 Ill. Adm. Code ~~Section~~ 302.501. Other waters of the Basin must be within the range of 6.5 to 9.0, except for natural causes.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.504 Chemical Constituents

The following concentrations of chemical constituents must not be exceeded, except as provided in 35 Ill. Adm. Code Sections 302.102 and 302.530:

- a) The following standards must be met in all waters of the Lake Michigan Basin. Acute aquatic life standards (AS) must not be exceeded at any time except for those waters for which the Agency has approved a zone of initial dilution (ZID) under 35 Ill. Adm. Code pursuant to Sections 302.102 and 302.530. Chronic aquatic life standards (CS) and human health standards (HHS) must not be exceeded outside of waters in which mixing is allowed under 35 Ill. Adm. Code pursuant to Sections 302.102 and 302.530 by the arithmetic average of at least four consecutive samples collected over a period of at least four days. The samples used to demonstrate compliance with the CS or HHS must be collected in a manner which assures an average representation of the sampling period.

<u>Constituent</u>	<u>Unit</u>	<u>AS</u>	<u>CS</u>	<u>HHS</u>
Arsenic (Trivalent, dissolved)	µg/L	$340 \times 1.0^* = 340$	<del><math>340 \times 1.0^* = 148</math></del> <u><math>148 \times 1.0^* = 148</math></u>	NA
Boron (total)	mg/L	40.1	7.6	NA
Cadmium (dissolved)	µg/L	$\exp[A + B \ln(H)] \times \{1.138672 - [(\ln H) (0.041838)]\}^*$	$\exp[A + B \ln(H)] \times \{1.101672 - [(\ln H) (0.041838)]\}^*$	NA
		where $A = -3.6867$ and $B = 1.128$	where $A = -2.715$ and $B = 0.7852$	
Chromium (Hexavalent, total)	µg/L	16	11	NA
Chromium (Trivalent, dissolved)	µg/L	$\exp[A + B \ln(H)] \times 0.316^*$	$\exp[A + B \ln(H)] \times 0.860^*$	NA
		where $A = 3.7256$ and $B = 0.819$	where $A = 0.6848$ and $B = 0.819$	
Copper (dissolved)	µg/L	$\exp[A + B \ln(H)] \times 0.960^*$	$\exp[A + B \ln(H)] \times 0.960^*$	NA

		where $A = -1.700$ and $B = 0.9422$	where $A = -1.702$ and $B = 0.8545$	
Cyanide**	µg/L	22	5.2	NA
Fluoride (total)	µg/L	$\exp[A + B \ln(H)]$ where $A = 6.7319$ and $B = 0.5394$	$\exp[A + B \ln(H)]$ , but <u>must</u> not exceed 4.0 mg/L where $A = 6.0445$ and $B = 0.5394$	NA
Lead (dissolved)	µg/L	$\exp[A + B \ln(H)] \times$ {1.46203 - [(ln H) (0.145712)]}*	$\exp[A + B \ln(H)] \times$ {1.46203 - [(ln H) (0.145712)]}*	NA
		where $A = -1.055$ and $B = 1.273$	where $A = -4.003$ and $B = 1.273$	
Manganese (dissolved)	µg/L	$\exp[A + B \ln(H)] \times$ 0.9812*	$\exp[A + B \ln(H)] \times$ 0.9812*	NA
		where $A = 4.9187$ and $B = 0.7467$	where $A = 4.0635$ and $B = 0.7467$	
Nickel (dissolved)	µg/L	$\exp[A + B \ln(H)] \times$ 0.998*	$\exp[A + B \ln(H)] \times$ 0.997*	NA
		where $A = 2.255$ and $B = 0.846$	where $A = 0.0584$ and $B = 0.846$	
Selenium (dissolved)	µg/L	NA	5.0	NA
TRC	µg/L	19	11	NA
Zinc (dissolved)	µg/L	$\exp[A + B \ln(H)] \times$ 0.978*	$\exp[A + B \ln(H)] \times$ 0.986*	NA
		where $A = 0.884$ and $B = 0.8473$	where $A = 0.884$ and $B = 0.8473$	
Benzene	µg/L	3900	800	310



Chlorobenzene	mg/L	NA	NA	3.2
2,4-Dimethylphenol	mg/L	NA	NA	8.7
2,4-Dinitrophenol	mg/L	NA	NA	2.8
Endrin	µg/L	0.086	0.036	NA
Ethylbenzene	µg/L	150	14	NA
Hexachloroethane	µg/L	NA	NA	6.7
Methylene chloride	mg/L	NA	NA	2.6
Parathion	µg/L	0.065	0.013	NA
Pentachlorophenol	µg/L	$\exp B([pH] + A)$	$\exp B([pH] + A)$	NA
		where $A = -4.869$ and $B = 1.005$	where $A = -5.134$ and $B = 1.005$	
Toluene	µg/L	2000	610	51.0
Trichloroethylene	µg/L	NA	NA	370
Xylene(s)	µg/L	1200	490	NA

where:

NA = Not Applied

$\exp[x]$  = base of natural logarithms raised to the x-power

$\ln(H)$  = natural logarithm of Hardness in mg/L as CaCO<sub>3</sub>

\* = conversion factor multiplier for dissolved metals

\*\* = standard to be evaluated using either of the following USEPA approved methods, incorporated by reference at 35 Ill. Adm. Code ~~301.106~~ 302-510: Method OIA-1677, DW: Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry, January 2004, Document Number EPA-821-R-04-001 or Cyanide Amenable to Chlorination, Standard Methods 4500-CN-G (40 CFR 136.3).

- b) The following water quality standards must not be exceeded at any time in any waters of the Lake Michigan Basin, unless a different standard is specified under

subsection (c) ~~of this Section.~~

<u>Constituent</u>		<u>Unit</u>	<u>Water Quality Standard</u>
Barium (total)	01007	mg/L	5.0
Chloride (total)		mg/L	500
Iron (dissolved)		mg/L	1.0
Phenols		mg/L	0.1
Sulfate		mg/L	500
Total Dissolved Solids		mg/L	1000

- c) In addition to the standards specified in subsections (a) and (b) ~~of this Section,~~ the following standards must not be exceeded at any time in the Open Waters of Lake Michigan as defined in Section 302.501.

<u>Constituent</u>		<u>Unit</u>	<u>Water Quality Standard</u>
Arsenic (total)		µg/L	50.0
Boron (total)		mg/L	1.0
Barium (total)		mg/L	1.0
Chloride (total)		mg/L	12.0
Fluoride (total)		mg/L	1.4
Iron (dissolved)		mg/L	0.30
Lead (total)		µg/L	50.0
Manganese (total)		mg/L	0.15
Nitrate-Nitrogen		mg/L	10.0
Phosphorus		µg/L	7.0
Selenium (total)		µg/L	10.0
Sulfate		mg/L	24.0
Total Dissolved Solids		mg/L	180.0

Oil (hexane solubles or equivalent)	mg/L	0.10
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Phenols	µg/L	1.0
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- d) In addition to the standards specified in subsections (a), (b) and (c) ~~of this Section~~, the following human health standards (HHS) must not be exceeded in the Open Waters of Lake Michigan as defined in Section 302.501 by the arithmetic average of at least four consecutive samples collected over a period of at least four days. The samples used to demonstrate compliance with the HHS must be collected in a manner which assures an average representation of the sampling period.

<u>Constituent</u>	<u>Unit</u>	<u>Water Quality Standard</u>
Benzene	µg/L	12.0
Chlorobenzene	µg/L	470.0
2,4-Dimethylphenol	µg/L	450.0
2,4-Dinitrophenol	µg/L	55.0
Hexachloroethane (total)	µg/L	5.30
Lindane	µg/L	0.47
Methylene chloride	µg/L	47.0
Trichloroethylene	µg/L	29.0

- e) For the following bioaccumulative chemicals of concern (BCCs), acute aquatic life standards (AS) must not be exceeded at any time in any waters of the Lake Michigan Basin and chronic aquatic life standards (CS), human health standards (HHS), and wildlife standards (WS) must not be exceeded in any waters of the Lake Michigan Basin by the arithmetic average of at least four consecutive samples collected over a period of at least four days subject to the limitations of 35 Ill. Adm. Code Sections 302.520 and 302.530. The samples used to demonstrate compliance with the HHS and WS must be collected in a manner that assures an average representation of the sampling period.

<u>Constituent</u>	<u>Unit</u>	<u>AS</u>	<u>CS</u>	<u>HHS</u>	<u>WS</u>
Mercury (total)	ng/L	1,700	910	3.1	1.3
Chlordane	ng/L	NA	NA	0.25	NA
DDT and metabolites	pg/L	NA	NA	150	11.0

Dieldrin	ng/L	240	56	0.0065	NA
Hexachlorobenzene	ng/L	NA	NA	0.45	NA
Lindane	µg/L	0.95	NA	0.5	NA
PCBs (class)	pg/L	NA	NA	26	120
2,3,7,8-TCDD	fg/L	NA	NA	8.6	3.1
Toxaphene	pg/L	NA	NA	68	NA

where:

mg/L = milligrams per liter ( $10^{-3}$  grams per liter)

µg/L = micrograms per liter ( $10^{-6}$  grams per liter)

ng/L = nanograms per liter ( $10^{-9}$  grams per liter)

pg/L = picograms per liter ( $10^{-12}$  grams per liter)

fg/L = femtograms per liter ( $10^{-15}$  grams per liter)

NA = Not Applied

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.505 Fecal Coliform

Based on a minimum of five samples taken over not more than a 30-day period, fecal coliform (~~STORET number 31616~~) must not exceed a geometric mean of 20 per 100 ml in the Open Waters of Lake Michigan as defined in 35 Ill. Adm. Code Section 302.501. The remaining waters of the Lake Michigan Basin must not exceed a geometric mean of 200 per 100 ml, nor shall more than 10% of the samples during any 30 day period exceed 400 per 100 ml.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.506 Temperature

- a) ~~STORET numbers for temperature are (°F) 00011 and (°C) 00010.~~
- b) The owner or operator of a source of heated effluent ~~must~~ shall maintain such records and conduct such studies of the effluents from ~~the~~ such source and ~~itself~~ their effects as may be required by the Agency or in any permit granted under the Act.
- b)e) Backfitting of alternative cooling facilities will be required if, upon complaint filed in ~~compliance accordance~~ with Board rules, it is found at any time that any heated effluent causes significant ecological damage to the Lake.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.507 Thermal Standards for Existing Sources on January 1, 1971

All sources of heated effluents in existence as of January 1, 1971, ~~must~~ shall meet the following restrictions outside of a mixing zone which ~~must~~ shall be no greater than a circle with a radius of 305 m (1000 feet) or an equal fixed area of simple form.

- a) There ~~must~~ shall be no abnormal temperature changes that may affect aquatic life.
- b) The normal daily and seasonal temperature fluctuations that existed before the addition of heat ~~must~~ shall be maintained.
- c) The maximum temperature rise at any time above natural temperatures ~~must~~ shall not exceed 1.7 °C (3 °F)~~1.7°C (3°F)~~. In addition, the water temperature ~~must~~ shall not exceed the maximum limits indicated in the following table:

	<u>° C</u>	<u>° F</u>		<u>° C</u>	<u>° F</u>
JAN.	7	45	JUL.	27	80
FEB.	7	45	AUG.	27	80
MAR.	7	45	SEPT.	27	80
APR.	13	55	OCT.	18	65
MAY	16	60	NOV.	16	60
JUN.	21	70	DEC.	10	50

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.508 Thermal Standards for Sources Under Construction But Not In Operation on January 1, 1971

Any effluent source under construction but not in operation on January 1, 1971 must meet all the requirements of 35 Ill. Adm. Code~~Section 302.507~~ and in addition must meet the following restrictions:

- a) ~~The~~ Neither the bottom, the shore, the hypolimnion, ~~and nor~~ the thermocline ~~must~~ not shall be affected by any heated effluent.
- b) ~~Heated~~ No heated effluent ~~must not shall~~ affect spawning grounds or fish migration routes.
- c) Discharge structures ~~must shall~~ be so designed as to maximize short-term mixing and thus to reduce the area significantly raised in temperature.
- d) ~~Discharge~~ No discharge ~~must not shall~~ exceed ambient temperatures by more than 11 °C (20 °F)~~1°C (20°F)~~.

- e) Heated effluents from more than one source must shall not interact.
- f) All reasonable steps must shall be taken to reduce the number of organisms drawn into or against the intakes.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.509 Other Sources

- a) ~~A~~ No source of heated effluent which was not in operation or under construction as of January 1, 1971, must not shall discharge more than a daily average of 29 megawatts (0.1 billion British thermal units per hour).
- b) Sources of heated effluents which discharge less than a daily average of 29 megawatts (0.1 billion British Thermal Units per hour) not in operation or under construction as of January 1, 1971, must shall meet all requirements of 35 Ill. Adm. Codes sections 302.507 and 302.508.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.510 Incorporations by Reference (Repealed)

- a) ~~The Board incorporates the following publications by reference:~~

~~American Public Health Association et al., Standard Methods for the Examination of Water and Wastewater, 21<sup>st</sup> Edition, 2005. Available from the American Public Health Association, 800 I Street, NW, Washington, D.C. 20001-3710, (202)777-2742.~~

~~USEPA. United States Environmental Protection Agency, Office of Health and Environmental Assessment, Washington, D.C. 20460, Method OIA-1677, DW: Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry, January 2004, Document Number EPA-821-R-04-001.~~

- b) ~~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:~~

~~\_\_\_\_\_ 40 CFR 136 (1996)~~

~~\_\_\_\_\_ 40 CFR 141 (1988)~~

~~\_\_\_\_\_ 40 CFR 302.4 (1988)~~

~~The Sections of 40 CFR 132 (1996) listed below:~~

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~~Appendix A~~

~~Section I A~~

~~Section II~~

~~Section III C~~

~~Section IV D, E, F, G, H, and I~~

~~Section V C~~

~~Section VI A, B, C, D, E, and F~~

~~Section VIII~~

~~Section XI~~

~~Section XVII~~

~~Appendix B~~

~~Section III~~

~~Section VII B and C~~

~~Section VIII~~

~~Appendix C~~

~~Section II~~

~~Section III A (1 through 6 and 8), B (1 and 2)~~

~~Appendix D~~

~~Section III C, D, and E~~

~~Section IV~~

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

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.515 Offensive Conditions

Waters of the Lake Michigan Basin must be free from sludge or bottom deposits, floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than natural origin. The allowed mixing provisions of 35 Ill. Adm. Code Section 302.102 ~~must shall~~ not be used to comply with the provisions of this Section.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.520 Regulation and Designation of Bioaccumulative Chemicals of Concern (BCCs)

- a) For ~~the purposes of~~ regulating BCCs in ~~compliance~~ accordance with 35 Ill. Adm. Code Sections 302.521 and 302.530 of this Part, the following chemicals must shall be considered as BCCs:
- 1) any chemical or class of chemicals listed as a BCC in 35 Ill. Adm. Code Section 302.501; and
  - 2) any chemical or class of chemicals that the Agency has determined meets the characteristics of a BCC as defined in 35 Ill. Adm. Code Section 302.501 as indicated by:
    - A) publication in the Illinois Register; or
    - B) notification to a permittee or applicant; or
    - C) filing a petition with the Board to verify that the chemical must shall be designated a BCC.
- b) Notwithstanding subsections (a)(2)(A) and (B) ~~of this Section~~, a chemical must shall not be regulated as a BCC if the Agency has not filed a petition, within 60 days after such publication or notification, with the Board in compliance accordance with Section 28.2 of the Act to verify that the chemical must shall be designated a BCC.
- c) ~~Under Pursuant to~~ subsection (b) ~~of this Section~~ and 35 Ill. Adm. Code Section 302.570 of this Part, if the Board verifies that a chemical has a human health bioaccumulation factor greater than 1,000 and is consistent with the definition of a BCC in 35 Ill. Adm. Code Section 302.501 ~~Section 302.105~~, the Board must shall designate the chemical as a BCC and list the chemical in 35 Ill. Adm. Code Section 302.501. If the Board fails to verify the chemical as a BCC in its final action on the verification petition, the chemical must shall not be listed as a BCC and must shall not be regulated as a BCC in compliance accordance with 35 Ill. Adm. Code Sections 302.521 and 302.530 of this Part.



(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.521 Supplemental Antidegradation Provisions for BCCs

- a) Notwithstanding the provisions of ~~35 Ill. Adm. Code~~ ~~Section 302.105~~, waters within the Lake Michigan Basin must not be lowered in quality due to new or increased loading of substances defined as ~~bioaccumulative chemicals of concern~~ (BCCs) in ~~35 Ill. Adm. Code~~ ~~Section 302.501~~ from any source or activity subject to the NPDES permitting, Section 401 water quality certification provisions of the Clean Water Act (P.L. 92-100, as amended), or joint permits from the Agency and the Illinois Department of Natural Resources under Section 39(n) of the Act [415 ILCS 5/39(n)] until and unless it can be affirmatively demonstrated that such change is necessary to accommodate important economic or social development.
- 1) Where ambient concentrations of a BCC are equal to or exceed an applicable water quality criterion, no increase in loading of that BCC is allowed.
  - 2) Where ambient concentrations of a BCC are below the applicable water quality criterion, a demonstration to justify increased loading of that BCC must include the following:
    - A) Pollution Prevention Alternatives Analysis. Identify any cost-effective reasonably available pollution prevention alternatives and techniques that would eliminate or significantly reduce the extent of increased loading of the BCC.
    - B) Alternative or Enhanced Treatment Analysis. Identify alternative or enhanced treatment techniques that are cost effective and reasonably available to the entity that would eliminate or significantly reduce the extent of increased loading of the BCC.
    - C) Important Social or Economic Development Analysis. Identify the social or economic development and the benefits that would be forgone if the increased loading of the BCC is not allowed.
  - 3) In no case ~~will~~ ~~shall~~ increased loading of BCCs result in ~~exceeding~~ ~~exceedence~~ of applicable water quality criteria or concentrations exceeding the level of water quality necessary to protect existing uses.
  - 4) Changes in loadings of any BCC within the existing capacity and processes of an existing NPDES authorized discharge, certified activity ~~under pursuant to~~ Section 401 of the Clean Water Act, or joint permits from the Agency and the Illinois Department of Natural Resources under Section 39(n) of the Act are not subject to the antidegradation review of

subsection (a) ~~of this Section~~. These changes include ~~but are not limited to~~ to:

- A) normal operational variability, including, ~~but not limited to~~, intermittent increased discharges due to wet weather conditions;
  - B) changes in intake water pollutants;
  - C) increasing the production hours of the facility; or
  - D) increasing the rate of production.
- 5) Any determination to allow increased loading of a BCC based on ~~pursuant to~~ a demonstration of important economic or social development need must ~~shall~~ satisfy the public participation requirements of 40 CFR 25 prior to final issuance of the NPDES permit, Section 401 water quality certification, or joint permits from the Agency and the Illinois Department of Natural Resources under Section 39(n) of the Act.
- b) The following actions are not subject to the provisions of subsection (a) ~~of this Section~~, unless the Agency determines the circumstances of an individual situation warrant application of those provisions to adequately protect water quality:
- 1) Short-term, temporary (i.e., weeks or months) lowering of water quality;
  - 2) Bypasses that are not prohibited at 40 CFR 122.41 (m), incorporated by reference in 35 Ill. Adm. Code 301.106; or
  - 3) Response actions under ~~pursuant to~~ the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, or similar federal or State authority, undertaken to alleviate a release into the environment of hazardous substances, pollutants or contaminants that pose danger to public health or welfare.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.525 Radioactivity**

Except as provided in 35 Ill. Adm. Code ~~Section 302.102~~, all waters of the Lake Michigan Basin must meet the following concentrations:

- a) Gross beta (~~STORET number 03501~~) concentrations must not exceed 100 picocuries per liter (pCi/L).

- b) Strontium 90 (~~STORET number 13501~~) concentration ~~must~~ shall not exceed 2 picocuries per liter (pCi/L).
- c) The annual average radium 226 and 228 (~~STORET number 11503~~) combined concentration must not exceed 3.75 picocuries per liter (pCi/L).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.530 Supplemental Mixing Provisions for Bioaccumulative Chemicals of Concern (BCCs)**

The ~~Allowed Mixing, Mixing Zones, and ZIDs provisions~~ General Provisions of 35 Ill. Adm. Code Section 302.102 (~~Allowed Mixing, Mixing Zones and ZIDs~~) apply within the Lake Michigan Basin except as otherwise provided ~~herein~~ for substances defined as BCCs in 35 Ill. Adm. Code Section 302.501:

- a) ~~Mixing is not~~ No mixing shall be allowed for BCCs for new discharges commencing on or after December 24, 1997.
- b) Discharges of BCCs existing as of December 24, 1997 are eligible for mixing allowance consistent with 35 Ill. Adm. Code Section 302.102 until March 23, 2007. After March 23, 2007 mixing for BCCs will not be allowed except as provided in subsections (c) and (d) ~~of this Section~~.
- c) Mixing allowance for a source in existence on December 24, 1997 may continue beyond March 23, 2007 where it can be demonstrated on a case by case basis that continuation of mixing allowance is necessary to achieve water conservation measures that result in overall reduction of BCC mass loading to the Lake Michigan Basin.
- d) Mixing allowance for a source in existence on December 24, 1997 ~~will~~ shall only continue if necessitated by technical and economic factors. Any mixing allowance continued beyond March 23, 2007 based on technical and economic factors ~~must~~ shall be limited to not more than one NPDES permit term, and ~~must~~ shall reflect the maximum achievable BCC loading reduction within the identified technical and economic considerations necessitating the exception. ~~The~~ Such continued mixing allowance ~~must~~ shall not be renewed beyond that permit term unless a new determination of technical and economic necessity is made.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.535 Ammonia Nitrogen**

The Open Waters of Lake Michigan as defined in 35 Ill. Adm. Code Section 302.501 must not exceed 0.02 mg/L total ammonia (as N: STORET Number 00610). The remaining waters of the Lake Michigan Basin ~~are~~ shall be subject to the following:

- a) Total ammonia nitrogen (as N: STORET Number 00610) must in no case exceed 15 mg/L.
- b) Un-ionized ammonia nitrogen (as N: STORET Number 00612) must not exceed the acute and chronic standards given below subject to the provisions of 35 Ill. Adm. Code Sections 302.208(a) and (b) of this Part:
  - 1) From April through October, the Acute Standard (AS) ~~must~~ shall be 0.33 mg/L and the chronic standard (CS) ~~must~~ shall be 0.057 mg/L.
  - 2) From November through March, the AS ~~must~~ shall be 0.14 mg/L and the CS ~~must~~ shall be 0.025 mg/L.
- c) For ~~purposes of~~ this Section, the concentration of un-ionized ammonia nitrogen as N and total ammonia as N ~~must~~ shall be computed according to the following equations:

$$U = \frac{N}{[0.94412(1 + 10^X) + 0.0559]}$$

$$\text{and } N = U[0.94412(1 + 10^X) + 0.0559]$$

$$\text{Where: } X = 0.09018 + \frac{2729.92}{(T + 273.16)} - \text{pH}$$

U = Concentration of un-ionized ammonia as N in mg/L

N = Concentration of ammonia nitrogen as N in mg/L

T = Temperature in degrees Celsius.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.540 Other Toxic Substances**

Waters of the Lake Michigan Basin must be free from any substance or any combination of substances in concentrations toxic or harmful to human health, or to animal, plant or aquatic life. The numeric standards protective of particular uses specified for individual chemical substances in 35 Ill. Adm. Code Section 302.504 are not subject to recalculation by this Section, however, where no standard ~~applies to~~ is applied for a category, a numeric value may be calculated ~~herein~~.

- a) Any substance ~~will~~ shall be deemed toxic or harmful to aquatic life if present in concentrations that exceed the following:

- 1) A Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC) or Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAATV) derived ~~underpursuant to~~ procedures ~~set forth~~ in 35 Ill. Adm. Code Sections 302.555, 302.560 or 302.563 at any time; or
  - 2) A Tier I Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCATC) or Tier II Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCATV) derived ~~underpursuant to~~ procedures ~~set forth~~ in 35 Ill. Adm. Code Section 302.565 as an average of four samples collected on four different days.
- b) Any combination of substances, including effluents, ~~will~~shall be deemed toxic to aquatic life if present in concentrations that exceed either subsection (b)(1) or (2) ~~of this Section:~~
- 1) ~~A~~ No sample of water from the Lake Michigan Basin collected outside of a designated zone of initial dilution ~~must not~~ ~~shall~~ exceed 0.3 TU<sub>a</sub> as determined for the most sensitive species tested using acute toxicity testing methods.
  - 2) ~~A~~ No sample of water from the Lake Michigan Basin collected outside a designated mixing zone ~~must not~~ ~~shall~~ exceed 1.0 TU<sub>c</sub> as determined for the most sensitive species tested using chronic toxicity testing methods.
  - 3) To demonstrate compliance with subsections (1) and (2) ~~of this subsection (b),~~ at least two resident or indigenous species ~~must~~will be tested. The rainbow trout ~~must~~will be used to represent fishes for the Open Waters of Lake Michigan and the fathead minnow ~~must~~will represent fishes for the other waters of the Lake Michigan Basin. Ceriodaphnia ~~must~~will represent invertebrates for all waters of the Lake Michigan Basin. Other common species ~~may~~shall be used if listed in Table I (a) ~~A~~ of 40 CFR 136, incorporated by reference at 35 Ill. Adm. Code 301.106 Section 302.510, and approved by the Agency.
- c) Any substance ~~must~~ ~~shall~~ be deemed toxic or harmful to wildlife if present in concentrations that exceed a Tier I Lake Michigan Basin Wildlife Criterion (LMWLC) derived ~~underpursuant to~~ procedures ~~set forth~~ in 35 Ill. Adm. Code Section 302.575 as an arithmetic average of four samples collected over four different days.
- d) For any substance that is a threat to human health through drinking water exposure only, the resulting criterion or value ~~must apply~~ ~~shall be applicable~~ to only the Open Waters of Lake Michigan. For any substance that is determined to be a BCC, the resulting criterion ~~must~~ ~~shall~~ apply in the entire Lake Michigan Basin. These substances ~~must~~ ~~shall~~ be deemed toxic or harmful to human health if present in concentrations that exceed either of the following:

- 1) A Tier I Lake Michigan Basin Human Health Threshold Criterion (LMHHTC) or Tier II Lake Michigan Basin Human Health Threshold Value (LMHHTV) based on disease or functional impairment due to a physiological mechanism for which there is a threshold dose below which no damage occurs as derived ~~underpursuant to~~ procedures set forth in 35 Ill. Adm. Code Section 302.585 as an arithmetic average of four samples collected over four different days; or
  - 2) A Tier I Lake Michigan Basin Human Health Nonthreshold Criterion (LMHHNC) or Tier II Lake Michigan Basin Human Health Nonthreshold Value (LMHHNV) based on disease or functional impairment due to a physiological mechanism for which any dose may cause some risk of damage as derived ~~underpursuant to~~ procedures set forth in 35 Ill. Adm. Code Section 302.590 as an arithmetic average of four samples collected over four different days.
- e) The derived criteria and values apply at all points outside of any waters in which mixing is allowed ~~under 35 Ill. Adm. Code pursuant to Section 302.102 or Section 302.530.~~
- f) The procedures of this Subpart E set forth minimum data requirements, appropriate test protocols and data assessment methods for establishing criteria or values ~~underpursuant to~~ subsections (b), (c), and (d) ~~of this Section.~~ No other procedures may be used to establish such criteria or values unless approved by the Board in a rulemaking or adjusted standards proceeding ~~underpursuant to~~ Title VII of the Act. The validity and applicability of these procedures may not be challenged in any proceeding brought ~~underpursuant to~~ Title VIII or X of the Act, although the validity and correctness of application of the numeric criteria or values derived ~~under pursuant to~~ this Subpart may be challenged in such proceedings ~~underpursuant to~~ subsection (g) ~~of this Section.~~
- g) Challenges to application of criteria and values.
- 1) A permittee may challenge the validity and correctness of application of a criterion or value derived by the Agency ~~under pursuant to~~ this Section only at the time such criterion or value is first applied in its NPDES permit ~~under pursuant to~~ 35 Ill. Adm. Code 309.152 or in an action ~~underpursuant to~~ Title VIII of the Act for violation of the toxicity water quality standard. Failure of a person to challenge the validity of a criterion or value at the time of its first application to that person's facility ~~constitutes shall~~ constitute a waiver of ~~a such~~ challenge in any subsequent proceeding involving application of the criterion or value to that person.
  - 2) Consistent with subsection (g)(1) ~~of this Section,~~ if a criterion or value is included as, or is used to derive, a condition of an NPDES discharge

permit, a permittee may challenge the criterion or value in a permit appeal ~~under pursuant to 35 Ill. Adm. Code 309.181. In any such action, the Agency shall include in the record all information upon which it has relied in developing and applying the criterion or value, and whether such information was developed by the Agency or submitted by the petitioner. THE BURDEN OF PROOF SHALL BE ON THE PETITIONER pursuant to Section 40(a)(1) of the Act.~~

- 3) Consistent with subsection (g)(1) ~~of this Section~~, in an action where alleged violation of the toxicity water quality standard is based on alleged excursion of a criterion or value, the person bringing the such action ~~has shall~~ have the burdens of going forward with proof and persuasion regarding the general validity and correctness of application of the criterion or value.
  
- h) Subsections (a) through (e) ~~of this Section~~ do not apply to USEPA registered pesticides approved for aquatic application and applied under pursuant to the following conditions:
  - 1) Application must shall be made in strict compliance accordance with label directions;
  - 2) Applicator must shall be properly certified under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq. (1972));
  - 3) Applications of aquatic pesticides must comply be in accordance with the laws, regulations and guidelines of all State and federal agencies authorized by law to regulate, use or supervise pesticide applications;
  - 4) Aquatic No aquatic pesticide must not shall be applied to waters affecting public or food processing water supplies unless a permit to apply the pesticide has been obtained from the Agency. All permits must shall be issued so as not to cause a violation of the Act or of any of the Board's rules ~~or regulations~~. To aid applicators in determining their responsibilities under this subsection (h), a list of waters affecting public water supplies will be published and maintained by the Agency's Division of Public Water Supplies.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.545 Data Requirements**

The Agency must shall review, for validity, applicability and completeness the data used in calculating criteria or values. To the extent available, and to the extent not otherwise specified, testing procedures, selection of test species and other aspects of data acquisition must be

according to methods published by USEPA or nationally recognized standards of organizations, including, ~~but not limited to,~~ those methods found in Standard Methods, incorporated by reference in 35 Ill. Adm. Code 301.106 Section 302.510, or recommended in 40 CFR 132, and incorporated by reference in 35 Ill. Adm. Code 301.106 Section 302.510.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.550 Analytical Testing**

All methods of sample collection, preservation, and analysis used in applying any of the requirements of this Subpart ~~must shall~~ be consistent with the methods published by USEPA or nationally recognized standards of organizations, including ~~but not limited to~~ those methods found in Standard Methods, incorporated by reference in 35 Ill. Adm. Code 301.106 Section 302.510, or recommended in 40 CFR 132 and incorporated by reference in 35 Ill. Adm. Code 301.106 Section 302.510.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.553 Determining the Lake Michigan Aquatic Toxicity Criteria or Values - General Procedures**

The Lake Michigan Aquatic Life Criteria and Values are those concentrations or levels of a substance at which aquatic life is protected from adverse effects resulting from short or long term exposure in water.

- a) Tier I criteria and Tier II values to protect against acute effects in aquatic organisms will be calculated according to procedures listed at 35 Ill. Adm. Code Sections 302.555, 302.560 and 302.563. The procedures of 35 Ill. Adm. Code Section 302.560 ~~must shall~~ be used as necessary to allow for interactions with other water quality characteristics such as hardness, pH, temperature, etc. Tier I criteria and Tier II values to protect against chronic effects in aquatic organisms ~~must shall~~ be calculated according to the procedures listed at 35 Ill. Adm. Code Section 302.565.
- b) Minimum data requirements. In order to derive a Tier I acute or chronic criterion, data must be available for at least one species of freshwater animal in at least eight different families such that the following taxa are included:
  - 1) The family Salmonidae in the class Osteichthyes;
  - 2) One other family in the class Osteichthyes;
  - 3) A third family in the phylum Chordata;
  - 4) A planktonic crustacean;



- 5) A benthic crustacean;
  - 6) An insect;
  - 7) A family in a phylum other than Arthropoda or Chordata; and
  - 8) A family from any order of insect or any phylum not already represented.
- c) Data for tests with plants, if available, must be included in the data set.
  - d) If data for acute effects are not available for all the eight families listed above, but are available for the family Daphnidae, a Tier II value ~~must~~ shall be derived according to procedures in 35 Ill. Adm. Code Section 302.563. If data for chronic effects are not available for all the eight families, but there are acute and chronic data available according to 35 Ill. Adm. Code Section 302.565(b) so that three acute to chronic ratios (ACRs) can be calculated, then a Tier I chronic criterion can be derived according to procedures in 35 Ill. Adm. Code Section 302.565. If three ACRs are not available, then a Tier II chronic value can be derived according to procedures in 35 Ill. Adm. Code Section 302.565(b).
  - e) Data must be obtained from species that have reproducing wild populations in North America except that data from salt water species can be used in the derivation of an ACR.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 302.555 Determining the Tier I Lake Michigan Acute Aquatic Toxicity Criterion (LMAATC): Independent of Water Chemistry**

If the acute toxicity of the chemical has not been shown to be related to a water quality characteristic, including, ~~but not limited to,~~ hardness, pH, or temperature, the Tier I LMAATC is calculated using the procedures below.

- a) For each species for which more than one acute value is available, the Species Mean Acute Value (SMAV) is calculated as the geometric mean of the acute values from all tests.
- b) For each genus for which one or more SMAVs are available, the Genus Mean Acute Value (GMAV) is calculated as the geometric mean of the SMAVs available for the genus.
- c) The GMAVs are ordered from high to low in numerical order.
- d) Ranks (R) are assigned to the GMAVs from "1" for the lowest to "N" for the highest. If two or more GMAVs are identical, successive ranks are arbitrarily assigned.

- e) The cumulative probability, P, is calculated for each GMAV as  $R/(N+1)$ .
- f) The GMAVs to be used in the calculations of subsection (g) ~~of this Section~~ must be those with cumulative probabilities closest to 0.05. If there are fewer than 59 GMAVs in the total data set, the values utilized must be the lowest four obtained through the ranking procedures of subsections (c) and (d) ~~of this Section~~.
- g) Using the GMAVs identified under ~~pursuant to~~ subsection (f) ~~of this Section~~ and the Ps calculated under ~~pursuant to~~ subsection (e) ~~of this Section~~, the Final Acute Value (FAV) and the LMAATC are calculated as:

$$\begin{aligned} \text{FAV} &= \exp(A) \text{ and} \\ \text{LMAATC} &= \text{FAV}/2 \end{aligned}$$

Where:

$$A = L + 0.2236 S$$

$$L = [\sum(\ln\text{GMAV}) - S(\sum(P^{0.5}))]/4$$

$$S = [[\sum((\ln\text{GMAV})^2) - ((\sum(\ln\text{GMAV}))^2)/4]/[\sum(P) - ((\sum(P^{0.5}))^2)/4]]^{0.5}$$

- h) If a resident or indigenous species, whose presence is necessary to sustain commercial or recreational activities, will not be protected by the calculated FAV, then the SMAV for that species is used as the FAV.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.560 Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC): Dependent on Water Chemistry**

If data are available to show that a relationship exists between a water quality characteristic (WQC) and acute toxicity to two or more species, a Tier I LMAATC must be calculated using procedures in this Section. Although the relationship between hardness and acute toxicity is typically non-linear, it can be linearized by a logarithmic transformation (i.e., for any variable, K,  $f(K) = \text{logarithm of } K$ ) of the variables and plotting the logarithm of hardness against the logarithm of acute toxicity. Similarly, relationships between acute toxicity and other water quality characteristics, such as pH or temperature, may require a transformation, including no transformation (i.e., for any variable, K,  $f(K) = K$ ) for one or both variables to obtain least squares linear regression of the transformed acute toxicity values on the transformed values of the water quality characteristic. An LMAATC is calculated using the following procedures.

- a) For each species for which acute toxicity values are available at two or more different values of the water quality characteristic, a linear least squares regression of the transformed acute toxicity (TAT) values on the transformed

water quality characteristic (TWQC) values is performed to obtain the slope of the line describing the relationship.

- b) Each of the slopes determined ~~underpursuant to subsection (a) of this Section~~ is evaluated as to whether it is statistically valid, ~~consideringtaking into account~~ the range and number of tested values of the water quality characteristic and the degree of agreement within and between species. If slopes are not available for at least one fish and one invertebrate species, or if the available slopes are too dissimilar or if too few data are available to define the relationship between acute toxicity and the water quality characteristic, then the LMAATC must be calculated using the procedures in 35 Ill. Adm. CodeSection 302.555.
- c) Normalize the TAT values for each species by subtracting W, the arithmetic mean of the TAT values of a species, from each of the TAT values used in the determination of the mean, such that the arithmetic mean of the normalized TAT values for each species individually or for any combination of species is zero (0.0).
- d) Normalize the TWQC values for each species using X, the arithmetic mean of the TWQC values of a species, in the same manner as in subsection (c) ~~of this Section~~.
- e) Group all the normalized data by treating them as if they were from a single species and perform a least squares linear regression of all the normalized TAT values on the corresponding normalized TWQC values to obtain the pooled acute slope, V.
- f) For each species, the graphical intercept representing the species TAT intercept, f(Y), at a specific selected value, Z, of the WQC is calculated using the equation:

$$f(Y) = W - V(X - g(Z))$$

Where:

f() is the transformation used to convert acute toxicity values to TAT values

Y is the species acute toxicity intercept or species acute intercept

W is the arithmetic mean of the TAT values as specified in subsection (c) ~~of this Section~~

V is the pooled acute slope as specified in subsection (e) ~~of this Section~~

X is the arithmetic mean of the TWQC values as specified in subsection (c) ~~of this Section~~

g) is the transformation used to convert the WQC values to TWQC values

Z is a selected value of the WQC

- g) For each species, determine the species acute intercept, Y, by carrying out an inverse transformation of the species TAT value, f(Y). For example, in the case of a logarithmic transformation, Y = antilogarithm of (f(Y)); or in the case where no transformation is used, Y = f(Y).
- h) The Final Acute Intercept (FAI) is derived by using the species acute intercepts, obtained from subsection (f) ~~of this Section~~, in compliance ~~accordance~~ with the procedures described in 35 Ill. Adm. Code Section 302.555 (b) through (g), with the word "value" replaced by the word "intercept". Note that in this procedure geometric means and natural logarithms are always used.
- i) The Aquatic Acute Intercept (AAI) is obtained by dividing the FAI by two.
- If, for a commercially or recreationally important species, the geometric mean of the acute values at Z is lower than the FAV at Z, then the geometric mean of that species must be used as the FAV.
- j) The LMAATC at any value of the WQC, denoted by WQCx, is calculated using the terms defined in subsection (f) ~~of this Section~~ and the equation:

$$\text{LMAATC} = \exp[V(g(\text{WQCx}) - g(Z)) + f(\text{AAI})]$$

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.563 Determining the Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAATV)**

If all eight minimum data requirements for calculating a FAV using Tier I procedures are not met, a Tier II LMAATV must be calculated for a substance as follows:

- a) The lowest GMAV in the database is divided by the Secondary Acute Factor (SAF) corresponding to the number of satisfied minimum data requirements listed in the Tier I methodology (35 Ill. Adm. Code Section 302.553). In order to calculate a Tier II LMAATV, the data base must contain, at a minimum, a GMAV for one of the following three genera in the family Daphnidae -- Ceriodaphnia sp., Daphnia sp., or Simocephalus sp. The Secondary Acute Factors are:

---

Number of Minimum data requirements satisfied (required taxa)	Secondary Acute Factor
---	------------------------

---

1

43.8

2	26.0
3	16.0
4	14.0
5	12.2
6	10.4
7	8.6

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- b) If dependent on a water quality characteristic, the Tier II LMAATV must be calculated according to 35 Ill. Adm. Code Section 302.560.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 302.565 Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCATC) or the Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCATV)**

- a) Determining Tier I LMCATC
- 1) When chronic toxicity data are available for at least eight resident or indigenous species from eight different North American genera of freshwater organisms as specified in 35 Ill. Adm. Code Section 302.553, a Tier I LMCATC is derived in the same manner as the FAV in 35 Ill. Adm. Code Section 302.555 or 302.560 by substituting LMCATC for FAV or FAI, chronic for acute, SMCV (Species Mean Chronic Value) for SMAV, and GMCV (Genus Mean Chronic Value) for GMAV.
  - 2) If data are not available to meet the requirements of subsection (a) ~~of this Section~~, a Tier I LMCATC is calculated by dividing the FAV by the geometric mean of the acute-chronic ratios (ACRs) obtained from at least one species of aquatic animal from at least three different families provided that of the three species:
    - A) At least one is a fish;
    - B) At least one is an invertebrate; and
    - C) At least one species is an acutely sensitive freshwater species if the other two are saltwater species.

- 3) The acute-chronic ratio (ACR) for a species equals the acute toxicity concentration from data considered under 35 Ill. Adm. Code Section 302.555 or 302.560, divided by the chronic toxicity concentration.
  - 4) If a resident or indigenous species whose presence is necessary to sustain commercial or recreational activities will not be protected by the calculated LMCATC, then the SMCV for that species is used as the CATC.
- b) Determining the Tier II LMCATV
- 1) If all eight minimum data requirements for calculating a FCV using Tier I procedures are not met, or if there are not enough data for all three ACRs, a Tier II Lake Michigan Chronic Aquatic Life Toxicity Value must~~shall~~ be calculated using a secondary acute chronic ratio (SACR) determined as follows:
    - A) If fewer than three valid experimentally determined ACRs are available:
      - i) Use sufficient ACRs of 18 so that the total number of ACRs equals three; and
      - ii) Calculate the Secondary Acute-Chronic Ratio as the geometric mean of the three ACRs; or
    - B) If no experimentally determined ACRs are available, the SACR is 18.
  - 2) Calculate the Tier II LMCATV using one of the following equations:
    - A) Tier II LMCATV = FAV / SACR
    - B) Tier II LMCATV = SAV / FACR
    - C) Tier II LMCATV = SAV / SACR

Where:

the SAV equals 2 times the value of the Tier II LMAATV calculated in 35 Ill. Adm. Code Section 302.563
  - 3) If, for a commercially or recreationally important species, the SMCV is lower than the calculated Tier II LMCATV, then the SMCV must be used as the Tier II LMCATV.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.570 Procedures for Deriving Bioaccumulation Factors for the Lake Michigan Basin**

A bioaccumulation factor (BAF) is used to relate the concentration of a substance in an aquatic organism to the concentration of the substance in the waters in which the organism resides when all routes of exposure (ambient water and food) are included. A BAF is used in the derivation of water quality criteria to protect wildlife and criteria and values to protect human health.

- a) Selection of data. BAFs can be obtained or developed from one of the following methods, listed in order of preference.
  - 1) Field-measured BAF.
  - 2) Field-measured biota-sediment accumulation factor (BSAF).
  - 3) Laboratory-measured bioconcentration factor (BCF).  
The concentration of particulate organic carbon (POC) and dissolved organic carbon (DOC) in the test solution must ~~shall~~ be either measured or reliably estimated.
  - 4) Predicted BCF.  
Predicted baseline BCF =  $K_{ow}$ .
- b) Calculation of baseline BAFs for organic chemicals.  
The most preferred BAF or BCF from above is used to calculate a baseline BAF which in turn is utilized to derive a human health or wildlife specific BAF.
  - 1) Procedures for determining the necessary elements of baseline calculation.
    - A) Lipid normalization. The lipid-normalized concentration,  $C_l$ , of a chemical in tissue is defined using the following equation:

$$C_l = C_b / f_l$$

Where:

$C_b$  = concentration of the organic chemical in the tissue of aquatic biota (either whole organism or specified tissue) ( $\mu\text{g/g}$ )

$f_l$  = fraction of the tissue that is lipid

- B) Bioavailability.

The fraction of the total chemical in the ambient water that is freely dissolved,  $f_{fd}$ , ~~must~~ shall be calculated using the following equation:

$$f_{fd} = 1 / \{ 1 + [(DOC)(Kow)/10] + [(POC)(Kow)] \}$$

Where:

DOC = concentration of dissolved organic carbon, kg of dissolved organic carbon/L of water

Kow = octanol-water partition coefficient of the chemical

POC = concentration of particulate organic carbon, kg of particulate organic carbon/L of water

- C) Food Chain Multiplier (FCM). For an organic chemical, the FCM used ~~must~~ shall be taken from Table B-1 in Appendix B of 40 CFR 132, Appendix B (1996) incorporated by reference at 35 Ill. Adm. Code 301.106 Section 302.510.

2) Calculation of baseline BAFs.

- A) From field-measured BAFs:

$$\text{Baseline BAF} = \{ [\text{measured BAF}_{fT} / f_{fd}] - 1 \} \{ 1 / f_l \}$$

Where:

$\text{BAF}_{fT}$  = BAF based on total concentration in tissue and water of study organism and site

$f_l$  = fraction of the tissue of study organism that is lipid

$f_{fd}$  = fraction of the total chemical that is freely dissolved in the ambient water

- B) From a field measured biota-sediment accumulation factor (BSAF):

$$(\text{Baseline BAF})_i =$$

$$(\text{baseline BAF})_r (\text{BSAF})_i (\text{Kow})_i / (\text{BSAF})_r (\text{Kow})_r$$

Where:

$(\text{BSAF})_i$  = BSAF for chemical “ $i$ ”

$(\text{BSAF})_r$  = BSAF for the reference chemical “ $r$ ”

$(\text{Kow})_i$  = octanol-water partition coefficient for chemical “ $i$ ”



$(Kow)_r$  = octanol-water partition coefficient for the reference chemical “r”

- i) A BSAF ~~must shall~~ be calculated using the following equation:

$$BSAF = C_1 / C_{soc}$$

Where:

$C_1$  = the lipid-normalized concentration of the chemical in tissue

$C_{soc}$  = the organic carbon-normalized concentration of the chemical in sediment

- ii) The organic carbon-normalized concentration of a chemical in sediment,  $C_{soc}$ , ~~must shall~~ be calculated using the following equation:

$$C_{soc} = C_s / f_{oc}$$

Where:

$C_s$  = concentration of chemical in sediment ( $\mu\text{g/g}$  sediment)

$f_{oc}$  = fraction of the sediment that is organic carbon

- C) From a laboratory-measured BCF:

$$\text{baseline BAF} = (\text{FCM}) \{ [\text{measured BCF}_{tT} / f_{fd}] - 1 \} \{ 1 / f_l \}$$

Where:

$\text{BCF}_{tT}$  = BCF based on total concentration in tissue and water.

$f_l$  = fraction of the tissue that is lipid

$f_{fd}$  = fraction of the total chemical in the test water that is freely dissolved

FCM = the food-chain multiplier obtained from Table B-1 in Appendix B of 40 CFR 132, Appendix B, incorporated by reference at 35 Ill. Adm. Code 310.106 Section 302.510, by linear interpolation for trophic level 3 or 4, as necessary

- D) From a predicted BCF:

baseline BAF =

$$(\text{FCM})(\text{predicted baseline BCF}) = (\text{FCM})(Kow)$$

Where:

FCM = the food-chain multiplier obtained from Table B-1 in Appendix B of 40 CFR 132, Appendix 5, incorporated by reference at 35 Ill. Adm. Code 301.106 Section 302.510, by linear interpolation for trophic level 3 or 4, as necessary  
 Kow = octanol-water partition coefficient

c) Human health and wildlife BAFs for organic chemicals:

- 1) Fraction freely dissolved ( $f_{fd}$ ). By using the equation in subsection (b)(1)(B) ~~of this Section~~, the  $f_{fd}$  to be used to calculate human health and wildlife BAFs for an organic chemical must shall be calculated using a standard POC concentration of 0.00000004 kg/L and a standard DOC concentration of 0.000002 kg/L:

$$f_{fd} = 1 / [1 + (0.00000024 \text{ kg/L})(Kow)]$$

- 2) Human health BAF. The human health BAFs for an organic chemical must shall be calculated using the following equations:

- A) For trophic level 3:

$$\text{Human Health BAF}_{\text{HHTL3}} = [(\text{baseline BAF})(0.0182) + 1] (f_{fd})$$

- B) For trophic level 4:

$$\text{Human Health BAF}_{\text{HHTL4}} = [(\text{baseline BAF})(0.0310) + 1] (f_{fd})$$

Where:

0.0182 and 0.0310 are the standardized fraction lipid values for trophic levels 3 and 4, respectively, that are used to derive human health criteria and values

- 3) Wildlife BAF. The wildlife BAFs for an organic chemical must shall be calculated using the following equations:

- A) For trophic level 3:

$$\text{Wildlife BAF}_{\text{WTL3}} = [(\text{baseline BAF})(0.0646) + 1] (f_{fd})$$

- B) For trophic level 4:

$$\text{Wildlife BAF}_{\text{WTL4}} = [(\text{baseline BAF})(0.1031) + 1] (f_{fd})$$

Where:

0.0646 and 0.1031 are the standardized fraction lipid values for trophic levels 3 and 4, respectively, that are used to derive wildlife criteria

- d) Human health and wildlife BAFs for inorganic chemicals. For inorganic chemicals the baseline BAFs for trophic levels 3 and 4 are both assumed to equal the BCF determined for the chemical with fish.
- 1) Human health. Measured BAFs and BCFs used to determine human health BAFs for inorganic chemicals must ~~shall~~ be based on concentration in edible tissue (e.g., muscle) of freshwater fish.
  - 2) Wildlife. Measured BAFs and BCFs used to determine wildlife BAFs for inorganic chemicals must ~~shall~~ be based on concentration in the whole body of freshwater fish and invertebrates.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.575 Procedures for Deriving Tier I Water Quality Criteria and Values in the Lake Michigan Basin to Protect Wildlife**

The Lake Michigan Basin Wildlife Criterion (LMWC) is the concentration of a substance which if not exceeded protects Illinois wild mammal and bird populations from adverse effects resulting from ingestion of surface waters of the Lake Michigan Basin and from ingestion of aquatic prey organisms taken from surface waters of the Lake Michigan Basin. Wildlife criteria calculated under this Section protect against long-term effects and are therefore considered chronic criteria. The methodology involves utilization of data from test animals to derive criteria to protect representative or target species: bald eagle, herring gull, belted kingfisher, mink and river otter. The lower of the geometric mean of species specific criteria for bird species or mammal species is chosen as the LMWC to protect a broad range of species.

- a) This method must ~~shall~~ also be used for non-BCCs when appropriately modified to consider the following factors:
  - 1) Selection of scientifically justified target species;
  - 2) Relevant routes of chemical exposure;
  - 3) Pertinent toxicity endpoints.
- b) Minimum data requirements:
  - 1) Test dose (TD). In order to calculate a LMWC the following minimal data base is required:

- A) There must be at least one data set showing dose-response for oral, subchronic, or chronic exposure of 28 days for one bird species; and
  - B) There must be at least one data set showing dose-response for oral, subchronic, or chronic exposure of 90 days for one mammal species.
- 2) Bioaccumulation Factor (BAF) data requirements:
- A) For any chemical with a BAF of less than 125 the BAF may be obtained by any method; and
  - B) For chemicals with a BAF of greater than 125 the BAF must come from a field measured BAF or Biota-Sediment Accumulation Factor (BSAF).
- c) Principles for development of criteria
- 1) Dose standardization. The data for the test species must be expressed as, or converted to, the form mg/kg/d utilizing the guidelines for drinking and feeding rates and other procedures in 40 CFR 132, incorporated by reference in 35 Ill. Adm. Code 301.106 at Section 302.510.
  - 2) Uncertainty factors (UF) for utilizing test dose data in the calculation of the target species value (TSV);
    - A) Correction for intermittent exposure. If the animals used in a study were not exposed to the toxicant each day of the test period, the no observed adverse effect level (NOAEL) must be multiplied by the ratio of days of exposure to the total days in the test period.
    - B) Correction from the lowest observed adverse effect level (LOAEL) to NOAEL (UF<sub>1</sub>). For those substances for which a LOAEL has been derived, the UF<sub>1</sub> ~~must~~ shall not be less than one and should not exceed 10.
    - C) Correction for subchronic to chronic extrapolation (UF<sub>s</sub>). In instances where only subchronic data are available, the TD may be derived from subchronic data. The value of the UF<sub>s</sub> ~~must~~ shall not be less than one and should not exceed 10.
    - D) Correction for interspecies extrapolations (UF<sub>a</sub>). For the derivation of criteria, a UF<sub>a</sub> ~~must~~ shall not be less than one and should not exceed 100. The UF<sub>a</sub> ~~must~~ shall be used only for extrapolating

toxicity data across species within a taxonomic class. A species specific  $UF_a$  ~~must~~ shall be selected and applied to each target species, consistent with the equation in subsection (d).

- d) Calculation of TSV. The TSV, measured in milligrams per liter (mg/L), is calculated according to the equation:

$$TSV = \{ [TD \times Wt] / [UF_a \times UF_s \times UF_1] \} / \{ W + \sum [F_{TLi} \times BAF_{WLTLi}] \}$$

Where:

TSV = target species value in milligrams of substance per liter (mg/L).

TD = test dose that is toxic to the test species, either NOAEL or LOAEL.

$UF_a$  = the uncertainty factor for extrapolating toxicity data across species (unitless). A species-specific  $UF_a$  ~~must~~ shall be selected and applied to each target species, consistent with the equation.

$UF_s$  = the uncertainty factor for extrapolating from subchronic to chronic exposures (unitless).

$UF_1$  = the uncertainty factor for extrapolation from LOAEL to NOAEL (unitless)

Wt = average weight in kilograms (kg) of the target species.

W = average daily volume of water in liters consumed per day (L/d) by the target species.

$F_{TLi}$  = average daily amount of food consumed by the target species in kilograms (kg/d) for trophic level i.

$BAF_{WLTLi}$  = aquatic life bioaccumulation factor with units of liter per kilogram (L/kg), as derived from 35 Ill. Adm. Code Section 302.570 for trophic level i.

- e) Calculation of the Lake Michigan Basin Wildlife Criterion. TSVs are obtained for each target species. The geometric mean TSVs of all mammal species is calculated and also of all bird species. The LMWC is the lower of the bird or mammal geometric mean TSV.

((Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_))

### **Section 302.580 Procedures for Deriving Water Quality Criteria and Values in the Lake Michigan Basin to Protect Human Health-General**

- a) The Lake Michigan Basin human health criteria or values for a substance are those concentrations at which humans are protected from adverse effects resulting

from incidental exposure to, or ingestion of, the waters of Lake Michigan and from ingestion of aquatic organisms taken from the waters of Lake Michigan. A Lake Michigan Human Health Threshold Criterion (LMHHTC) or Lake Michigan Human Health Threshold Value (LMHHTV) will be calculated for all substances according to 35 Ill. Adm. CodeSection 302.585, if data is available. Water quality criteria or values for substances which are, or may be, carcinogenic to humans will also be calculated according to procedures for the Lake Michigan Human Health Nonthreshold Criterion (LMHHNC) or the Lake Michigan Human Health Nonthreshold Value (LMHHNV) in 35 Ill. Adm. CodeSection 302.590.

- b) Minimum data requirements for BAFs for Lake Michigan Basin human health criteria:
  - 1) Tier I.
    - A) For all organic chemicals, either a field-measured BAF or a BAF derived using the BSAF methodology is required unless the chemical has a BAF less than 125, then a BAF derived by any methodology is required; and
    - B) For all inorganic chemicals, including organometals such as mercury, either a field-measured BAF or a laboratory-measured BCF is required.
  - 2) Tier II. Any bioaccumulation factor method in 35 Ill. Adm. CodeSection 302.570(a) may be used to derive a Tier II criterion.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 302.585 Procedures for Determining the Lake Michigan Basin Human Health Threshold Criterion (LMHHTC) and the Lake Michigan Basin Human Health Threshold Value (LMHHTV)**

The LMHHTC or LMHHTV is derived for all toxic substances from the most sensitive end point for which there exists a dosage or concentration below which no adverse effect or response is likely to occur.

- a) Minimum data requirements:
  - 1) Tier I. The minimum data set sufficient to derive a Tier I LMHHTC must~~shall~~ include at least one epidemiological study or one animal study of greater than 90 days duration; or
  - 2) Tier II. When the minimum data for deriving Tier I criteria are not available, a more limited database consisting of an animal study of greater than 28 days duration must~~shall~~ be used.

- b) Principles for development of Tier I criteria and Tier II values:
- 1) The experimental exposure level representing the highest level tested at which no adverse effects were demonstrated (NOAEL) must~~shall~~ be used for calculation of a criterion or value. In the absence of a NOAEL, a LOAEL must~~shall~~ be used if it is based on relatively mild and reversible effects;
  - 2) Uncertainty factors (UFs) must~~shall~~ be used to account for the uncertainties in predicting acceptable dose levels for the general human population based upon experimental animal data or limited human data:
    - A) A UF of 10 must~~shall~~ be used when extrapolating from experimental results of studies on prolonged exposure to average healthy humans;
    - B) A UF of 100 must~~shall~~ be used when extrapolating from results of long-term studies on experimental animals;
    - C) A UF of up to 1000 must~~shall~~ be used when extrapolating from animal studies for which the exposure duration is less than chronic, but greater than subchronic;
    - D) A UF of up to 3000 must~~shall~~ be used when extrapolating from animal studies for which the exposure duration is less than subchronic;
    - E) An additional UF of between one and ten must~~shall~~ be used when deriving a criterion from a LOAEL. The level of additional uncertainty applied will~~shall~~ depend upon the severity and the incidence of the observed adverse effect;
    - F) An additional UF of between one and ten must~~shall~~ be applied when there are limited effects data or incomplete sub-acute or chronic toxicity data;
  - 3) The total uncertainty ( $\Sigma$  of the uncertainty factors) must~~shall~~ not exceed 10,000 for Tier I criterion and 30,000 for Tier II value; and
  - 4) All study results must~~shall~~ be converted to the standard unit for acceptable daily exposure of milligrams of toxicant per kilogram of body weight per day (mg/kg/day). Doses must~~shall~~ be adjusted for continuous exposure.
- c) Tier I criteria and Tier II value derivation.

## 1) Determining the Acceptable Daily Exposure (ADE)

ADE = test value /  $\Sigma$  of the UFs from subsection (b)(2) ~~of this Section~~

Where:

acceptable daily exposure is in milligrams toxicant per kilogram body weight per day (mg/kg/day)

## 2) Determining the Lake Michigan Basin Human Health Threshold Criterion (LMHHTC) or the Lake Michigan Basin Human Health Threshold Value (LMHHTV)

LMHHTC or LMHHTV=

$$\frac{\{ \text{ADE} \times \text{BW} \times \text{RSC} \}}{\{ \text{WC} + [(\text{FC}_{\text{TL}3} \times \text{BAF}_{\text{HHTL}3}) + (\text{FC}_{\text{TL}4} \times \text{BAF}_{\text{HHTL}4})] \}}$$

Where:

LMHHTC or LMHHTV is in milligrams per liter (mg/L)

ADE = acceptable daily intake in milligrams toxicant per kilogram body weight per day (mg/kg/day)

RSC = relative source contribution factor of 0.8

BW = weight of an average human (BW = 70 kg)

WC = per capita water consumption (both drinking and incidental exposure) for surface waters classified as public water supplies = two liters/day; or per capita incidental daily water ingestion for surface waters not used as human drinking water sources = 0.01 liters/day

$\text{FC}_{\text{TL}3}$  = mean consumption of trophic level 3 fish by regional sport fishers of regionally caught freshwater fish = 0.0036 kg/day

$\text{FC}_{\text{TL}4}$  = mean consumption of trophic level 4 fish by regional sport fishers of regionally caught freshwater fish = 0.0114 kg/day

$\text{BAF}_{\text{HHTL}3}$  = human health bioaccumulation factor for edible portion of trophic level 3 fish, as derived using the BAF methodology in 35 Ill. Adm. Code Section 302.570



BAF<sub>HHTL4</sub> = human health bioaccumulation factor for edible portion of trophic level 4 fish, as derived using the BAF methodology in 35 Ill. Adm. Code Section 302.570

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 302.590 Procedures for Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHHNV)**

A LMHHNC or LMHHNV must shall be derived for those toxic substances for which any exposure, regardless of extent, carries some risk of damage from cancer or a nonthreshold toxic mechanism. For single or combinations of substances, a risk level of 1 in 100,000 (or  $10^{-5}$ ) must shall be used for the purpose of determination of a LMHHNC or LMHHNV.

- a) Minimum data requirements. Minimal experimental or epidemiological data requirements are incorporated in the cancer classification determined by USEPA at Appendix C II A to 40 CFR 132, incorporated by reference at 35 Ill. Adm. Code 301.106 Section 302.510.
- b) Principles for development of criteria or values:
  - 1) Animal data are fitted to a linearized multistage computer model (Global 1986 in "Mutagenicity and Carcinogenicity Assessment for 1, 3-Butadiene" September 1985 EPA/600/8-85/004A, incorporated by reference at 35 Ill. Adm. Code Section 301.106 or scientifically justified equivalents). The upper-bound 95 percent confidence limit on risk at the 1 in 100,000 risk level must shall be used to calculate a risk associated dose (RAD); and
  - 2) A species scaling factor must shall be used to account for differences between test species and humans. Milligrams per surface area per day is an equivalent dose between species. All doses presented in mg/kg bodyweight will be converted to an equivalent surface area dose by raising the mg/kg dose to the 3/4 power.
- c) Determining the risk associated dose (RAD). The RAD must shall be calculated using the following equation:

$$\text{RAD} = 0.00001 / q_1^*$$

Where:

RAD = risk associated dose in milligrams of toxicant or combinations of toxicants per kilogram body weight per day (mg/kg/day)  
 0.00001 ( $1 \times 10^{-5}$ ) = incremental risk of developing cancer equal to 1 in 100,000

$q_1^* = \text{slope factor (mg/kg/day)}^{-1}$

- d) Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHHNV):

LMHHNC or LMHHNV =

$$\{ \text{RAD} \times \text{BW} \} / \{ \text{WC} + [(\text{FC}_{\text{TL3}} \times \text{BAF}_{\text{HHTL3}}) + (\text{FC}_{\text{TL4}} \times \text{BAF}_{\text{HHTL4}})] \}$$

Where:

LMHHNC or LMHHNV is in milligrams per liter (mg/L)

RAD = risk associated dose of a substance or combination of substances in milligrams per day (mg/d) which is associated with a lifetime cancer risk level equal to a ratio of 1 to 100,000

BW = weight of an average human (BW = 70 kg)

WC = per capita water consumption for surface waters classified as public water supplies = 2 liters/day, or per capita incidental daily water ingestion for surface waters not used as human drinking water sources = 0.01 liters/day

$\text{FC}_{\text{TL3}}$  = mean consumption of trophic level 3 of regionally caught freshwater fish = 0.0036 kg/day

$\text{FC}_{\text{TL4}}$  = mean consumption of trophic level 4 of regionally caught freshwater fish = 0.0114 kg/day

$\text{BAF}_{\text{HHTL3}}$ ,  $\text{BAF}_{\text{HHTL4}}$  = bioaccumulation factor for trophic levels 3 and 4 as derived in 35 Ill. Adm. Code Section 302.570

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.595 Listing of Bioaccumulative Chemicals of Concern, Derived Criteria and Values**

- a) The Agency ~~must shall~~ maintain a listing of toxicity criteria and values derived ~~underpursuant to~~ this Subpart. This list ~~must shall~~ be made available to the public and updated whenever a new criterion or value is derived and ~~must shall~~ be published when updated in the Illinois Register.
- b) A criterion or value published ~~underpursuant to~~ subsection (a) ~~of this Section~~ may be proposed to the Board for adoption as a numeric water quality standard.

- c) The Agency ~~must shall~~ maintain for inspection all information including, ~~but not limited to,~~ assumptions, toxicity data and calculations used in the derivation of any toxicity criterion or value listed pursuant to subsection (a) ~~of this Section~~ until adopted by the Board as a numeric water quality standard.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA**

### **Section 302.601 Scope and Applicability**

This Subpart contains the procedures for determining the water quality criteria ~~set forth in~~ 35 Ill. Adm. Code Sections 302.210(a), (b) and (c) and 302.410(a), (b) and (c).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.603 Definitions**

As used in this Subpart, the following terms ~~shall~~ have the meanings specified.

"Bioconcentration" means an increase in concentration of a chemical and its metabolites in an organism (or its specified tissues ~~thereof~~) relative to the concentration of the chemical in the ambient water acquired through contact with the water alone.

"Carcinogen" means a chemical which causes an increased incidence of benign or malignant neoplasms, or a statistically significant decrease in the latency period between exposure and onset of neoplasms in at least one mammalian species or man through epidemiological or clinical studies.

"EC-50" means the concentration of a substance or effluent which causes a given effect to 50% of the exposed organisms in a given time period.

"LC-50" means the concentration of a toxic substance or effluent which is lethal to 50% of the exposed organisms in a given time period.

"LOAEL" or "Lowest Observable Adverse Effect Level" means the lowest tested concentration of a chemical or substance which produces a statistically significant increase in frequency or severity of non-overt adverse effects between the exposed population and its appropriate control.

"MATC" or "Maximum Acceptable Toxicant Concentration" means the value obtained by calculating the geometric mean of the lower and upper chronic limits from a chronic test. A lower chronic limit is the highest tested concentration which did not cause the occurrence of a specified adverse effect. An upper

chronic limit is the lowest tested concentration which did cause the occurrence of a specified adverse effect and above which all tested concentrations caused such an occurrence.

"NOAEL" or "No Observable Adverse Effect Level" means the highest tested concentration of a chemical or substance which does not produce a statistically significant increase in frequency or severity of non-overt adverse effects between the exposed population and its appropriate control.

"Resident or Indigenous Species" means species which currently live a substantial portion of their lifecycle or reproduce in a given body of water, or which are native species whose historical range includes a given body of water.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.604 Mathematical Abbreviations

This Subpart uses theThe following mathematical abbreviations ~~have been used in this Subpart:~~

exp x	base of the natural logarithm, e, raised to x- power
ln x	natural logarithm of x
log x	logarithm to the base 10 of x
A**B	A raised to the B-power
SUM(x)	summation of the values of x

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.606 Data Requirements

The Agency ~~must shall~~ review, for validity, applicability and completeness, data used in calculating criteria. To the extent available, and to the extent not otherwise specified, testing procedures, selection of test species and other aspects of data acquisition must be according to methods published by USEPA or nationally recognized standards organizations, including ~~but not limited to those~~ methods found in "Standard Methods", ~~as incorporated by reference in 35 Ill. Adm. Code 301.106, or approved by the American Society for Testing and Materials as incorporated by reference in 35 Ill. Adm. Code 301.106.~~

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.612 Determining the Acute Aquatic Toxicity Criterion for an Individual Substance - General Procedures

- a) A chemical specific Acute Aquatic Toxicity Criterion (AATC) is calculated using procedures specified in ~~35 Ill. Adm. Code Sections 302.615 and 302.618~~ 302.681 if acute toxicity data are available for at least five (5) resident or indigenous species

from five (5) different North American genera of freshwater organisms including representatives of the following taxa:

- 1) Representatives of two families in the Class Osteichthyes (Bony Fishes).
  - 2) The family Daphnidae.
  - 3) A benthic aquatic macroinvertebrate.
  - 4) A vascular aquatic plant or a third family in the Phylum Chordata which may be from the Class Osteichthyes.
- b) If data are not available for resident or indigenous species, data for non-resident species may be used if the non-resident species is of the same family or genus and has a similar habitat and environmental tolerance. The procedures of 35 Ill. Adm. Code Section 302.615 must be used to obtain an AATC for individual substances whose toxicity is unaffected by ambient water quality characteristics. The procedures of 35 Ill. Adm. Code Section 302.618 must be used if the toxicity of a substance is dependent upon some other water quality characteristic.
- c) If data are not available that meet the requirements of subsection (a), an AATC is calculated by obtaining at least one EC-50 or LC-50 value from both a daphnid species and either fathead minnow or bluegill. If there are data available for any other North American freshwater species, they must also be included. An AATC is calculated by dividing the lowest Species Mean Acute Value (SMAV), as determined according to 35 Ill. Adm. Code Section 302.615, by 10.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.615 Determining the Acute Aquatic Toxicity Criterion - Toxicity Independent of Water Chemistry**

If the acute toxicity of the chemical has not been shown to be related to a water quality characteristic, including but not limited to, hardness, pH, temperature, etc., the AATC is calculated by using the procedures below.

- a) For each species for which more than one acute value is available, the Species Mean Acute Value (SMAV) is calculated as the geometric mean of the acute values from all tests.
- b) For each genus for which one or more SMAVs are available, the Genus Mean Acute Value (GMAV) is calculated as the geometric mean of the SMAVs available for the genus.
- c) The GMAVs are ordered from high to low.

- d) Ranks (R) are assigned to the GMAVs from "1" for the lowest to "N" for the highest. If two or more GMAVs are identical, successive ranks are arbitrarily assigned.
- e) The cumulative probability, P, is calculated for each GMAV as  $R/(N + 1)$ .
- f) The GMAVs to be used in the calculations of subsection (g) must be those with cumulative probabilities closest to 0.05. If there are less than 59 GMAVs in the total data set, the values utilized must be the lowest obtained through the ranking procedures of subsections (c) and (d). "T" is the number of GMAV's which are to be used in the calculations of subsection (g). T is equal to 4 when the data set includes at least one representative from each of the five taxa in 35 Ill. Adm. CodeSection 302.612 and a representative from each of the three taxa listed below. T is equal to 3 when the data includes at least one representative from each of the five taxa in 35 Ill. Adm. CodeSection 302.612 and from one or two of the taxa listed below. T is equal to 2 when the data set meets the minimum requirements of 35 Ill. Adm. CodeSection 302.612 but does not include representatives from any of the three taxa listed below. When toxicity data on any of the three taxa listed below are available, they must be used along with the minimum data required pursuant to 35 Ill. Adm. CodeSection 302.612.
- 1) A benthic crustacean, unless ~~onesuch~~ was used ~~under pursuant to 35 Ill. Adm. CodeSection 302.612(a)(3)~~, in which case an insect must be ~~used~~utilized.
  - 2) A member of a phylum not used in subsections (a), (b) or (f)(1).
  - 3) An insect from an order not already represented.
- g) Using the GMAVs and T-value identified ~~under pursuant to~~ subsection (f) and the Ps calculated ~~underpursuant to~~ subsection (e), the Final Acute Value (FAV) and the AATC are calculated as:

$$\text{FAV} = \exp(A) \text{ and} \\ \text{AATC} = \text{FAV}/2$$

Where:

$$A = L + 0.2236 S;$$

$$L = [\text{SUM}(\ln \text{GMAV}) - S(\text{SUM}(P^{**0.5}))]/T; \text{ and}$$

$$S = [[\text{SUM}((\ln \text{GMAV})^{**2}) - ((\text{SUM}(\ln \text{GMAV}))^{**2})/T]/[\text{SUM}(P) - ((\text{SUM}(P^{**0.5}))^{**2})/T]]^{**0.5}.$$

- h) If a resident or indigenous species, whose presence is necessary to sustain commercial or recreational activities, or prevent disruptions of the waterbody's ecosystem, including ~~but not limited to~~ loss of species diversity or a shift to a biotic community dominated by pollution-tolerant species, will not be protected by the calculated FAV, then the EC-50 or LC-50 for that species is used as the FAV.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.618 Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry**

If data are available to show that a relationship exists between a water quality characteristic (WQC) and acute toxicity to two or more species, an Acute Aquatic Toxicity Criterion (AATC) may be calculated. The best documented relationship is that between the water quality characteristic, hardness and acute toxicity of metals. Although this relationship between hardness and acute toxicity is typically non-linear, it can be linearized by a logarithmic transformation (i.e. for any variable,  $K$ ,  $f(K) = \text{logarithm of } K$ ) of the variables and plotting the logarithm of hardness against the logarithm of acute toxicity. Similarly, relationships between acute toxicity and other water quality characteristics, such as pH or temperature, may require a transformation, including no transformation (i.e. for any variable,  $K$ ,  $f(K) = K$ ) for one or both variables to obtain least squares linear regression of the transformed acute toxicity values on the transformed values of the water quality characteristic. An AATC is calculated using the following procedures:

- a) For each species for which acute toxicity values are available at two or more different values of the water quality characteristic, a linear least squares regression of the transformed acute toxicity (TAT) values on the transformed water quality characteristic (TWQC) values is performed to obtain the slope of the line describing the relationship.
- b) Each of the slopes determined pursuant to subsection (a) is evaluated as to whether or not it is statistically valid, taking into account the range and number of tested values of the water quality characteristic and the degree of agreement within and between species. If slopes are not available for at least one fish and one invertebrate species, or if the available slopes are too dissimilar, or if too few data are available to define the relationship between acute toxicity and the water quality characteristic, then the AATC must be calculated using the procedures in 35 Ill. Adm. Code Section 302.615.
- c) Normalize the TAT values for each species by subtracting  $W$ , the arithmetic mean of the TAT values of a species from each of the TAT values used in the determination of the mean, such that the arithmetic mean of the normalized TAT values for each species individually or for any combination of species is zero (0.0).

- d) Normalize the TWQC values for each species using X, the arithmetic mean of the TWQC values of a species, in the same manner as in subsection (c).
- e) Group all the normalized data by treating them as if they were from a single species and perform at least squares linear regression of all the normalized TAT values on the corresponding normalized TWQC values to obtain the pooled acute slope, V.
- f) For each species, the graphical intercept representing the species TAT intercept, f(Y), at a specific selected value, Z, of the WQC is calculated using the equation:

$$f(Y) = W - V (X - g(Z))$$

Where:

f ( ) is the transformation used to convert acute toxicity values to TAT values;

Y is the species acute toxicity intercept or species acute intercept;

W is the arithmetic mean of the TAT values as specified in subsection (c);

V is the pooled acute slope as specified in subsection (e);

X is the arithmetic mean of the TWQC values as specified in subsection (d);

g ( ) is the transformation used to convert the WQC values to TWQC values; and

Z is a selected value of the WQC.

- g) For each species, determine the species acute intercept, Y, by carrying out an inverse transformation of the species TAT value, f(Y). For example, in the case of a logarithmic transformation, Y = antilogarithm of (f(Y)); or in the case where no transformation is used, Y = f (Y).
- h) The Final Acute Intercept (FAI) is derived by using the species acute intercepts, obtained from subsection (g), in ~~compliance accordance~~ with the procedures described in 35 Ill. Adm. Code Section 302.615(b) through (g), with the word "value" replaced by the word "intercept". Note that in this procedure geometric means and natural logarithms are always used.
- i) The Aquatic Acute Intercept (AAI) is obtained by dividing the FAI by two.



- j) The AATC at any value of the WQC, denoted by WQC<sub>x</sub>, is calculated using the terms defined in subsection (f) and the equation:

$$\text{AATC} = \exp[V (g(\text{WQC}_x) - g(Z)) + f(\text{AAI})].$$

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.621 Determining the Acute Aquatic Toxicity Criterion - Procedure for Combinations of Substances**

An AATC for any combination of substances (including effluent mixtures) must be determined by the following toxicity testing procedures:

- a) Not more than 50% of test organisms from the most ~~sensitive~~<sup>sensitive</sup> species tested may exhibit mortality or immobility after a 48-hour test for invertebrate or a 96-hour test for fishes.
- b) Three resident or indigenous species of ecologically diverse taxa must be tested initially. If resident or indigenous species are not available for testing, non-resident species may be used if the non-resident species is of the same family or genus and has a similar habitat and environmental tolerance.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.627 Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures**

- a) A chemical-specific Chronic Aquatic Toxicity Criterion (CATC) is calculated using procedures specified in subsection (b) when chronic toxicity data are available for at least five species from five different North American genera of freshwater organisms, including representatives from the following taxa:
  - 1) Representatives of two families in the Class Osteichthyes (Bony Fishes).
  - 2) The family Daphnidae.
  - 3) A benthic aquatic macroinvertebrate.
  - 4) An alga (96-hour test) or a vascular aquatic plant.
- b) A CATC is derived in the same manner as the FAV in 35 Ill. Adm. Code Sections 302.615 or 302.618 by substituting CATC for FAV or FAI, chronic for acute, MATC for LC-50, SMCV (Species Mean Chronic Value) for SMAV, and GMCV (Genus Mean Chronic Value) for GMAV.

- c) If data are not available to meet the requirements of subsection (a), a CATC is calculated by dividing the FAV by the highest acute-chronic ratio obtained from at least one fish and one invertebrate species. The acute-chronic ratio for a species equals the acute toxicity concentration from data considered under 35 Ill. Adm. Code Sections 302.612 through 302.618, divided by the chronic toxicity concentration from data calculated under subsections (a) and (b) subject to the following conditions:
- 1) If the toxicity of a substance is related to any water quality characteristic (WQC), the acute-chronic ratio must be based on acute and chronic toxicity data obtained from organisms exposed to test water with WQC values that are representative of the WQC values of the waterbody under consideration. Preference under this subsection must be given to data from acute and chronic tests done by the same author or in the same reference in order to increase the likelihood of comparable test conditions.
  - 2) If the toxicity of a substance is unrelated to water quality parameters, the acute-chronic ratio may be derived from any acute and chronic test on a species regardless of the similarity in values of those water quality parameters. Preference under this subsection must be given to data from acute and chronic tests done on the same organisms or their descendants.
  - 3) If there is more than one acute-chronic ratio for a species, a geometric mean of the ratio is calculated, corrected for the relationship of toxicity to water quality parameters.
  - 4) If the acute and chronic toxicity data indicate that the acute-chronic ratio varies with changes in water quality parameters, the acute-chronic ratio used over specified values of the water quality parameters must be based on the ratios at water quality parameter values closest to those specified.
  - 5) If acute and chronic toxicity data are unavailable to determine an acute-chronic ratio for at least two North American freshwater species, a ratio of 25 ~~must~~ shall be used.
- d) If a resident or indigenous species whose presence is necessary to sustain commercial or recreational activities, or prevent disruptions of the waterbody's ecosystem, including but not limited to loss of species diversity or a shift to a biotic community dominated by pollution-tolerant species, will not be protected by the calculated CATC, then the MATC for that species is used as the CATC.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 302.630 Determining the Chronic Aquatic Toxicity Criterion - Procedure for Combinations of Substances**

A CATC for any combination of substances (including effluent mixtures) may be determined by toxicity testing procedures pursuant to the following:

- a) ~~A~~ No combination of substances must not ~~may~~ exceed concentrations greater than a NOAEL as determined for the most sensitive of the species tested.
- b) Three resident or indigenous species of ecologically diverse taxa must be tested initially. If resident or indigenous species are not available for testing, non-resident species may be used if the non-resident species is of the same family or genus and has a similar habitat and environmental tolerance.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.633 The Wild and Domestic Animal Protection Criterion**

The Wild and Domestic Animal Protection Criterion (WDAPC) is the concentration of a substance which if not exceeded protects Illinois wild and domestic animals from adverse effects, such as functional impairment or pathological lesions, resulting from ingestion of surface waters of the State and from ingestion of aquatic organisms taken from surface waters of the State.

- a) For those substances for which a NOAEL has been derived from studies of mammalian or avian species exposed to the substance via oral routes including gavage, the lowest NOAEL among species must be used in calculating the WDAPC. Additional considerations in selecting NOAEL include:
  - 1) If the NOAEL is given in milligrams of toxicant per liter of water consumed (mg/L), prior to calculating the WDAPC, the NOAEL must be multiplied by the daily average volume of water consumed by the test animals in liters per day (L/d) and divided by the average weight of the test animals in kilograms (kg).
  - 2) If the NOAEL is given in milligrams of toxicant per kilogram of food consumed (mg/kg), prior to calculating the WDAPC, the NOAEL must be multiplied by the average amount of food in kilograms consumed daily by the test animals (kg/d) and divided by the average weight of the test animals in kilograms (kg).
  - 3) If the animals used in a study were not exposed to the toxicant each day of the test period, the NOAEL must be multiplied by the ratio of days of exposure to the total days in the test period.
  - 4) If more than one NOAEL is available for the same animal species, the geometric mean of the NOAELs must be used to calculate the WDAPC.

- b) For those substances for which a NOAEL is not available but the lowest observed adverse effect level (LOAEL) has been derived from studies of animal species exposed to the substance via oral routes including gavage, one-tenth of the LOAEL ~~must~~ shall be substituted for the NOAEL.
- c) The LOAEL must be selected in the same manner as that specified for the NOAEL in subsection (a).
- d) The WDAPC, measured in milligrams per liter (mg/L), is calculated according to the equation:

$$\text{WDAPC} = [0.1 \text{ NOAEL} \times \text{Wt}] / [\text{W} + (\text{F} \times \text{BCF})]$$

Where:

NOAEL is derived from mammalian or avian studies as specified in subsections (a) and (b), and is measured in units of milligrams of substance per kilogram of body weight per day (mg/kg-d);

Wt = Average weight in kilograms (kg) of the test animals;

W = Average daily volume of water in liters consumed per day (L/d) by the test animals;

F = Average daily amount of food consumed by the test animals in kilograms (kg/d);

BCF = Aquatic life Bioconcentration Factor with units of liter per kilogram (L/kg), as derived in 35 Ill. Adm. Code Sections 302.660 through 302.666; and

The 0.1 represents an uncertainty factor to account for species variability.

- e) If no studies pertaining to the toxic substance in question can be found by the Agency, no criterion can be determined.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.645 Determining the Acceptable Daily Intake**

The Acceptable Daily Intake (ADI) is the maximum amount of a substance which, if ingested daily for a lifetime, results in no adverse effects to humans. Subsections (a) through (e) list, in the order of preference, methods for determining the acceptable daily intake.

- a) The lowest of the following ADI values:

- 1) For ~~those~~ substances which are listed with a maximum contaminant level in 40 CFR 141, incorporated by reference in 35 Ill. Adm. Code 301.106, or in 35 Ill. Adm. Code 611, the ADI equals the product of multiplying the maximum contaminant level given in milligrams per liter (mg/L) by 2 liters per day (L/d).
  - 2) For ~~those~~ substances which are listed with a maximum allowable concentration standard in 35 Ill. Adm. Code- Subtitle F, the acceptable daily intake equals the product of multiplying the public health enforcement standard given in milligrams per liter (mg/L) by 2 liters per day (L/d).
- b) For ~~those~~ substances for which a no observed adverse effect level (NOAEL-H) for humans exposed to the substance in drinking water has been derived, the acceptable daily intake equals the product of multiplying one-tenth of the NOAEL-H given in milligrams of toxicant per liter of water consumed (mg/L) by 2 liters per day (L/d). The lowest NOAEL-H must be used in the calculation of the acceptable daily intake.
  - c) For ~~those~~ substances for which the lowest observed adverse effect level (LOAEL-H) for humans exposed to the substance in drinking water has been derived, one-hundredth of the LOAEL-H may be substituted for the NOAEL-H in subsection (b).
  - d) For ~~those~~ substances for which a no observed adverse effect level (NOAEL-A) has been derived from studies of mammalian test species exposed to the substance via oral routes including gavage, the acceptable daily intake equals the product of multiplying 1/100 of the NOAEL-A given in milligrams toxicant per day per kilogram of test species weight (mg/kg-d) by the average weight of an adult human of 70 kilograms (kg). The lowest NOAEL-A among animal species must be used in the calculation of the acceptable daily intake. Additional considerations in selecting the NOAEL-A include:
    - 1) If the NOAEL-A is given in milligrams of toxicant per liter of water consumed (mg/L) then, prior to calculating the acceptable daily intake, the NOAEL-A must be multiplied by the daily average volume of water consumed by the mammalian test species in liters per day (L/d) and divided by the average weight of the mammalian test species in kilograms (kg).
    - 2) If the NOAEL-A is given in milligrams of toxicant per kilogram of food consumed (mg/kg), prior to calculating the acceptable daily intake the NOAEL-A must be multiplied by the average amount in kilograms of food consumed daily by the mammalian test species (kg/d) and divided by the average weight of the mammalian test species in kilograms (kg).

- 3) If the mammalian test species were not exposed to the toxicant each day of the test period, the NOAEL-A must be multiplied by the ratio of days of exposure to the total days of the test period.
- 4) If more than one NOAEL-A is available for the same mammalian test species, the geometric mean of the NOAEL-As must be used.
- e) For ~~those~~ substances for which a NOAEL-A is not available but the lowest observed adverse effect level (LOAEL-A) has been derived from studies of mammalian test species exposed to the substance via oral routes including gavage, one-tenth of the LOAEL-A may be substituted for the NOAEL-A in subsection (d). The LOAEL-A must be selected in the same manner as that specified for the NOAEL-A in subsection (d).
- f) If no studies pertaining to the toxic substance in question can be found by the Agency, no criterion can be determined.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.648 Determining the Human Threshold Criterion**

The HTC is calculated according to the equation:

$$\text{HTC} = \text{ADI} / [\text{W} + (\text{F} \times \text{BCF})]$$

where:

- HTC = Human health protection criterion in milligrams per liter (mg/L);
- ADI = Acceptable daily intake of substance in milligrams per day (mg/d) as specified in 35 Ill. Adm. Code Section 302.645;
- W = Per capita daily water consumption equal to 2 liters per day (L/d) for surface waters at the point of intake of a public or food processing water supply, or equal to 0.01 liters per day (L/d) which represents incidental exposure through contact or ingestion of small volumes of water while swimming or during other recreational activities for areas which are determined to be public access areas under 35 Ill. Adm. Code pursuant to Section 302.102 (b)(3), or 0.001 liters per day (L/d) for other waters;
- F = Assumed daily fish consumption in the United States equal to 0.020 kilograms per day (kg/d); and
- BCF = Aquatic organism Bioconcentration Factor with units of liter per kilogram (L/kg) as derived in 35 Ill. Adm. Code Sections 302.660 through

302.666.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 302.651 The Human Nonthreshold Criterion**

The Human Nonthreshold Criterion (HNC) of a substance is that concentration or level of a substance at which humans are protected from an unreasonable risk of disease caused by a nonthreshold toxic mechanism as a result of incidental exposure to or ingestion of surface waters of the State and from ingestion of aquatic organisms taken from surface waters of the State. HNCs are derived for those toxic substances for which any exposure, regardless of extent, carries some risk of damage as specified in subsections (a) and (b).

- a) For single substances, a risk level of one in one million (1 in 1,000,000) ~~must~~ shall be allowed (i.e., considered acceptable) for the purposes of ~~determining~~ determination of an HNC.
- b) For mixtures of substances, an additive risk level of one in one hundred thousand (1 in 100,000) ~~must~~ shall be allowed (i.e., considered acceptable) for the purposes of ~~determining~~ determination of an HNC.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 302.654 Determining the Risk Associated Intake**

The Risk Associated Intake (RAI) is the maximum amount of a substance which if ingested daily for a lifetime is expected to result in the risk of one additional case of human cancer in a population of one million. Where more than one carcinogenic chemical is present, the RAI ~~must~~ shall be based on an allowed additive risk of one additional case of cancer in a population of one hundred thousand. The RAI must be derived as specified in subsections (a) through (c).

- a) For those substances for which a human epidemiologic study has been performed, the RAI equals the product of the dose from exposure in units of milligrams toxicant per kilogram body weight per day (mg/kg-d) that results in a 70-year lifetime cancer probability of one in one million, times the average weight of an adult human of 70 kilograms (kg). The resulting RAI is expressed in milligrams toxicant per day (mg/d). If more than one human epidemiologic study is available, the lowest exposure level resulting in a 70-year lifetime probability of cancer equal to a ratio of one in one hundred thousand must be used in calculating the RAI.
- b) In the absence of an epidemiologic study, for those toxic substances for which a carcinogenic potency factor (CPF) has been derived from studies of mammalian test species the risk associated intake is calculated from the equation:

$$\text{RAI} = \text{K}/\text{CPF}$$

Where:

RAI = Risk associated intake in milligrams per day (mg/d);

K = A constant consisting of the product of the average weight of an adult human, assumed to be 70 kg, and the allowed cancer risk level of one in one million (1/1,000,000); and

CPF = Carcinogenic Potency Factor is the risk of one additional cancer per unit dose from exposure. The CPF is expressed in units of inverse milligrams per kilogram-day (1/mg/kg-d) as derived in subsections (b)(1) through (b)(7).

- 1) Only those studies which fulfill the data requirement criteria of 35 Ill. Adm. Code Section 302.606 ~~must~~ shall be used in calculating the CPF.
- 2) The linear non-threshold dose-response relationship developed in the same manner as in the USEPA document "Mutagenicity and Carcinogenicity Assessment of 1,3-butadiene", incorporated by reference in 35 Ill. Adm. Code 301.106, ~~must~~ shall be used in obtaining the unit risk, defined as the 95th percentile upper bound risk of one additional cancer resulting from a life time exposure to a unit concentration of the substance being considered. The CPF ~~must~~ shall be estimated from the unit risk in ~~compliance~~ accordance with subsection (b)(7). In calculating a CPF, the Agency must review alternate scientifically valid protocols if so requested.
- 3) If in a study of a single species more than one type of tumor is induced by exposure to the toxic substance, the highest of the CPFs is used.
- 4) If two or more studies vary in either species, strain or sex of the test animal, or in tumor type, the highest CPF is used.
- 5) If more than one tumor of the same type is found in some of the test animals, these should be pooled so that the dose response relationship is dose versus number of tumors per animal. The potency estimate for this dose response relationship is used if it is higher than estimates resulting from other methods.
- 6) If two or more studies are identical regarding species, strain and sex of the test animal, and tumor type, the highest of the CPFs is used.
- 7) Calculation of an equivalent dose between animal species and humans using a surface area conversion, and conversion of units of exposure to dose in milligrams of toxicant per kilogram of body weight per day (mg/kg-d) must be performed as specified in the USEPA document



"Mutagenicity and Carcinogenicity Assessment of 1,3-butadiene", incorporated by reference in 35 Ill. Adm. Code 301.106.

- c) If both a human epidemiologic study and a study of mammalian test species are available for use in subsections (a) and (b), the risk associated intake is determined as follows:
- 1) When the human epidemiologic study provides evidence of a carcinogenic effect on humans, the RAI is calculated from the human epidemiology study as specified in subsection (a).
  - 2) When the mammalian study provides evidence a carcinogenic effect on humans, but the human epidemiologic study does not, a cancer risk to humans is assumed and the risk associated intake is calculated as specified in subsection (b).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.657 Determining the Human Nonthreshold Criterion**

The HNC is calculated according to the equation:

$$\text{HNC} = \text{RAI} / [\text{W} + (\text{F} \times \text{BCF})]$$

where:

HNC = Human Nonthreshold Protection Criterion in milligrams per liter (mg/L);

RAI = Risk Associated Intake of a substance in milligrams per day (mg/d) which is associated with a lifetime cancer risk level equal to a ratio of one to 1,000,000 as derived in 35 Ill. Adm. Code Section 302.654;

W = Per capita daily water consumption equal to 2 liters per day (L/d) for surface waters at the point of intake of a public or food processing water supply, or equal to 0.01 liters per day (L/d) which represents incidental exposure through contact or ingestion of small volumes of water while swimming or during other recreational activities for areas which are determined to be public access areas under 35 Ill. Adm. Code pursuant to Section 302.102(b)(3), or 0.001 liters per day (L/d) for other waters;

F = Assumed daily fish consumption in the United States equal to 0.020 kilograms per day (kg/d); and

BCF = Aquatic Life Bioconcentration Factor with units of liter per kilogram (L/kg) as derived in 35 Ill. Adm. Code Section 302.663.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.658 Stream Flow for Application of Human Nonthreshold Criterion**

The HNC ~~applies shall apply~~ at all times except during periods when flows are less than the harmonic mean flow (Q<sub>hm</sub>), as determined by:

$$Q_{hm} = N / \text{SUM}(1/Q_i)$$

Where:

Q<sub>hm</sub> = harmonic mean flow,

N = number of daily values for stream flows, and

Q<sub>i</sub> = daily streamflow value on day i.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.663 Determination of Bioconcentration Factors**

A Bioconcentration Factor equals the concentration of a substance in all or part of an aquatic organism in milligrams per kilogram of wet tissue weight (mg/kg), divided by the concentration of the substance in the water to which the organism is exposed in milligrams of the substance per liter of water (mg/L).

- a) The Bioconcentration Factor is calculated from a field study if the following conditions are met:
  - 1) Data are available to show that the concentration of the substance in the water to which the organism was exposed remained constant over the range of territory inhabited by the organism and for a period of time exceeding 28 days;
  - 2) Competing mechanisms for removal of the substance from solution did not affect the bioavailability of the substance; and
  - 3) The concentration of the substance to which the organism was exposed is less than the lowest concentration causing any adverse effects on the organism.
- b) In the absence of a field-derived Bioconcentration Factor, the Bioconcentration Factor is calculated from a laboratory test if the following conditions are met:

- 1) The Bioconcentration Factor was calculated from measured concentrations of the toxic substance in the test solution;
  - 2) The laboratory test was of sufficient duration to have reached steady-state which is defined as a less than 10 percent change in the calculated Bioconcentration Factor over a 2-day period or 16 percent of the test duration whichever is longer. In the absence of a laboratory test which has reached steady-state, the Bioconcentration Factor may be calculated from a laboratory test with a duration greater than 28 days if more than one test is available for the same species of organism;
  - 3) The concentration of the toxic substance to which the test organism was exposed is less than the lowest concentration causing any adverse effects on the organism;
  - 4) If more than one Bioconcentration Factor for the same species is available, the geometric mean of the Bioconcentration Factors is used; and
  - 5) The Bioconcentration Factor is calculated on a wet tissue weight basis. A Bioconcentration Factor calculated using dry tissue weight ~~must shall~~ be converted to a wet tissue weight basis by multiplying the dry weight bioconcentration value by 0.1 for plankton and by 0.2 for individual species of fishes and invertebrates.
- c) In the absence of any Bioconcentration Factors measured from field studies as specified in subsection (a) or laboratory studies which have reached steady-state as specified in subsection (b), the Bioconcentration Factor is calculated according to the equation:

$$\log \text{BCF} = A + B \log K_{ow}$$

Where:

BCF = Bioconcentration Factor;

$K_{ow}$  = The octanol/water partition coefficient measured as specified in ASTM E 1147, incorporated by reference in 35 Ill. Adm. Code 301.106 (If the  $K_{ow}$  is not available from laboratory testing, it ~~must shall~~ be calculated from structure-activity relationships or available regression equations.); and

The constants  $A = -0.23$  and  $B = 0.76$  ~~must shall~~ be used unless a change in the value of the constants is requested (The Agency ~~must shall~~ honor requests for changes only if such changes are accompanied by scientifically valid supporting data.).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 302.666 Utilizing the Bioconcentration Factor**

The Bioconcentration Factor derived in 35 Ill. Adm. Code Section 302.663 is used to calculate water quality criteria for a substance as specified below:

- a) When calculating a WDAPC as described in 35 Ill. Adm. Code Section 302.633, the geometric mean of all available steady-state whole body Bioconcentration Factors for fish and shellfish species which constitutes or represents a portion of the diet of indigenous wild and domestic animal species is used. Additional considerations in deriving a Bioconcentration Factor include:
  - 1) An edible portion Bioconcentration Factor is converted to a whole body Bioconcentration Factor for a fish or shellfish species by multiplying the edible portion Bioconcentration Factor by the ratio of the percent lipid in the whole body to the percent lipid in the edible portion of the same species.
  - 2) A Bioconcentration Factor calculated as described in 35 Ill. Adm. Code Section 302.663(c) is converted to a whole body Bioconcentration Factor by multiplying the calculated Bioconcentration Factor by the ratio of the percent lipid in the whole body to 7.6.
  
- b) When calculating either a human threshold criterion or a human nonthreshold criterion as described in 35 Ill. Adm. Code Sections 302.642 through 302.648 and 35 Ill. Adm. Code Sections 302.651 through 302.657, respectively, the geometric mean of all available edible portion Bioconcentration Factors for fish and shellfish species consumed by humans is used. Additional considerations in deriving a Bioconcentration Factor include:
  - 1) Edible portions include:
    - A) Decapods -- muscle tissue.
    - B) Bivalve molluscs -- total living tissue.
    - C) Scaled fishes -- boneless, scaleless filets including skin except for bloater chubs in which the edible portion is the whole body excluding head, scales and viscera.
    - D) Smooth-skinned fishes -- boneless, skinless filets.
  - 2) A whole body Bioconcentration Factor is converted to an edible portion Bioconcentration Factor by multiplying the whole body Bioconcentration

Factor of a species by the ratio of the percent lipid in the edible portion to the percent lipid in the whole body of the same species.

- 3) A Bioconcentration Factor calculated as described in 35 Ill. Adm. Code ~~Section~~ 302.663 is converted to an edible portion Bioconcentration Factor by multiplying the calculated Bioconcentration Factor by the ratio of the percent lipid in the edible portion to 7.6.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.669 Listing of Derived Criteria

- a) The Agency ~~must shall~~ develop and maintain a listing of toxicity criteria pursuant to this Subpart. This list ~~must shall~~ be made available to the public and updated whenever a new criterion is derived and ~~must shall~~ be published when updated in the Illinois Register.
- b) A criterion published pursuant to subsection (a) may be proposed to the Board for adoption as a numeric water quality standard.
- c) The Agency ~~must shall~~ maintain for inspection all information including, ~~but not limited to,~~ assumptions, toxicity data and calculations used ~~to derive in the derivation of~~ any toxicity criterion listed pursuant to subsection (a) until adopted by the Board as a water quality standard.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.APPENDIX A References to Previous Rules (Repealed)

The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification:

Chapter 3: Water Pollution	35 Ill. Admin. Code
Part II, Water Quality Standards	Parts 302 and 303
Unnumbered Preamble	Section 302.101
Rule 201	Section 302.102
Rule 202	Section 302.103
Rule 203	Section 302.201, Section 302.202, Section 303.201
Rule 203(a)	Section 302.203
Rule 203(b)	Section 302.204
Rule 203(c)	Section 302.205
Rule 203(d)	Section 302.206
Rule 203(e)	Section 302.207

Rule 203(f)	Section 302.208
Rule 203(g)	Section 302.209
Rule 203(h)	Section 302.210
Rule 203(i)	Section 302.211(a)
Rule 203(i)(1)	Section 302.211(b)
Rule 203(i)(2)	Section 302.211(e)
Rule 203(i)(3)	Section 302.211(d)
Rule 204(i)(4)	Section 302.211(e)
	Section 303.311
	Section 303.321
	Section 303.331
	Section 303.341
	Section 303.351
	Section 303.361
Rule 203(i) (Unnumbered Paragraph)	Section 302.104
Rule 203(i)(5)	Section 302.211(f)
Rule 203(i)(6)	Section 302.211(g)
Rule 203(i)(7)	Section 302.211(h)
Rule 203(i)(8)	Section 302.211(i)
Rule 203(i)(9)	Deleted
Rule 203(i)(10)	Section 302.211(j), 303.500
Rule 203(i)(11)(bb)	Section 303.502
Rule 203.1(a)	Section 303.312
Rule 203.1(b)	Section 303.352
Rule 204	Section 302.301
	Section 302.302
	Section 303.202
Rule 204(a)	Section 302.303
Rule 204(b)	Section 302.304
Rule 204(e)	Section 302.305
Rule 205	Section 302.401
Rule 205(a)	Section 302.403
Rule 205(b)	Section 302.404
Rule 205(c)	Section 302.405
Rule 205(d)	Section 302.406
Rule 205(e)	Section 302.407
Rule 205(f)	Section 302.408
Rule 205(g)	Section 302.409
Rule 205(h)	Section 302.410
Rule 206	Section 302.501
Rule 206(a)	Section 302.502
Rule 206(b)	Section 302.503
Rule 206(c)	Section 302.504
Rule 206(d)	Section 302.505
Rule 206(e)	Section 302.506(a)

Rule 206(e)(1)(A)	Section 302.507(a)
Rule 206(e)(1)(B)	Section 302.507(b)
Rule 206(e)(1)(C)	Section 302.506(b)
Rule 206(e)(1)(D)	Section 302.506(c)
Rule 206(e)(2)	Section 302.508
Rule 206(e)(3)	Section 302.509
Rule 207	Section 303.203
Rule 208	Section 302.105

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 302.APPENDIX B Sources of Codified Sections (Repealed)

35 Ill. Adm. Code	Chapter 3: Water Pollution
Parts 302 and 303	Part II, Water Quality Standards
	Part III, Water Use Designations
-	-
Section	-
-	-
302.101	General, Unnumbered preamble to
-	Part II
302.102(a)	Rule 201(a)
302.102(b)	Rule 201(a)
302.102(c)	Rule 201(b)
302.103	Rule 202
302.104	Rule 203(i)
302.105	Rule 208
302.201	General, Rule 203
302.202	Rule 203
302.203	Rule 203(a)
302.204	Rule 203(b)
302.205	Rule 203(e)
302.206	Rule 203(d)
302.207	Rule 203(e)
302.208	Rule 203(f)
302.209	Rule 203(g)
302.210	Rule 203(h)
302.211(a)	Rule 203(i)
302.211(b)	Rule 203(i)(1)
302.211(c)	Rule 203(i)(2)
302.211(d)	Rule 203(i)(3)
302.211(e)	Rule 203(i)(4)
302.211(f)	Rule 203(i)(5)
302.211(g)	Rule 203(i)(6)
302.211(h)	Rule 203(i)(7)
302.211(i)	Rule 203(i)(8)

302.211(j)	Rule 203(i)(10)
302.301	General, Rule 204, Rule 303
302.302	Rule 204
302.303	Rule 204(a)
302.304	Rule 204(b)
302.305	Rule 204(e)
302.401	General, Rule 205, Rule 302
302.402	Rule 302
302.403	Rule 205(a)
302.404	Rule 205(b)
302.405	Rule 205(e)
302.406	Rule 205(d)
302.407	Rule 205(e)
302.408	Rule 205(f)
302.409	Rule 205(g)
302.410	Rule 205(h)
302.501	General, Rule 206
302.502	Rule 206(a)
302.503	Rule 206(b)
302.504	Rule 206(e)
302.505	Rule 206(d)
302.506(a)	Rule 206(e)
302.506(b)	Rule 206(e)(1)(C)
302.506(c)	Rule 206(e)(1)(D)
302.507(a)	Rule 206(e)(1)(A)
302.507(b)	Rule 206(e)(1)(B)
302.508	Rule 206(e)(2)
302.509	Rule 206(e)(3)

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

**PART 303  
WATER USE DESIGNATIONS AND SITE-SPECIFIC WATER QUALITY  
STANDARDS**

**SUBPART A: GENERAL PROVISIONS**

Section	
303.100	Scope and Applicability
303.101	Multiple Designations
303.102	Rulemaking Required (Repealed)



## **SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS**

Section	
303.200	Scope and Applicability
303.201	General Use Waters
303.202	Public and Food Processing Water Supplies
303.203	Underground Waters
303.204	Chicago Area Waterway System and Lower Des Plaines River
303.205	Outstanding Resource Waters
303.206	List of Outstanding Resource Waters
303.220	Primary Contact Recreation Waters
303.225	Incidental Contact Recreation Waters
303.227	Non-Contact Recreation Waters and Non-Recreational Waters
303.230	Upper Dresden Island Pool Aquatic Life Use Waters
303.235	Chicago Area Waterway System Aquatic Life Use A Waters
303.240	Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters

## **SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY STANDARDS**

Section	
303.300	Scope and Applicability
303.301	Organization
303.311	Ohio River Temperature
303.312	Waters Receiving Fluorspar Mine Drainage (Repealed)
303.321	Wabash River Temperature
303.322	Unnamed Tributary of the Vermilion River
303.323	Sugar Creek and Its Unnamed Tributary
303.326	Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River
303.331	Mississippi River North Temperature
303.341	Mississippi River North Central Temperature
303.351	Mississippi River South Central Temperature
303.352	Unnamed Tributary of Wood River Creek
303.353	Schoenberger Creek; Unnamed Tributary of Cahokia Canal
303.361	Mississippi River South Temperature
303.400	Bankline Disposal Along the Illinois Waterway/River
303.410	Chronic Nickel Water Quality Standard for Segment of the Sangamon River
303.430	Unnamed Tributary to Dutch Creek ( <u>Repealed</u> )
303.431	Long Point Slough and Its Unnamed Tributary ( <u>Repealed</u> )
303.441	Secondary Contact Waters (Repealed)
303.442	Waters Not Designated for Public Water Supply
303.443	Lake Michigan Basin
303.444	Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River
303.445	Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River

- 303.446 Boron Water Quality Standard for Segments of the Sangamon River and the Illinois River
- 303.447 Unnamed Tributary of the South Branch Edwards River and South Branch Edwards River (Repealed)
- 303.448 Mud Run Creek (Repealed)
- 303.449 Chicago Sanitary and Ship Canal

#### SUBPART D: THERMAL DISCHARGES

##### Section

- 303.500 Scope and Applicability
- 303.502 Lake Sangchris Thermal Discharges

- 303.APPENDIX A References to Previous Rules (Repealed)
- 303.APPENDIX B Sources of Codified Sections (Repealed)

**AUTHORITY:** Implementing Section 13 and authorized by Sections 11(b), 27, and 28 of the Environmental Protection Act [415 ILCS 5/11(b), 13, 27, and 28].

**SOURCE:** Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg. 1403, effective December 24, 1997; amended in R01-13 at 26 Ill. Reg. 3517, effective February 22, 2002; amended in R03-11 at 28 Ill. Reg. 3071, effective February 4, 2004; amended in R06-24 at 31 Ill. Reg. 4440, effective February 27, 2007; amended in R09-8 at 33 Ill. Reg. 7903, effective May 29, 2009; amended in R09-11 at 33 Ill. Reg. 12258, effective August 11, 2009; amended in R08-9(A) at 35 Ill. Reg. 15078, effective August 23, 2011; amended in R11-18 at 36 Ill. Reg. 18898, effective December 12, 2012; amended in R08-9(C) at 38 Ill. Reg. 5517, effective February 13, 2014; amended in R08-09(D) at 39 Ill. Reg. 9423, effective July 1, 2015; amended in R14-24 at 42 Ill. Reg. 20947, effective November 19, 2018; amended in R18-23 at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

#### SUBPART A: GENERAL PROVISIONS

##### **Section 303.100 Scope and Applicability**

- a) — Part 303 contains water use designations ~~that which~~ determine for a given body of ~~water~~ which set of Part 302 water quality standards apply for a given body of

~~water applies. Part 303 also contains short site specific water quality standards. Part 302 contains water quality standards which are either applicable to more than one area or are lengthy.~~

- ~~b) 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.~~

~~(Editor's Note: Paragraph (b) was added during the codification process to clarify references to other Parts or Sections of the Illinois Administrative Code.)~~

~~(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)~~

### **Section 303.101 Multiple Designations**

Unless otherwise expressly stated, waters designated for specific uses must meet the most restrictive standards listed in 35 Ill. Adm. Code Part 302 for any specified use, in addition to meeting the general standards of Subpart B of 35 Ill. Adm. Code Part 302.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS**

### **Section 303.200 Scope and Applicability**

Subpart B contains general water use designations. These Sections, together with the specific designations of Subpart C, determine which set of water quality standards of 35 Ill. Adm. Code Part 302 applies to a given body of water.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.201 General Use Waters**

Except as otherwise specifically provided, all waters of the State must meet the general use standards of Subpart B of 35 Ill. Adm. Code Part 302.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.202 Public and Food Processing Water Supplies**

Except as otherwise specifically provided and in addition to the general use standards of Subpart B of 35 Ill. Adm. Code Part 302, waters of the State ~~must~~ shall meet the public and food processing water supply standards of Subpart C of 35 Ill. Adm. Code Part 302, at any point ~~whereat~~ which water is withdrawn for treatment and distribution as a potable supply or for food processing.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.204 Chicago Area Waterway System and Lower Des Plaines River**

The Chicago Area Waterway System and Lower Des Plaines River Waters are designated to protect for primary contact recreation, incidental contact or non-contact recreational uses (except where designated as non-recreational waters), commercial activity (including navigation and industrial water supply uses), and the highest quality aquatic life and wildlife attainable, limited only by the physical condition of these waters and hydrologic modifications to these waters. Except for the Chicago River, these waters are required to meet the standards contained in 35 Ill. Adm. Code 302, Subpart D, but are not required to meet the general use standards or the public and food processing water supply standards of 35 Ill. Adm. Code 302, Subpart B and C, except that the waters designated as Primary Contact Recreation Waters in 35 Ill. Adm. Code Section 303.220 must meet the numeric water quality standard for fecal coliform bacteria applicable to protected waters in 35 Ill. Adm. Code 302.209. Designated recreational uses and aquatic life use for each segment of the Chicago Area Waterway System and Lower Des Plaines River are identified in this Subpart. The Chicago River must meet the general use standards of 35 Ill. Adm. Code 302, Subpart B, including the numeric water quality standard for fecal coliform bacteria applicable to protected waters in 35 Ill. Adm. Code 302.209.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.205 Outstanding Resource Waters**

An Outstanding Resource Water (ORW) is a surface water body or water body segment that is of exceptional ecological or recreational significance and must be designated by the Board underpursuant to 35 Ill. Adm. Code 102.Subpart H.

- a) Outstanding Resource Waters (ORW) ~~must shall~~ be listed in 35 Ill. Adm. Code Section 303.206 of this Part. In addition to all other applicable use designations and water quality standards contained in this Subtitle, an ORW is subject to the antidegradation provision of 35 Ill. Adm. Code Section 302.105(b).
- b) A petition to designate a surface water body or water body segment as an ORW must be submitted to the Illinois Pollution Control Board underpursuant to the procedural rules found in 35 Ill. Adm. Code 102.Subpart H.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.206 List of Outstanding Resource Waters**

The Board has not designated any Outstanding Resource Waters underpursuant to 35 Ill. Adm. Code 102.Subpart H.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 303.225 Incidental Contact Recreation Waters

The following waters are designated as Incidental Contact Recreation Waters and must protect for incidental contact recreational uses as defined in 35 Ill. Adm. Code 301.282.

- a) Upper North Shore Channel from Wilmette Pumping Station to North Side Water Reclamation Plant;
- b) South Fork of the South Branch of the Chicago River (Bubbly Creek);
- c) Chicago Sanitary and Ship Canal from its confluence with South Branch of the Chicago River to its confluence with Calumet-Sag Channel;
- d) Calumet River from Torrence Avenue to its confluence with Grand Calumet River and Little Calumet River;
- e) Lake Calumet;
- f) Lake Calumet Connecting Channel;
- g) Grand Calumet River;
- h) Lower Des Plaines River from the Brandon Road Lock and Dam to the Interstate 55 ~~Bridge~~bridge.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 303.230 Upper Dresden Island Pool Aquatic Life Use Waters

Upper Dresden Island Pool Aquatic Life Use Waters

- a) Lower Des Plaines River from the Brandon Road Lock and Dam to the Interstate 55 ~~Bridge~~bridge is designated as the Upper Dresden Island Pool Aquatic Life Use. These waters are capable of maintaining, and must~~shall~~ have quality sufficient to protect, aquatic-life populations consisting of individuals of tolerant, intermediately tolerant, and intolerant types that are adaptive to the unique flow conditions necessary to maintain navigational use and upstream flood control functions of the waterway system. ~~The~~Such aquatic life may include, ~~but is not limited to,~~ largemouth bass, bluntnose minnow, channel catfish, orangespotted sunfish, smallmouth bass, shorthead redhorse, and spottail shiner.
- b) Upper Dresden Island Pool Aquatic Life Use Waters must meet the water quality standards of 35 Ill. Adm. Code 302- Subpart D.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 303.235 Chicago Area Waterway System Aquatic Life Use A Waters

- a) Waters designated as Chicago Area Waterway System Aquatic Life Use A Waters are capable of maintaining, and ~~must shall~~ have quality sufficient to protect, aquatic-life populations predominated by individuals of tolerant and intermediately tolerant types that are adaptive to the unique physical conditions, flow patterns, and operational controls necessary to maintain navigational use, flood control, and drainage functions of the waterway system. ~~TheSuch~~ aquatic life may include, ~~but is not limited to~~, fish species, such as channel catfish, largemouth bass, bluegill, black crappie, spotfin shiner, orangespotted sunfish, common carp, and goldfish.
- b) Waters designated as Chicago Area Waterway System Aquatic Life Use A Waters are not capable of attaining an aquatic life use consistent with the section 101(a)(2) of the Clean Water Act goal (33 USC 1251(a)(2)).
- c) The following waters are designated as Chicago Area Waterway System Aquatic Life Use A Waters and must meet the water quality standards of 35 Ill. Adm. Code 302. Subpart D:
  - 1) Upper North Shore Channel from Wilmette Pumping Station to North Side Water Reclamation Plant;
  - 2) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch of the Chicago River;
  - 3) North Branch of the Chicago River from its confluence with North Shore Channel to its confluence with South Branch of the Chicago River and Chicago River;
  - 4) South Branch of the Chicago River;
  - 5) Calumet-Sag Channel;
  - 6) Calumet River from Lake Michigan to its confluence with Grand Calumet River and Little Calumet River;
  - 7) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel;
  - 8) Grand Calumet River;
  - 9) Lake Calumet; and
  - 10) Lake Calumet Connecting Channel.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.240 Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters**

- a) Waters designated as Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters are capable of maintaining, and ~~must shall~~ have quality sufficient to protect, aquatic life populations predominated by individuals of tolerant types that are adaptive to unique physical conditions and modifications of long duration, including artificially constructed channels consisting of vertical sheet-pile, concrete and rip-rap walls designed to support commercial navigation, flood control, and drainage functions in deep-draft, steep-walled shipping channels. ~~The Such~~ aquatic life may include, ~~but is not limited to,~~ fish species, such as common carp, golden shiner, bluntnose minnow, yellow bullhead and green sunfish.
- b) Waters designated as Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters are not capable of attaining an aquatic life use consistent with the section 101(a)(2) of the Clean Water Act goal (33 USC 1251(a)(2)).
- c) The following waters are designated as Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters and must meet the water quality standards of 35 Ill. Adm. Code 302- Subpart D:
  - 1) Chicago Sanitary and Ship Canal; and
  - 2) Lower Des Plaines River from its confluence with Chicago Sanitary and Ship Canal to the Brandon Road Lock and Dam (Brandon Pool).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY STANDARDS**

#### **Section 303.300 Scope and Applicability**

Subpart C contains specific use designations ~~that which~~ determine which set of water quality standards of 35 Ill. Adm. Code Part 302 applies to a given water. In addition, Subpart C contains water quality standards applicable to specified waters. Nonspecific designations are in Subpart B.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 303.311 Ohio River Temperature**

Instead of the standards of 35 Ill. Adm. Code Section 302.211(e) the water temperature at representative locations in the main river of the Ohio River must ~~shall~~ not exceed the maximum limits in the following table during more than 1% of the hours in the 12 month period ending with any month. ~~The~~ Moreover, at no time shall the water temperature at these locations ~~such location~~ must not at any time exceed the maximum limits in the following table by more than 1.7 °C (3 °F) ~~1.7 °C (3 °F)~~.

	<u>° C</u> °C	<u>° F</u> °F		<u>° C</u> °C	<u>° F</u> °F
JAN.	10	50	JUL.	32	89
FEB.	10	50	AUG.	32	89
MAR.	16	60	SEPT.	31	87
APR.	21	70	OCT.	26	78
MAY	27	80	NOV.	21	70
JUN.	31	87	DEC.	14	57

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.321 Wabash River Temperature**

Instead of the standards of 35 Ill. Adm. Code Section 302.211(e), the water temperature at representative locations in the main river of the Wabash River and its interstate tributaries must ~~shall~~ not exceed the maximum limits in the following table during more than 1% of the hours in the 12 month period ending with any month. ~~The~~ Moreover, at no time shall the water temperature at these ~~such~~ locations must not at any time exceed the maximum limits in the following table by more than 1.7 °C (3 °F) ~~1.7 °C (3 °F)~~.

	<u>° C</u> °C	<u>° F</u> °F		<u>° C</u> °C	<u>° F</u> °F
JAN.	10	50	JUL.	32	90
FEB.	10	50	AUG.	32	90
MAR.	16	60	SEPT.	32	90
APR.	21	70	OCT.	26	78
MAY	27	80	NOV.	21	70
JUN.	32	90	DEC.	14	57

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.322 Unnamed Tributary of the Vermilion River**

The fluoride standard of 35 Ill. Adm. Code Sec. 302.208 does ~~shall~~ not apply to waters of the State ~~that~~ which are located from the point of a discharge from the foundry located at the intersection of Interstate 74 and G Street in Danville, Illinois, owned by General Motors Corporation on January 31, 1995, to an unnamed tributary of the Vermilion River, ~~said~~ point being located 3900 feet south of the Vermilion River, 1900 feet north of I-74, at 40° 6'35" north latitude and 87° 69'52" west longitude, to the confluence of said unnamed tributary with the



Vermilion River; and from there downstream to a point 0.9 river miles downstream of the juncture at the crossing of a Norfolk and Western Railroad bridge. Fluoride levels in these such waters as caused by the discharge from the foundry facility must shall meet a water quality standard for fluoride (~~Storet Number 00950~~) of 10 mg/1.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.323 Sugar Creek and Its Unnamed Tributary**

- a) This Section applies only to Sugar Creek and its unnamed tributary from the point at which Marathon Oil Company's outfall 001 discharges into the unnamed tributary to the confluence of Sugar Creek and the Wabash River.
- b) 35 Ill. Adm. Code Section 304.105 does shall not apply to total dissolved solids and chlorides discharged by Marathon Oil Company's outfall 001, if so long as both of the following conditions are met:
  - 1) Effluent from Marathon Oil Company's outfall 001 does not exceed either 3,000 mg/L total dissolved solids or 1,000 mg/L chlorides, and
  - 2) The water in the unnamed tributary does not exceed 2,000 mg/L total dissolved solids or 750 mg/L chlorides.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.326 Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River**

The fluoride general use water quality standard of 35 Ill. Adm. Code 302.208(g) does not apply to the waters of the State ~~that are located~~ from the point of discharge of the POTW located at 903 E. Eichie Avenue in Effingham, Illinois, owned by the City of Effingham, to an unnamed tributary of Salt Creek, ~~said point being~~ located in Effingham County, T8N, R6E, Sec. 28, Lat: 39°06'24", Long: 88°31'55", to the confluence of ~~the said~~ unnamed tributary with Salt Creek; to the confluence of Salt Creek with the Little Wabash River; to the confluence of Buck Creek and the Little Wabash River. Fluoride levels in these such waters must meet a water quality standard for fluoride specified (~~STORET Number 00951~~) ~~as set forth~~ in this Section.

- a) From the point of discharge of the City of Effingham POTW to the unnamed tributary to the confluence of the unnamed tributary with Salt Creek and from the confluence of the unnamed tributary with Salt Creek to the confluence of Salt Creek with the Little Wabash River, the fluoride water quality standard is 5.0 mg/L.
- b) From the confluence of Salt Creek with the Little Wabash River to monitoring station C-19 located on the Little Wabash River

approximately 2.8 miles downstream of Louisville, Illinois, the fluoride water quality standard is 3.2 mg/L.

- c) From monitoring station C-19 located on a point on the Little Wabash River approximately 2.8 miles downstream of Louisville, Illinois to the confluence of Buck Creek and the Little Wabash River, a point on the Little Wabash River located approximately 9.8 miles downstream of Louisville, Illinois, the fluoride water quality standard is 2.0 mg/L.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 303.331 Mississippi River North Temperature**

Instead of the standards of 35 Ill. Adm. Code ~~Section~~ 302.211(e) the water temperature at representative locations in the main river of the Mississippi River from the Wisconsin border to the Rock River ~~must shall~~ not exceed the maximum limits in the following table during more than 1% of the hours in the 12 month period ending with any month. ~~The~~ ~~Moreover, at no time shall the~~ water temperature at ~~these such~~ locations must not at any time exceed the maximum limits in the following table by more than 1.7 °C (3 °F) ~~1.7 °C (3 °F)~~.

	<u>° C°C</u>	<u>° F°F</u>		<u>° C°C</u>	<u>° F°F</u>
JAN.	7	45	JUL.	30	86
FEB.	7	45	AUG.	30	86
MAR.	14	57	SEPT.	29	85
APR.	20	68	OCT.	24	75
MAY	26	78	NOV.	18	65
JUN.	29	85	DEC.	11	52

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 303.341 Mississippi River North Central Temperature**

Instead of the standards of 35 Ill. Adm. Code ~~Section~~ 302.211(e), the water temperature at representative locations in the main river of the Mississippi River in the indicated locations ~~must shall~~ not exceed the maximum limits in the following tables during more than 1% of the hours in the twelve month period ending with any month. ~~The~~ ~~Moreover, at no time shall the~~ water temperature at ~~these such~~ locations must not at any time exceed the maximum limits in the following table by more than 1.7 °C (3 °F) ~~1.7 °C (3 °F)~~.

- a) In the Mississippi River from the Rock River to the Iowa/Missouri border:

	<u>° C°C</u>	<u>° F°F</u>		<u>° C°C</u>	<u>° F°F</u>
JAN.	7	45	JUL.	30	86

FEB.	7	45	AUG.	30	86
MAR.	14	57	SEPT.	29	85
APR.	20	68	OCT.	24	75
MAY	26	78	NOV.	18	65
JUN.	29	85	DEC.	11	52

b) In the Mississippi River from the Iowa/Missouri border to the Illinois River:

	<u>°C</u>	<u>°F</u>		<u>°C</u>	<u>°F</u>
JAN.	7	45	JUL.	31	88
FEB.	7	45	AUG.	31	88
MAR.	14	57	SEPT.	29	86
APR.	20	68	OCT.	24	75
MAY	26	78	NOV.	18	65
JUN.	30	86	DEC.	11	52

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 303.351 Mississippi River South Central Temperature

Instead of the standards of 35 Ill. Adm. Code Section 302.211(e), the water temperature at representative locations in the main river of the Mississippi River in the indicated locations must ~~shall~~ not exceed the maximum limits in the following tables during more than 1% of the hours in the twelve month period ending with any month. The ~~Moreover, at no time shall~~ the water temperature at these such locations must not at any time exceed the maximum limits in the following table by more than 1.7 °C (3 °F). ~~1.7 °C (3 °F)~~.

a) In the Mississippi River from the Illinois River to Alton Lock and Dam:

	<u>°C</u>	<u>°F</u>		<u>°C</u>	<u>°F</u>
JAN.	7	45	JUL.	31	88
FEB.	7	45	AUG.	31	88
MAR.	14	57	SEPT.	29	86
APR.	20	68	OCT.	24	75
MAY	26	78	NOV.	18	65
JUN.	30	86	DEC.	11	52

b) In the Mississippi River from Alton Lock and Dam to the Kaskaskia River:

	<u>°C</u>	<u>°F</u>		<u>°C</u>	<u>°F</u>
JAN.	10	50	JUL.	32	89
FEB.	10	50	AUG.	32	89
MAR.	16	60	SEPT.	31	87

APR.	21	70	OCT.	26	78
MAY	27	80	NOV.	21	70
JUN.	31	87	DEC.	14	57

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 303.352 Unnamed Tributary of Wood River Creek**

- a) This section applies to the unnamed tributary of Wood River Creek ~~that which~~ enters Wood River Creek 4700 feet above the confluence of Wood River Creek with the Mississippi River from a point 450 feet above the confluence of the unnamed tributary and Wood River Creek to ~~the said~~ confluence, and in Wood River Creek from ~~the said~~ confluence to the confluence of Wood River Creek and the Mississippi River.
- b) ~~The Such~~ waters ~~must shall~~ meet a boron standard of 15 mg/L ~~the following standard~~ instead of the boron standard of 35 Ill. Adm. Code Section 302.208:

CONSTITUENT	STORET NUMBER	CONCENTRATION mg/l
Boron	-----	15

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 303.353 Schoenberger Creek; Unnamed Tributary of Cahokia Canal**

- a) This rule ~~applies shall apply~~ to:
  - 1) The final 1500 feet of Schoenberger Creek starting immediately south of the Baltimore and Ohio main tracks and running north to an unnamed tributary of the Cahokia Canal; and
  - 2) The unnamed tributary from its confluence with Schoenberger Creek as it runs west and northwest for a distance of 8000 feet to its confluence with the Cahokia Canal.
- b) The standard for iron (dissolved) in of 35 Ill. Adm Code 302.208 ~~for the parameter listed below~~ does not apply to these waters. Instead, the waters must not exceed an iron (total) concentration of 20 mg/L. ~~the following level shall not be exceeded:~~

Constituent	Storet Number	Concentration (mg/l)
Iron (total)	01045	20

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 303.361 Mississippi River South Temperature

Instead of the standards of ~~35 Ill. Adm. Code Section 302.211(e)~~, the water temperature at representative locations in the main river of the Mississippi River from the Kaskaskia River to the Ohio River ~~must shall~~ not exceed the maximum limits in the following table during more than 1% of the hours in the 12 month period ending with any month. ~~The~~ Moreover, at no time shall the water temperature at ~~these such~~ locations must not at any time exceed the maximum limits in the following table by more than 1.7 °C (3 °F)~~1.7 °C (3 °F)~~.

	<u>° C°C</u>	<u>° F°F</u>		<u>° C°C</u>	<u>° F°F</u>
JAN.	10	50	JUL.	32	89
FEB.	10	50	AUG.	32	89
MAR.	16	60	SEPT.	31	87
APR.	21	70	OCT.	26	78
MAY	27	80	NOV.	21	70
JUN.	31	87	DEC.	14	57

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 303.400 Bankline Disposal Along the Illinois Waterway/River

- a) The U.S. Department of the Army, Corps of Engineers, may bankline dispose of sediment generated during maintenance dredging operations on the Illinois Waterway/River between river miles 80.2 and 291 if:
- 1) Less than 10% of representative samples from a proposed dredge cut are composed of fine-grained material, where a material is fine-grained if more than 20% of the sample passes a #230 sieve; or
  - 2) The SSTFATE model indicates that applicable water quality standards will be met at the perimeter of a temporary area of allowed dilution having a surface area no larger than 48,000 square feet, and not exceeding either 1,000 feet in length or 150 feet in width; and
  - 3) The U.S. Department of the Army, Corps of Engineers, holds a Water Quality Certification for its dredging operations from the Illinois Environmental Protection Agency pursuant to Section 401 of the federal Clean Water Act, 33 U.S.C. §1341 (1988).
- b) When the provisions of subsection (a) are met, ~~Section 35 Ill. Adm. Code 304.105 (prohibition against causing a violation of any applicable water quality standard)~~, does shall not apply to bankline disposal by the U.S. Department of the Army, Corps of Engineers, but only as 35 Ill. Adm. Code 304.105 pertains to the

offensive conditions standard of 35 Ill. Adm. Code 302.203, the dissolved oxygen standard of 35 Ill. Adm. Code 302.206, the total lead, total zinc, mercury, and total copper standards of 35 Ill. Adm. Code 302.208, and the ammonia nitrogen and un-ionized ammonia nitrogen standards of 35 Ill. Adm. Code 302.212.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.410 Chronic Nickel Water Quality Standard for Segment of the Sangamon River**

The general use chronic water quality standard for dissolved nickel contained in 35 Ill. Adm. Code Section 302.208(e) ~~does shall~~ not apply to the segment of the Sangamon River that receives discharges from the Sanitary District of Decatur's Main Sewage Treatment Plant, from that facility's Outfall 001 located at 39° 49' 56" North Latitude, 89° 0' 7" West Longitude, to the point of the confluence of the Sangamon River with the South Fork of the Sangamon River near Riverton. Instead, waters in this segment of the Sangamon River must meet a chronic water quality standard for dissolved nickel as follows:

Chronic Dissolved Nickel Standard ( $\mu\text{g/L}$ ) =  $\exp[A+B\ln(H)] \times 0.997^* \times \text{WER}$

where:

A = -2.286,

B = 0.8460,

$\ln(H)$  = natural logarithm of Hardness, and

WER (Water Effect Ratio) = 2.50.

\* conversion factor multiplier for dissolved metals

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.430 Unnamed Tributary to Dutch Creek (Repealed)**

~~The general use water quality standard for fluoride contained in Section 302.208 shall not apply to the unnamed tributary of Dutch Creek which receives discharges from the manufacturing facility located on Ringwood Drive in Ringwood in McHenry County from the outfall of that facility for a distance of 1200 yards downstream. Instead this water shall comply with a fluoride standard of 5.6 mg/l not to be exceeded at any time.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.431 Long Point Slough and Its Unnamed Tributary (Repealed)**

The general use water quality standards for total dissolved solids and for chloride contained in Section 302.208 shall not apply to Long Point Slough and its unnamed tributary, which receive discharges from the Illiopolis, Illinois facility of Borden Chemicals and Plastics Operating Limited Partnership, from the outfall of that facility to the point of the confluence of the unnamed tributary downstream with the Sangamon River. Instead this water shall comply with a total dissolved solids standard of 3,000 mg/l and a chloride standard of 900 mg/l.

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.442 Waters Not Designated for Public Water Supply**

The following waters are not required to meet the public and food processing water supply standards of 35 Ill. Adm. Code Subpart C, Part 302. Subpart C, even where designated as general use waters:

- a) The Chicago River
- b) The Little Calumet River.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.444 Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River**

The General Use chronic water quality standard for cyanide (~~STORET number 00718~~) contained in 35 Ill. Adm. Code Section 302.208 does not apply to Salt Creek, Higgins Creek, the West Branch of the DuPage River, and the Des Plaines River in Cook County, Illinois. Instead, for these waters the chronic cyanide standard is 10 µg/L.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.445 Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River**

- a) Beginning November 1 and continuing through April 30 of each year, the total dissolved solids (TDS) water quality standard for Secondary Contact and Indigenous Aquatic Life Use waters in 35 Ill. Adm. Code 302.407 does not apply to the portion of the Des Plaines River from the ExxonMobil refinery wastewater treatment plant discharge point located at Interstate 55 and Arsenal Road (~~said point being located~~ in Will County, T34N, R9E, S15, Latitude: 41°, 25', 20" North, Longitude: 88°, 11', 20" West) and continuing to the Interstate 55 bridge. TDS levels in these waters must instead meet a water quality standard for TDS (~~STORET Number 70300~~) of 1,686 mg/L.

- b) Beginning November 1 and continuing through April 30 of each year, the TDS water quality standard for General Use Waters in 35 Ill. Adm. Code 302.208 does not apply to the Des Plaines River from the Interstate 55 bridge to the confluence of the Des Plaines River with the Kankakee River. TDS levels in these waters must instead meet a water quality standard for TDS (~~STORET Number 70300~~) of 1,686 mg/L.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.446 Boron Water Quality Standard for Segments of the Sangamon River and the Illinois River**

The general use water quality standard for boron ~~set forth~~ in 35 Ill. Adm. Code 302.208(g) ~~does shall~~ not apply to segments of the Sangamon River and the Illinois River (described below) that receive discharge from Outfall 007 of the Spring Creek Sewage Treatment Plant located at 3017 North 8<sup>th</sup> Street, Springfield, Illinois, owned by the Springfield Metro Sanitary District. The boron level~~Boron levels~~ in those river segments must meet the following water quality ~~standards~~standards for boron:

- a) 11.0 mg/L in the Sangamon River from Outfall 007 (Latitude: 39° 51' 37.234" North, Longitude: 89° 38' 30.082" West) to 182 yards downstream from the confluence of Spring Creek with the Sangamon River (Latitude: 39° 51' 42.595" North, Longitude: 89° 38' 30.089" West);
- b) 4.5 mg/L in the Sangamon River from 182 yards downstream of the confluence of Spring Creek with the Sangamon River (Latitude: 39° 51' 42.595" North, Longitude: 89° 38' 30.089" West) to the confluence of Salt Creek with the Sangamon River (Latitude: 40° 7' 33.009" North, Longitude: 89° 49' 40.224" West), a distance of 39.0 river miles;
- c) 1.6 mg/L in the Sangamon River from the confluence of Salt Creek with the Sangamon River (Latitude: 40° 7' 33.009" North, Longitude: 89° 49' 40.224" West) to the confluence of the Sangamon River with the Illinois River (Latitude: 40° 1' 20.995" North, Longitude: 90° 25' 59.451" West), a distance of 36.1 river miles; and
- d) 1.3 mg/L in the Illinois River from the confluence of the Illinois River with the Sangamon River (Latitude: 40° 1' 20.995" North, Longitude: 90° 25' 59.451" West) to 100 yards downstream of the confluence of the Illinois River with the Sangamon River (Latitude: 40° 1' 20.197" North, Longitude: 90° 26' 3.205" West).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.447 Unnamed Tributary of the South Branch Edwards River and South Branch Edwards River (Repealed)**



~~The general use water quality standard for boron at 35 Ill. Adm. Code 302.208(g) does not apply to the waters of the State that are located from the point of discharge of the publicly owned treatment works located at 523 NE 9th Street in Galva, known as the Galva Northeast Sewage Treatment Plant, to an unnamed tributary of the South Branch of the Edwards River (the discharge point being located in Henry County, Township 14 North, Range 4 East, occupying portions of Sections 21, 26, 27, 28, 33, 34, and 35 in the Fourth Principal Meridian, Latitude N 41.175°, Longitude: W 90.035°) to the confluence of unnamed tributary with the South Branch Edwards River; to the confluence with the Edwards River. Boron levels in these waters must meet a water quality standard for boron of 3.0 mg/L.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.448 Mud Run Creek (Repealed)**

~~The general use water quality standard for boron set forth at 35 Ill. Adm. Code 302.208(g) does not apply to the waters of the State that are located from the point of discharge of the publicly owned treatment works located at ½ mile South of the Burlington Northern Santa Fe Railroad and SW 4th Street in Galva, known as the Galva Southwest Sewage Treatment Plant, to Mud Run Creek (the point is located in Henry County, Township 14 North, Range 4 East, occupying portions of Sections 21, 26, 27, 28, 33, 34 and 35 of the Fourth Principal Meridian, Latitude: N 41.154°, Longitude W. 90.053°) to the confluence of Mud Run Creek with Walnut Creek. Boron levels in these waters must meet a water quality standard for boron of 3.0 mg/L.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 303.449 Chicago Sanitary and Ship Canal**

~~The numeric water quality standards for chloride and Total Dissolved Solids in set forth at 35 Ill. Adm. Code 302.407(g) do not apply to the Chicago Sanitary and Ship Canal from during the period of December 1 through April 30 for the protection of aquatic organisms. Chloride levels in these waters must meet the numeric water quality standards for the protection of aquatic organisms of 620 mg/L as a chronic water quality standard and 990 mg/L as an acute water quality standard for chloride from during the period of December 1 through April 30.~~

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART D: THERMAL DISCHARGES**

### **Section 303.500 Scope and Applicability**

Subpart D contains site specific water quality based thermal discharge standards. These are now determined without rulemaking under 35 Ill. Adm. Code pursuant to Section 302.211 and 35 Ill. Adm. Code Part 106 of Subtitle A.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_) (~~Note: Prior to codification, Part VI of Ch 1: Procedural Rules.~~)

### **Section 303.502 Lake Sangchris Thermal Discharges**

The thermal discharge to Lake Sangchris ~~must~~ shall meet the following standards and conditions: The effluent temperature ~~must~~ shall not exceed ~~37 °C (99 °F)~~ 37° C (99° F) during more than ~~7%seven (7) percent~~ of the hours in the 12 month period ending with any month and ~~must~~ not ~~shall at no time~~ exceed ~~44 °C (111 °F)~~ 44° C (111° F).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **APPENDIX A REFERENCES TO PREVIOUS RULES (Repealed)**

<del>Chapter 3: Water Pollution</del>	<del>35 Ill. Admin. Code</del>
<del>Part III, Water Quality Standards</del>	<del>Part 303</del>
<hr/>	
<del>Unnumbered Preamble</del>	<del>Section 303.100, 303.101, 303.201</del>
<del>Rule 301</del>	<del>Section 303.201</del>
<del>Rule 302 Preamble</del>	<del>Section 302.402</del>
<del>Rule 302 Main Body</del>	<del>Section 303.441</del>
<del>Rule 302 Appendix</del>	<del>Section 303.102</del>
<del>Rule 303</del>	<del>Section 303.301, 303.202</del>
<del>Rule 303(a)</del>	<del>Section 303.442</del>
<del>Rule 303(b)</del>	<del>Section 303.442</del>

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **APPENDIX B SOURCES OF CODIFIED SECTION (Repealed)**

<del>35 Ill. Admin. Code</del>	<del>Chapter 3: Water Pollution</del>
<del>Part 303</del>	<del>Part II, Water Quality Standards</del>
	<del>Part III, Water Use Designations</del>
<del>Section</del>	
<del>303.100</del>	<del>General, Preamble to Part III</del>
<del>303.101</del>	<del>Preamble to Part III</del>
<del>303.102</del>	<del>Rule 302 Appendix</del>
<del>303.200</del>	<del>General, Preamble to Part III</del>
<del>303.201</del>	<del>Preamble to Part III, Rule 203</del>
<del>303.202</del>	<del>Rule 204 and Rule 303</del>
<del>303.203</del>	<del>Rule 207</del>
<del>303.204</del>	<del>Rule 302, Preamble</del>
<del>303.300</del>	<del>General</del>
<del>303.301</del>	<del>General</del>
<del>303.311</del>	<del>Rule 203(i)(4)</del>
<del>302.312</del>	<del>Rule 203.1(a)</del>

303.321	Rule 203(i)(4)
303.331	Rule 203(i)(4)
303.341	Rule 203(i)(4)
303.351	Rule 203(i)(4)
303.352	Rule 203.1(b)
303.361	Rule 203(i)(4)
303.441	Rule 302, Main Body
303.442	Rule 303(a), Rule 303(b)
303.443	Rule 206
303.500	General, Rule 203(i)(10)(ee)
303.502	Rule 203(i)(11)(bb)

(Source: Repealed at 46 Ill. Reg.\_\_\_\_\_, effective \_\_\_\_\_)

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

**PART 304  
EFFLUENT STANDARDS**

**SUBPART A: GENERAL EFFLUENT STANDARDS**

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304.123	Phosphorus ( <del>STORET number 00665</del> )
304.124	Additional Contaminants
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304.126	Mercury
304.140	Delays in Upgrading (Repealed)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)

**SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS NOT OF GENERAL  
APPLICABILITY**

Section

- 304.201 Wastewater Treatment Plant Discharges of the Metropolitan Water Reclamation District of Greater Chicago
- 304.202 Chlor-alkali Mercury Discharges in St. Clair County
- 304.203 Copper Discharges by Olin Corporation
- 304.204 Schoenberger Creek: Groundwater Discharges
- 304.205 John Deere Foundry Discharge (Repealed)
- 304.206 Alton Water Company Treatment Plant Discharges
- 304.207 Galesburg Sanitary District Deoxygenating Wastes Discharges
- 304.208 City of Lockport Treatment Plant Discharges
- 304.209 Wood River Station Total Suspended Solids Discharges
- 304.210 Alton Wastewater Treatment Plant Discharges
- 304.211 Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough (Repealed)
- 304.212 Sanitary District of Decatur Discharges
- 304.213 PDV Midwest Refining, L.L.C. Refinery Ammonia Discharge (Repealed)
- 304.214 Mobil Oil Refinery Ammonia Discharge (Repealed)
- 304.215 City of Tuscola Wastewater Treatment Facility Discharges
- 304.216 Newton Station Suspended Solids Discharges
- 304.218 City of Pana Phosphorus Discharge
- 304.219 North Shore Sanitary District Phosphorus Discharges
- 304.220 East St. Louis Treatment Facility, Illinois-American Water Company
- 304.221 Ringwood Drive Manufacturing Facility in McHenry County
- 304.222 Intermittent Discharge of TRC
- 304.224 Effluent Disinfection

### **SUBPART C: TEMPORARY EFFLUENT STANDARDS**

#### Section

- 304.301 Exception for Ammonia Nitrogen Water Quality Violations (Repealed)
- 304.302 City of Joliet East Side Wastewater Treatment Plant (Repealed)
- 304.303 Amerock Corporation, Rockford Facility (Repealed)

#### 304.APPENDIX A   References to Previous Rules (Repealed)

**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 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill.

Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990; amended in R87-36 at 14 Ill. Reg. 9437, effective May 31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 23, 1993; amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 20 Ill. Reg. 3528, effective February 8, 1996; amended in R94-1(B) at 21 Ill. Reg. 364, effective December 23, 1996; expedited correction in R94-1(B) at 21 Ill. Reg. 6269, effective December 23, 1996; amended in R97-25 at 22 Ill. Reg. 1351, effective December 24, 1997; amended in R97-28 at 22 Ill. Reg. 3512, effective February 3, 1998; amended in R98-14 at 23 Ill. Reg. 687, effective December 31, 1998; amended in R02-19 at 26 Ill. Reg. 16948, effective November 8, 2002; amended in R02-11 at 27 Ill. Reg. 194, effective December 20, 2002; amended in R04-26 at 30 Ill. Reg. 2365, effective February 2, 2006; amended in R08-9B at 36 Ill. Reg. 2586, effective February 2, 2012; amended in R13-20 at 38 Ill. Reg. 6107, effective February 26, 2014; amended in R18-23 at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL EFFLUENT STANDARDS

### Section 304.101 Preamble

- a) ~~—This part establishes~~ ~~prescribes~~ the maximum concentrations of various contaminants that may be discharged to the waters of the State. Subpart A contains general effluent limitations. Subpart B contains site specific rules and exceptions not of general applicability. Subpart C contains temporary rules.
- b) ~~—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.~~

~~(Editor's Note: Paragraph (b) was added during the codification process to clarify references to other Parts or Sections of the Illinois Administrative Code.)~~

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 304.102 Dilution

- a) ~~Diluting~~ Dilution of the effluent from a treatment works or from any wastewater source is not acceptable as a method of treatment of wastes ~~in order~~ to meet the standards set forth in 35 Ill. Adm. Code 304~~this Part~~. ~~It is~~ Rather, it shall be the obligation of any person discharging contaminants of any kind to the waters of the state to provide the best degree of treatment of wastewater consistent with technological feasibility, economic reasonableness and sound engineering judgment. In ~~determining~~ ~~making determinations as to~~ what kind of treatment is the "best degree of treatment" within the meaning of this ~~subsection~~ paragraph, any person ~~must~~ shall consider the following:
- 1) What degree of waste reduction can be achieved by process change, improved housekeeping and recovery of individual waste components for reuse; and
  - 2) Whether individual process wastewater streams should be segregated or combined.
- b) In any case, measurement of contaminant concentrations to determine compliance with the effluent standards ~~must~~ shall be made at the point immediately following the final treatment process and before mixture with other waters, unless another point is designated by the Agency in an individual permit, after consideration of the elements contained in this section. If necessary the concentrations ~~so~~ measured ~~must~~ shall be recomputed to exclude the effect of any dilution that is improper under this Section.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 304.103 Background Concentrations

Because the effluent standards in 35 Ill. Adm. Code 304~~this Part~~ are based upon concentrations achievable with conventional treatment technology which is largely unaffected by ordinary levels of contaminants in intake water, they are absolute standards that must be met without subtracting background concentrations. However, ~~it is not the intent of these regulations~~ do not intend to require users to clean up contamination caused essentially by upstream sources or to require treatment when only traces of contaminants are added to the background. Compliance with the numerical effluent standards is ~~therefore~~ not required when effluent concentrations in excess of the standards result entirely from influent contamination, evaporation, and/or the incidental addition of traces of materials not utilized or produced in the activity that is the source of the waste.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 304.104 Averaging

- a) Except as otherwise specifically provided, proof of violation of the numerical standards of 35 Ill. Adm. Code 304~~this Part~~ must ~~shall~~ be on the basis of one or more of the following averaging rules:
- 1) ~~A~~No monthly average must not ~~shall~~ exceed the prescribed numerical standard.
  - 2) ~~A~~No daily composite must not ~~shall~~ exceed two times the prescribed numerical standard.
  - 3) ~~A~~No grab sample must not ~~shall~~ exceed five times the prescribed numerical standard.
- b) Terms used in subsection (a) ~~shall~~ have the following meanings:
- 1) The monthly average is ~~shall be~~ the numerical average of all daily composites taken during a calendar month. A monthly average must be based on at least three daily composites.
  - 2) A daily composite is ~~shall be~~ the numerical average of all grab samples, or the result of analysis of a single sample formed by combining all aliquots, taken during a calendar day. A daily composite must be based on at least three grab samples or three aliquots taken at different times.
  - 3) A grab sample is a sample taken at a single time. Aliquots of a daily composite are grab samples only if they are analyzed separately.
- c) Subsection (a) establishes a method of interpretation of the effluent standards of 35 Ill. Adm. Code 304~~this Part~~. The Agency must ~~shall~~ consider the averaging rule in deciding whether an applicant has demonstrated that a facility complies with 35 Ill. Adm. Code 304~~this Part~~ for purposes of permit issuance and in writing the effluent standards into permit conditions. Reporting and monitoring requirements are established by way of permit condition under~~pursuant to~~ 35 Ill. Adm. Code 305.102 and 309.146.
- d) Proof of violation of effluent limitations contained in permits must ~~shall~~ be based on the language of the permit.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 304.105 Violation of Water Quality Standards

In addition to the other requirements of 35 Ill. Adm. Code~~this Part~~, no effluent must not ~~shall~~, alone or in combination with other sources, cause a violation of any applicable water quality

standard. When the Agency finds that a discharge which would comply with effluent standards ~~contained in 35 Ill. Adm. Code 304this Part~~ would cause or is causing a violation of water quality standards, the Agency ~~must shall~~ take appropriate action under Section 31 or Section 39 of the Act to require the discharge to meet whatever effluent limits are necessary to ensure compliance with the water quality standards. When such a violation is caused by the cumulative effect of more than one source, several sources may be joined in an enforcement or variance proceeding, and measures for necessary effluent reductions will be determined on the basis of technical feasibility, economic reasonableness and fairness to all dischargers.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 304.106 Offensive Discharges

In addition to the other requirements of ~~35 Ill. Adm. Code this Part~~, ~~no~~ effluent ~~must not shall~~ contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 304.120 Deoxygenating Wastes

Except as provided in 35 Ill. Adm. Code 306.Subpart\_C, all effluents containing deoxygenating wastes ~~must shall~~ meet the following standards:

- a) ~~Effluents~~~~No effluent~~ ~~must not shall~~ exceed 30 mg/L of five day biochemical oxygen demand (BOD<sub>5</sub>) (~~STORET number 00310~~) or 30 mg/L of suspended solids (~~STORET number 00530~~), except that treatment works employing three stage lagoon treatment systems which are properly designed, maintained and operated, and whose effluent has a dilution ratio no less than five to one or who qualify for exceptions under subsection (c) ~~must shall~~ not exceed 37 mg/L of suspended solids.
- b) ~~Effluents~~~~No effluent~~ from any source whose untreated waste load is 10,000 population equivalents or more, or from any source discharging into the Chicago River System or into the Calumet River System, ~~must not shall~~ exceed 20 mg/L of BOD<sub>5</sub> or 25 mg/L of suspended solids.
- c) ~~Effluents~~~~No effluent~~ whose dilution ratio is less than five to one ~~must not shall~~ exceed 10 mg/L of BOD<sub>5</sub> or 12 mg/L of suspended solids, except that sources employing third-stage treatment lagoons ~~are shall~~ be exempt from this subsection (c) provided all of the following conditions are met:
  - 1) The waste source qualifies under one of the following categories:
    - A) Any wastewater treatment works with an untreated waste load less than 2500 population equivalents, which is sufficiently isolated



that combining with other sources to aggregate 2500 population equivalents or more is not practicable.

- B) Any wastewater treatment works in existence and employing third-stage treatment lagoons on January 1, 1986, whose untreated waste load is 5000 population equivalents or less and sufficiently isolated that combining to aggregate 5000 population equivalents or more is not practicable.
- C) Any wastewater treatment works with an untreated waste load of 5000 population equivalents or less, which has reached the end of its useful life by January 1, 1987, and is sufficiently isolated that combining to aggregate 5000 population equivalents or more is not practicable.
- D) Any wastewater treatment works with an untreated waste load of 5000 population equivalents or less which has reached the end of its useful life and which has received an adjusted standard determination from the Board that it qualifies for a lagoon exemption. Such a Board determination will only be made in an adjusted standard proceeding, held in compliance ~~accordance~~ with Section 28.1 of the Environmental Protection Act [415 ILCS 5/28.1] and applicable procedures ~~at set forth by~~ 35 Ill. Adm. Code 104.
  - i) In an adjusted standard proceeding the Board may determine that the petitioning wastewater treatment source qualifies for a lagoon exemption if the wastewater treatment works proves that it is so situated that a land treatment system is not a suitable treatment alternative. Factors relevant to a suitability finding may include the following: cost; influent character; geographic characteristics; climate; soil conditions; hydrologic conditions; and the availability of irrigable land.
  - ii) For the purposes of subsection (c)(1)(D), a land treatment system is a wastewater treatment system which does not directly discharge treated effluent to waters of the State but instead uses the treated effluent to irrigate terrestrial vegetation;
- 2) The lagoons are properly constructed, maintained and operated; and
- 3) The deoxygenating constituents of the effluent do not, alone or in combination with other sources, cause a violation of the applicable dissolved oxygen water quality standard.

- d) ~~Effluents~~ ~~No effluent~~ discharged to the Lake Michigan basin ~~must not shall~~ exceed 4 mg/L of BOD<sub>5</sub> or 5 mg/L of suspended solids.
- e) Compliance with the numerical standards in this Section ~~must shall~~ be determined on the basis of the type and frequency of sampling prescribed by the NPDES permit for the discharge at the time of monitoring.
- f) For the purposes of this Section, useful life is the period of time during which it is cost effective to operate and maintain a particular wastewater treatment works under consideration. At a minimum, the following factors relating to a wastewater treatment works ~~must shall~~ be considered in determining a determination of its useful life:
- 1) Structural and operational condition of components;
  - 2) Past operations and maintenance record;
  - 3) Cost for continued use; and
  - 4) Description and costs of treatment alternatives.
- g) Compliance with the 5 day biochemical oxygen demand (BOD<sub>5</sub>) numerical standard in this Part will be determined by the analysis of 5 day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>) (~~STORET number 80082~~), unless federal regulations require treatment works treating industrial wastes to comply with more stringent requirements determined by the analysis of BOD<sub>5</sub>. Effluent from the treatment works subject to the requirements of Section 304.120(a) ~~must shall~~ not exceed 25 mg/L CBOD<sub>5</sub>.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 304.121 Bacteria**

- a) Effluents discharged to all general use waters ~~must shall~~ not exceed 400 fecal coliforms per 100 ml unless the Illinois Environmental Protection Agency determines that an alternative effluent standard is applicable under pursuant to subsection (b).
- b) The Agency ~~must shall~~, as part of the NPDES Permit Program under 35 Ill. Adm. Code 309.Subpart A, determine the applicable standard only in compliance accordance with the requirements of 35 Ill. Adm. Code Sections 302.209 and 302.306.
- 1) The discharger must demonstrate and document the following:

- A) The character of the receiving waters under 35 Ill. Adm. Code pursuant to Sections 302.202, 302.209, and 302.306.
  - B) The discharge will not cause downstream waters to exceed the applicable fecal coliform water quality standards under 35 Ill. Adm. Code pursuant to Sections 302.209 and 302.306.
- 2) Alternate effluent standards consistent with 35 Ill. Adm. Code Sections 302.209 and 302.306 ~~must~~ shall be applied on either a year-round or seasonal basis consistent with the documentation provided by the discharger.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 304.122 Total Ammonia Nitrogen (as N: ~~STORET number 00610~~)**

- a) ~~Effluent~~No effluent from any source which discharges to the Illinois River, the Des Plaines River downstream of its confluence with the Chicago River System or the Calumet River System, and whose untreated waste load is 50,000 or more population equivalents ~~must not~~ shall contain more than 2.5 mg/L of total ammonia nitrogen as N during the months of April through October, or 4 mg/L at other times.
- b) Sources discharging to any of the above waters and whose untreated waste load cannot be computed on a population equivalent basis comparable to that used for municipal waste treatment plants and whose total ammonia nitrogen as N discharge exceeds 45.4 kg/day (100 pounds per day) ~~must~~ shall not discharge an effluent of more than 3.0 mg/L of total ammonia nitrogen as N.
- c) In addition to the effluent standards ~~set forth~~ in subsections (a) and (b) ~~of this Section~~, all sources are subject to 35 Ill. Adm. Code Section 304.105

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 304.123 Phosphorus (~~STORET number 00665~~)**

- a) ~~Effluents discharged~~No effluent discharge within the Lake Michigan Basin must not ~~shall~~ contain more than 1.0 ~~mg/L~~mg/l of phosphorus as P.
- b) ~~Effluents~~No effluent from any source which discharges to a lake or reservoir with a surface area of 8.1 hectares (20 acres) or more, or to any tributary of such a lake or reservoir whose untreated waste load is 2500 or more population equivalents, and which does not utilize a third-stage lagoon treatment system as specified in 35 Ill. Adm. Code subsections 304.120(a) and (c), must not ~~shall~~ exceed 1.0 ~~mg/L~~mg/l of phosphorus as P; however, this subsection does ~~shall~~ not apply where the lake or reservoir, including any side channel reservoir or other portion

of ~~it~~ thereof, on an annual basis exhibits a mean hydraulic retention time of 0.05 years (18 days) or less.

- c) ~~Under Pursuant to~~ Section 28.1 of the Environmental Protection Act (Act) [415 ILCS 5/28.1], the owner or operator of any source subject to subsection (b) ~~of this Section~~ may apply for an adjusted standard. In addition to the proofs specified in Section 28.1(c) of the Act [415 ILCS 5/28.1(c)], ~~the~~ such application ~~must shall~~, at a minimum, contain adequate proof that the effluent resulting from ~~granting grant~~ of the adjusted standard will not contribute to cultural eutrophication, unnatural plant or algal growth or dissolved oxygen deficiencies in the receiving lake or reservoir. For purposes of this subsection ~~(e)~~, ~~such~~ effluent ~~must shall~~ be deemed to contribute to such conditions if phosphorus is the limiting nutrient for biological growth in the lake or reservoir, taking into account the lake or reservoir limnology, morphological, physical and chemical characteristics, and sediment transport. However, if the effluent discharge enters a tributary at least 40.25 kilometers (25 miles) upstream of the point at which the tributary enters the lake or reservoir at normal pool level, ~~such~~ effluent ~~will shall~~ not be deemed to contribute to such conditions if the receiving lake or reservoir is eutrophic and phosphorus from internal regeneration is not a limiting nutrient.
- d) For the purposes of this Section the term "lake or reservoir" ~~does shall~~ not include low level pools constructed in free flowing streams or any body of water which is an integral part of an operation which includes the application of sludge on land.
- e) Compliance with the limitations of subsection (b) ~~of this Section~~ ~~must shall~~ be achieved by the following dates:
- 1) Sources with the present capability to comply ~~must shall~~ do so on the effective date of this Section;
  - 2) All other sources ~~must shall~~ comply as required by NPDES permit.
- f) For purposes of this Section, the following terms ~~shall~~ have the meanings specified:
- 1) "Dissolved oxygen deficiencies" means the occurrence of a violation of the dissolved oxygen standard applicable to a lake or reservoir.
- (BOARD NOTE: Dissolved Oxygen standards for general use waters are ~~set forth~~ at 35 Ill. Adm. Code 302.206; Dissolved Oxygen standards ~~for secondary contact or indigenous aquatic life waters~~ are ~~set forth~~ at 35 Ill. Adm. Code 302.405 for:→)
- 302.405(a): South Fork of the South Branch of the Chicago River (Bubbly Creek);
- 302.405(b): Upper Dresden Island Pool Aquatic Life Use waters;

302.405(c): Chicago Area Waterway System Aquatic Life Use A waters; and

302.405(d): Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters.)-

- 2) "Euphotic zone" means that region of a lake or reservoir extending from the water surface to a depth at which 99% of the surface light has disappeared or such lesser depth below which photosynthesis does not occur.
- 3) "Eutrophic" means a condition of a lake or reservoir in which there is an abundant supply of nutrients, including phosphorus, accounting for a high concentration of biomass.
- 4) "Eutrophication" means the process of increasing or accumulating plant nutrients in the water of a lake or reservoir. Cultural eutrophication is eutrophication attributable to human activities.
- 5) "Internal regeneration" means the process of conversion of phosphorus or other nutrients in sediments of a lake or reservoir from the particulate to the dissolved form and the subsequent return of such dissolved forms to the euphotic zone.
- 6) "Limiting nutrient" means a substance which is limiting to biological growth in a lake or reservoir due to its short supply or unavailability with respect to other substances necessary for the growth of organisms.
- 7) "Unnatural plant or algal growth" means the occurrence of a violation of the unnatural sludge standard applicable to a lake or reservoir with respect to such growth.

(BOARD NOTE: Unnatural sludge standards for general use waters are ~~set forth~~ at 35 Ill. Adm. Code 302.203; unnatural sludge standards for the Chicago Area Waterway System and Lower Des Plaines River secondary and indigenous aquatic life waters are ~~set forth~~ at 35 Ill. Adm. Code 302.403.)

- g) Except as provided in subsection (h) ~~of this Section~~, any new or expanded discharges into General Use waters from the following treatment works not covered by subsections (b) through (f) ~~of this Section~~, are subject to monthly average permit limits for total phosphorus of 1 mg/ l:
  - 1) Treatment works with a Design Average Flow of 1.0 million gallons per day or more receiving primarily municipal or domestic wastewater; or

- 2) Any treatment works, other than those treating primarily municipal or domestic wastewater, with a total phosphorus effluent load of 25 pounds per day or more.
- 3) For purposes of this subsection:
- A) A new discharge means a discharge from a treatment works constructed after February 2, 2006.
- B) An expanded discharge means a discharge from any existing treatment works that would be greater than the flowrates permitted prior to February 2, 2006.
- h) Discharges qualifying under subsections (g)(1) and (g)(2) ~~of this Section~~ may not be subject to the requirements of subsection (g) ~~of this Section~~ if provided the discharger demonstrates that phosphorus from treatment works is not the limiting nutrient in the receiving water. The Agency may impose alternative phosphorus effluent limits where the supporting information shows that alternative limits are warranted by the aquatic environment in the receiving stream.
- i) No additional phosphorus limitations are required under 35 Ill. Adm. Code pursuant to Sections 304.105 and 35 Ill. Adm. Code 302.203 for the discharges that comply with the requirements of subsection (g) or (h) ~~of this Section~~.
- j) The provisions of subsections (g), (h), and (i) ~~of this Section~~ apply until ~~such time~~ as the Board adopts a numeric water quality standard for phosphorus and the adopted standard is approved by the USEPA.
- k) The averaging rules under 35 Ill. Adm. Code 304.104 ~~subsections (a)(2) and (a)(3) of Section 304.104~~ do not apply to permit limits established under ~~pursuant to~~ subsection (g) or (h) ~~of this Section~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 304.124 Additional Contaminants

- a) ~~A No person must not shall~~ cause or allow the concentration of the following constituents in any effluent to exceed the following levels, subject to the averaging rules ~~contained in 35 Ill. Adm. Code~~ Section 304.104(a).

CONSTITUENT	STORET NUMBER	CONCENTRATION mg/Lmg/l
Arsenic	01002	0.25
Barium	01007	2.0

Cadmium	01027	0.15
Chromium (hexavalent)	01032	0.1
Chromium (total)	01034	1.0
Copper	01042	0.5
Cyanide	00720	0.10
Fluoride	00951	15.0
Iron (total)	01045	2.0
Lead	01051	0.2
Manganese	01055	1.0
Nickel	01067	1.0
Oils (hexane soluble or equivalent)	00550	15.0
Phenols	32730	0.3
Silver	01077	0.1
Zinc	01092	1.0
Total Suspended Solids (From sources other than those covered by Section 304.120)	00530	15.0

- b) Discharges of hexavalent chromium ~~are shall be~~ subject to the averaging rule of 35 Ill. Adm. Code Section 304.104 modified as follows: monthly averages ~~must shall~~ not exceed 0.1 mg/Lmg/l; daily composites ~~must shall~~ not exceed 0.3 mg/Lmg/l; and, grab samples ~~must shall~~ not exceed 1.0 mg/Lmg/l.
- c) Oil may be analytically separated into polar and nonpolar components. If ~~separated such separation is done~~, neither of the components may exceed 15 mg/Lmg/l (i.e. 15 mg/Lmg/l polar materials and 15 mg/Lmg/l nonpolar materials).
- d) Unless otherwise indicated, concentrations refer to the total amount of the constituent present in all phases, whether solid, suspended or dissolved, elemental or combined, including all oxidation states. Where constituents are commonly measured as other than total, the word "total" is inserted for clarity.
- e) The following table is provided for cross referencing purposes:

CONSTITUENT	SECTION(S)
Ammonia nitrogen	304.301, 304.122
Bacteria	304.121
Biochemical Oxygen Demand	304.120
Deoxygenating Wastes	304.120
Mercury	304.126
Nitrogen, ammonia	304.301, 304.122
pH	304.125

Phosphorus

304.123

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 304.125 pH**

- a) Except as provided below ~~a no person must not shall~~ cause or allow the negative logarithm of the hydrogen ion concentration (pH) in any effluent to be more or less respectively than the maximum and minimum values for pH range indicated in the following table:

CONSTITUENT <u>units</u> )CONCENTRATION mg/l	STORET NUMBER	RANGE (pH
pH	00400	6-9

- b) The pH limitation is not subject to the averaging rule contained in 35 Ill. Adm. Code~~Section~~ 304.104(a).
- c) Effluents ~~that which~~ are monitored so as to provide a permanent, continuous pH record may be outside of the listed range for a total of not more than fifteen minutes in any day provided the excursion is accidental and less than one pH unit above or below the listed range.
- d) The pH 9 maximum limitation may be exceeded if the elevated pH level:
- 1) is caused entirely by algae in treatment lagoons, in which case there is no upper pH limit; or
  - 2) is caused by the addition of alkali in the waste water treatment process to cause precipitation of barium, cadmium, chromium, copper, lead, manganese, zinc or other materials requiring such elevated pH for treatment, in which case the upper limit ~~is shall be~~ pH 10 and subsection (c) ~~does shall~~ not apply to the upper limit.
- e) The burden of proving that ~~subsection paragraph~~ (c) or (d) applies is upon the discharger.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 304.126 Mercury**

- a) Except as provided below, ~~a no person must not shall~~ cause or allow the concentration of mercury in any effluent to exceed the following level, subject to the averaging rule contained in 35 Ill. Adm. Code~~Section~~ 304.104(a).



CONSTITUENT	STORET NUMBER	CONCENTRATION <u>mg/L</u> <del>mg/l</del>
Mercury	71900	0.0005

- b) ~~It is~~ It shall be an exception to ~~subsection~~ paragraph (a) if all of the following conditions are met:
- 1) The discharger does not use mercury; or, the discharger uses mercury and this use cannot be eliminated; or, the discharger uses mercury only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of wastewater; ~~and~~,
  - 2) The effluent mercury concentration is less than 0.003 mg/L~~mg/l~~, as determined by application of the averaging rules of 35 Ill. Adm. Code~~Section~~ 304.104(a); ~~and~~
  - 3) The discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness and sound engineering judgment. This may include no treatment for mercury; and
  - 4) The discharger has an inspection and maintenance program likely to reduce or prevent an increase in the level of mercury discharges.
- c) ~~It is~~ It shall be an exception to ~~subsection~~ paragraph (a) if all of the following conditions are met:
- 1) The discharger is a publicly owned or publicly regulated sewage treatment works; ~~and~~
  - 2) The discharger does not use mercury; or, the discharger uses mercury only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of wastewater; ~~and~~
  - 3) The effluent mercury concentration is less than 0.003 mg/L~~mg/l~~, as determined by application of the averaging rules of 35 Ill. Adm. Code~~Section~~ 304.104(a); provided, however, that daily averages may exceed 0.006 mg/L~~mg/l~~ 30% of the time; ~~and~~
  - 4) The discharger has enforceable ordinances or contract provisions whereby it limits use of mercury by dischargers and discharge of mercury into its sewage system; ~~and~~
  - 5) The discharger's limitations on use and discharge of mercury to its sewage system are at least as stringent as those provided in 35 Ill. Adm. Code~~Section~~ 307.103; ~~and~~

- 6) The discharger has a surveillance program with a reasonable likelihood of determining sources of mercury discharged to the sewage system; ~~and~~
  - 7) The discharger takes all lawful steps to eliminate known mercury discharges to the sewage system which contribute levels in excess of those allowed by 35 Ill. Adm. Code~~Section~~ 307.103; and
  - 8) The discharger reports all known violations of 35 Ill. Adm. Code~~Section~~ 307.103 to the Agency.
- d) ~~When it issues a permit, For purposes of permit issuance~~ the Agency may consider ~~applying application of~~ the exceptions of this section to determine compliance with this section. The Agency may impose permit conditions necessary or required to assure continued application of an exception. When ~~subsection paragraph~~ (b) applies, the Agency may impose an effluent limitation in the permit which allows discharge of a concentration of mercury greater than 0.0005 ~~mg/Lmg/l~~ but not more than 0.003 ~~mg/Lmg/l~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 304.141 NPDES Effluent Standards**

- a) ~~A No person that to whom an NPDES Permit has been issued an NPDES Permit must not~~ may discharge any contaminant in ~~its~~ his effluent in excess of the standards and limitations for that contaminant ~~which are set forth in its~~ his permit.
- b) ~~A No person must not~~ may discharge any pollutant subject to, or ~~that which~~ contributes or threatens to cause a violation of, any applicable federal or state water quality standard, effluent standard, guideline or other limitation, promulgated ~~under pursuant to~~ the CWA or the Act, unless limitation for ~~such a pollutant is has been set forth~~ in an applicable NPDES Permit. However, the Agency may, by permit condition, provide that the permittee may discharge pollutants present in its water supply intake sources in concentrations not greater than the concentrations in the intake sources, or which are added in trace amounts by normal domestic water usage.

BOARD NOTE: Section 304.141(b) was declared invalid in Peabody Coal Co. v. PCB, 3 Ill. App. 3d 5 (5<sup>th</sup> District, 1976) and declared valid in U.S. Steel v. PCB, 52 Ill. App. 3d 1 (2d District, 1977).

- c) The standards of this Chapter ~~shall~~ apply to thermal discharges unless, after public notice and opportunity for public hearing, in ~~compliance accordance~~ with section 316 of the CWA, applicable federal regulations, and procedures in 35 Ill. Adm. Code 106.Subpart K, the Board has determined that different standards ~~shall~~ apply to a particular thermal discharge.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS NOT OF GENERAL APPLICABILITY**

**Section 304.201 Wastewater Treatment Plant Discharges of The Metropolitan Water Reclamation District of Greater Chicago**

a) Calumet Treatment Plant ~~Cyanide~~ Discharges:

The effluent standards of ~~35 Ill. Adm. CodeSection~~ 304.124 as applied to cyanide discharges, ~~35 Ill. Adm. CodeSections~~ 304.120(b) and (c), and ~~35 Ill. Adm. CodeSection~~ 304.122 do not apply to carbonaceous BOD<sub>5</sub> (CBOD<sub>5</sub>), total suspended solids (TSS), cyanide, and ammonia-nitrogen as N discharged from the Calumet Sewage Treatment Works of The Metropolitan Water Reclamation District of Greater Chicago. Instead, it must meet the following effluent ~~standardsstandard~~, subject to the averaging rule of ~~35 Ill. Adm. CodeSection~~ 304.104(a), effective July 1, 1988:

CONSTITUENT	<del>STORET</del> NUMBER	CONCENTRATION ( <u>mg/Lmg/l</u> )
CBOD <sub>5</sub>	<del>80082</del>	24
<u>TSSSS</u>	<del>00530</del>	28
Ammonia Nitrogen (as N)	<del>00610</del>	13
Cyanide	<del>00720</del>	0.15

b) North Side Sewage Treatment Works:

The effluent standards of ~~35 Ill. Adm. CodeSections~~ 304.120(b) and (c) and ~~35 Ill. Adm. Code~~ 304.122 do not apply to carbonaceous BOD<sub>5</sub> (CBOD<sub>5</sub>), total suspended solids (TSS), and ammonia-nitrogen discharged from the North Side Sewage Treatment Works of The Metropolitan Water Reclamation District of Greater Chicago. Instead, it must meet the following standard, subject to the averaging rule of ~~35 Ill. Adm. CodeSection~~ 304.104(a) effective July 1, 1988:

CONSTITUENT	<del>STORET</del> NUMBER	CONCENTRATION ( <u>mg/Lmg/l</u> )
CBOD <sub>5</sub>	<del>80082</del>	12
<u>TSSSS</u>	<del>00530</del>	20
Ammonia Nitrogen (as N)		
April-October	<del>00610</del>	2.5
November-March	<del>00610</del>	4.0

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 304.202 Chlor-alkali Mercury Discharges in St. Clair County**

The mercury discharge standards of ~~35 Ill. Adm. Code Sections 304.124 and 307.1102~~~~307.103~~ do ~~shall~~ not apply to any manufacturing facility ~~that~~~~which~~ operates chlor-alkali cells, is located in St. Clair County and discharges directly or indirectly into the Mississippi River; or to any publicly owned treatment works ~~that~~~~which~~ receives such a manufacturing facility's wastewater. The amount of mercury discharged by any such manufacturing facility ~~must~~ ~~shall~~ not exceed an average of 114 g/day (0.25 pounds per day) during any calendar month and maximum of 227 g (0.5 pounds) during any one day. Any publicly owned treatment works ~~that~~~~which~~, directly or indirectly, receives such a manufacturing facility's wastewater ~~is~~ ~~shall~~ be entitled to discharge mercury in excess of the levels provided in ~~35 Ill. Adm. Code Section 304.124~~ to the extent that ~~the said~~ discharge exceeds those levels because of such a manufacturing facility's discharge.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 304.203 Copper Discharges by Olin Corporation**

This section applies to an existing facility owned by Olin Corporation which discharges to Wood River Creek and the East Fork of Wood River Creek in Madison County. ~~The facility's~~~~Such~~ discharges ~~are~~ ~~shall~~ not be subject to ~~35 Ill. Adm. Code Section 304.105~~ as it applies to the water quality standard for copper of 35 Ill. Adm. Code 302.208.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 304.204 Schoenberger Creek: Groundwater Discharges**

- a) This rule ~~applies~~ ~~shall apply~~ to discharges from an existing facility owned by Pfizer Corporation to Schoenberger Creek immediately south of the Baltimore and Ohio main tracks in T2N, R9W of the 3rd P.M., St. Clair County.
- b) This rule ~~applies~~ ~~shall apply~~ only to discharges of groundwater used as non-contact cooling water in which naturally occurring background concentrations have not been increased by industrial or other human use.
- c) Instead of the general effluent standards ~~set forth in 35 Ill. Adm. Code Section 304.124~~ for the listed parameters, these discharges ~~must~~ ~~shall~~ not exceed the following limitations:

Constituent	<del>Storet</del> Number	Concentration ( <u>mg/L</u> <u>mg/l</u> )
Iron (total)	01045	20

Total Suspended Solids      00530      37

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 304.205 John Deere Foundry Discharges (Repealed)**

- a) ~~This Section applies to existing effluent discharges from an existing nodular iron foundry owned by Deere and Company which discharges to tributaries of Sugar Creek in Sections 29 and 30, T18N, R1E of the Fourth Principal Meridian, Rock Island County.~~
- b) ~~If paragraphs (c) and (d) are met, such discharges shall not be subject to Section 304.105 as it applies to the following water quality standards:~~
  - 1) ~~35 Ill. Adm. Code 302.211(c);~~
  - 2) ~~35 Ill. Adm. Code 302.211(d); and,~~
  - 3) ~~35 Ill. Adm. Code 302.208 with respect to total dissolved solids and iron (total).~~
- e) ~~No person shall cause or allow temperature in any effluent discharge subject to this Section to exceed 37 degrees C (98 degrees F) at any time.~~
- d) ~~No person shall cause or allow the concentration of total dissolved solids (STORET 70300) in any effluent discharge subject to this Section to exceed 2200 mg/l, subject to the averaging rule of Section 304.104.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 304.206 Alton Water Company Treatment Plant Discharges**

This Section applies to the existing 18.3 million gallons per day potable drinking water treatment plant owned by the Alton Water Company, which is located at, and discharges into, river mile 204.4 on the Mississippi River. ~~These~~ Such discharges ~~are shall not be~~ subject to the effluent standards for total suspended solids and total iron of 35 Ill. Adm. Code 304.124.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 304.207 Galesburg Sanitary District Deoxygenating Wastes Discharges**

- a) ~~The deoxygenating wastes general effluent standards of 35 Ill. Adm. Code Section 304.120(c) do shall not~~ apply to the Galesburg Sanitary District discharges into Cedar Creek. ~~These~~ Such discharges must meet the deoxygenating wastes general effluent standards set below:

CONSTITUENT (mg/Lmg/l)	STORET NUMBER	CONCENTRATION
BOD <sub>5</sub> April-November	00310	17
December-March		20
Suspended Solids	00530	
June-January		15
February-May		25

- b) The standards in subsection (a) apply if~~above standard shall apply so long as the~~ Galesburg Sanitary District achieves:
- 1) by November 1, 1984, compliance with 35 Ill. Adm. Code 302.206 throughout Cedar Creek downstream of the treatment plant outfall, by effluent aeration, in-stream aeration, or other means;
  - 2) by November 1, 1984, the prevention of overflows from the intercepting sewers prior to surcharging except where basement back-ups would result;
  - 3) by March 1, 1984, an operational procedure for the influent pumps which prevents interceptor surcharging at flows below hydraulic capacity;
  - 4) by March 1, 1984, the elimination of all downspout connections; and
  - 5) by November 1, 1984, the prevention of inflow by sealing all leaking catch basins, replacing all leaking manhole lids and frames, and sealing drainage inlets.
- c) If the conditions ~~set out in subsection paragraph (b), above,~~ are not met, the deoxygenating wastes general effluent standards of 35 Ill. Adm. Code Section 304.120(c) ~~shall~~ apply to the Galesburg Sanitary District discharges into Cedar Creek.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 304.208 City of Lockport Treatment Plant Discharges

- a) This Section applies only to discharges from the City of Lockport's sewage treatment plant into Deep Run Creek in Will County, Illinois.
- b) The provisions of 35 Ill. Adm. Code Section 304.120 ~~do shall~~ not apply to said the discharges, if the provided that said discharges ~~do shall~~ not exceed 20 mg/Lmg/l of five day biochemical oxygen demand (BOD<sub>5</sub>) (~~STORET number 00310~~) or 25 mg/Lmg/l of total suspended solids (~~STORET number 00530~~).

- c) The provisions of 35 Ill. Adm. CodeSection 302.212(b) and 35 Ill. Adm. CodeSection 302.212(e) ~~do shall~~ not apply to the said discharges, if the provided that said discharges do not cause or contribute to a violation of water quality standards in the Des Plaines River or the Chicago Sanitary and Ship Canal.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 304.209 Wood River Station Total Suspended Solids Discharges**

The limitation on the discharge of Total Suspended Solids contained in 35 Ill. Adm. CodeSection 304.124(a) ~~does shall~~ not apply to the discharge from the ash pond system of CTI Development LLC's Illinois Power Company's Wood River Station, located in East Alton, Illinois. Instead, the concentration of Total Suspended Solids ~~must shall~~ not exceed 30 mg/Lmg/l as an average of daily values for ~~thirty (30)~~ consecutive days and ~~must shall~~ not exceed 50 mg/Lmg/l as a maximum for any one (1) day.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 304.210 Alton Wastewater Treatment Plant Discharges**

The discharge from the City of Alton's (~~Alton~~) sewage treatment works outfall 001 sewer located on Wood River Creek, approximately 1,000 feet from its confluence with the Mississippi River, ~~is shall~~ not be subject to 35 Ill. Adm. CodeSection 304.120(c). Instead, ~~the~~ Alton's discharge ~~must shall~~ not exceed the following limitations: 20 milligrams per liter for five day biochemical oxygen demand (BOD<sub>5</sub>) (~~STORET number 00310~~) and 25 milligrams per liter for total suspended solids (~~STORET number 00530~~). Compliance ~~must shall~~ be determined consistent with 35 Ill. Adm. CodeSection 304.120(e).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 304.211 Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough (Repealed)**

~~The effluent standards for total dissolved solids and chloride discharged from the Illiopolis, Illinois facility of Borden Chemicals and Plastics Operating Limited Partnership into an unnamed tributary of Long Point Slough shall comply with the following effluent limitations as measured at the point of discharge to the unnamed tributary:~~

Total Dissolved Solids	<del>3,000 mg/l daily maximum</del>
Chloride	<del>900 mg/l daily maximum</del>

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 304.212 Sanitary District of Decatur Discharges**

- a) This Section applies only to effluent discharges from the Sanitary District of Decatur's Sewage Treatment Plant into the Sangamon River, Macon County, Illinois.
- b) The provisions of ~~35 Ill. Adm. Code~~ Section 304.120(c) ~~do shall~~ not apply to the said discharges, if the provided that said discharges do shall not exceed 20 mg/Lmg/l of five day biochemical oxygen demand (BOD<sub>5</sub>) (~~STORET number 00310~~) and 25 mg/Lmg/l of total suspended solids (~~STORET number 00530~~).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 304.213 PDV Midwest Refining, L.L.C. Refinery Ammonia Discharge (Repealed)**

- ~~a) This Section applies to discharges from the PDV Midwest Refining, L.L.C. (PDVMR) Refinery, located in Lemont into the Chicago Sanitary and Ship Canal.~~
- ~~b) The requirements of Section 304.122(b) shall not apply to the discharge. Instead PDVMR must meet applicable Best Available Technology Economically Achievable (BAT) limitations pursuant to 40 CFR 419.23 (1992) incorporated by reference in subsection (c). PDVMR shall also meet a monthly average limitation for ammonia nitrogen of 9.4 mg/l and a daily maximum limitation of 26.0 mg/l.~~
- ~~e) The Board incorporates by reference 40 CFR 419.23 (1992) only as it relates to ammonia nitrogen as N. This incorporation includes no subsequent amendments or editions.~~
- ~~d) PDVMR shall continue its efforts to reduce the concentration of ammonia nitrogen in its wastewaters.~~
- ~~e) PDVMR shall monitor the nitrogen concentration of its oil feedstocks and report on an annual basis such concentrations to the Agency.~~
- ~~f) PDVMR shall submit the reports described in subsection (e) no later than 60 days after the end of a calendar year.~~
- ~~g) The provisions of this Section shall terminate on December 31, 2008.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 304.214 Mobil Oil Refinery Ammonia Discharge (Repealed)**

- ~~a) This Section applies to discharges from Mobil Oil Corporation's Refinery, located near Joliet, into the Des Plaines River.~~



- b) ~~The requirements of Section 304.122(b) do not apply to Mobil's discharge. Instead Mobil's discharge may not exceed the following limitations:~~

CONSTITUENT	CONCENTRATION (mg/l)
Ammonia Nitrogen	
Monthly Average	9.0
Daily Maximum	23.0

- e) ~~Section 304.104(a) does not apply to this Section. Monthly average and daily composites are as defined in Section 304.104(b).~~
- d) ~~Mobil shall monitor the nitrogen concentration of its oil feedstocks and report on an annual basis such concentrations to the Agency. The report shall be filed with the Agency by January 31 of each year.~~
- e) ~~The provisions of this Section shall terminate on December 31, 2007.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 304.215 City of Tuscola Wastewater Treatment Facility Discharges**

The requirements of ~~35 Ill. Adm. Code~~ ~~Section 304.123(c)~~ ~~do shall~~ not apply to the discharges from the City of Tuscola's wastewater treatment facility into Scattering Fork Creek, Douglas County, Illinois.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 304.216 Newton Station Suspended Solids Discharges**

The limitation on the discharge of total suspended solids (TSS) ~~contained in 35 Ill. Adm. Code~~ ~~Section 304.124(a)~~ does not apply to the discharge from the ash pond system of Illinois Power Generation Company's Central Illinois Public Service Company's Newton Station (CIPS), located in Jasper County. Instead, Illinois Power Generation Company's CIPS' ash pond system discharge ~~must shall~~ not exceed 30 mg/Lmg/l monthly average and 50 mg/Lmg/l daily composite for TSS, and 15 mg/Lmg/l monthly average and 30 mg/Lmg/l daily composite for non-volatile TSS. The definitions of ~~35 Ill. Adm. Code~~ ~~Section 304.104(b)~~ apply to these effluent limits.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 304.218 City of Pana Phosphorus Discharge**

The general effluent standard for phosphorus as P ~~contained in 35 Ill. Adm. Code~~ ~~Section 304.123~~ ~~does shall~~ not apply to discharges from the City of Pana wastewater treatment plant. Instead these discharges ~~must shall~~ comply with an effluent limitation of 2.8 mg/Lmg/l phosphorus as P as measured at the point of discharge.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 304.219 North Shore Water Reclamation Sanitary District Phosphorus Discharges**

- a) This Section applies to discharges from the North Shore Water Reclamation Sanitary District excess flow discharge facilities at Waukegan and North Chicago into Lake Michigan;
- b) The requirements of 35 Ill. Adm. Code ~~Section 304.123(a)~~ do shall not apply to the phosphorus content of the North Shore Water Reclamation Sanitary District excess flow discharges from Waukegan and North Chicago into Lake Michigan. Instead, the following requirements ~~shall~~ apply to North Shore Water Reclamation Sanitary District discharges into Lake Michigan:
  - 1) The North Shore Water Reclamation Sanitary District must not shall discharge ~~no~~-effluent into Lake Michigan from its Waukegan treatment plant until after that plant has achieved its maximum treatment flow capacity and all the Waukegan treatment plant excess flow retention reservoirs are full to capacity;
  - 2) The North Shore Water Reclamation Sanitary District must not shall discharge ~~no~~-effluent into Lake Michigan from its North Chicago treatment plant until after that plant has achieved its maximum treatment flow capacity, the North Chicago treatment plant excess flow retention reservoirs are full to capacity, the maximum rate of transfer of untreated effluent to Gurnee has been achieved, the Gurnee treatment plant has achieved its maximum treatment flow capacity, and the Gurnee treatment plant excess flow retention reservoirs are full to capacity.
- c) The North Shore Water Reclamation Sanitary District must shall increase the maximum peak treatment flow capacity of its Waukegan treatment plant to at least 44 million gallons per day before January 1, 1992;
- d) The North Shore Water Reclamation Sanitary District must shall increase the maximum peak treatment flow capacity of its Gurnee treatment plant to 39 million gallons per day before January 1, 1989;
- e) The North Shore Water Reclamation Sanitary District must shall increase the excess flow retention reservoir capacity at its Gurnee treatment plant to 50 million gallons before January 1, 1991;
- f) The North Shore Water Reclamation Sanitary District must shall operate its Waukegan or North Chicago treatment plant at its maximum treatment flow capacity during any period in which less than 90 percent of the retention reservoir capacity is available to receive excess flows at the relevant treatment plant, except

when ~~such~~ unavailability ~~occurs~~ results during ~~times of~~ normal treatment plant and/or retention basin maintenance; and

- g) The North Shore Water Reclamation Sanitary District ~~must shall~~, as required under 35 Ill. Adm. Code ~~pursuant to Section~~ 309.141, immediately embark on a program ~~to monitor~~ of excess flow and water quality impact ~~monitoring~~, and ~~must shall~~ periodically submit the data from ~~the such~~ monitoring to the Illinois Environmental Protection Agency ("Agency"), and ~~shall submit a comprehensive study of this data and monitoring for the period 1987 through 1991 to the Board and the Agency before April 1, 1992.~~

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 304.220 East St. Louis Treatment Facility, Illinois-American Water Company (Repealed)**

~~This Section applies to the potable drinking water treatment plant owned by Illinois-American Water Company (Company) which is located at East St. Louis, and that which discharges into the Mississippi River. The discharges of the plant are shall not be subject to the effluent standards for total suspended solids and total iron of 35 Ill. Adm. Code Section 304.124, if provided that the Company uses only biodegradable coagulants approved by the United States Environmental Protection Agency ~~under~~ pursuant to Section 1442(a) and (b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j-1(a) and (b)(1) as acceptable drinking water additives. The Company, in consultation with the Illinois Environmental Protection Agency, ~~must shall~~ conduct a comprehensive study of the effects of the use of those coagulants on the receiving stream, including but not limited to information on the toxicity of the discharge, both to humans and to fish; the concentration of the coagulants in the discharge as compared with the raw water application rate of the coagulants; and the rate and chemical pathway for degradation of the coagulants. This Section will expire on January 1, 1992.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 304.221 Ringwood Drive Manufacturing Facility in McHenry County**

The general effluent standards for deoxygenating wastes ~~contained in 35 Ill. Adm. Code Section 304.120~~ ~~do shall~~ not apply to discharges from the manufacturing facility located on Ringwood Drive in Ringwood, McHenry County, ~~that which~~ discharges to an unnamed tributary of Dutch Creek. Instead these discharges ~~must shall~~ comply with the following effluent limitations as measured at the point of discharge after the third lagoon and ~~before~~ ~~prior to~~ discharge to the unnamed tributary:

BOD <sub>5</sub>	25 <del>mg/L</del> <u>mg/l</u>	May to September monthly average
	35 <del>mg/L</del> <u>mg/l</u>	May to September daily maximum
	60 <del>mg/L</del> <u>mg/l</u>	October to April monthly average
	70 <del>mg/L</del> <u>mg/l</u>	October to April daily maximum

TSS                    12 ~~mg/L~~~~mg/l~~ monthly average  
                           30 ~~mg/L~~~~mg/l~~ daily maximum

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 304.222 Intermittent Discharge of TRC**

The acute TRC water quality standard of 35 Ill. Adm. Code 302.208 and 302.504(a) by operation of ~~35 Ill. Adm. Code~~ Section 304.105 ~~does shall~~ not apply to any discharge ~~that which~~ contains TRC solely as the result of intermittent ~~use~~~~usage~~ for antifouling purposes related to the operation of condensers and cooling systems. For ~~the purposes of~~ this Section ~~using~~~~usage~~ of chlorine or related substances measurable as TRC ~~will shall~~ be deemed to be intermittent if ~~use~~~~usage~~ is restricted to a maximum of two hours per day per condenser or cooling system unit. Discharge concentration of TRC averaged or composited over the discharge period ~~must shall~~ not exceed 0.2 ~~mg/L~~~~mg/l~~ and ~~nor shall~~ the TRC concentration ~~must not~~ exceed 0.5 ~~mg/L~~~~mg/l~~ at any time.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 304.224 Effluent Disinfection**

From March 1 through November 30, effluents discharged to the Primary Contact Recreation waters listed in 35 Ill. Adm. Code 303.220 must not exceed 400 fecal coliform colony forming units (CFU) per 100 ~~ml~~~~mL~~ if ~~fewer~~~~less~~ than 10 samples are taken in a month. If 10 or more samples are taken in a month, fecal coliform ~~must shall~~ not exceed a 30-day geometric mean of 200 CFU per 100 ~~ml~~~~mL~~, ~~and must not exceed 400 CFU per 100 ml~~ ~~in or shall~~ more than 10% of the samples during any 30 day period ~~exceed 400 CFU per 100 mL~~. All effluents in existence on or before February 3, 2012 must meet these standards by March 1, 2016. All new discharges must meet these standards upon the initiation of discharge.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART C: TEMPORARY EFFLUENT STANDARDS**

### **Section 304.302 City of Joliet East Side Wastewater Treatment Plant (Repealed)**

~~This Section applies only to the City of Joliet's East Side Wastewater Treatment Plant which discharges into Hickory Creek in Will County, Illinois. The discharges of that plant shall not be subject to the effluent standards of Section 304.120(c), provided that those discharges meet the five day biochemical oxygen demand (BOD) and suspended solids limitations of Section 304.120(b). This Section will expire on January 1, 1994.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 304.303 Amerock Corporation, Rockford Facility (Repealed)**

- a) ~~This Section applies only to stormwater discharges from Amerock Corporation's Rockford facility into North Kent Creek in Winnebago County, Illinois.~~
- b) ~~Instead of the general effluent limitations set forth in Section 304.124(a) for the following listed parameters, stormwater discharges from Amerock's Rockford facility shall not exceed the following limitations:~~

CONSTITUENT	STORET NUMBER	LIMITATION (lbs/mo)
Chromium (total)	01032	-4.0
Chromium (hexavalent)	01033	-1.0
Copper	01042	-20.0
Cyanide	00720	-3.0
Zinc	01092	-60.0
Total Suspended Solids	00530	300.0

- e) ~~This Section is not effective after December 31, 2000.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 304.APPENDIX Reference to Previous Rules (Repealed)

The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.

Chapter 3: Water Pollution Part IV, Effluent Standards	35 Ill. Admin. Code Part 304
Unnumbered Preamble	Section 304.101
Rule 401(a)	Section 304.102
Rule 401(b)	Section 304.103
Rule 401(e)	Section 304.104
Rule 402	Section 304.105
Rule 402.1	Section 304.301
Rule 403	Section 304.106
Rule 404	Section 304.120
Rule 405	Section 304.121
Rule 406	Section 304.122
Rule 407	Section 304.123
Rule 408	Section 304.124
Rule 408(a) f.3	Section 304.201
Rule 409	Section 304.140
Rule 410	Section 304.141
Rule 411	Section 304.126

<del>Rule 412</del>	<del>Section 304.142</del>
<del>Rule 413</del>	<del>Section 304.125</del>
<del>Rule 450</del>	<del>Section 304.201</del>
<del>Rule 451</del>	<del>Section 304.202</del>

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

**PART 305  
MONITORING AND REPORTING**

**Section**

305.101	Preamble
305.102	Reporting Requirements
305.103	Effluent Measurement
Appendix A	References to Previous Rules ( <u>Repealed</u> )

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27](~~Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013 and 1027~~).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 8 Ill. Reg. 1604, effective January 18, 1984; amended in R88-1 at 13 Ill. Reg. 5989, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2888, effective February 13, 1990; amended in R18-23 at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 305.101 Preamble**

This ~~Part part 305~~ establishes ~~prescribes~~ requirements to monitor, report, and measure ~~for monitoring, reporting and measuring~~ contaminant discharges. 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.

(Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 305.102 Reporting Requirements**

- a) Every person within this State operating a pretreatment works, treatment works, or wastewater source must shall submit operating reports to the Illinois Environmental Protection Agency at a frequency to be determined by the Agency. ~~"Agency" means the Illinois Environmental Protection Agency. The~~ Such reports

~~must shall~~ contain information regarding the quantity of influent and of effluent discharged, of wastes bypassed and of combined sewer overflows; the concentrations of ~~those~~ physical, chemical, bacteriological and radiological parameters which shall be specified by the Agency; information concerning the biological impact of the discharge as specified by the Agency, ~~underpursuant to~~ Section 39 of the Act; and any additional information the Agency may reasonably require. ~~For pretreatment works, this~~ This reporting requirement ~~only applies for pretreatment works shall only apply~~ to those pretreatment works which are required to have a pretreatment permit or authorization to discharge ~~underpursuant to~~ 35 Ill. Adm. Code 310.

- b) Every holder of an NPDES (National Pollutant Discharge Elimination System) permit ~~mustis required to~~ comply with the monitoring, sampling, recording and reporting requirements ~~set forth~~ in the permit and this Chapter.
- c) ~~Complying~~ Compliance with the reporting requirements of 35 Ill. Adm. Code 310 satisfies this reporting requirement.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 305.103 Effluent Measurement

~~ForIn order to facilitate~~ the ability of the Agency to inspect and investigate underconduct its inspecting and investigating responsibilities as described in Section 4(d) of the Act, all effluent discharge sewers, pipes or outfalls ~~must shall~~ be designed or modified so that a sample of the effluent can be obtained at a point after the final treatment process and before discharge to or mixing with any waters of the State. All treatment works ~~must shall~~ include ~~such~~ devices for taking samples and for measuring and recording effluent flow as the Agency may reasonably require.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 305.APPENDIX A References to Previous Rules (Repealed)

~~The following table refers is provided to aid in referencing old Board Rule numbers to section numbers pursuant to codification.~~

<del>Chapter 3: Water Pollution Part V, Monitoring and Reporting</del>	<del>35 Ill. Admin. Code Part 305</del>
<del>Preamble</del>	<del>Section 305.101</del>
<del>Rule 501</del>	<del>Section 305.102</del>
<del>Rule 502</del>	<del>Section 305.103</del>

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

**PART 306  
PERFORMANCE CRITERIA**

**SUBPART A: SYSTEMS RELIABILITY**

Section	
306.101	Preamble
306.102	Systems Reliability
306.103	Combined Sewers and Treatment Plant Bypasses (Renumbered)
306.104	Intake Structures (Renumbered)
306.105	New Connections (Renumbered)

**SUBPART B: INTAKE STRUCTURES**

Section	
306.201	Intake Structures

**SUBPART C: COMBINED SEWERS AND TREATMENT PLANT BYPASSES**

Section	
306.302	Expansion of Combined Sewers
306.303	Excess Infiltration
306.304	Overflows
306.305	Treatment of Overflows and Bypasses
306.306	Compliance Dates

**SUBPART D: EXCEPTION PROCEDURE**

Section	
306.350	Preamble <u>(Repealed)</u>
306.351	Notification and Submittals by Discharger <u>(Repealed)</u>
306.352	Notification by Agency <u>(Repealed)</u>
306.360	Joint or Single Petition for Exception <u>(Repealed)</u>
306.361	Justification of Joint Petition <u>(Repealed)</u>
306.362	Justification of Single Petition <u>(Repealed)</u>
306.363	Contents of Joint Petition <u>(Repealed)</u>
306.364	Contents of Single Petition <u>(Repealed)</u>
306.370	Notice and Hearing <u>(Repealed)</u>
306.371	Opinion and Order <u>(Repealed)</u>
306.372	Transcripts <u>(Repealed)</u>
306.373	Final Date for Petitions <u>(Repealed)</u>



306.374 Other Proceedings (Repealed)

### **SUBPART E: NEW CONNECTIONS**

Section

306.401 Publication of Lists  
 306.402 Restricted Status  
 306.403 Critical Review  
 306.404 Notification of Individuals Requesting Corrections  
 306.405 Notification of Restricted Status or Critical Review  
 306.406 Appeal  
 306.407 Effective Date

### **SUBPART F: SITE SPECIFIC RULES AND EXCEPTIONS**

Section

306.501 East St. Louis-Sauget Site-Specific Discharges  
 306.502 Alton Combined Sewer Overflow Discharges  
 306.503 Havana Site-Specific Discharges

306.APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act. [415 ILCS 5/13 and 27] (~~Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1027 and 1013~~).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 7 Ill. Reg. 5682, effective April 19, 1983; amended at 8 Ill. Reg. 1607, effective January 18, 1984; amended at 8 Ill. Reg. 3691, effective March 14, 1984; amended in R82-7 at 12 Ill. Reg. 11229, effective June 15, 1988; amended in R88-25 at 14 Ill. Reg. 9449, effective June 4, 1990; amended at R18-23 at 46 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_.

### **SUBPART A: SYSTEMS RELIABILITY**

#### **Section 306.101 Preamble**

~~This Part addresses part contains specific requirements and prohibitions concerning existing and potential sources of water pollution. 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: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 306.102 Systems Reliability**

- a) Malfunctions: All treatment works and associated facilities ~~must shall~~ be ~~so~~ constructed and operated as to minimize violations of applicable standards during ~~such~~ contingencies ~~including~~as flooding, adverse weather, power failure, equipment failure, or maintenance, through ~~such~~ measures ~~including~~as multiple units, holding tanks, duplicate power sources, or ~~such~~ other appropriate measures as may be appropriate.
- b) Spills: All reasonable measures, including where appropriate ~~the provision of~~ catchment areas, relief vessels, or entrapment dikes, ~~must shall~~ be taken to prevent any spillage of contaminants from causing water pollution.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART B: INTAKE STRUCTURES**

#### **Section 306.201 Intake Structures**

New water intake structures on waters designated for general use, whose construction begins after the effective date of this Chapter, ~~must shall~~ be ~~so~~ designed as to minimize harm to fish and ~~to~~ other aquatic organisms.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART C: COMBINED SEWERS AND TREATMENT PLANT BYPASSES**

#### **Section 306.302 Expansion of Combined Sewers**

~~Expanding~~The ~~expansion~~ of existing or ~~establishing~~establishment of new combined sewer service areas is prohibited, except where the Agency has determined from the permit application the following:

- a) The combined sewer service area has adequate treatment or retention capacity to ensure that the effluent limitations of 35 Ill. Adm. Code 304 and the provisions of the Act are not violated;
- b) Any anticipated increased flow will not overload connecting segments of the combined sewer system;
- c) Increased flow ~~must shall~~ not aggravate combined sewer overflow problems; including, ~~but not limited to~~, combined sewer surcharges, basement back-ups and street flow; and
- d) The new combined sewer service area will be tributary to an existing combined sewer system.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 306.303 Excess Infiltration

Excess infiltration into sewers ~~must shall~~ be eliminated, and the maximum practicable flow must shall be conveyed to treatment facilities.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 306.304 Overflows

Overflows from sanitary sewers are ~~expressly~~ prohibited.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 306.305 Treatment of Overflows and Bypasses

All combined sewer overflows and treatment plant bypasses ~~must shall~~ be given sufficient treatment to prevent pollution, or the violation of applicable water quality standards unless an exception has been granted by the Board ~~pursuant to Subpart D~~. Sufficient treatment consists shall consist of the following:

- a) All dry weather flows, and the first flush of storm flows as determined by the Agency, must shall meet the applicable effluent standards; and
- b) Additional flows, as determined by the Agency but not less than ten times the average dry weather flow for the design year, must shall receive a minimum of primary treatment and disinfection with adequate retention time; and
- c) Flows in excess of those described in subsection (b) must shall be treated, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids in ~~compliance accordance~~ with 35 Ill. Adm. Code 302.203, and to prevent depression of oxygen levels; or
- d) Compliance with a treatment program authorized by the Board in an exception ~~proceeding granted pursuant to Subpart D~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 306.306 Compliance Dates

Compliance with Section 306.305 must shall be achieved on or before the following dates:

- a) All treatment plant bypasses, by the applicable date for improvement of treatment works under 35 Ill. Adm. Code 304.

- b) All combined sewer overflows within the Metropolitan Sanitary District of Greater Chicago, by December, 31, 1977;
- c) All other combined sewer overflows, by December 31, 1975.
- d) The compliance dates set by subsections (b) and (c) must ~~shall~~ be met unless:
  - 1) The discharger's combined sewer overflow is eligible for a construction grant under Section 201(g) of the CWA; and,
  - 2) The discharger has filed an application for a construction grant on or before March 1, 1977; and,
  - 3) The discharger has timely taken all appropriate pre-grant and post-grant actions necessary to the specific grant step for which the discharger is then eligible, or
  - 4) The discharger has been granted an exception by the Board, pursuant to Subpart D, an exception procedure is pending, or the Agency has not notified the discharger pursuant to Section 306.352.
- e) Nothing in subsection (d) limits ~~shall limit~~ the power of the Board to enter an abatement order under ~~pursuant to~~ Section 46 of the Act necessary to abate pollution of waters of the State, when the Board has found, as the result of an enforcement or variance case initiated under Titles VIII or IX of the Act, that the discharger is causing a violation of the Act or regulations.
- f) The exemption provided by subsection (d) must ~~shall~~ terminate upon completion of construction under the grant provided.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **SUBPART D: EXCEPTION PROCEDURE**

##### **Section 306.350 Preamble (Repealed)**

~~Exceptions to Section 306.305 or 306.306 shall be granted by the Board based upon water quality effects, actual and potential stream uses, and economic considerations including those of the discharger and those affected by the discharge. The following procedures shall be used for petitions for exceptions to the otherwise applicable water quality standards of this Chapter, and the sufficient treatment provisions contained in Section 305.306, 306.305(a), 306.305(b), and 306.305(e).~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 306.351 Notification and Submittals by Discharger (Repealed)**

~~No later than July 1, 1983, any discharger which has an interest in requesting Agency assistance in initiating an exception proceeding shall so advise the Agency. No later than October 1, 1983 the discharger shall assemble and submit to the Agency any background information in the discharger's possession relevant to its combined sewer overflows, including any analyses of treatment options. The Agency after a review of its files and the discharger's submittal, shall request such further information as listed in Section 306.361 and 306.363 as it deems necessary for its determination pursuant to Section 306.352.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 306.352 Notification by Agency (Repealed)**

- a) ~~The Agency shall notify the discharger of any Agency proposal for exception, including any necessary treatment conditions and the provisions of Section 306.305 and 306.306 that would be modified or eliminated.~~
- b) ~~The Agency shall promptly notify the discharger in writing of any discretionary determination that it will not propose an exception and shall indicate the basis for such determination. Such basis may include but not be limited to a judgment that the information submitted is insufficient, that due to the nature of the discharge and the receiving stream relief from Section 306.305 or 306.306 would be environmentally unsound, or that a specific alternative control strategy suggested by the discharger is infeasible from either an engineering or pollutant removal standpoint.~~
- e) ~~All Agency determinations, shall reflect a consistency of review among dischargers or their individual discharges. To insure such consistency, the Agency shall adopt criteria for evaluation and review of dischargers' submittals pursuant to Section 306.351.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 306.360 Joint or Single Petition for Exception (Repealed)**

~~If the discharger accepts the Agency proposal for exception, an exception proceeding before the Board shall be commenced by the discharger by filing jointly with the Agency a petition for exception. If the Agency has declined to propose an exception or if the discharger declines to accept an Agency proposal, the discharger may commence singly an exception proceeding before the Board.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 306.361 Justification of Joint Petition (Repealed)**

Except as provided otherwise in subsection (d) if the discharger and the Agency jointly file a petition for exception, exception justifications shall be established in the petition for exception as follows:

- a) ~~An exception justification based upon minimal discharge impact shall include, as a minimum, an evaluation of receiving stream ratios, known stream uses, accessibility to stream and side land use activities (residential, commercial, agricultural, industrial, recreational), frequency and extent of overflow events, inspections of unnatural bottom deposits, odors, unnatural floating material or color, stream morphology and results of limited stream chemical analyses.~~
- b) ~~Where a minimal impact exception justification cannot be established pursuant to subsection (a), or where an exception will include a modification of otherwise applicable water quality standards, an exception justification shall include, as a minimum, evaluations pursuant to subsection (a) and evaluations of stream sediment analyses, biological surveys (including habitat assessment), and thorough stream chemical analyses that may include but are not limited to analysis of parameters regulated in 35 Ill. Adm. Code 302, analysis of toxics or metals if the collection system tributary to the overflow receives wastes which might contain them, sediment oxygen demand, volatile solids, and diurnal monitoring under both dry and wet weather conditions.~~
- e) ~~Exception justifications which include projections of the improvement from alternative control programs may include reasonably reliable mathematical models based upon information gathered pursuant to subsection (b). The reasonable reliability of a mathematical model shall be assessed by reference to factors including but not limited to the model's scientific validity and the consistency with which the model reflects conditions in the stream as determined by monitored data.~~
- d) ~~Where special circumstances may render any evaluation inapplicable, for reasons of irrelevancy or expense of data collection in relation to the relevancy of the data, the petition shall include a justification for such inapplicability.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306.362 Justification of Single Petition (Repealed)**

~~If the discharger files singly a Petition for Exception, exception justifications shall be established by the discharger, pursuant to Section 306.361 (b), (c), and (d).~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306.363 Contents of Joint Petition (Repealed)**

~~Requirements for jointly filed Petition. Ten copies of such petition shall be filed with the Clerk of the Board. The petition shall include the following information:~~

- ~~a) A written statement, signed by the Petitioners or their authorized representatives outlining the scope of the evaluation, the nature of, the reasons for, and the basis for the justification for the exception; and~~
- ~~b) The nature of the discharger's operations and control equipment; and~~
- ~~c) Any Agency proposal for exception; and~~
- ~~d) Citations to any final enforcement actions against the discharger, and any variances granted to the discharger where compliance has not been achieved.~~

~~(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)~~

### **Section 306.364 Contents of Single Petition (Repealed)**

~~In addition to the information specified in Section 306.363, the petition shall include any necessary treatment conditions and the provisions of Section 306.305 and 306.306 that would be modified or eliminated.~~

~~(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)~~

### **Section 306.370 Notice and Hearing (Repealed)**

~~The clerk shall give notice of the petition and shall schedule a hearing in accordance with 35 Ill. Adm. Code 103. The proceedings shall be in accordance with 35 Ill. Adm. Code 103.~~

~~(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)~~

### **Section 306.371 Opinion and Order (Repealed)**

- ~~a) In considering the proposed petition for exception and the hearing record, the Board shall take into account the factors contained in Section 27(a) of the Act. The Board shall issue and enter a written opinion stating the facts and reasons leading to its decision on a petition for exception.~~
- ~~b) The Board shall issue and enter such orders concerning a petition for exception as are appropriate for the reasons stated in its written opinion. Such appropriate orders may include but are not limited to orders accepting or rejecting the petition, directing that further hearings be held to develop further information or to cure any procedural defects, or remanding the petition to the petitioners with suggested revisions. Another hearing shall be held on any revised petition for exception.~~

~~(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)~~

**Section 306.372 Transcripts (Repealed)**

~~In any proceeding brought pursuant to Subpart D, the discharger at its own cost shall furnish the Board within 15 days following completion of the hearing seven legible copies of a complete transcript of the proceedings of the hearing. Upon petition, the Board may assume such cost. In determining whether to assume such cost, the Board shall take into consideration transcript costs, the discharger's allegations of special circumstances of economic hardship, and any constraints upon the Board's budgetary ability to assume such costs.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 306.373 Final Date for Petitions (Repealed)**

~~No petition for exception shall be accepted by the Board after January 1, 1986.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 306.374 Other Proceedings (Repealed)**

~~Nothing in Subpart D shall impair any rights authorized in the Act or Board Regulations that the discharger or any other person may have to initiate or participate in regulatory proceedings, variance petitions, enforcement actions, or permit appeals. However, Agency determinations made pursuant to Section 306.352 may not be appealed to the Board.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART E: NEW CONNECTIONS****Section 306.401 Publication of Lists**

- a) The Agency ~~must~~ shall publish and make available to the public at intervals of not more than three months a comprehensive and up-to-date list of sanitary districts and other wastewater treatment or transportation authorities then subject to restricted status on further sewer connections, ~~and as well as~~ a list of those which are then under critical review by the Agency.
- b) Such lists ~~must~~ shall include the name of the affected facility, the responsible authority, and an estimate of the affected facility's capacity. The Critical Review List must also include estimates of treatment plant and sewer capacity, and the amount of population equivalent added according to the Agency permit records since publication of the previous list.
- c) All such lists must be made available without charge to any person upon request and shall be published in the Pollution Control Board's Environmental Register.



(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 306.402 Restricted Status

- a) Restricted status means shall be defined as the Agency determination, pursuant to Section 39 of the Act and Section 309.241, that a sewer has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or regulations.
- b) The Agency may place a sewage treatment plant on Restricted Status when any of the following conditions exists, as shown by Agency field inspections, operational reports, records of permits issued, or other information:
- 1) Hydraulic overloading of the treatment plant as determined by a comparison of the permitted design capacity of the plant with the actual average monthly flows measured at the plant during the three low-flow months in the preceding 12-month period, adjusted to include all outstanding (permitted but not connected) permits issued by the Agency, or other information on hydraulic loading of the plant available to the Agency (i.e., water pumpage, recent development, demographic and meteorological data, etc.);
  - 2) Organic overloading of the treatment plant as determined by the comparison of the permitted design capacity of the plant with the actual average monthly loadings in the preceding 12-month period, adjusted to include any and all outstanding (permitted but not connected) permits issued by the Agency, or other information on organic loading of the treatment plant available to the Agency (i.e., water pumpage, recent development, demographic and meteorological data, etc.);
  - 3) Continuing violation of effluent limitations established by the treatment plant's National Pollutant Discharge Elimination System (NPDES) permit. Determining a violation of effluent limitations shall be made according to the sampling, testing, and averaging procedures specified in the NPDES permit;
  - 4) Operational neglect resulting in frequent bypassing of treatment unit(s); or
  - 5) An Illinois Pollution Control Board decision finding a violation of Section 12(a) of the Environmental Protection Act [415 ILCS 5/12(a)].
- c) The Agency may place sanitary sewers and lift stations on Restricted Status to prevent overflows as prohibited under Subpart C. Restricted Status may be imposed upon confirming overflows in the form of basement backups, overflows of sanitary sewer manholes, or sanitary sewer overflow devices.

- d) All combined and sanitary sewers and lift stations are subject to Restricted Status when they become hydraulically overloaded, meaning unable to accommodate the following flows:
- 1) Combined sewers and lift stations serving combined sewers must be able to handle 350 percent of the average daily flow (based on best available information) before overflowing.
  - 2) Interceptors serving both combined sewers and sanitary sewers must be able to accommodate 250 percent of the average daily dry weather flow (based on best available information) from the sanitary sewers tributary to them and 350 percent of the average daily dry weather flow from the combined sewers tributary to them before overflowing.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306.403 Critical Review**

- a) Critical review ~~means shall be defined as~~ the Agency determination, ~~pursuant to Section 39 of the Act and Section 309.241,~~ that a sewer is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity, such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or regulations.
- b) Notification of Critical Review is a warning that Restricted Status is imminent, unless corrective action is taken. A facility may be placed on Critical Review whenever, based upon information available to it, the Agency determines that the organic or hydraulic loading of any facility is greater than 80% of the permitted or designed capacity of that facility, as defined in 35 Ill. Adm. Code 306.402.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306.404 Notification of Individuals Requesting Connections**

Sanitary districts, or other wastewater treatment or transportation authorities responsible for authorizing new sewer connections, which have been placed on restricted status or critical review by the Agency ~~must shall~~ notify all individuals requesting connections of such Agency determination.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306.405 Notification of Restricted Status or Critical Review**

The Agency ~~must shall~~ notify the sanitary district or other wastewater treatment or transportation authority of its determination of restricted status or critical review, or refusal to terminate the

same, and ~~must shall~~ give a specific, detailed written statement as to the reasons for the determination for such action in conformity with the Agency's "Guidelines for Notification of Restricted Status," 35 Ill. Adm. Code 390.

- a) When the Agency determines that conditions warrant placing a facility on Restricted Status or Critical Review, the Agency must send a letter stating the action proposed, the reasons for the action, and a summary of supporting documentation to the sanitary district or other wastewater treatment or transportation authority responsible for the facility.
- b) The sanitary district or other wastewater treatment or transportation authority must be given the opportunity to submit additional relevant information and to meet with the responsible permit engineers or to respond in writing.
- c) If, after review of information or response offered by the sanitary district or other wastewater treatment or transportation authority, the Agency's determination does not change, the Agency must send final notification of Restricted Status or Critical Review, stating the meaning and reasons for the action, to the sanitary district or other wastewater treatment or transportation authority.
- d) The facility thus classified will remain under that status until the Agency receives information of a change in condition sufficient to warrant a revision of the status, or until a revision in status is ordered by the Pollution Control Board. The Agency must send notice of any revised status to the sanitary district or other wastewater treatment or transportation authority.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306.406 Appeal**

Any sanitary district or other wastewater treatment or transportation authority responsible for authorizing new sewer connections, may petition, under Section 5(d) pursuant to Title X of the Act and 35 Ill. Adm. Code 105, for a hearing before the Board to contest the decision of the Agency to place it on restricted status.

(Source: Amended 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306.407 Effective Date (Repealed)**

~~This Subpart shall become effective on January 1, 1976, except for Section 306.405 which shall become effective upon filing.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART F: SITE SPECIFIC RULES AND EXCEPTIONS**

### Section 306.501 East St. Louis-Sauget Site-Specific Discharges

- a) The discharge from the sewer system of the City of East St. Louis, as described below, ~~is shall~~ not be subject to the treatment requirements and timetables of ~~35 Ill. Adm. Code Sections~~ 306.305(b), and 306.306. The discharge is located in Lots 305 and/or 306 of Sixth Subdivision of Cahokia Commons and also in the Northwest Quarter Section 23, Township Two North, Range Ten West, of the Third Principal Meridian, and ~~is can be defined as being~~ at Mississippi River Mile Number 178.7 and ~~further can be defined as being located~~ at North 38°, ~~36°40'36 minutes, 40 seconds~~ latitude and West 90°, ~~10°40'10 minutes, 40 seconds~~ longitude.
- b) The first flush of storm flows ~~must shall~~ meet the applicable effluent standards of 35 Ill. Adm. Code Part 304, except when ~~attempting to attempt~~ to treat such flows would cause the treatment plant to operate beyond design capacity.
- c) In ~~compliance accordance~~ with 35 Ill. Adm. Code 302.203, overflows in excess of plant treatment capacity ~~must shall~~ be passed through a 1/2 inch bar screen ~~before prior to~~ discharge.
- d) Overflows ~~must shall~~ not cause accumulation of unnatural sludge deposits in the receiving stream.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 306.502 Alton Combined Sewer Overflow Discharges

- a) The discharge from the Piasa-State Street Sewer, ~~defined as being~~ at Mississippi River mile 202.64, ~~is shall~~ not be subject to ~~the provisions of~~ 35 Ill. Adm. Code 304.106, 304.120, 304.121 and 304.124 during the following conditions:
  - 1) ~~Before Prior to~~ replacement of the existing Locks and Dam 26, when the tailwater elevation exceeds 415.3 Mean Sea Level (MSL); or
  - 2) After replacement of Locks and Dam 26, where the pool level exceeds elevation 420 MSL at Mississippi River miles 203.12 and 203.22 (Piasa and State Street Outlets relocated).
- b) Discharges from the City of Alton at Mississippi River miles 201.66 (Shields Valley), 202.24 (Central Avenue), 203.12 (Piasa Outlet), 203.22 (State Street Outlet), 203.61 (Summit Street), 203.87 (Bluff Street) and 204.30 (Turner Tract), ~~are shall~~ be subject to the following conditions:
  - 1) The overflow structures and the associated interceptor sewer ~~must shall~~ be protected against intrusion by flood waters and be maintained operational

at flood stages from Mississippi River backflow for a 25-year Mississippi River flood stage, except as follows:

Overflow Structure	River Mile	Protection Level Mean Sea Level (MSL) River Stage
Piasa Outlet	203.12	420.0
State Street Outlet	203.22	420.0
Summit Street	203.61	426.7
Bluff Street	203.87	426.7
Turner Tract	204.30	426.7

- 2) The City of Alton ~~must shall~~ maintain the south side interceptor sewer system in ~~such~~ working condition ~~so as~~ to ensure that the system will flow at a maximum capacity.
  - 3) No later than the date of completion of Lock and Dam 26, the south side interceptor pump station ~~must shall~~ be upgraded to a design capacity of a minimum of 13.7 million gallons per day.
- c) Discharges from the combined sewer overflows designated in subsection (b) ~~are shall~~ not be subject to the treatment requirements of ~~35 Ill. Adm. Code Section 306.305(a) and (b) provided that:~~
- 1) The City of Alton ~~maintains shall maintain~~ the south side interceptor sewer system in ~~such~~ working condition ~~so as~~ to ensure that the system will flow at a maximum capacity.
  - 2) The South ~~Sideside~~ interceptor pump station ~~must shall~~ be upgraded to a design capacity of a minimum of 13.7 million gallons per day.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 306.503 Havana Site-Specific Discharges

The two discharges from the combined sewer system of the City of Havana, as described below, ~~are shall~~ not be subject to the treatment requirements of ~~35 Ill. Adm. Code Section 306.305(a) or~~ ~~nor~~ the compliance date of ~~35 Ill. Adm. Code Section 306.306(c)~~. The Washington Street discharge is located at the foot of Washington Street in the Northwest Quarter, Section 1, Township 21 North, Range 9 West of the Third Principal Meridian and ~~can further be defined as being located~~ at West 90°, ~~4°0'4 minutes 0 seconds~~ longitude and North 40°, ~~17°55'17 minutes 55 seconds~~ latitude. The Illinois Street discharge is located at the foot of Illinois Street in the Southwest Quarter, Section 1, Township 21 North, Range 9 West of the Third Principal Meridian and ~~can further be defined as being located~~ at North 40°, ~~17°35'17 minutes 35 seconds~~ latitude and West 90°, ~~4°5'4 minutes 5 seconds~~ longitude.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306. APPENDIX A References to Previous Rules (Repealed)**

The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.

<del>Chapter 3: Water Pollution Part VI, Performance Criteria</del>	<del>35 Ill. Adm. Code Part 306</del>
<del>Unnumbered Preamble</del>	<del>Section 306.101</del>
<del>Rule 601</del>	<del>Section 306.102</del>
<del>Rule 602(a)</del>	<del>Section 306.302</del>
<del>Rule 602(b)</del>	<del>Section 306.303 and 306.304</del>
<del>Rule 602(c)</del>	<del>Section 306.305</del>
<del>Rule 602(d)</del>	<del>Section 306.306</del>
<del>Rule 603</del>	<del>Section 306.201</del>
<del>Rule 604(a)</del>	<del>Section 306.401</del>
<del>Rule 604(b)</del>	<del>Section 306.402</del>
<del>Rule 604(c)</del>	<del>Section 306.403</del>
<del>Rule 604(d)</del>	<del>Section 306.404</del>
<del>Rule 604(e)</del>	<del>Section 306.405</del>
<del>Rule 604(f)</del>	<del>Section 306.406</del>

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

### **PART 307 SEWER DISCHARGE CRITERIA**

#### **SUBPART A: GENERAL PROVISIONS**

Section	
307.101	Preamble (Renumbered)
307.102	General Requirements (Renumbered)
307.103	Mercury (Renumbered)
307.104	Cyanide (STORET number 00720) (Renumbered)
307.105	Pretreatment Requirements (Repealed)
307.1001	Preamble
307.1002	Definitions
307.1003	Test Procedures for Measurement

- 307.1005 Toxic Pollutants  
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**SUBPART B: GENERAL AND SPECIFIC PRETREATMENT  
REQUIREMENTS**

- Section  
307.1101 General and Specific Requirements  
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**SUBPART F: DAIRY PRODUCTS PROCESSING**

- Section  
307.1501 Receiving Stations  
307.1502 Fluid Products  
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307.1505 Cottage Cheese and Cultured Cream Cheese  
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**SUBPART G: GRAIN MILLS**

- Section  
307.1601 Corn Wet Milling  
307.1602 Corn Dry Milling  
307.1603 Normal Wheat Flour Milling  
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307.1605 Normal Rice Milling  
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307.1608 Hot Cereal  
307.1609 Ready-to-Eat Cereal  
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**SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES**

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307.1700 General Provisions  
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307.1702	Apple Products
307.1703	Citrus Products
307.1704	Frozen Potato Products
307.1705	Dehydrated Potato Products
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### **SUBPART I: CANNED AND PRESERVED SEAFOOD**

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307.1815	Fish Meal Processing Subcategory

### **SUBPART J: SUGAR PROCESSING**

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307.1901	Beet Sugar Processing
307.1902	Crystalline Cane Sugar Refining
307.1903	Liquid Cane Sugar Refining

### **SUBPART K: TEXTILE MILLS**

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307.2000	General Provisions
307.2001	Wool Scouring
307.2002	Wool Finishing
307.2003	Low Water Use Processing
307.2004	Woven Fabric Finishing
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### **SUBPART L: CEMENT MANUFACTURING**

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307.2101	Nonleaching
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### **SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS**

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#### Section

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### **SUBPART O: ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC FIBERS**

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### **SUBPART P: INORGANIC CHEMICALS MANUFACTURING**

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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)

**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**

Section  
307.5100 Dental Offices

**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/R18-14 at 42 Ill. Reg. 10676, effective May 29, 2018; amended in R18-23 at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

### Section 307.1001 Preamble

- a) This Part places certain restrictions on the types, concentrations, and quantities of contaminants that can be discharged into sewer systems in the State.
  - 1) Subpart B ~~of this Part~~ includes standards for the discharge of contaminants to sewer systems. These apply to dischargers to publicly owned treatment works (POTWs) and to dischargers to other types of treatment works, as specified in each Section.
  - 2) Subparts F through CT ~~of this Part~~ include standards for the discharge of contaminants from certain industrial source categories into POTWs.
- b) ~~The provisions of~~ 35 Ill. Adm. Code 310 ~~specifies~~ specify requirements for pretreatment programs for POTWs.
- c) This Part incorporates federal regulations by reference.
  - 1) ~~The~~ Such incorporations include no later amendments or editions.
  - 2) Except where the contrary is clearly indicated, the Board intends to set forth all procedural requirements in full in this Part and 35 Ill. Adm. Code 310, and to utilize only the definitions, requirements, or standards from the incorporated material.
  - 3) Except where the contrary is clearly indicated, references to other federal regulations within incorporated material are to be construed as referencing Board regulations derived from the referenced material, rather than the other federal regulation.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.1003 Test Procedures for Measurement

The test procedures for measurement ~~that are~~ prescribed at 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 310.107, apply to expressions of pollutant amounts, characteristics, or properties in pretreatment standards ~~as set forth~~ in this Part, unless otherwise noted or defined in individual Subparts ~~of this Part~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1006 Electronic Reporting**

The filing of any document ~~underpursuant to~~ any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 310.106.

BOARD NOTE: Derived from 40 CFR 3, as added, and 40 CFR 403.8(g) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS**

### **Section 307.1101 General and Specific Requirements**

No person may introduce the following types of pollutants into a POTW:

- a) General requirements.
  - 1) Pollutants that pass through the POTW; or
  - 2) Pollutants that interfere with the operation or performance of the POTW.
- b) Specific requirements.
  - 1) Pollutants that create a fire or explosion hazard within the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60° C (140° F) using the test methods specified in 35 Ill. Adm. Code 721.121;
  - 2) Pollutants that would cause safety hazards to the personnel operating the treatment works;
  - 3) Pollutants that will cause corrosive damage to the POTW;
  - 4) Pollutants that would be injurious in any other way to sewers, treatment works, or structures;

- 5) Discharges with a pH less than 5.0, unless the POTW is specifically designed to accommodate such discharges;
- 6) Solid or viscous pollutants in amounts that will cause obstruction to the flow in the POTW resulting in interference;
- 7) Any pollutant, including oxygen-demanding pollutants, at a flow rate or concentration that will cause interference with the POTW;
- 8) Heat in amounts that will inhibit biological activity in the POTW and interfere with the POTW;
- 9) Heat in amounts that result in temperatures in the influent to the POTW treatment plant in excess of ~~40 °C~~40° C (~~104 °F~~104° F) unless the Agency approves alternate temperature limits in pretreatment plan;
- 10) Pollutants that would cause the effluent from the treatment works to violate applicable effluent standards;
- 11) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- 12) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; or
- 13) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

BOARD NOTE: Derived from 40 CFR 403.3 and 403.5 (2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.1102 Mercury

- a) Except as provided below, no person may cause or allow the concentration of mercury in any discharge to a publicly owned or publicly regulated sewer system to exceed the following level, subject to the averaging rule contained in 35 Ill. Adm. Code 304.104(a):

CONSTITUENT	STORET NUMBER	CONCENTRATION mg/ℓ
Mercury	71900	0.0005

- b) It will be an exception to subsection (a) ~~of this Section~~ if the discharge is to a publicly owned or publicly regulated sewer system that is required to meet a limitation less stringent than the 0.0005 mg/ℓ mercury concentration in which

case the discharge limitation must be the same as that applicable to the publicly owned or regulated sewer system to which it discharges.

- c) It will be an exception to subsection (a) ~~of this Section~~ if all the following conditions are met:
- 1) The discharger does not use mercury, the discharger uses mercury and this use cannot be eliminated, or the discharger uses mercury only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of wastewater;
  - 2) The discharge mercury concentration is less than 0.003 mg/l, as determined by application of the averaging rules of 35 Ill. Adm. Code 304.104(a);
  - 3) The discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness, and sound engineering judgment. This may include no treatment for mercury; and
  - 4) The discharger has an inspection and maintenance program likely to reduce or to prevent an increase in the level of mercury discharges.
- d) The discharge of wastes from medicinal or therapeutic use of mercury, exclusive of laboratory use, will be exempt from the limitations of subsection (a) ~~of this Section~~ if all the following conditions are met:
- 1) The total plant discharge is less than 227 g (one half pound) as Hg in any year;
  - 2) This discharge is to a public sewer system; and
  - 3) The discharge does not, alone or in conjunction with other sources, cause the effluent from the sewer system or treatment plant to exceed 0.0005 mg/l of mercury.
- e) No person may cause or allow any discharge of mercury to a publicly owned or publicly regulated sewer system which, alone or in combination with other sources, causes a violation by the sewer treatment plant discharge of the water quality standard of 35 Ill. Adm. Code 302 for mercury applicable in the receiving stream.
- f) For purposes of permit issuance, the Agency may consider application of the exception of subsection (b) or (c) ~~of this Section~~ to determine compliance with this Section. The Agency may impose permit conditions necessary or required to assure continued application of the exception. When subsection (b) or (c) ~~of this Section~~ applies, the Agency may impose an effluent limitation in the permit that



allows the discharge of a concentration of mercury greater than 0.0005 mg/ℓ but not more than 0.003 mg/ℓ.

- g) The mercury standards of 35 Ill. Adm. Code Section 307.1102 will not apply to the Reilly Industries, Inc., Granite City, which discharges to any publicly-owned treatment works that receives such a manufacturing facility's wastewater. The amount of mercury discharged by any such manufacturing facility must not exceed a monthly average of 0.025 mg/ℓ nor a maximum of 0.035 mg/ℓ or 7.5 grams per day, subject to the Board's averaging rules during any one day.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1103 Cyanide**

- a) No waste to any public sewer system must contain more than 10 mg/ℓ total cyanide (STORET number 00720) provided any sample tested must not release more than 2 mg/ℓ of cyanide when tested at a pH of 4.5 and at a temperature of 66 °C (150 °F) for a period of 30 minutes, except as permitted by subsection (b) ~~of this Section~~.
- b) Upon application by a county, municipality, sanitary district, or public utility and approval by the Agency, based upon determination by the Agency that no violation of the effluent standards of 35 Ill. Adm. Code 304 will result and that no hazard to workers in such sewage works will result, limited additional amounts of cyanide exceeding the standards in subsection (a) ~~of this Section~~ may be discharged to the sewage works of such county, sanitary district, municipality, or public utility.
- c) Nothing in this Section may be construed as limiting the authority of any county, municipality, sanitary district, or public utility to impose any more stringent standards or limitations on cyanide discharges to its sewage works.
- d) Any actions undertaken ~~underpursuant to subsection (b) of this Section~~ will be subject to the limitations of 35 Ill. Adm. Code Section 307.2400(b)(7).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART F: DAIRY PRODUCTS PROCESSING**

### **Section 307.1501 Receiving Stations**

- a) Applicability. This Section applies to discharges resulting from the operation of receiving stations engaged in the assembly and reshipment of bulk milk for the use of manufacturing or processing plants.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources.
  - 1) The Board incorporates by reference 40 CFR 405.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources.
  - 1) The Board incorporates by reference 40 CFR 405.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) “New source” means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1502 Fluid Products**

- a) Applicability. This Section applies to discharges resulting from the manufacture of market milk (ranging from 3.5 percent fat to fat-free), flavored milk (chocolate and others), and cream (of various fat concentrations, plain, and whipped).
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources.
  - 1) The Board incorporates by reference 40 CFR 405.24 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-

- 1) The Board incorporates by reference 40 CFR 405.26 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) “New source” means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1503 Cultured Products**

- a) Applicability. This Section applies to discharges resulting from the manufacture of cultured products, including cultured skim milk (cultured buttermilk), yogurt, sour cream, and dips of various types.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 405.34 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 405.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) “New source” means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.1504 Butter**

- a) Applicability. This Section applies to discharges resulting from the manufacture of butter, either by churning or continuous process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.41 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 405.44 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 405.46 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.1505 Cottage Cheese and Cultured Cream Cheese**

- a) Applicability. This Section applies to discharges resulting from the manufacture of cottage cheese and cultured cream cheese.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.51 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 405.54 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources.
  - 1) The Board incorporates by reference 40 CFR 405.56 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1506 Natural and Processed Cheese**

- a) Applicability. This Section applies to discharges resulting from the manufacture of natural cheese (hard curd) and processed cheese.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.61 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 405.64 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 405.66 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1507 Fluid Mix for Ice Cream and other Frozen Desserts**

- a) **Applicability.** This Section applies to discharges resulting from the manufacture of fluid mixes for ice cream and other frozen desserts for later freezing in other plants; it does not include freezing of the products as one of the affected operations.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 405.71 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 405.74 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 405.76 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1508 Ice Cream, Frozen Desserts, Novelties, and Other Dairy Desserts**

- a) **Applicability.** This Section applies to discharges resulting from the manufacture of ice cream, ice milk, sherbet, water ices, stick confections, frozen novelties products, frozen desserts, melorine, pudding, and other dairy product base desserts. If fluid mixes prepared at another plant are employed, the appropriate values from Section 307.1507 should be deducted from the limitations.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 405.81 (2003). This incorporation includes no later amendments or editions.

- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 405.84 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 405.86 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1509 Condensed Milk**

- a) Applicability. This Section applies to discharges resulting from the manufacture of condensed whole milk, condensed skim milk, sweetened condensed milk, and condensed buttermilk.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.91 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 405.94 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 405.96 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1510 Dry Milk**

- a) Applicability. This Section applies to discharges resulting from the manufacture of dry whole milk, dry skim milk, and dry buttermilk.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.101 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 405.104 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 405.106 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1511 Condensed Whey**

- a) Applicability. This Section applies to discharges resulting from the manufacture of condensed sweet whey and condensed acid whey.



- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.111 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 405.114 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 405.116 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1512 Dry Whey**

- a) Applicability. This Section applies to discharges resulting from the manufacture of sweet or acid dry whey.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 405.121 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 405.124 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-

- 1) The Board incorporates by reference 40 CFR 405.126 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 20, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: GRAIN MILLS

### Section 307.1601 Corn Wet Milling

- a) Applicability. This Section applies to discharges resulting from the process in which shelled corn is steeped in a dilute solution of ~~sulfurous~~ sulfuric acid and then processed by wet means into such products as animal feed, regular and modified starches, corn oil, corn syrup, and dextrose.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 406.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 406.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.1602 Corn Dry Milling

- a) Applicability. This Section applies to discharges resulting from the process in which shelled corn is washed and subsequently milled by dry processes into such products as corn meal, grits, flour, oil, and animal feed. This Section does not apply to discharges from subsequent manufacturing operations to produce expanded or extruded feed or feed products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 406.24 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 406.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.1603 Normal Wheat Flour Milling

- a) Applicability. This Section applies to discharges resulting from the processes in which wheat and other grains are milled by dry processes into flour and millfeed.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-

- 1) The Board incorporates by reference 40 CFR 406.34 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 406.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.1604 Bulgur Wheat Flour Milling**

- a) **Applicability.** This Section applies to discharges resulting from the process in which wheat is parboiled, dried, and partially debranned in the production of bulgur.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 406.41 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 406.44 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 406.46 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1605 Normal Rice Milling**

- a) **Applicability.** This Section applies to discharges resulting from the process in which rice is cleaned and milled by dry processes.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 406.51 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 406.54 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 406.56 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1606 Parboiled Rice Milling**

- a) **Applicability.** This Section applies to discharges resulting from the process in which rice is cleaned, cooked, and dried before being milled.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.61 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 406.64 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 406.66 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 4, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1607 Animal Feed**

- a) Applicability. This Section applies to discharges resulting from the manufacturing of animal feeds (formula feed concentrate) using primarily grain and grain by-products that may be supplemented by proteins, pharmaceuticals, vitamins, or mineral additives.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.71 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 406.76 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after September 17, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1608 Hot Cereal**

- a) **Applicability.** This Section applies to discharges resulting from the production of various breakfast cereals from grains, principally wheat and oats, requiring cooking prior to normal human consumption.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 406.81 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources.** These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 406.86 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after September 17, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1609 Ready-to-Eat Cereal**

- a) **Applicability.** This Section applies to discharges resulting from the processing of various grains and other materials (whole grain wheat, rice, corn grits, oat flour, sugar, and minor ingredients) to produce various breakfast cereals normally available for human consumption without cooking.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 406.91 (2003). This incorporation includes no later amendments or editions.

- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 406.96 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after September 17, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1610 Wheat Starch and Gluten**

- a) Applicability. This Section applies to discharges resulting from those industrial operations utilizing wheat flour as a raw material for production of wheat starch and gluten (protein) components through conventional processes of physical separation and subsequent refinement.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 406.101 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 406.106 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after September 17, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

### Section 307.1701 Apple Juice

- a) Applicability. This Section applies to discharges resulting from the processing of apples into apple juice or apple cider.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 407.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 407.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.1702 Apple Products

- a) Applicability. This Section applies to discharges resulting from the processing of apples into apple products. The processing of apples into caustic-peeled or dehydrated products is specifically excluded.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-

- 1) The Board incorporates by reference 40 CFR 407.24 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 407.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1703 Citrus Products**

- a) **Applicability.** This Section applies to discharges resulting from the processing of citrus into citrus products.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 407.31 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 407.34 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 407.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) ~~“New source”~~ means any building, structure, facility, or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1704 Frozen Potato Products**

- a) Applicability. This Section applies to discharges resulting from the processing of white potatoes into frozen potato products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.41 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 407.44 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 407.46 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) “New source” means any building, structure, facility, or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1705 Dehydrated Potato Products**

- a) Applicability. This Section applies to discharges resulting from the processing of white potatoes into dehydrated potato products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.51 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-

- 1) The Board incorporates by reference 40 CFR 407.54 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 407.56 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1706 Canned and Preserved Fruits**

- a) Applicability. This Section applies to discharges resulting from the processing of the following fruit products: apricots; caneberries; sweet, sour, and brined cherries; cranberries; dried fruit; grape juice canning and pressing; olives; peaches; pears; fresh and processed pickles and pickle salting stations; pineapples; plums; raisins; strawberries; and tomatoes.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.61 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 407.64 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 407.66 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 21, 1975.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1707 Canned and Preserved Vegetables**

- a) **Applicability.** This Section applies to discharges resulting from the processing of the following vegetable products: beets, broccoli, carrots, canned and frozen corn, dehydrated onions and garlic, dehydrated vegetables, dry beans, lima beans, mushrooms, canned onions, peas, sauerkraut canning and cutting, snap beans, spinach, squash, and canned potatoes.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 407.71 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 407.74 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 407.76 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 21, 1975.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1708 Canned and Miscellaneous Specialties**

- a) Applicability. This Section applies to discharges resulting from the processing of the following specialty products: added ingredients; baby food; corn, potato, and tortilla chips; ethnic foods; jams and jellies; mayonnaise and dressings; soups; and tomato-starch-cheese canned specialties.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.81 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 407.84 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 407.86 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 21, 1975.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART I: CANNED AND PRESERVED SEAFOOD**

#### **Section 307.1801 Farm-Raised Catfish**

- a) Applicability. This Section applies to discharges resulting from the processing of farm-raised catfish by existing facilities that process more than 1,362 kg (3,000 lbs) of raw material per day on any day during a calendar year and all new sources.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 408.11 (2003). This incorporation includes no later amendments or editions.

- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 408.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 408.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 6, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1815 Fish Meal Processing Subcategory (Repealed)**

- a) ~~Applicability. This Section applies to discharges resulting from the processing of menhaden on the Gulf and Atlantic Coasts and the processing of anchovy on the West Coast into fish meal, oil, and solubles.~~
- b) ~~Specialized definitions. The Board incorporates by reference 40 CFR 408.151 (2003). This incorporation includes no later amendments or editions.~~
- e) Existing sources-
- 1) ~~The Board incorporates by reference 40 CFR 408.154 (2003). This incorporation includes no later amendments or editions.~~
  - 2) ~~No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.~~
- d) New sources-
- 1) ~~The Board incorporates by reference 40 CFR 408.156 (2003). This incorporation includes no later amendments or editions.~~

- 2) ~~No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.~~
- 3) ~~“New source” means any building, structure, facility, or installation the construction of which commenced after January 30, 1975.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART J: SUGAR PROCESSING

### Section 307.1901 Beet Sugar Processing

- a) Applicability. This Section applies to discharges resulting from any operation attendant to the processing of sugar beets for the production of sugar.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 409.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 409.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 409.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) “New source” means any building, structure, facility, or installation the construction of which commenced after August 22, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.1902 Crystalline Cane Sugar Refining

- a) Applicability. This Section applies to discharges resulting from the processing of raw cane sugar into crystalline refined sugar.



- b) Specialized definitions. The Board incorporates by reference 40 CFR 409.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 409.24 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 409.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.1903 Liquid Cane Sugar Refining**

- a) Applicability. This Section applies to discharges resulting from the processing of raw cane sugar into liquid refined sugar.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 409.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 409.34 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-

- 1) The Board incorporates by reference 40 CFR 409.36 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART K: TEXTILE MILLS**

#### **Section 307.2001 Wool Scouring**

- a) Applicability. This Section applies to discharges resulting from the following types of textile mills: wool scouring, topmaking, and general cleaning of raw wool.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 410.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 410.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 410.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.2002 Wool Finishing

- a) Applicability. This Section applies to discharges resulting from the following types of textile mills: wool finishers, including carbonizing, fulling, dyeing, bleaching, rinsing, fireproofing, and other such similar processes.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 410.21. This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 410.24 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 410.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.2003 Low Water Use Processing

- a) Applicability. This Section applies to discharges resulting from the following types of textile mills: yarn manufacture, yarn texturizing, unfinished fabric manufacture, fabric coating, fabric laminating, tire cord and fabric dipping, and carpet tufting and carpet backing. Rubberized or rubber coated fabrics regulated by 40 CFR 428 are specifically excluded.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 410.31 (2005). This incorporation includes no later amendments or editions.
- c) Existing sources-

- 1) The Board incorporates by reference 40 CFR 410.34 (2005). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 410.36 (2005). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.2004 Woven Fabric Finishing**

- a) **Applicability.** This Section applies to discharges resulting from the following types of textile mills: woven fabric finishers, which may include any or all of the following unit operations: desizing, bleaching, mercerizing, dyeing, printing, resin treatment, water proofing, flame proofing, soil repellency application, and a special finish application.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 410.41 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 410.44 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 410.46 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2005 Knit Fabric Finishing**

- a) **Applicability.** This Section applies to discharges resulting from the following types of textile mills: knit fabric finishers, which may include any or all of the following unit operations: bleaching, mercerizing, dyeing, printing, resin treatment, water proofing, flame proofing, soil repellency application, and a special finish application.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 410.51 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 410.54 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 410.56 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.2006 Carpet Finishing

- a) Applicability. This Section applies to discharges resulting from the following types of textile mills: carpet mills, which may include any or all of the following unit operations: bleaching, scouring, carbonizing, fulling, dyeing, printing, resin treatment, waterproofing, flameproofing, soil repellency, looping, and backing with foamed and unfoamed latex and jute. Carpet backing without other carpet manufacturing operations is included in 35 Ill. Adm. Code 307.2003~~Subpart C of this Part.~~
- b) Specialized definitions. The Board incorporates by reference 40 CFR 410.61 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 410.64 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 410.66 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.2007 Stock and Yarn Finishing

- a) Applicability. This Section applies to discharges resulting from the following types of textile mills: stock or yarn dyeing or finishing, which may include any or all of the following unit operations and processes: cleaning, scouring, bleaching, mercerizing, dyeing, and special finishing.
- b) Specialized definitions. None.

- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 410.74 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 410.76 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2008 Nonwoven Manufacturing**

- a) Applicability. This Section applies to discharges resulting from facilities that primarily manufacture nonwoven textile products of wool, cotton, or synthetics, singly or as blends, by mechanical, thermal, or adhesive bonding procedures. Nonwoven products produced by fulling and felting processes are covered in 35 Ill. Adm. Code~~Section~~ 307.2009.
- b) Specialized definitions. None.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 410.84 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 410.86 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2009 Felted Fabric Processing**

- a) **Applicability.** This Section applies to discharges resulting from facilities that primarily manufacture nonwoven products by employing fulling and felting operations as a means of achieving fiber bonding.
- b) **Specialized definitions.** None.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 410.94 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 410.96 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 10, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## SUBPART L: CEMENT MANUFACTURING

### Section 307.2101 Nonleaching

- a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (limestone or other natural sources of calcium carbonate, silica, alumina, and iron together with gypsum) are used in the manufacturing of cement and in which kiln dust is not contacted with water as an integral part of the process and water is not used in wet scrubbers to control kiln stack emissions.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 411.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 411.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 411.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.2102 Leaching

- a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (limestone or other natural sources of calcium carbonate, silica, alumina, and iron together with gypsum) are used in the manufacturing of cement and in which kiln dust is contacted with water as an integral part of the process or water is used in wet scrubbers to control kiln stack emissions.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 411.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 411.24 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 411.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2103 Materials Storage Piles Runoff**

- a) Applicability. This Section applies to discharges resulting from the runoff of rainfall that derives from the storage of materials including raw materials, intermediate products, finished products and waste materials that are used in or derived from the manufacture of cement under either 35 Ill. Adm. Code ~~Section~~ 307.2101 or 307.2102.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 411.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 411.34 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources-
- 1) The Board incorporates by reference 40 CFR 411.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS**

### **Section 307.2202 Ducks**

- a) Applicability. This Section applies to discharges resulting from the production areas at dry lot and wet lot duck CAFOs. This Section does not apply to such a CAFO with less than the following capacity: 5,000 ducks.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 412.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. USEPA removed the former standards applicable to existing sources at 68 Fed. Reg. 7176 (February 12, 2003).
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 412.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART N: ELECTROPLATING

### Section 307.2300 General Provisions

- a) Applicability-
- 1) This Subpart N applies to any electroplating operations in which metal is electroplated on any basis material and to related metal finishing operations as set forth in the various Sections, whether such operations are conducted in conjunction with electroplating, independently, or as part of some other operation.
  - 2) Operations similar to electroplating that are specifically excepted from coverage of this Subpart N include the following:
    - A) Electrowinning and electrorefining conducted as a part of nonferrous metal smelting and refining (Subpart V ~~of this Part~~);
    - B) Metal surface preparation and conversion coating conducted as a part of coil coating (Subpart CN ~~of this Part~~);
    - C) Metal surface preparation and immersion plating or electroless plating conducted as a part of porcelain enameling (Subpart CO ~~of this Part~~); and
    - D) Electrodeposition of active electrode materials, electroimpregnation, and electroforming conducted as a part of battery manufacturing (Subpart CJ ~~of this Part~~).
  - 3) Metallic platemaking and gravure cylinder preparation conducted within or for printing and publishing facilities, and continuous strip electroplating conducted within iron and steel manufacturing facilities are exempted from the pretreatment standards for existing sources set forth in this Subpart N.
  - 4) Certain electroplating operations may be subject to the metal finishing standards of Subpart BH ~~of this Part~~.
- b) General definitions. The Board incorporates by reference 40 CFR 413.02 (2003). This incorporation includes no later amendments or editions.
- c) Monitoring requirements. The Board incorporates by reference 40 CFR 413.03 (2003). This incorporation includes no later amendments or editions.

- d) Compliance dates. The Board incorporates by reference 40 CFR 413.01(a) (2003). This incorporation includes no later amendments or editions.
- e) Integrated facilities. The Board incorporates by reference 40 CFR 413.04 (2003). This incorporation includes no later amendments or editions.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2301 Electroplating of Common Metals**

- a) Applicability. This Section applies to discharges resulting from the process in which a ferrous or nonferrous basis material is electroplated with copper, nickel, chromium, zinc, tin, lead, cadmium, iron, aluminum, or any combination of these.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 413.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 413.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) Sources the construction of which commenced after August 31, 1982 are subject to Subpart BH ~~of this Part~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2302 Electroplating of Precious Metals**

- a) Applicability. This Section applies to discharges resulting from the process in which a ferrous or nonferrous basis material is plated with gold, silver, iridium, palladium, platinum, rhodium, ruthenium, or any combination of these.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 413.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 413.24 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) Sources the construction of which commenced after August 31, 1982 are subject to Subpart BH ~~of this Part~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2304 Anodizing**

- a) Applicability. This Section applies to discharges resulting from the anodizing of ferrous or nonferrous materials.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 413.41 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 413.44 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) Sources the construction of which commenced after August 31, 1982 are subject to Subpart BH ~~of this Part~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2305 Coatings**

- a) Applicability. This Section applies to discharges resulting from the chromating, phosphating, or immersion plating on ferrous or nonferrous materials.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 413.51 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 413.54 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) Sources the construction of which commenced after August 31, 1982 are subject to Subpart BH ~~of this Part~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2306 Chemical Etching and Milling**

- a) Applicability. This Section applies to discharges resulting from the chemical milling or etching of ferrous or nonferrous materials.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 413.61 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 413.64 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) Sources the construction of which commenced after August 31, 1982 are subject to Subpart BH ~~of this Part~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2307 Electroless Plating**

- a) Applicability. This Section applies to discharges resulting from the electroless plating of a metallic layer on a metallic or nonmetallic substrate.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 413.71 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 413.74 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) Sources the construction of which commenced after August 31, 1982 are subject to Subpart BH ~~of this Part~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2308 Printed Circuit Boards**

- a) **Applicability.** This Section applies to discharges resulting from the manufacture of printed circuit boards, including all manufacturing operations required or used to convert an insulating substrate to a finished printed circuit board. The provisions set forth in other Sections of this Subpart N are not applicable to the manufacture of printed circuit boards.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 413.81 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 413.84 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) Sources the construction of which commenced after August 31, 1982 are subject to Subpart BH ~~of this Part~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART O: ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC FIBERS**

### **Section 307.2400 General Provisions**

- a) **General definitions.** The Board incorporates by reference 40 CFR 414.10 (2005). This incorporation includes no later amendments or editions.
- b) **Applicability-**
  - 1) This Subpart O applies to process wastewater discharges from all establishments or portions of establishments that manufacture the organic chemicals, plastics, and synthetic fibers (OCPSF) products or product



groups that are covered by 35 Ill. Adm. Code Sections 307.2402 through 307.2408 and which are included in the following SIC major groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107:

- A) SIC 2821: Plastic materials, synthetic resins, and nonvulcanizable elastomers.
  - B) SIC 2823: Cellulosic man-made fibers.
  - C) SIC 2824: Synthetic organic fibers, except cellulosic.
  - D) SIC 2865: Cyclic crudes and intermediates, dyes, and organic pigments.
  - E) SIC 2869: Industrial organic chemicals, not elsewhere classified.
- 2) This Subpart O applies to wastewater discharges from OCPSF research and development, pilot plant, technical service, and laboratory bench-scale operations if such operations are conducted in conjunction with and related to existing OCPSF manufacturing activities at the plant site.
- 3) Notwithstanding subsection (b)(1) ~~of this Section~~, this Subpart O does not apply to discharges resulting from the manufacture of OCPSF products if the products are included in the following SIC subgroups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, and if the products have in the past been reported by the establishment under these subgroups and not under the SIC groups listed in subsection (b)(1) ~~of this Section~~:
- A) SIC 2843085: Bulk surface active agents.
  - B) SIC 28914: Synthetic resin and rubber adhesives.
  - C) Chemicals and chemical preparations not elsewhere classified:
    - i) SIC 2899568: Sizes, all types.
    - ii) SIC 2899597: Other industrial chemical ~~specialties~~specialities, including fluxes, plastic wood preparations, and embalming fluids.
  - D) SIC 2911058: Aromatic hydrocarbons manufactured from purchased refinery products.

- E) SIC 2911632: Aliphatic hydrocarbons manufactured from purchased refinery products.
- 4) Notwithstanding subsection (b)(1) ~~of this Section~~, this Subpart O does not apply to any discharges for which a different set of previously promulgated standards in this Part apply, unless the facility reports OCPSF products under SIC codes 2865, 2869, or 2821, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, and the facility's OCPSF wastewaters are discharged separately to a POTW.
- 5) This Subpart O does not apply to any process wastewater discharge from the manufacture of organic chemical compounds solely by extraction from plant and animal raw materials or by fermentation processes.
- 6) Discharges of chromium, copper, lead, nickel, and zinc in “complexed metal-bearing waste streams,” listed in 35 Ill. Adm. Code ~~Section~~ 307.2491, are not subject to this Subpart O.
- 7) Non-amenable cyanide-
- A) Discharges of cyanide in “cyanide-bearing waste streams,” listed in 35 Ill. Adm. Code ~~Section~~ 307.2490, are not subject to the cyanide limitations of this Subpart O if both of the following occur:
- i) The Control Authority determines that the cyanide limitations are not achievable due to elevated levels of non-amenable cyanide (i.e., cyanide that is not oxidized by chlorine treatment) that result from the unavoidable complexing of cyanide at the process source of the cyanide-bearing waste stream, and
  - ii) The control authority establishes an alternative total cyanide or amenable cyanide limitation that reflects the best available technology economically achievable.
- B) The control authority must base its determination made pursuant to subsection (b)(7)(A) ~~of this Section~~ on a review of the relevant engineering, production, and sampling and analytical information at its disposal, including measurements of both total and amenable cyanide in the waste stream.
- C) The control authority must set forth its determination made pursuant to subsection (b)(7)(A) ~~of this Section~~ in a written analysis of the extent of complexing in the waste stream and its

impact on cyanide treatability, based on the information at its disposal.

- D) Alternative cyanide discharge limitation determinations made pursuant to this subsection (b)(7) are subject to the limitations of 35 Ill. Adm. Code~~Section~~ 307.1103. Provided, however, Section 307.1103 may not be used to allow a discharge of total cyanide in excess of that otherwise allowed by this subsection (b)(7).
- 8) Allowances for non-metal-bearing waste streams-
- A) The control authority must establish discharge limitations for lead and zinc for waste streams not listed in 35 Ill. Adm. Code~~Section~~ 307.2490 and not otherwise determined to be “metal-bearing waste streams” if it determines that the wastewater metals contamination is due to background levels that are not reasonably avoidable, from such sources as intake water, corrosion of materials of construction, or contamination of raw materials.
- B) The control authority must base its determination made pursuant to subsection (b)(8)(A) ~~of this Section~~ on a review of relevant plant operating conditions, process chemistry, engineering, and sampling and analytical information.
- C) The control authority must set forth its determination made pursuant to subsection (b)(8)(A) ~~of this Section~~ in a written analysis of the sources and levels of the metals, based on the information at its disposal.
- D) The control authority may establish limitations for lead and zinc for non-metal-bearing waste streams for the purposes of subsection (b)(8)(A) ~~of this Section~~ between the following levels:
- i) The lowest level that the control authority determines, based on best professional judgment, can be reliably measured; and
  - ii) The concentration of such metals present in the waste streams, but not to exceed the applicable limitations contained in 35 Ill. Adm. Code~~Sections~~ 307.2401 through 307.2407.
  - iii) For zinc, the applicable limitations that the discharge must not exceed are those appearing in the tables in 35 Ill. Adm. Code~~Sections~~ 307.2401 through 307.2407, not the alternative limitations for rayon fiber manufacture by the

viscose process, as set forth in footnote 2 to the table in 40 CFR 414.25, incorporated by reference at 35 Ill. Adm. Code ~~Section~~ 307.2401(c)(1), or the alternative limitations for acrylic fiber manufacture by the zinc chloride/solvent process, as set forth in footnote 2 to the table in 40 CFR 414.35, each incorporated by reference at 35 Ill. Adm. Code ~~Section~~ 307.2402(c)(1).

- E) The limitations for individual dischargers must be set on a mass basis, by multiplying the concentration allowance established by the control authority times the process wastewater flow from the individual waste streams in which incidental metals are present.
- c) Compliance date. All dischargers subject to a pretreatment standard for existing sources in this Subpart O must have complied with the standard by no later than November 5, 1990.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2401 Rayon Fibers**

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of rayon fiber by the viscose process only.
- b) Specialized definitions. None.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 414.25 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 414.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.2402 Other Fibers

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the products classified under SIC 2823, cellulosic man-made fibers and fiber groups, except rayon, and under SIC 2824, synthetic organic fibers and fiber groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, listed below. Product groups are indicated with an asterisk (\*).

\*Acrylic fibers (85% Polyacrylonitrile)

\*Cellulose acetate fibers

\*Fluorocarbon (Teflon) fibers

\*Modacrylic fibers

\*Nylon 6 fibers

Nylon 6 monofilament

\*Nylon 66 fibers

Nylon 66 monofilament

\*Polyamide fibers (Quiana)

\*Polyaramid (Kevlar) resin-fibers

\*Polyaramid (Nomex) resin-fibers

\*Polyester fibers

\*Polyethylene fibers

\*Polypropylene fibers

\*Polyurethane fibers (Spandex)

- b) Specialized definitions. None.

- c) Existing sources-

1) The Board incorporates by reference 40 CFR 414.35 (2003). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources-

1) The Board incorporates by reference 40 CFR 414.36 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2403 Thermoplastic Resins**

- a) **Applicability.** This Section applies to discharges of process wastewater resulting from the manufacture of the products classified under SIC 28213, thermoplastic resins and thermoplastic resin groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, listed below. Product groups are indicated with an asterisk (\*).

- \*Abietic acid-derivatives
- \*ABS resins
- \*ABS-SAN resins
- \*Acrylate-methacrylate latexes
- \*Acrylic latex
- \*Acrylic resins
- \*Cellulose acetate butyrates
- Cellulose acetate resin
- \*Cellulose acetates
- \*Cellulose acetates priopionates
- Cellulose nitrate
- \*Ethylene-methacrylic acid copolymers
- \*Ethylene-vinyl acetate copolymers
- \*Fatty acid resins
- \*Fluorocarbon polymers
- Nylon 11 resin
- \*Nylon 6-66 copolymers
- \*Nylon 6-Nylon 11 blends
- Nylon 6 resin
- Nylon 612 resin
- Nylon 66 resin
- \*Nylons
- \*Petroleum hydrocarbon resins
- \*Polyvinyl pyrrolidone-copolymers
- \*Poly(alpha)olefins
- Polyacrylic acid
- \*Polyamides
- \*Polyarylamides
- \*Polybutadiene

- \*Polybutenes
- Polybutyl succinic anhydride
- \*Polycarbonates
- \*Polyester resins
- \*Polyester resins, Polybutylene terephthalate
- \*Polyester resins, Polyoxybenzoate
- Polyethylene
- \*Polyethylene-ethyl acrylate resins
- \*Polyethylene-polyvinyl acetate copolymers
- Polyethylene resin (HDPE)
- Polyethylene resin (LDPE)
- Polyethylene resin, scrap
- Polyethylene resin, wax (low molecular weight)
- Polyethylene resin, latex
- Polyethylene resins
- \*Polyethylene resins, compounded
- \*Polyethylene, chlorinated
- \*Polyimides
- \*Polypropylene resins
- Polystyrene (crystal)
- Polystyrene (crystal) modified
- \*Polystyrene--copolymers
- \*Polystyrene-acrylic latexes
- Polystyrene impact resins
- Polystyrene latex
- Polystyrene, expandable
- Polystyrene, expanded
- \*Polysulfone resins
- Polyvinyl acetate
- \*Polyvinyl acetate-PVC copolymers
- \*Polyvinyl acetate copolymers
- \*Polyvinyl acetate resins
- Polyvinyl alcohol resin
- Polyvinyl chloride
- Polyvinyl chloride, chlorinated
- \*Polyvinyl ether-maleic anhydride
- \*Polyvinyl formal resins
- \*Polyvinylacetate-methacrylic copolymers
- \*Polyvinylacetate acrylic copolymers
- \*Polyvinylacetate-2-ethylhexylacrylate copolymers
- Polyvinylidene chloride
- \*Polyvinylidene chloride copolymers
- \*Polyvinylidene-vinyl chloride resins
- \*PVC copolymers, acrylates (Latex)
- \*PVC copolymers, ethylene-vinyl chloride
- \*Rosin derivative resins

- \*Rosin modified resins
- \*Rosin resins
- \*SAN resins
- \*Silicones--silicone resin
- \*Silicones--silicone rubbers
- \*Styrene-maleic anhydride resins
- Styrene polymeric residue
- \*Styrene-acrylic copolymer resins
- \*Styrene-acrylonitrile-acrylates copolymers
- \*Styrene-butadiene resins
- \*Styrene-butadiene resins (less than 50% butadiene)
- \*Styrene-butadiene resins (Latex)
- \*Styrene-divinylbenzene resins (ion exchange)
- \*Styrene-methacrylate terpolymer resins
- \*Styrene-methyl methacrylate copolymers
- \*Styrene-butadiene-vinyl toluene terpolymers
- \*Sulfonated styrene-maleic anhydride resins
- \*Unsaturated polyester resins
- \*Vinyl toluene resins
- \*Vinyl toluene-acrylate resins
- \*Vinyl toluene-butadiene resins
- \*Vinyl toluene-methacrylate resins
- \*Vinyl acetate-n-butylacrylate copolymers

- b) Specialized definitions. None.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 414.45 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of ~~this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 414.46 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of ~~this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 21, 1983.



(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.2404 Thermosetting Resins

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the products classified under SIC 28214, thermosetting resins and thermosetting resin groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, listed below. Product groups are indicated with an asterisk (\*).

- \*Alkyd resins
- Dicyanodiamide resin
- \*Epoxy resins
- \*Fumaric acid polyesters
- \*Furan resins
- Glyoxal-urea formaldehyde textile resin
- \*Ketone-formaldehyde resins
- \*Melamine resins
- \*Phenolic resins
- \*Polyacetal resins
- \*Polyacrylamide
- \*Polyurethane prepolymers
- \*Polyurethane resins
- \*Urea formaldehyde resins
- \*Urea resins

- b) Specialized definitions. None.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 414.55 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of ~~this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 414.56 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of ~~this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.2405 Commodity Organic Chemicals

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the products classified under SIC 2865 or 2869, commodity organic chemicals and commodity organic chemical groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, listed below. Product groups are indicated with an asterisk (\*).

- 1) Aliphatic organic chemicals-

Acetaldehyde  
 Acetic acid  
 Acetic anhydride  
 Acetone  
 Acrylonitrile  
 Adipic acid  
 1,3-Butadiene  
 \*Butylenes (Butenes)  
 Cyclohexane  
 1,2-Dichloroethane  
 Ethanol  
 Ethylene  
 Ethylene glycol  
 Ethylene oxide  
 Formaldehyde  
 Isopropanol  
 Methanol  
 Polyoxypropylene glycol  
 Propylene  
 Propylene oxide  
 Vinyl acetate

- 2) Aromatic organic chemicals-

Benzene  
 Cumene  
 Dimethyl terephthalate  
 Ethylbenzene  
 Phenol

\*Pitch tar residues  
 Pyrolysis gasolines  
 Styrene  
 Terephthalic acid  
 Toluene  
 \*Xylenes, mixed  
 o-Xylene  
 m-Xylene (impure)  
 p-Xylene

3) Halogenated organic compounds-

Vinyl chloride

b) Specialized definitions. None.

c) Existing sources-

- 1) The Board incorporates by reference 40 CFR 414.65 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources-

- 1) The Board incorporates by reference 40 CFR 414.66 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) For discharges of wastewater resulting from the manufacture of butadiene by any process that includes the oxidative dehydrogenation of butene, "new source" means any building, structure, facility, or installation the construction of which commenced after December 17, 1973. For other sources, "new source" means any building, structure, facility, or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.2406 Bulk Organic Chemicals

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the products classified under SIC 2865 or 2869, bulk organic chemicals and bulk organic chemical groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, listed below. Product groups are indicated with an asterisk (\*).

1) Aliphatic organic chemicals-

- \*Acetic acid esters
- \*Acetic acid salts
- Acetone cyanohydrin
- Acetylene
- Acrylic acid
- \*Acrylic acid esters
- n-alkanes
- \*Alkylates
- Butane (all forms)
- 1-Butene
- 1,4-Butanediol
- 2-Butene (cis and trans)
- n-butyl acetate
- n-butyl alcohol
- sec-butyl alcohol
- tert-butyl alcohol
- n-butyraldehyde
- n-butyric acid
- n-butyric anhydride
- C4 hydrocarbons (unsaturated)
- Calcium stearate
- Caprolactam
- Carboxymethyl cellulose
- Cellulose acetate butyrates
- \*Cellulose ethers
- Cumene hydroperoxide
- Cyclohexanol
- Cyclohexanol-cyclohexanone (mixed)
- Cyclohexanone
- Cyclohexene
- \*C12-C18 primary alcohols (mixed)
- \*C5 concentrates
- \*C9 concentrates
- Decanol
- Diacetone alcohol

\*Dicarboxylic acids-salts  
Diethyl ether  
Diethylene glycol  
Diethylene glycol diethyl ether  
Diethylene glycol dimethyl ether  
Diethylene glycol monoethyl ether  
Diethylene glycol monomethyl ether  
\*Dimer acids  
Dioxane  
Ethane  
2-Ethylbutyraldehyde  
Ethylene glycol monophenyl ether  
\*Ethoxylates, miscellaneous  
Ethylene glycol dimethyl ether  
Ethylene glycol monobutyl ether  
Ethylene glycol monoethyl ether  
Ethylene glycol monomethyl ether  
2-Ethylhexanol  
Glycerine (synthetic)  
Glyoxal  
Hexane  
\*Hexane and other C6 hydrocarbons  
Isobutanol  
Isobutyl acetate  
Isobutylene  
Isobutyraldehyde  
Isophorone  
Isophthalic acid  
Isoprene  
Isopropyl acetate  
Ligninsulfonic acid, calcium salt  
Maleic anhydride  
Methacrylic acid  
\*Methacrylic acid esters  
Methane  
Methyl ethyl ketone  
Methyl methacrylate  
Methyl tert-butyl ether  
Methyl isobutyl ketone  
Nitrilotriacetic acid  
Nylon salt  
\*alpha-olefins  
Oxalic acid  
\*Oxo-aldehydes-alcohols  
\*n-parafins  
Pentaerythritol

Pentane  
 1-Pentene  
 \*Pentenes  
 \*Petroleum sulfonates  
 Pine oil  
 Polyoxybutylene glycol  
 Polyoxyethylene glycol  
 Propane  
 PropionaldehydePropionic acid  
 n-propyl acetate  
 n-propyl alcohol  
 Propylene glycol  
 Sodium formate  
 Sorbitol  
 Stearic acid, calcium salt (wax)  
 2,2,4-Trimethyl-1, 3-pentanediol

2) Amine and amide organic chemicals-

\*Alkyl amines  
 Aniline  
 n-butylamine  
 sec-butylamine  
 tert-butylamine  
 Caprolactam, aqueous concentrate  
 2,4-Diaminotoluene  
 Diethanolamine  
 N,N-diethylaniline  
 2,6-Dimethylaniline  
 N,N-dimethylformamide  
 Diphenylamine  
 \*Ethanolamines  
 Ethylamine  
 Ethylenediamine  
 Ethylenediaminetetraacetic acid  
 \*Fatty amines  
 Hexamethylenediamine  
 4-(N-Hydroxyethylethylamino)-2-hydroxyethylaniline  
 Isopropylamine  
 Melamine  
 Melamine crystal  
 \*Methylamines  
 4,4'-Methylenebis(N,N'-dimethyl) aniline  
 Methyleneedianiline4,4'-Methyleneedianiline  
 \*Nitroanilines  
 o-Phenylenediamine

1,4-Phenylenediamine dihydrochloride  
 Polymeric methylene dianiline  
 Toluenediamine (mixture)  
 m-Toluidine  
 \*Toluidines

3) Aromatic organic chemicals-

\*Alkyl benzenes  
 \*Alkyl phenols  
 \*Alkylbenzene sulfonic acids, salts  
 Aminobenzoic acid (meta and para)  
 Benzenedisulfonic acid  
 Benzoic acid  
 Bis(2-ethylhexyl)phthalate  
 Bisphenol A  
 BTX--benzene-toluene-xylene (mixed)  
 Butyl octyl phthalate  
 tert-butylphenol  
 Coal tar  
 \*Coal tar products (miscellaneous)  
 Creosote  
 o-Cresol  
 m-Cresol  
 p-Cresol  
 \*Cresols, mixed  
 Cyanuric acid  
 \*Cyclic aromatic sulfonates  
 Dibutyl phthalate  
 Diisobutyl phthalate  
 Diisodecyl phthalate  
 Diisooctyl phthalate  
 Dimethyl phthalate  
 2,4-Dinitrotoluene  
 2,6-Dinitrotoluene  
 Dinitrotoluene (mixed)  
 Ditridecyl phthalate  
 Metanilic acid  
 Methylenediphenyldiisocyanate  
 alpha-methylstyrene  
 Naphthalene  
 beta-naphthalene sulfonic acid  
 \*Naphthas, solvent  
 Nitrobenzene  
 Nitrotoluene  
 Nonylphenol

Phthalic acid  
Phthalic anhydride  
\*Tars-pitches  
\*Toluenediisocyanates (mixture)  
Trimellitic acid  
1-Tetralol, 1-tetralone mix

4) Halogenated organic chemicals-

Allyl chloride  
Benzyl chloride  
Carbon tetrachloride  
\*Chlorinated paraffins, 35-44% chlorine  
Chlorobenzene  
\*Chlorobenzenes (mixed)  
Chlorodifluoroethane  
Chloroform  
\*Chloromethanes  
2-Chloro-5-methylphenol (6-Chloro-m-cresol)  
\*Chlorophenols  
Chloroprene  
Cyanogen chloride  
Cyanuric chloride  
1,1-Dichloroethane  
2,4-Dichlorophenol  
Dichloropropane  
Epichlorohydrin  
Ethyl chloride  
\*Fluorocarbons (Freons)  
Methyl chloride  
Methylene chloride  
Pentachlorophenol  
Phosgene  
Tetrachloroethylene  
1,1,1-Trichloroethane  
Trichloroethylene  
Trichlorofluoromethane  
Vinylidene chloride

5) Other organic chemicals-

Adiponitrile  
Carbon disulfide  
Fatty nitriles  
\*Organo-tin compounds  
\*Phosphate esters



Tetraethyl lead  
 Tetramethyl lead  
 \*Urethane prepolymers  
 \*Waxes, emulsions-dispersions

- b) Specialized definitions. None.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 414.75 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 414.76 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2407 Specialty Organic Chemicals**

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of any SIC 2865 or 2869 organic chemicals and organic chemical groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, that are not defined as commodity or bulk organic chemicals in Section 307.2405 or 307.2406.
- b) Specialized definitions. None.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 414.85 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 414.86 (2003) ~~of this Section~~. This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2410 Indirect Discharge Point Sources**

- a) Applicability. The Board hereby incorporates 40 CFR 414.11 (2005). This incorporation includes no later amendments or editions. This Section applies to discharge of process wastewater resulting from the manufacture of the OCPSF products and product groups defined by 40 CFR 414.11 from any indirect discharge point source.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 414.111 (2005). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources. All sources are treated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART P: NORGANIC CHEMICALS MANUFACTURING**

**Section 307.2501 Aluminum Chloride Production**

- a) Applicability. This Section applies to discharges resulting from the production of aluminum chloride.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 415.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.2502 Aluminum Sulfate Production**

- a) Applicability. This Section applies to discharges resulting from the production of aluminum sulfate.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 415.24 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2503 Calcium Carbide Production**

- a) Applicability. This Section applies to discharges resulting from the production of calcium carbide in uncovered furnaces.
- b) Specialized definitions. None.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 415.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2504 Calcium Chloride Production**

- a) Applicability. This Section applies to discharges resulting from the production of calcium chloride by the brine extraction process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.41 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 415.46 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2505 Calcium Oxide Production**

- a) Applicability. This Section applies to discharges resulting from the production of calcium oxide.
- b) Specialized definitions. None.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.56 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2506 Chlor-Alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)**

- a) Applicability. This Section applies to discharges resulting from the production of chlorine and sodium or potassium hydroxide by the diaphragm cell process or by the mercury cell process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.61 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-

- 1) The Board incorporates by reference 40 CFR 415.64 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 415.66 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2508 Hydrofluoric Acid Production**

- a) Applicability. This Section applies to discharges resulting from the production of hydrofluoric acid.
- b) Specialized definitions. None.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.86 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.2509 Hydrogen Peroxide Production**

- a) Applicability. This Section applies to discharges resulting from the production of hydrogen peroxide by the electrolytic process or by the oxidation of alkyl hydroanthraquinones.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.91 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.2511 Potassium Metal Production**

- a) Applicability. This Section applies to discharges resulting from the production of potassium metal.
- b) Specialized definitions. None.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.116 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.2512 Potassium Dichromate Production**

- a) Applicability. This Section applies to discharges resulting from the production of potassium dichromate.

- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 415.124 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.126 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2513 Potassium Sulfate Production**

- a) Applicability. This Section applies to discharges resulting from the production of potassium sulfate.
- b) Specialized definitions. None.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.136 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.



(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2514 Sodium Bicarbonate Production**

- a) Applicability. This Section applies to discharges resulting from the production of sodium bicarbonate.
- b) Specialized definitions. None.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.146 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2516 Sodium Chloride Production**

- a) Applicability. This Section applies to discharges resulting from the production of sodium chloride by the solution brine-mining process or by the solar evaporation process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.161 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.166 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2517 Sodium Dichromate and Sodium Sulfate Production**

- a) Applicability. This Section applies to discharges resulting from the production of sodium dichromate and by-product sodium sulfate.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.171 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.176 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2520 Sodium Sulfite Production**

- a) Applicability. This Section applies to discharges resulting from the production of sodium sulfite by reacting sulfur dioxide with sodium carbonate.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.201 (2003). This incorporation includes no later amendments or editions.
- c) Existing source. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-

- 1) The Board incorporates by reference 40 CFR 415.206 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2522 Titanium Dioxide Production**

- a) Applicability. This Section applies to discharges resulting from the production of titanium dioxide by the sulfate process, the chloride process, or the simultaneous beneficiation-chlorination (chloride-ilmenite) process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.221 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.226 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2523 Aluminum Fluoride Production**

- a) Applicability. This Section applies to discharges resulting from the production of aluminum fluoride.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.231 (2003). This incorporation includes no later amendments or editions.

- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.2524 Ammonium Chloride Production**

- a) Applicability. This Section applies to discharges resulting from the production of ammonium chloride by the reaction of anhydrous ammonia with hydrogen chloride gas or by the recovery process from Solvay process wastes.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.241 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.2527 Borax Production**

- a) Applicability. This Section applies to discharges resulting from the production of borax by the ore mining process or by the Trona process.
- b) Specialized definitions. None.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.2528 Boric Acid Production**

- a) Applicability. This Section applies to discharges resulting from the production of boric acid from ore-mined borax or from borax produced by the Trona process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.281 (2003). This incorporation includes no later amendments or editions.

- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2529 Bromine Production**

- a) Applicability. This Section applies to discharges resulting from the production of bromine by the brine-mining process or by the Trona process.
- b) Specialized definitions. None.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.296 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2530 Calcium Carbonate Production**

- a) Applicability. This Section applies to discharges resulting from the production of calcium carbonate by the milk of lime process or by the recovery process from Solvay process wastes.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.301 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.2531 Calcium Hydroxide Production**

- a) Applicability. This Section applies to discharges resulting from the production of calcium hydroxide by the lime slaking process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.311 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.316 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.2533 Carbon Monoxide and Byproduct Hydrogen Production**

- a) Applicability. This Section applies to discharges resulting from the production of carbon monoxide and by-product hydrogen by the reforming process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.331 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.2534 Chrome Pigments Production**

- a) Applicability. This Section applies to discharges resulting from the production of chrome pigments.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.341 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 415.344 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.346 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2535 Chromic Acid Production**

- a) Applicability. This Section applies to discharges resulting from the production of chromic acid in facilities that also manufacture sodium dichromate.
- b) Specialized definitions. None.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.356 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2536 Copper Salts Production**

- a) **Applicability.** This Section applies to discharges resulting from the production of copper salts, including the following.
- 1) Copper sulfate, copper chloride, copper iodide and copper nitrate, and
  - 2) Copper carbonate.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 415.361 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
- 1) The Board incorporates by reference 40 CFR 415.364 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources.**
- 1) The Board incorporates by reference 40 CFR 415.366 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2538 Ferric Chloride Production**

- a) **Applicability.** This Section applies to discharges resulting from the production of ferric chloride from pickle liquor.



- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.381 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 415.384 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.386 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2540 Fluorine Production**

- a) Applicability. This Section applies to discharges resulting from the production of fluorine by the liquid hydrofluoric acid electrolysis process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.401 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.406 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2541 Hydrogen Production**

- a) **Applicability.** This Section applies to discharges resulting from the production of hydrogen as a refinery by-product.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 415.411 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources.** These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) **New sources.** All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2542 Hydrogen Cyanide Production**

- a) **Applicability.** This Section applies to discharges resulting from the production of hydrogen cyanide by the Andrussow process.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 415.421 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources.** These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) **New sources-**
- 1) The Board incorporates by reference 40 CFR 415.426 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.2543 Iodine Production**

- a) Applicability. This Section applies to discharges resulting from the production of iodine.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.431 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.436 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.2544 Lead Monoxide Production**

- a) Applicability. This Section applies to discharges resulting from the production of lead monoxide.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.441 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 415.444 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-

- 1) The Board incorporates by reference 40 CFR 415.446 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2545 Lithium Carbonate Production**

- a) Applicability. This Section applies to discharges resulting from the production of lithium carbonate by the Trona process or from spodumene ore.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.451 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2547 Nickel Salts Production**

- a) Applicability. This Section applies to discharges resulting from the production of nickel salts, including the following:
  - 1) Nickel sulfate, nickel chloride, nickel nitrate, and nickel fluoborate, and
  - 2) Nickel carbonate.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.471 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 415.474 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.476 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.2549 Oxygen and Nitrogen Production**

- a) Applicability. This Section applies to discharges resulting from the production of oxygen and nitrogen by air liquification.
- b) Specialized definitions. None.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.2550 Potassium Chloride Production**

- a) Applicability. This Section applies to discharges resulting from the production of potassium chloride by the Trona process or by the mining process.
- b) Specialized definitions. None.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.506 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2551 Potassium Iodide Production**

- a) Applicability. This Section applies to discharges resulting from the production of potassium iodide.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.511 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and special pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2553 Silver Nitrate Production**

- a) Applicability. This Section applies to discharges resulting from the production of silver nitrate.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.531 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 415.534 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.2554 Sodium Bisulfite Production

- a) Applicability. This Section applies to discharges resulting from the production of sodium bisulfite.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.541 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.546 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 24, 1980.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.2555 Sodium Fluoride Production

- a) Applicability. This Section applies to discharges resulting from the production of sodium fluoride by the anhydrous neutralization process or by the silico-fluoride process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.551 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 415.554 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-

- 1) The Board incorporates by reference 40 CFR 415.556 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2560 Stannic Oxide Production**

- a) Applicability. This Section applies to discharges resulting from the production of stannic oxide by the reaction of tin metal with air or oxygen.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.601 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.606 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2563 Zinc Sulfate Production**

- a) Applicability. This Section applies to discharges resulting from the production of zinc sulfate.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.631 (2003). This incorporation includes no later amendments or editions.



- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.636 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2564 Cadmium Pigments and Salts Production**

- a) Applicability. This Section applies to discharges resulting from the production of cadmium pigments and salts including cadmium chloride, cadmium nitrate, and cadmium sulfate.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.641 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 415.644 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.646 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2565 Cobalt Salts Production**

- a) Applicability. This Section applies to discharges resulting from the production of cobalt salts.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.651 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 415.654 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.656 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 28 Ill. Reg. 3076, effective February 6, 2004)

### **Section 307.2566 Sodium Chlorate Production**

- a) Applicability. This Section applies to discharges resulting from the production of sodium chlorate.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.661 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-

- 1) The Board incorporates by reference 40 CFR 415.666 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2567 Zinc Chloride Production**

- a) Applicability. This Section applies to discharges resulting from the production of zinc chloride.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 415.671 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 415.674 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 415.676 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 25, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART R: SOAP AND DETERGENTS

### Section 307.2701 Soap Manufacturing by Batch Kettle

- a) Applicability. This Section applies to discharges resulting from operations in which neat soap is produced through saponification of animal and vegetable fats and oils by boiling in kettles.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 417.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 417.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.2702 Fatty Acid Manufacturing by Fat Splitting

- a) Applicability. This Section applies to discharges resulting from the splitting of fats to fatty acids by hydrolysis and the subsequent processing of the fatty acids (e.g., refining and hydrogenation) to produce a suitable feed material for manufacture of soap by fatty acid neutralization.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-

- 1) The Board incorporates by reference 40 CFR 417.24 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 417.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2703 Soap Manufacturing by Fatty Acid Neutralization**

- a) **Applicability.** This Section applies to discharges resulting from the manufacturing of neat soap by neutralizing refined fatty acids with an alkaline material in approximately stoichiometric amounts in batch or continuous operations.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 417.31 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 417.34 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 417.36 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.2704 Glycerine Concentration**

- a) **Applicability.** This Section applies to discharges resulting from the concentration of sweet water from saponification or fat splitting to approximately 60 to 80 percent crude glycerine content.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 417.41 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 417.44 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 417.46 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.2705 Glycerine Distillation**

- a) **Applicability.** This Section applies to discharges resulting from the production of finished glycerine of various grades (e.g., USP) through concentration from crude glycerine by means of distillation.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.51 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 417.54 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 417.56 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2706 Manufacture of Soap Flakes and Powders**

- a) Applicability. This Section applies to discharges resulting from all operations associated with the manufacture of soap flakes and powders, commencing with the drying of the neat soap to and including packaging of the finished flakes and powders.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.61 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 417.64 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources-
- 1) The Board incorporates by reference 40 CFR 417.66 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2707 Manufacture of Bar Soaps**

- a) **Applicability.** This Section applies to discharges resulting from all operations associated with conversion of neat soap to finished bar soaps, including drying, milling, plodding, stamping, and packaging.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 417.71 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 417.74 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 417.76 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



### Section 307.2708 Manufacture of Liquid Soaps

- a) Applicability. This Section applies to discharges resulting from the blending of ingredients employed in the manufacture of liquid soaps and the packaging of the finished products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.81 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 417.84 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 417.86 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.2709 Oleum Sulfonation and Sulfation

- a) Applicability. This Section applies to discharges resulting from the manufacture of sulfonic acid and sulfuric acid esters by means of sulfonation and sulfation of raw materials, including but not limited to petroleum derived alkyls, employing oleum in either continuous or batch processes.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.91 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-

- 1) The Board incorporates by reference 40 CFR 417.94 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 417.96 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.2710 Air-Sulfur Trioxide Sulfation and Sulfonation**

- a) **Applicability.** This Section applies to discharges resulting from the manufacture of sulfonic acid and sulfuric acid esters by means of sulfation and sulfonation employing air and sulfur trioxide in either continuous or batch processes.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 417.101 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 417.104 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 417.106 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2711 Sulfur Trioxide Solvent and Vacuum Sulfonation**

- a) **Applicability.** This Section applies to discharges resulting from the operations in which undiluted sulfur trioxide and organic reactant are fed through a mixing nozzle into a vacuum reactor where the sulfonation of the organic reactant takes place.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 417.111 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 417.114 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 417.116 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2712 Sulfamic Acid Sulfation**

- a) **Applicability.** This Section applies to discharges resulting from operations in which sulfamic acid is employed as the sulfating agent.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.121 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 417.124 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 417.126 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2713 Chlorosulfonic Acid Sulfation**

- a) Applicability. This Section applies to discharges resulting from sulfation of alcohols, alkylphenols, and alcohol ethoxylates utilizing chlorosulfonic acid as the sulfating agent.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.131 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 417.134 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-

- 1) The Board incorporates by reference 40 CFR 417.136 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.2714 Neutralization of Sulfuric Acid Esters and Sulfonic Acids**

- a) Applicability. This Section applies to discharges resulting from the continuous or batch neutralization of sulfated and sulfonated alkylbenzenes, alcohols, and other materials to convert them to neutral salts.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.141 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 417.144 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 417.146 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.2715 Manufacture of Spray Dried Detergents

- a) Applicability. This Section applies to discharges resulting from all operations associated with the manufacture of spray dried detergents, including but not limited to assembly and storage of raw materials, crutching, spray drying, blending (including tumble spraying or additives), and packaging.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.151 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 417.156 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.2716 Manufacture of Liquid Detergents

- a) Applicability. This Section applies to discharges resulting from all operations associated with the manufacture of liquid detergents, commencing with the blending of ingredients, to and including bottling or packaging finished products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.161 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 417.166 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2717 Manufacturing of Detergents by Dry Blending**

- a) Applicability. This Section applies to discharges resulting from operations associated with the manufacture of detergents by means of the blending of dry ingredients, including, but not limited to, blending and subsequent packaging.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.171 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 417.176 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2718 Manufacture of Drum Dried Detergents**

- a) Applicability. This Section applies to discharges resulting from operations associated with the manufacture of detergents by drum drying, including, but not limited to, drying of formulations on heated drums or rollers, conversion of dried detergents to powders or flakes, and packaging of finished products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.181 (2003). This incorporation includes no later amendments or editions.

- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 417.186 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2719 Manufacture of Detergent Bars and Cakes**

- a) Applicability. This Section applies to discharges resulting from operations associated with the manufacture of detergent bars and cakes, including, but not limited to, drying, milling, plodding, stamping, and packaging.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 417.191 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 417.194 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 417.196 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 26, 1973.



(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART S: FERTILIZER MANUFACTURING**

### **Section 307.2801 Phosphate**

- a) **Applicability.** This Section applies to discharges resulting from the manufacture of sulfuric acid by sulfur burning, wet process phosphoric acid, normal superphosphate, triple superphosphate, and ammonium phosphate.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 418.11 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources.** These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 418.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2802 Ammonia**

- a) **Applicability.** This Section applies to discharges resulting from the manufacture of ammonia. Discharges attributable to shipping losses and cooling tower blowdown are excluded.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 418.21 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources.** These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) **New sources-**

- 1) The Board incorporates by reference 40 CFR 418.26 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2803 Urea**

- a) Applicability. This Section applies to discharges resulting from the manufacture of urea. Discharges attributable to shipping losses and precipitation runoff from outside the battery limits of the urea manufacturing operations and cooling tower blowdown are excluded.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 418.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 418.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2804 Ammonium Nitrate**

- a) Applicability. This Section applies to discharges resulting from the manufacture of ammonium nitrate.
- b) These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2805 Nitric Acid**

- a) Applicability. This Section applies to discharges resulting from production of nitric acid in concentrations up to 68 percent. Discharges from shipping losses are excluded.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 418.51 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 418.56 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 7, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2806 Ammonium Sulfate Production**

- a) Applicability. This Section applies to discharges resulting from the production of ammonium sulfate by the synthetic process or by coke oven byproduct recovery. This Section does not apply to ammonium sulfate produced as a byproduct of caprolactam production.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 418.61 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 418.66 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 7, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2807 Mixed and Blend Fertilizer Production**

- a) Applicability. This Section applies to discharges resulting from the production of mixed fertilizer and blend fertilizer.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 418.71 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 418.76 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 7, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART T: PETROLEUM REFINING**

### **Section 307.2901 Topping**

- a) Applicability. This Section applies to discharges from any facility that produces petroleum products by the use of topping and catalytic reforming, whether or not the facility includes any other process in addition to topping and catalytic reforming. This Section does not apply to facilities that include thermal processes (coking, vis-breaking, etc.) or catalytic cracking.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 419.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 419.15 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 419.17 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 21, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2902 Cracking**

- a) Applicability. This Section applies to discharges from any facility that produces petroleum products by the use of topping and cracking, whether or not the facility includes any process in addition to topping and cracking. This Section does not apply, however, to facilities that include the processes specified in 35 Ill. Adm. Code Sections 307.2903, 307.2904, and 307.2905.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 419.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 419.25 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources-
- 1) The Board incorporates by reference 40 CFR 419.27 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 21, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2903 Petrochemical**

- a) **Applicability.** This Section applies to discharges from any facility that produces petroleum products by the use of topping, cracking, and petrochemical operations whether or not the facility includes any process in addition to topping, cracking, and petrochemical operations. This Section does not apply, however, to facilities that include the processes specified in 35 Ill. Adm. Code Sections 307.2904 or 307.2905.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 419.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 419.35 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 419.37 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 21, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2904 Lube**

- a) **Applicability.** This Section applies to discharges from any facility that produces petroleum products by the use of topping, cracking, and lube oil manufacturing processes, whether or not the facility includes any process in addition to topping, cracking, and lube oil manufacturing processes. The Section does not apply, however, to facilities that include the processes specified in 35 Ill. Adm. Code Sections 307.2903 and 307.2905.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 419.41 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 419.45 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 419.47 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 21, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.2905 Integrated**

- a) **Applicability.** This Section applies to discharges from any facility that produces petroleum products by the use of topping, cracking, lube oil manufacturing processes, and petrochemical operations, whether or not the facility includes any process in addition to topping, cracking, lube oil manufacturing processes, and petrochemical operations.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 419.51 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 419.55 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 419.57 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 21, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART U: IRON AND STEEL MANUFACTURING

### Section 307.3001 Cokemaking

- a) Applicability. This Section applies to discharges resulting from byproduct and other cokemaking operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.11 (2005). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 420.15 (2005). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-



- 1) The Board incorporates by reference 40 CFR 420.16 (2005), as amended at 70 Fed. Reg. 73623 (December 13, 2005). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 7, 1981.
- e) Compliance date. The Board incorporates by reference 40 CFR 420.18 (2005).
- (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3002 Sintering**

- a) Applicability. This Section applies to discharges resulting from sintering operations conducted by the heating of iron bearing wastes (mill scale and dust from blast furnaces and steelmaking furnaces) together with fine iron ore, limestone, and coke fines in an ignition furnace to produce an agglomerate for charging to the blast furnace.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.21 (2005).
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 420.25 (2005). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 420.26 (2005), as amended at 70 Fed. Reg. 73623 (December 13, 2005). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 7, 1981.
- e) Compliance date. The Board incorporates by reference 40 CFR 420.28 (2005).
- f) Point of compliance monitoring. The Board incorporates by reference 40 CFR 420.29(b) (2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3003 Ironmaking**

- a) Applicability. This Section applies to discharges resulting from ironmaking operations in which iron ore is reduced to molten iron in a blast furnace.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.31 (2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 420.35 (2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 420.36 (2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 7, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3004 Steelmaking**

- a) Applicability. This Section applies to discharges resulting from steelmaking operations conducted in basic oxygen or electric arc furnaces.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.41 (2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002). This incorporation includes no later amendments or editions.
- c) Existing sources.
  - 1) The Board incorporates by reference 40 CFR 420.45 (2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 420.46 (2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 7, 1981.
- e) Compliance date. The Board incorporates by reference 40 CFR 420.48, as added at 67 Fed. Reg. 64216 (October 17, 2002).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3005 Vacuum Degassing**

- a) Applicability. This Section applies to discharges resulting from vacuum degassing operations conducted by applying a vacuum to molten steel.
- b) Specialized definitions. None.
- c) Existing sources-

- 1) The Board incorporates by reference 40 CFR 420.55 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 420.56 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 7, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3006 Continuous Casting**

- a) **Applicability.** This Section applies to discharges resulting from the continuous casting of molten steel into intermediate or semi-finished steel products through water-cooled molds.
- b) **Specialized definitions.** None.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 420.65 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 420.66 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 7, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3007 Hot Forming**

- a) **Applicability.** This Section applies to discharges resulting from hot forming operations conducted in primary, section, flat, and pipe and tube mills.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 420.71 (2002). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
- 1) The Board incorporates by reference 40 CFR 420.75 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources.** These sources must comply with the standards for existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3008 Salt Bath Descaling**

- a) **Applicability.** This Section applies to discharges resulting from oxidizing or reducing salt bath descaling operations.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 420.81 (2002). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
- 1) The Board incorporates by reference 40 CFR 420.85 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**

- 1) The Board incorporates by reference 40 CFR 420.86 (2002). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) “New source” means any building, structure, facility, or installation the construction of which commenced after January 7, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3009 Acid Pickling**

- a) Applicability. This Section applies to discharges resulting from sulfuric acid, hydrochloric acid, or combination acid pickling operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.91 (2002). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 420.95 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 420.96 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) “New source” means any building, structure, facility, or installation the construction of which commenced after January 7, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.3010 Cold Forming

- a) Applicability. This Section applies to discharges resulting from cold rolling and cold working pipe and tube operations in which unheated steel is passed through rolls or otherwise processed to reduce its thickness, to produce a smooth surface, or to develop controlled mechanical properties in the steel.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.101 (2002). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 420.105 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 420.106 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 7, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.3011 Alkaline Cleaning

- a) Applicability. This Section applies to discharges resulting from operations in which steel or steel products are immersed in alkaline cleaning baths to remove mineral or animal fats or oils from the steel, and those rinse operations that follow such immersion.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.111 (2002). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.

- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3012 Hot Coating**

- a) **Applicability.** This Section applies to discharges resulting from operations in which steel is coated with zinc, terne metal, or other metals by the hot dip process, and those rinsing operations associated with that process.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 420.121 (2002). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
- 1) The Board incorporates by reference 40 CFR 420.125 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
- 1) The Board incorporates by reference 40 CFR 420.126 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 7, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3013 Other Operations**

- a) **Applicability.** This Section applies to discharges resulting from production direct-reduced iron and from briquetting and forging operations.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 420.131, as added at 67 Fed. Reg. 64216 (October 17, 2002). This incorporation includes no later amendments or editions.
- c) **Existing sources-**



- 1) The Board incorporates by reference 40 CFR 420.135, as added at 67 Fed. Reg. 64216 (October 17, 2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 420.136, as added at 67 Fed. Reg. 64216 (October 17, 2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 18, 2002.
- e) Compliance date. An existing source must comply with the requirements of this Section no later than October 17, 2005. A new source must comply with the requirements of this Section on the date it begins discharging.

BOARD NOTE: Subsections (d)(3) and (e) ~~of this Section~~ derive from the preamble ~~discussion~~ at 67 Fed. Reg. 64216 (October 17, 2002).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART V: NONFERROUS METALS MANUFACTURING**

### **Section 307.3100 General Provisions**

- a) **Applicability.** This Subpart V applies to any facility producing primary metals from ore concentrates or recovering secondary metals from recycle wastes that introduces or may introduce pollutants into a POTW. This Subpart V applies only to alloying or casting of hot metal directly from the nonferrous metals manufacturing process without cooling. Remelting followed by alloying or cooling is included in the aluminum forming, nonferrous metals forming, or metal molding and casting categories.
- b) This subsection corresponds to 40 CFR 421.2, marked "reserved" by USEPA. This statement maintains structural consistency with the corresponding federal regulations.

- c) Monitoring requirements. The Board incorporates by reference 40 CFR 421.3 (2003). This incorporation includes no later amendments or editions.
- d) Compliance dates. The Board incorporates by reference 40 CFR 421.4 (2003). This incorporation includes no later amendments or editions.
- e) Removal credits. The control authority may grant removal credits underpursuant ~~to~~ 35 Ill. Adm. Code 310.Subpart C~~310.300 et seq.~~ for toxic metals limited in this Subpart V when used as indicator pollutants.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3101 Bauxite Refining**

- a) Applicability. This Section applies to discharges resulting from the refining of bauxite to alumina by the Bayer process or by the combination process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3102 Primary Aluminum Smelting**

- a) Applicability. This Section applies to discharges resulting from the production of aluminum from alumina by the Hall-Herlout process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.21 (2003). This incorporation includes no later amendments or editions.

- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3103 Secondary Aluminum Smelting**

- a) Applicability. This Section applies to discharges resulting from the recovery, processing and remelting of aluminum scrap to produce metallic aluminum alloys.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 421.35 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3104 Primary Copper Smelting**

- a) **Applicability.** This Section applies to discharges resulting from the primary smelting of copper from ore or ore concentrates. Primary copper smelting includes, but is not limited to, roasting, converting, leaching if preceded by a pyrometallurgical step, slag granulation and dumping, fire refining, and the casting of products from these operations.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 421.41 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources.** These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 421.46 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3105 Primary Electrolytic Copper Refining**

- a) **Applicability.** This Section applies to discharges resulting from the electrolytic refining of primary copper, including, ~~but not limited to,~~ anode casting performed at refineries that are not located on-site with a smelter, product casting, and by-product recovery.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 421.51 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources.** These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) **New sources-**

- 1) The Board incorporates by reference 40 CFR 421.56 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3106 Secondary Copper**

- a) **Applicability.** This Section applies to discharges resulting from the recovery, processing and remelting of new and used copper scrap and residues to produce copper metal and copper alloys; but does not apply to continuous rod casting.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 421.61 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 421.65 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 421.66 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3107 Primary Lead**

- a) Applicability. This Section applies to discharges resulting from the production of lead at primary lead smelters and refineries.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.71 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 421.75 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.76 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3108 Primary Zinc**

- a) Applicability. This Section applies to discharges resulting from the production of zinc by either electrolytic or pyrolytic means.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.81 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 421.85 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 421.86 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3109 Metallurgical Acid Plants**

- a) Applicability. This Section applies to discharges resulting from or associated with the manufacture of by-product sulfuric acid at primary smelters, primary copper smelters, primary zinc facilities, primary lead facilities, or primary molybdenum facilities, including associated air pollution control or gas-conditioning systems for sulfur dioxide off-gases from pyrometallurgical operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.91 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 421.95 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.96 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3110 Primary Tungsten**

- a) Applicability. This Section applies to discharges resulting from the production of tungsten at primary tungsten facilities.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.101 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 421.105 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.106 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3111 Primary Columbium-Tantalum**

- a) Applicability. This Section applies to discharges resulting from the production of columbium or tantalum by primary columbium-tantalum facilities.



- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.111 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 421.115 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.116 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3112 Secondary Silver**

- a) Applicability. This Section applies to discharges resulting from the production of silver from secondary silver facilities processing photographic and nonphotographic raw materials.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.121 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 421.125 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-

- 1) The Board incorporates by reference 40 CFR 421.126 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3113 Secondary Lead**

- a) Applicability. This Section applies to discharges resulting from the production of lead by secondary lead facilities.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.131 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 421.135 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.136 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3114 Primary Antimony**

- a) Applicability. This Section applies to discharges resulting from the production of antimony at primary antimony facilities.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.141 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.146 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3115 Primary Beryllium**

- a) Applicability. This Section applies to discharges resulting from the production of beryllium by primary beryllium facilities processing beryllium ore concentrates or beryllium hydroxide raw materials.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.151 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.156 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3116 Primary and Secondary Germanium and Gallium**

- a) **Applicability.** This Section applies to discharges resulting from the production of germanium or gallium from primary or secondary germanium or gallium facilities.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 421.181 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
- 1) The Board incorporates by reference 40 CFR 421.185 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
- 1) The Board incorporates by reference 40 CFR 421.186 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3117 Secondary Indium**

- a) **Applicability.** This Section applies to discharges resulting from the production of indium at secondary indium facilities processing spent electrolyte solutions and scrap indium raw materials.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 421.191 (2003). This incorporation includes no later amendments or editions.

- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 421.195 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.196 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3118 Secondary Mercury**

- a) Applicability. This Section applies to discharges resulting from the production of mercury from secondary mercury facilities processing recycled mercuric oxide batteries and other mercury containing scrap raw materials.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.201 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.206 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3119 Primary Molybdenum and Rhenium**

- a) Applicability. This Section applies to discharges resulting from the production of molybdenum and rhenium facilities.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.211 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 421.216 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3120 Secondary Molybdenum and Vanadium**

- a) Applicability. This Section applies to discharges resulting from the production of molybdenum or vanadium by secondary molybdenum or vanadium facilities.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.221 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 421.226 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3121 Primary Nickel and Cobalt**

- a) Applicability. This Section applies to discharges resulting from the production of nickel or cobalt by primary nickel or cobalt facilities processing ore concentrate raw materials.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.231 (2005). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.236 (2005). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3122 Secondary Nickel**

- a) Applicability. This Section applies to discharges resulting from the production of nickel by secondary nickel facilities processing slag, spent acids, or scrap metal raw materials.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.241 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-

- 1) The Board incorporates by reference 40 CFR 421.245 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 421.246 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3123 Primary Precious Metals and Mercury**

- a) Applicability. This Section applies to discharges resulting from the production of gold, silver, or mercury by primary precious metals and mercury facilities.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.251 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.256 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



**Section 307.3124 Secondary Precious Metals**

- a) Applicability. This Section applies to discharges resulting from the production of precious metals at secondary precious metals facilities.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.261 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 421.265 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.266 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3125 Primary Rare Earth Metals**

- a) Applicability. This Section applies to discharges resulting from the production of rare earth metals and mischmetal by primary rare earth metals facilities processing rare earth metal oxides, chlorides, or fluorides.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.271 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 421.275 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 421.276 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3126 Secondary Tantalum**

- a) Applicability. This Section applies to discharges resulting from the production of tantalum at secondary tantalum facilities.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.281 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.286 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.3127 Secondary Tin

- a) Applicability. This Section applies to discharges resulting from the production of tin at secondary tin facilities utilizing either pyrometallurgical or hydrometallurgical processes to recover tin from secondary materials.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.291 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 421.295 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.296 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.3128 Primary and Secondary Titanium

- a) Applicability. This Section applies to discharges resulting from the production of titanium at primary or secondary titanium facilities. Facilities that practice only vacuum distillation for sponge purification and which do not practice electrolytic recovery of magnesium are exempt from regulations. All other primary and secondary titanium facilities are covered by these regulations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.301 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-

- 1) The Board incorporates by reference 40 CFR 421.305 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 421.306 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3129 Secondary Tungsten and Cobalt**

- a) **Applicability.** This Section applies to discharges resulting from the production of tungsten or cobalt at secondary tungsten or cobalt facilities processing tungsten or tungsten carbide raw materials.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 421.311 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 421.315 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 421.316 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3130 Secondary Uranium**

- a) **Applicability.** This Section applies to discharges resulting from the production of uranium (including depleted uranium) by secondary uranium facilities.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 421.321 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources.** These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 421.326 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3131 Primary Zirconium and Hafnium**

- a) **Applicability.** This Section applies to discharges resulting from the production of zirconium or hafnium at primary zirconium or hafnium facilities. There are two levels of pretreatment standards for existing and new sources. Facilities that produce zirconium or zirconium/nickel alloys only by magnesium reduction of zirconium dioxide are subject only to the provisions of Subpart B ~~of this Part~~. All other facilities are subject to this Section.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 421.331 (2003). This incorporation includes no later amendments or editions.

- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 421.336 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 46 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 (2020), as amended at 85 Fed. Reg. 64650 (Oct. 13, 2020). This incorporation includes no later amendments or editions.
- c) Existing Sources
  - 1) The Board incorporates by reference 40 CFR 423.13(g)(3)(i) and 423.16 (2020), as amended at 85 Fed. Reg. 64650 (Oct. 13, 2020); 40 CFR 423.13(k)(3) and (o), 423.18, and 423.19, as added at 85 Fed. Reg. 64650 (Oct. 13, 2020); and appendix A to 40 CFR 423 (2020). These incorporations include no later amendments or editions.
    - A) Flue Gas Desulfurization (FGD) Wastewater Discharges by Electric Generating Units (EGUs) Seeking Voluntary Incentives Participation (VIP). The owner or operator of an EGU opting into

VIP, may seek to operate under alternative standards for FGD wastewater, as defined in 40 CFR 423.11(n), incorporated by reference in subsection (b), discharges as provided in 40 CFR 423.13(g)(3)(i) after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (h).

BOARD NOTE: This subsection (c)(1)(A) derives from 40 CFR 423.13(g)(3)(i) and 423.19(h). USEPA calls VIP “Voluntary Incentives Program,” and the Board evokes enough of that name as is evocative but stops short of using the same name. USEPA stated that its Voluntary Incentives Program applies only to direct discharges and is not finalized as to indirect discharges. 85 Fed. Reg. 64650, 64660, 64675 (Oct. 13, 2020). USEPA’s rules, however, expressly contemplate applying its elements to indirect discharges. See 40 CFR 423.19(h)(3).

- B) Flue Gas Desulfurization (FGD) Wastewater Discharges by EGUs Initiating Cessation of Coal Burning. The owner or operator of an EGU that will undergo permanent cessation of coal combustion, as defined in 40 CFR 423.11(w), incorporated by reference in subsection (b), may seek to operate under alternative standards for FGD wastewater, as defined in 40 CFR 423.11(n), incorporated by reference in subsection (b), discharges as provided in 40 CFR 423.16(e)(1) after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (f).

BOARD NOTE: This subsection (c)(1)(B) derives from 40 CFR 423.16(e)(1) and 423.19(f).

- C) Notice of Material Delay. An EGU that will undergo permanent cessation of coal combustion or one that opted into VIP under alternative standards under subsection (c)(1)(A) operating under alternative standards under subsection (c)(1)(B) must submit a notice of significant delay as required by 40 CFR 423.19(j).

BOARD NOTE: This subsection (c)(1)(C) derives from 40 CFR 423.19(j).

- D) FGD Wastewater Discharges by Low Utilization EGUs (LUEGUs). The owner or operator of an EGU that qualifies as a LUEGU, as defined in 40 CFR 423.11(z), incorporated by reference in subsection (b), may seek to operate under the alternative standards for FGD wastewater, as defined in 40 CFR 423.11(n), incorporated by reference in subsection (b), discharges provided in 40 CFR 423.16(e)(2) after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (e).

BOARD NOTE: This subsection (c)(1)(D) derives from 40 CFR 423.16(e)(2) and 423.19(e).

- E) Bottom Ash (BA) Transport Water Discharges. Discharge of BA transport water, as defined in 40 CFR 423.11(p), incorporated by reference in subsection (b), is prohibited and only allowed as provided in 40 CFR 423.16(g) after complying with the best management practices requirements of 40 CFR 423.13(k)(3) and fulfilling the certification requirements in 40 CFR 423.19(a) through (d).

BOARD NOTE: This subsection (c)(1)(E) derives from 40 CFR 423.13(k)(3), 423.16(g), and 423.19(c) and (d).

- F) EGUs Seeking to Transfer Between Applicable Discharge Limitations. Subject to the limitations in subsection (c)(1)(G), the owner or operator of an EGU may seek to transfer applicable discharge standards, as provided in 40 CFR 423.13(o), after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (i). The permissible transfers are the following:
- i) Before December 31, 2023, from limitations applicable to an EGU initiating cessation of coal combustion under subsection (c)(1)(B) to those applicable to a LUEGU under subsection (c)(1)(D);
  - ii) Before December 31, 2023, from VIP limitations under subsection (c)(1)(A) to those applicable to a LUEGU under subsection (c)(1)(D);
  - iii) Before December 31, 2025, from VIP limitations under subsection (c)(1)(A) to those applicable to an EGU initiating cessation of coal combustion under subsection (c)(1)(D);
  - iv) Before December 31, 2025, from limitations applicable to an EGU initiating cessation of coal combustion under subsection (c)(1)(B) to VIP limitations under subsection (c)(1)(A);
  - v) Before December 31, 2025, from limitations applicable to a LUEGU under subsection (c)(1)(D) to generally applicable limitations for discharges of FGD wastewater and BA transport water under 40 CFR 423.16;



- vi) Before December 31, 2025, from limitations applicable to a LUEGU under subsection (c)(1)(D) to VIP limitations under subsection (c)(1)(A); and
- vii) Before December 31, 2025, from limitations applicable to a LUEGU under subsection (c)(1)(D) to those applicable to an EGU initiating cessation of coal combustion under subsection (c)(1)(B).

BOARD NOTE: This subsection (c)(1)(F) derives from 40 CFR 423.13(o) and 423.19(i). USEPA calls VIP “Voluntary Incentives Program,” and the Board evokes enough of that name as is evocative but stops short of using the same name. USEPA stated that its Voluntary Incentives Program applies only to direct discharges and is not finalized as to indirect discharges. 85 Fed. Reg. 64650, 64708 n. 166 (Oct. 13, 2020). USEPA’s rules, however, expressly contemplate applying its elements to indirect discharges. See 40 CFR 423.19(i)(1).

- G) Conditions for Transfer Between Applicable Discharge Limitations. Conditions apply to transfer between applicable discharge limitations:
  - i) An EGU must comply with all currently applicable requirements before filing notice under 40 CFR 423.19(i) seeking transfer to other applicable discharge limitations, as provided in 40 CFR 423.13(o)(2); and
  - ii) An EGU seeking a transfer described in subsections (c)(1)(F)(iii) through (c)(1)(F)(vii) must comply with more stringent limitations that already apply, instead of the less stringent limitations sought.

BOARD NOTE: This subsection (c)(1)(G) derives from 40 CFR 423.13(o)(2) and (o)(3).

- H) An EGU that would otherwise qualify as an LUEGU or as ceasing combustion of coal before December 31, 2028 will continue to qualify if the conditions in 40 CFR 423.18 are true and after the owner or operator fulfills the certification requirements in 40 CFR 423.19(a), (b), and (g).

BOARD NOTE: This subsection (c)(1)(H) derives from 40 CFR 423.16(e)(1) and (e)(2), 423.18, and 423.19(g). The requirements of 40 CFR 423.18 directly apply to conditions in NPDES permits. The certification requirement of 40 CFR 423.19(g) allows the

discharge standards for the LUEGU or EGU ceasing coal combustion subcategory continue to continue to apply to indirect dischargers under the same circumstances and conditions.

- 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 (2020). 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 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART Y: FERROALLOY MANUFACTURING**

### **Section 307.3401 Open Electric Furnaces With Wet Air Pollution Control Devices**

- a) **Applicability.** This Section applies to discharges resulting from the smelting of ferroalloys in open electric furnaces with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration that the furnace off-gases are burned above the furnace charge level by air drawn into the system. After combustion the gases are cleaned in a wet air pollution control device, such as a scrubber, an electrostatic precipitator with water or other aqueous sprays, etc. The provisions of the Section are not applicable to noncontact cooling water or to those electric furnaces that are covered, closed, sealed, or semi-covered and in which the furnace off-gases are not burned prior to collection (regulated in 35 Ill. Adm. Code Section 301.3402).
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 424.11 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources.** These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) **New sources-**

- 1) The Board incorporates by reference 40 CFR 424.16 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 18, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3402 Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices**

- a) **Applicability.** This Section applies to discharges resulting from the smelting of ferroalloys in covered electric furnaces or other smelting operations, not elsewhere included in this Subpart, with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration (known as covered, closed, sealed, semi-covered, or semi-closed furnaces) that the furnace off-gases are not burned prior to collection and cleaning, and which off-gases are cleaned after collection in a wet air pollution control device such as a scrubber, "wet" baghouse, etc. This subcategory also includes those non-electric furnace smelting operations, such as exothermic (i.e., aluminothermic or silicothermic) smelting, ferromanganese refining, etc., where these are controlled for air pollution by wet air pollution control devices. This subcategory does not include noncontact cooling water or those furnaces that utilize dry dust collection techniques, such as dry baghouses.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 424.21 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources.** These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 424.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 18, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3403 Slag Processing**

- a) Applicability. This Section applies to discharges resulting from slag processing in which either of the following occurs:
  - 1) The residual metal values in the furnace slag are recovered via concentration for return to the furnace; or
  - 2) The slag is "shotted" for further use.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 424.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 424.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 18, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3404 Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices**

- a) Applicability. This Section applies to discharges resulting from the production of calcium carbide in covered electric furnaces that use wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration (known as covered, closed, sealed, semi-covered, or semi-closed furnaces) that the furnace off-gases are not burned prior to collection and cleaning, and which off-gases are cleaned after collection in a wet air pollution control device such as a scrubber, "wet" baghouse, etc. This subcategory does not include noncontact cooling water or those furnaces that utilize dry dust collection techniques, such as dry baghouses.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 424.41 (2005). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3405 Other Calcium Carbide Furnaces**

- a) Applicability. This Section applies to discharges resulting from the production of calcium carbide in those covered furnaces that do not utilize wet air pollution control methods. Covered calcium carbide furnaces using wet air pollution control devices are regulated in 35 Ill. Adm. Code ~~Section 307.3404~~. Open (uncovered) calcium carbide furnaces are regulated in Subpart P ~~of this Part~~, Inorganic Chemicals Manufacturing.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 424.51 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3406 Electrolytic Manganese Products**

- a) Applicability. This Section applies to discharges resulting from the manufacture of electrolytic manganese products, such as electrolytic manganese metal or electrolytic manganese dioxide.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 424.61 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3407 Electrolytic Chromium**

- a) Applicability. This Section applies to discharges resulting from the manufacture of chromium metal by the electrolytic process. It does not apply to the manufacture of chromium metal by aluminothermic or other methods.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 424.71 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART Z: LEATHER TANNING AND FINISHING**

#### **Section 307.3501 Hair Pulp, Chrome Tan, Retan-Wet Finish**

- a) Applicability. This Section applies to discharges resulting from any tannery which, either exclusively or in addition to other unhairing and tanning operations, processes raw or cured cattle or cattle-like hides into finished leather by chemically dissolving the hide hair, chrome tanning, and retan-wet finishing.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 425.15 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 425.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3502 Hair Save, Chrome Tan, Retan-Wet Finish**

- a) **Applicability.** This Section applies to discharges resulting from any tannery that processes raw or cured cattle or cattle-like hides into finished leather by hair save unhairing, chrome tanning, and retan-wet finishing.
- b) **Specialized definitions.** None.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 425.25 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 425.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3503 Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish**

- a) **Applicability.** This Section applies to discharges resulting from any tannery that processes raw or cured cattle or cattle-like hides into finished leather by hair save or pulp unhairing, vegetable tanning, or alum, syntans, oils, and other agents for tanning and retan-wet finishing.
- b) **Specialized definitions.** None.
- c) **Existing sources-**

- 1) The Board incorporates by reference 40 CFR 425.35 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 425.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.3504 Retan-Wet Finish-Sides**

- a) Applicability. This Section applies to discharges resulting from any tannery that processes previously tanned hides and skins (grade side only) into finished leather by retan-wet finishing.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 425.45 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 425.46 (2003). This incorporation includes no later amendments or editions.



- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3505 No Beamhouse**

- a) **Applicability.** This Section applies to discharges resulting from any tannery that processes cattle hides, sheepskins, or splits (hair previously removed and pickled) into finished leather by chrome or non-chrome tanning, and retan-wet finishing.
- b) **Specialized definitions.** None.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 425.55 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 425.56 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3506 Through-the-Blue**

- a) **Applicability.** This Section applies to discharges resulting from any tannery that processes raw or cured cattle or cattle-like hides through the blue tanned state by hair pulp unhairing and chrome tanning; no retan-wet finishing is performed.

- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 425.65 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 425.66 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) New source means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3507 Shearling**

- a) Applicability. This Section applies to discharges resulting from any tannery that processes raw or cured sheep or sheep-like skins with the wool or hair retained into finished leather by chrome tanning and retan-wet finishing.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 425.75 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 425.76 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3508 Pigskin**

- a) **Applicability.** This Section applies to discharges resulting from any tannery that processes raw or cured pigskins into finished leather by chemically dissolving or pulping the hair and tanning with chrome, then retan-wet finishing.
- b) **Specialized definitions.** None.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 425.85 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 425.86 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) New source means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3509 Retan-Wet Finish-Splits**

- a) **Applicability.** This Section applies to discharges resulting from any tannery that processes previously unhaired and tanned splits into finished leather by retan-wet finishing.

- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 425.95 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 425.96 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART BA: GLASS MANUFACTURING**

### **Section 307.3601 Insulation Fiberglass**

- a) Applicability. This Section applies to discharges resulting from the production of insulation fiberglass in which molten glass is either directly or indirectly made, continuously fiberized, and chemically bonded into a wool-like material.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 426.16 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 22, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3602 Sheet Glass Manufacturing**

- a) **Applicability.** This Section applies to discharges resulting from the process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet, and other ingredients) are mixed, melted in a furnace, and drawn vertically from a melting tank to form sheet glass.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 426.21 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 426.24 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 426.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3603 Rolled Glass Manufacturing**

- a) **Applicability.** This Section applies to discharges resulting from the process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet, and

other ingredients) are mixed, melted in a furnace, and cooled by rollers to form rolled glass.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 426.34 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 426.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3604 Plate Glass Manufacturing**

- a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet, and other ingredients) are melted in a furnace, pressed between rollers, and finally ground and polished to form plate glass.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.41 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 426.44 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 426.46 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3605 Float Glass Manufacturing**

- a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (sand, soda ash, limestone, dolomite, cullet and other ingredients) are mixed, melted in a furnace, and floated on a molten tin bath to produce float glass.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.51 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 426.56 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.3606 Automotive Glass Tempering

- a) Applicability. This Section applies to discharges resulting from the processes in which glass is cut and then passed through a series of processes that grind and polish the edges, bend the glass, and then temper the glass to produce side and back windows for automobiles.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.61 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 426.64 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 426.66 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.3607 Automotive Glass Laminating

- a) Applicability. This Section applies to discharges resulting from the processes that laminate a plastic sheet between two layers of glass, or which prepare the glass for lamination such as cutting, bending, and washing, to produce automobile windshields.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.71 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.



- d) New sources-
- 1) The Board incorporates by reference 40 CFR 426.76 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 17, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3608 Glass Container Manufacturing**

- a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and mechanically processed into glass containers.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.81 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 426.86 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3610 Glass Tubing (Danner) Manufacturing**

- a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and glass tubing mechanically drawn

from the furnace horizontally by means of the Danner process, which requires the intermittent quenching of cullet.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.101 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 426.106 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3611 Television Picture Tube Envelope Manufacturing**

- a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and processed into television picture tube envelopes.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.111 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 426.116 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3612 Incandescent Lamp Envelope Manufacturing**

- a) Applicability. This Section applies to discharges resulting from the processes by which either of the following occurs:
  - 1) Raw materials are melted in a furnace and mechanically processed into incandescent lamp envelopes; or
  - 2) Incandescent lamp envelopes are etched with hydrofluoric acid to produce frosted envelopes.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.121 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 426.126 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3613 Hand Pressed and Blown Glass Manufacturing**

- a) Applicability. This Section applies to discharges resulting from the process by which raw materials are melted in a furnace and processed by hand into pressed or blown glassware. This includes those plants in which any of the following occurs:
  - 1) Produce leaded glass and employ hydrofluoric acid finishing techniques;
  - 2) Produce non-leaded glass and employ hydrofluoric acid finishing techniques; or

- 3) Produce leaded or non-leaded glass and do not employ hydrofluoric acid finishing techniques.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 426.131 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 426.136 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 21, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART BB: ASBESTOS MANUFACTURING**

### **Section 307.3701 Asbestos-Cement Pipe**

- a) Applicability. This Section applies to discharges resulting from the process in which asbestos, Portland cement, silica, and other ingredients are used in the manufacturing of asbestos-cement pipe.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 427.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-

- 1) The Board incorporates by reference 40 CFR 427.16 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3702 Asbestos-Cement Sheet**

- a) **Applicability.** This Section applies to discharges resulting from the process in which asbestos, Portland cement, silica, and other ingredients are used in the manufacturing of asbestos-cement sheets. Discharges resulting from manufacture of asbestos-cement sheet laboratory tops are specifically excluded from the provisions of this Section.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 427.21 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 427.24 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 427.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3703 Asbestos Paper (Starch Binder)**

- a) **Applicability.** This Section applies to discharges resulting from the process in which asbestos, starch binders, and other ingredients are used in the manufacture of asbestos paper (starch binder).
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 427.31 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
- 1) The Board incorporates by reference 40 CFR 427.34 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
- 1) The Board incorporates by reference 40 CFR 427.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3704 Asbestos Paper (Elastomeric Binder)**

- a) **Applicability.** This Section applies to discharges resulting from the process in which asbestos, elastomeric binder, and other ingredients are used in the manufacture of asbestos paper (elastomeric binder).
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 427.41 (2003). This incorporation includes no later amendments or editions.

- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 427.44 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 427.46 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3705 Asbestos Millboard**

- a) **Applicability.** This Section applies to discharges resulting from the process in which asbestos in combination with various other materials such as cement, starch, clay, lime, and mineral wool are used in the manufacture of asbestos millboard.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 427.51 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 427.54 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-

- 1) The Board incorporates by reference 40 CFR 427.56 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3706 Asbestos Roofing**

- a) Applicability. This Section applies to discharges resulting from the process in which asbestos paper is saturated with asphalt or coal tar with the subsequent application of various surface treatments to produce asbestos roofing products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.61 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 427.64 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 427.66 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



### Section 307.3707 Asbestos Floor Tile

- a) Applicability. This Section applies to discharges resulting from the process in which asbestos, polyvinyl chloride resin, chemical stabilizers, limestone, and other fillers are used in the manufacture of asbestos floor tile.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.71 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 427.74 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 427.76 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 30, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.3708 Coating or Finishing of Asbestos Textiles

- a) Applicability. This Section applies to discharges resulting from the process of coating or impregnating asbestos textiles with materials that impart specific desired qualities to the finished product.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.81 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-

- 1) The Board incorporates by reference 40 CFR 427.86 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 29, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3709 Solvent Recovery**

- a) Applicability. This Section applies to discharges resulting from the process of solvent recovery in the manufacture of asbestos products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.91 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 427.96 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 29, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3710 Vapor Absorption**

- a) Applicability. This Section applies to discharges resulting from the removal of volatilized organic materials from atmospheric emissions by means of wet scrubbers.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.101 (2003). This incorporation includes no later amendments or editions.

- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 427.106 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 29, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3711 Wet Dust Collection**

- a) Applicability. This Section applies to discharges resulting from the removal of dust (particulates) from atmospheric emissions by means of wet scrubbers.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 427.111 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 427.116 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 29, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART BC: RUBBER MANUFACTURING

### Section 307.3801 Tire and Inner Tube Plants

- a) Applicability. This Section applies to discharges resulting from the production of pneumatic tires and inner tubes in tire and inner tube plants.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 428.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.3802 Emulsion Crumb Rubber

- a) Applicability. This Section applies to discharges resulting from the manufacture of emulsion crumb rubber, other than acrylonitrilebutadiene rubber.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3803 Solution Crumb Rubber**

- a) Applicability. This Section applies to discharges resulting from the manufacture of crumb rubber.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3804 Latex Rubber**

- a) Applicability. This Section applies to discharges resulting from the manufacture of latex rubber.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.41 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 428.46 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3805 Small-Sized General Molded, Extruded, and Fabricated Rubber Plants**

- a) Applicability. This Section applies to discharges resulting from the production of molded, extruded, or fabricated rubber products; foam rubber backing, rubber cement-dipped goods; or retreaded tires by small-sized plants. Specifically

excluded from this Section are discharges resulting from the production of latex-based products, tires and inner tubes, and those discharges from textile plants subject to Subpart K ~~of this Part~~.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.51 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 428.56 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3806 Medium-Sized General Molded, Extruded, and Fabricated Rubber Plants**

- a) Applicability. This Section applies to discharges resulting from the production of molded, extruded, or fabricated rubber products; foam rubber backing, rubber cement-dipped goods; or retreaded tires by medium-sized plants. Specifically excluded from this Section are discharges resulting from the production of latex-based products, tires and inner tubes, and discharges from textile plants subject to the provisions of Subpart K ~~of this Part~~.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.61 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 428.66 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3807 Large-Sized General Molded, Extruded, and Fabricated Rubber Plants**

- a) **Applicability.** This Section applies to discharges resulting from the production of molded, extruded, or fabricated rubber products; foam rubber backing, rubber cement-dipped goods; or retreaded tires by large-sized plants. Specifically excluded from this Section are discharges resulting from the production of latex-based products, tires and inner tubes, and discharges from textile plants subject to Subpart K ~~of this Part~~.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 428.71 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources.** These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 428.76 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3808 Wet Digestion Reclaimed Rubber**

- a) **Applicability.** This Section applies to discharges resulting from the production of reclaimed rubber by use of the wet digestion process.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 428.81 (2003). This incorporation includes no later amendments or editions.

- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 428.86 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3809 Pan, Dry Digestion, and Mechanical Reclaimed Rubber**

- a) Applicability. This Section applies to discharges resulting from the production of reclaimed rubber except when produced by the wet digestion process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.91 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 428.96 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



### **Section 307.3810 Latex-Dipped, Latex-Extruded, and Latex-Molded Rubber**

- a) Applicability. This Section applies to discharges resulting from the manufacture of latex-dipped, latex-extruded, or latex-molded products with the exception of discharges from textile plants subject to Subpart K ~~of this Part~~.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.101 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 428.106 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3811 Latex Foam**

- a) Applicability. This Section applies to discharges resulting from the manufacture of latex foam except for discharges from textile plants subject to Subpart K ~~of this Part~~.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 428.111 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 428.116 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after December 18, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART BD: TIMBER PRODUCTS PROCESSING**

### **Section 307.3901 Barking**

- a) **Applicability.** This Section applies to discharges resulting from the barking of logs by plants in SIC major group 24, or from plants producing insulation board (SIC group 2661), as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107.
- b) **Specialized definitions.** None.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 429.25 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 429.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3902 Veneer**

- a) Applicability. This Section applies to discharges resulting from any plant that manufactures veneer and does not store or hold raw materials in wet storage conditions.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 429.35 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 429.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3903 Plywood**

- a) Applicability. This Section applies to discharges resulting from any plywood production plant that does not store or hold raw materials in wet storage conditions.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 429.45 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 429.46 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.3904 Dry Process Hardboard**

- a) Applicability. This Section applies to discharges resulting from any plant that produces hardboard products using the dry matting process for forming the board mat.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 429.55 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 429.56 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3905 Wet Process Hardboard**

- a) Applicability. This Section applies to discharges resulting from any plant that produces hardboard products using the wet matting process for forming the board mat.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 429.65 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 429.66 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3906 Wood Preserving—Water Borne or Nonpressure**

- a) Applicability. This Section applies to discharges resulting from all nonpressure wood preserving treatment processes or all pressure wood preserving treatment processes employing water borne inorganic salts.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 429.75 (2011). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 429.76 (2011). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3907 Wood Preserving—Steam**

- a) **Applicability.** This Section applies to discharges resulting from wood-preserving processes that use direct steam impingement on wood as the predominant conditioning method, processes that use the vapor drying process as the predominant conditioning method, direct steam conditioning processes that use the same retort to treat both salt and oil type preservatives, or steam conditioning processes that apply both salt type and oil type preservatives to the same stock.
- b) **Specialized definitions.** None.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 429.85 (2011). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 429.86 (2011). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3908 Wood Preserving—Boulton**

- a) Applicability. This Section applies to discharges resulting from wood preserving operations that use the Boulton process as the predominant method of conditioning stock.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 429.95 (2011). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 429.96 (2011). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3909 Wet Storage**

- a) Applicability. This Section applies to discharges resulting from the storage of unprocessed wood, i.e., the storage of logs or roundwood before or after removal of bark in self-contained bodies of water (mill ponds or log ponds), or the storage

of logs or roundwood on land during which water is sprayed or deposited intentionally on the logs (wet decking).

- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 429.105 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 429.106 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3910 Log Washing**

- a) Applicability. This Section applies to discharges resulting from the log washing process in which water under pressure is applied to logs for the purpose of removing foreign material from the surface of the log before further processing.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 429.115 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-



- 1) The Board incorporates by reference 40 CFR 429.116 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3911 Sawmills and Planing Mills**

- a) Applicability. This Section applies to discharges resulting from the timber products processing procedures that include all or part of the following operations: bark removal (other than hydraulic barking as defined in 35 Ill. Adm. Code Section 307.3901), sawing, resawing, edging, trimming, planing, and machining.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 429.125 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 429.126 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3912 Finishing**

- a) Applicability. This Section applies to discharges resulting from the drying, planing, dipping, staining, end coating, moisture proofing, fabrication, or by-product utilization timber processing operations not otherwise covered by specific guidelines and standards.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 429.135 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 429.136 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3913 Particleboard Manufacturing**

- a) Applicability. This Section applies to discharges resulting from any plant that manufactures particleboard.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 429.145 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 429.146 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.3914 Insulation Board**

- a) Applicability. This Section applies to discharges resulting from plants that produce insulation board using wood as the primary raw material. Specifically excluded from this Section is the manufacture of insulation board from the primary raw material bagasse.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 429.155 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 429.156 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3915 Wood Furniture and Fixture Production without Water Wash Spray Booths or without Laundry Facilities**

- a) Applicability. This Section applies to discharges resulting from the manufacture of wood furniture and fixtures at the following establishments:
- 1) Those that do not utilize water wash spray booths to collect and contain the overspray from spray application of finishing materials; and
  - 2) Those that do not maintain on-site laundry facilities for fabric utilized in various finishing operations.
- b) Specialized definitions. None.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 429.165 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 429.166 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.3916 Wood Furniture and Fixture Production with Water Wash Spray Booths or with Laundry Facilities**

- a) Applicability. This Section applies to discharges resulting from the manufacture of wood furniture and fixtures at establishments that do either of the following:
  - 1) Those that utilize water wash spray booths to collect and contain the overspray from spray application of finishing materials; or
  - 2) Those that utilize on-site laundry facilities for fabric utilized in various finishing operations.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 429.175 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 429.176 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 31, 1979.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.4001 Dissolving Kraft**

- a) Applicability. This Section applies to discharges resulting from the production of dissolving pulp at kraft mills.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.11 (2002). This incorporation includes no later amendments or editions.

- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 430.16 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 430.17 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4002 Bleached Papergrade Kraft and Soda**

- a) Applicability. This Section applies to discharges resulting from any of the following: the production of market pulp at bleached kraft mills; the integrated production of paperboard, coarse paper, and tissue paper at bleached kraft mills; the integrated production of pulp and fine papers at bleached kraft mills; and the integrated production of pulp and paper at soda mills.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.21 (2002). This incorporation includes no later amendments or editions.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 430.26 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-

- 1) The Board incorporates by reference 40 CFR 430.27 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 6, 1981.
- e) Best management practices. The Board incorporates by reference 40 CFR 430.28 (2002). This incorporation includes no later amendments or editions.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4003 Unbleached Kraft**

- a) **Applicability.** This Section applies to discharges resulting from any of the following: the production of pulp and paper at unbleached kraft mills, the production of pulp and paper at unbleached kraft-neutral sulfite semi-chemical (cross recovery) mills, and the production of pulp and paper at combined unbleached kraft and semi-chemical mills, wherein the spent semi-chemical cooking liquor is burned within the unbleached kraft chemical recovery system.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 430.31 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 430.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 430.37 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4004 Dissolving Sulfite**

- a) Applicability. This Section applies to discharges resulting from the production of pulp at dissolving sulfite mills.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.41 (2002). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 430.46 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 430.47 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4005 Papergrade Sulfite**

- a) Applicability. This Section applies to discharges resulting from any of the following: the integrated production of pulp and paper at papergrade sulfite mills where blow pit pulp washing techniques are used and the integrated production of pulp and paper at papergrade sulfite mills where vacuum or pressure drums are used to wash pulp.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.51 (2003). This incorporation includes no later amendments or editions.



- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 430.56 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 430.57 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4006 Semi-Chemical**

- a) Applicability. This Section applies to discharges resulting from the integrated production of pulp and paper at semi-chemical mills.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.61 (2002). This incorporation includes no later amendments or editions.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 430.66 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 430.67 (2002). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4007 Mechanical Pulp**

- a) **Applicability.** This Section applies to discharges resulting from any of the following: the production of pulp and paper at groundwood chemi-mechanical mills; the production of pulp and paper at groundwood mills through the application of the thermo-mechanical process; the integrated production of pulp and coarse paper, molded pulp products, and newsprint at groundwood mills; and the integrated production of pulp and fine paper at groundwood mills.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 430.71 (2002). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 430.76 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 430.77 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.4008 Non-Wood Chemical Pulp

- a) Applicability. This Section applies to discharges resulting from the production of pulp and paper at non-wood chemical pulp mills. This sub-category includes, ~~but is not limited to,~~ mills producing non-wood pulps from chemical pulping processes such as kraft, sulfite, or soda.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.81 (2002). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 430.86 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 430.87 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.4009 Secondary Fiber Deink

- a) Applicability. This Section applies to discharges resulting from the integrated production of pulp and paper at deink mills.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.91 (2002). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 430.96 (2002). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 430.97 (2002). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.4010 Secondary Fiber Non-Deink**

- a) Applicability. This Section applies to discharges resulting from the production of any of the following: paperboard from wastepaper, tissue paper from wastepaper without deinking at secondary fiber mills, molded products from wastepaper without deinking at secondary fiber mills, and builders' paper and roofing felt from wastepaper.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.101 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 430.106 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 430.107 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4011 Fine and Lightweight Papers from Purchased Pulp**

- a) **Applicability.** This Section applies to discharges resulting from the production of any of the following: fine paper at non-integrated mills and lightweight paper at non-integrated mills.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 430.111 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 430.116 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 430.117 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4012 Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp**

- a) **Applicability.** This Section applies to discharges resulting from the production of tissue papers at non-integrated mills, filter and non-woven papers at non-

integrated mills, and paperboard at non-integrated mills. The production of electrical grades of board and matrix board is not included in this Subpart BE.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 430.121 (2002). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART BG: MEAT PRODUCTS**

#### **Section 307.4201 Simple Slaughterhouse**

- a) Applicability. This Section applies to discharges resulting from the production of red meat carcasses, in whole or part, by simple slaughterhouses.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 432.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 432.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 29, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4202 Complex Slaughterhouse**

- a) Applicability. This Section applies to discharges resulting from the production of red meat carcasses, in whole or part, by complex slaughterhouses.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 432.24 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 432.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 29, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4203 Low-Processing Packinghouse**

- a) Applicability. This Section applies to discharges resulting from the production of red meat carcasses in whole or part, by low-processing packinghouses.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 432.34 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 432.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 29, 1973.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.4204 High-Processing Packinghouse**

- a) Applicability. This Section applies to discharges resulting from the production of red meat carcasses, in whole or part, by high-processing packinghouses.
  - b) Specialized definitions. The Board incorporates by reference 40 CFR 432.41 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 432.44 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 432.46 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after October 29, 1973.



(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4205 Small Processor**

- a) **Applicability.** This Section applies to discharges resulting from the production of finished meat products such as fresh meat cuts, smoked products, canned products, hams, sausages, luncheon meats, or similar products by a small processor.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 432.51 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources.** These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 432.56 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4206 Meat Cutter**

- a) **Applicability.** This Section applies to discharges resulting from the fabrication or manufacture of fresh meat cuts such as steaks, roasts, chops, etc. by a meat cutter.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 432.61 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources.** These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 432.66 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4207 Sausage and Luncheon Meats Processor**

- a) Applicability. This Section applies to discharges resulting from the manufacture of fresh meat cuts, sausage, bologna, and other luncheon meats by a sausage and luncheon meat processor.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.71 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 432.76 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4208 Ham Processor**

- a) Applicability. This Section applies to discharges resulting from the manufacture of hams alone or in combination with other finished products by a ham processor.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.81 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.

- d) New sources-
- 1) The Board incorporates by reference 40 CFR 432.86 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4209 Canned Meats Processor**

- a) **Applicability.** This Section applies to discharges resulting from the manufacture of canned meats, alone or in combination with any other finished products, by a canned meats processor.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 432.91 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources.** These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 432.96 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4210 Renderer**

- a) **Applicability.** This Section applies to discharges resulting from the manufacture of meat meal, dried animal by-product residues (tankage), animal oils, grease, and tallow, perhaps including hide curing, by a renderer.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 432.101 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 432.106 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 28, 1974.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART BH: METAL FINISHING**

### **Section 307.4300 General Provisions**

- a) Applicability. Except as provided in subsection (a)(3) or (a)(4) ~~of this Section~~, this Subpart BH applies to discharges resulting from plants that perform on any basis material any of the six metal finishing operations listed in subsection (a)(1) ~~of this Section~~. If any of those six operations are present, then this Subpart BH applies also to discharges from the forty process operations specified in subsection (a)(2) ~~of this Section~~.
  - 1) Six metal finishing operations. Electroplating, electrolessplating, anodizing, coating (chromating, phosphating, and coloring), chemical etching and milling, and printed circuit board manufacture.
  - 2) Forty additional process operations. Cleaning, machining, grinding, polishing, tumbling, burnishing, impact deformation, pressure deformation, shearing, heat treating, thermal cutting, welding, brazing, soldering, flame spraying, sand blasting, other abrasive jet machining, electric discharge machining, electrochemical machining, electron beam machining, laser beam machining, plasma arc machining, ultrasonic machining, sintering, laminating, hot dip coating, sputtering, vapor plating, thermal infusion, salt bath descaling, solvent degreasing, paint stripping, painting, electrostatic painting, electropainting, vacuum metalizing, assembly, calibration, testing, and mechanical plating.

- 3) Exclusions. This Subpart BH does not apply if there are pretreatment standards that are effective and applicable for the following industrial categories:
- A) Nonferrous metal smelting and refining (Subpart V ~~of this Part~~);
  - B) Coil coating (Subpart CN ~~of this Part~~);
  - C) Porcelain enameling (Subpart CO ~~of this Part~~);
  - D) Battery manufacturing (Subpart CJ ~~of this Part~~);
  - E) Iron and steel (Subpart U ~~of this Part~~);
  - F) Metal casting foundries (Subpart CM ~~of this Part~~);
  - G) Aluminum forming (Subpart CP ~~of this Part~~);
  - H) Copper forming (Subpart CQ ~~of this Part~~);
  - I) Plastic molding and forming (Subpart CL ~~of this Part~~);
  - J) Nonferrous forming (Subpart CT ~~of this Part~~); and
  - K) Electrical and electronic components (Subpart CR ~~of this Part~~).
- 4) This Subpart BH does not apply to the following:
- A) Metallic platemaking and gravure cylinder preparation conducted within or for printing and publishing facilities; and
  - B) Existing indirect discharging job shops and independent printed circuit board manufacturers that are covered by Subpart N ~~of this Part~~.
- b) General definitions. The Board incorporates by reference 40 CFR 433.11 (2003). This incorporation includes no later amendments or editions.
- c) Monitoring requirements. The Board incorporates by reference 40 CFR 433.12 (2003). This incorporation includes no later amendments or editions.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4301 Metal Finishing**

- a) Existing sources-

- 1) The Board incorporates by reference 40 CFR 433.15 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (a)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- b) New sources-
- 1) The Board incorporates by reference 40 CFR 433.17 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (b)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 31, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **SUBPART BJ: OIL AND GAS EXTRACTION**

##### **Section 307.4508 Coalbed Methane Subcategory**

The pretreatment standards of 35 Ill. Adm. Code ~~Section~~ 307.4503 do not apply to coalbed methane. This Section corresponds with subpart H of 40 CFR 435, which USEPA marked "reserved".

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **SUBPART BL: CENTRALIZED WASTE TREATMENT**

##### **Section 307.4700 General Provisions**

- a) Applicability.
  - 1) The Board incorporates by reference 40 CFR 437.1 (2003). This incorporation includes no later amendments or editions.
  - 2) This Subpart BL applies to that portion of wastewater discharges from a centralized waste treatment facility that results from any of the following activities, as defined in the materials incorporated by reference in subsection (a)(1) ~~of this Section~~:

- A) Treatment and recovery of hazardous or non-hazardous industrial metal-bearing wastes, oily wastes, and organic-bearing wastes received from off-site; and
  - B) The treatment of centralized waste treatment wastewater.
- b) General definitions. The Board incorporates by reference 40 CFR 437.2 (2003). This incorporation includes no later amendments or editions.
  - c) General pretreatment standards. Any source subject to this Subpart BL that introduces process wastewater pollutants into a publicly owned treatment works (POTW) must comply with Subpart B of 35 Ill. Adm. Code 307 and 35 Ill. Adm. Code 310.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4701 Metals Treatment and Recovery**

- a) Applicability. This Section applies to that portion of the discharge of wastewater from a centralized waste treatment facility that results from the treatment of, or recovery of metals from, both metal-bearing wastes received from off-site and other centralized waste treatment wastewater associated with the treatment of, or recovery of metal-bearing wastes. The Board incorporates by reference 40 CFR 437.10 (2003). This incorporation includes no later amendments or editions.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 437.15 (2003), as amended at 68 Fed. Reg. 71014 (December 22, 2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 437.16 (2003), as amended at 68 Fed. Reg. 71014 (December 22, 2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4702 Oils Treatment and Recovery**

- a) **Applicability.** This Section applies to that portion of the discharge of wastewater from a centralized waste treatment facility that results from the treatment of, or recovery of oil from both oily wastes received from, off-site and other centralized waste treatment wastewater associated with the treatment of, or recovery of, oily wastes. The Board incorporates by reference 40 CFR 437.20 (2003). This incorporation includes no later amendments or editions.
- b) **Specialized definitions.** None.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 437.25 (2003), as amended at 68 Fed. Reg. 71014 (December 22, 2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 437.26 (2003), as amended at 68 Fed. Reg. 71014 (December 22, 2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.4703 Organics Treatment and Recovery**

- a) **Applicability.** This Section applies to that portion of the discharge of wastewater from a centralized waste treatment facility that results from the treatment of, or recovery of organic material from both organic wastes received from, off-site and other centralized waste treatment wastewater associated with the treatment of, or recovery of, organic wastes. The Board incorporates by reference 40 CFR 437.30 (2003). This incorporation includes no later amendments or editions.
- b) **Specialized definitions.** None.



- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 437.35 (2003), as amended at 68 Fed. Reg. 71014 (December 22, 2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources.
- 1) The Board incorporates by reference 40 CFR 437.36 (2003), as amended at 68 Fed. Reg. 71014 (December 22, 2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.4704 Multiple Waste Streams**

- a) Applicability. Facilities that treat wastes subject to more than one of the previous Sections in this Subpart BL must comply with either the provisions of this Section or the applicable provisions of 35 Ill. Adm. Code ~~Section~~ 307.4701, 307.4702, or 307.4703. This Section applies to that portion of the discharge of wastewater from a centralized waste treatment facility that results from mixing any combination of treated or untreated waste otherwise subject to 35 Ill. Adm. Code ~~Section~~ 307.4701, 307.4702, or 307.4703. The Board incorporates by reference 40 CFR 437.40 (2003). This incorporation includes no later amendments or editions.
- b) Specialized definitions. None.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 437.46 (2003), as amended at 68 Fed. Reg. 71014 (December 22, 2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources-
- 1) The Board incorporates by reference 40 CFR 437.47 (2003), as amended at 68 Fed. Reg. 71014 (December 22, 2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART BN: PHARMACEUTICAL MANUFACTURING**

### **Section 307.4901 Fermentation Products**

- a) **Applicability.** This Section applies to discharges resulting from the manufacture of pharmaceuticals by fermentation.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 439.11 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 439.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 439.17 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.4902 Extraction Products**

- a) Applicability. This Section applies to discharges of wastewater resulting from the manufacture of pharmaceuticals by extraction into the collection system of a POTW.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 439.21 (2004). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 439.26 (2004). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 439.27 (2004). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.4903 Chemical Synthesis Products**

- a) Applicability. This Section applies to discharges of wastewater resulting from the manufacture of pharmaceuticals by chemical synthesis into the collection system of a POTW.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 439.31 (2004). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 439.36 (2004). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 439.37 (2004). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.4904 Mixing/Compounding and Formulation**

- a) Applicability. This Section applies to discharges resulting from mixing/compounding and formulation operations of pharmaceutical products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 439.41 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 439.46 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 439.47 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 26, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART BQ: TRANSPORTATION EQUIPMENT CLEANING**

### **Section 307.5200 General Provisions**

- a) Applicability-
- 1) The Board incorporates by reference 40 CFR 442.1 (2003). This incorporation includes no later amendments or editions.
  - 2) This Subpart BQ applies to discharges resulting from cleaning the interior of tanks used to transport chemical, petroleum, or food grade cargos, as defined in the materials incorporated by reference in subsection (a)(1) of ~~this Section~~.
- b) General definitions. The Board incorporates by reference 40 CFR 442.2 (2003). This incorporation includes no later amendments or editions.
- c) General pretreatment standards. Any source subject to this Subpart BQ that introduces process wastewater pollutants into a publicly owned treatment works (POTW) must comply with Subpart B of 35 Ill. Adm. Code 307 and 35 Ill. Adm. Code 310.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.5201 Tank Trucks and Intermodal Tank Containers Transporting Chemical and Petroleum Cargos**

- a) Applicability. This Section applies to discharges of wastewater resulting from the cleaning of tank trucks and intermodal tank containers that have been used to transport chemical or petroleum cargos into the collection system of a POTW.
- b) Specialized definitions. None.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 442.15 (2004). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of ~~this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 442.16 (2004), as amended at 70 Fed. Reg. 5058 (Feb. 1, 2005). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.5202 Rail Tank Cars Transporting Chemical and Petroleum Cargos**

- a) Applicability. This Section applies to discharges resulting from the cleaning of rail tank cars that have been used to transport chemical or petroleum cargos.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 442.25 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 442.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.5203 Tank Barges and Ocean/Sea Tankers Transporting Chemical and Petroleum Cargos**

- a) Applicability. This Section applies to discharges resulting from the cleaning of tank barges or ocean/sea tankers that have been used to transport chemical or petroleum cargos.

- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 442.35 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 442.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.5204 Tanks Transporting Food Grade Cargos**

This Section applies to discharges resulting from the cleaning of tank trucks, intermodal tank containers, rail tank cars, tank barges and ocean/sea tanker that have been used to transport food grade cargos. If wastewater generated from cleaning tanks used to transport food grade cargos is mixed with wastewater resulting from cleaning tanks used to transport chemical or petroleum cargos, then the combined wastewater is subject to the provisions established for the corresponding tanks in 35 Ill. Adm. Code Sections 307.5201, 307.5202, or 307.5203.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

### **Section 307.5301 Asphalt Emulsion**

- a) Applicability. This Section applies to discharges resulting from the production of asphalt paving and roofing emulsions.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 443.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.

- d) New sources-
- 1) The Board incorporates by reference 40 CFR 443.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.5302 Asphalt Concrete**

- a) Applicability. This Section applies to discharges resulting from the production of asphalt concrete.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 443.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 443.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.5303 Asphalt Roofing**

- a) Applicability. This Section applies to discharges resulting from the production of asphalt roofing materials.



- b) Specialized definitions. The Board incorporates by reference 40 CFR 443.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 443.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.5304 Linoleum and Printed Asphalt Felt**

- a) Applicability. This Section applies to discharges resulting from the production of linoleum and printed asphalt felt floor coverings.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 443.41 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 443.46 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 10, 1975.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART BS: WASTE COMBUSTORS

### Section 307.5401 Commercial Hazardous Waste Combustor

- a) Applicability-
  - 1) The Board incorporates by reference 40 CFR 444.10 (2003). This incorporation includes no later amendments or editions.
  - 2) This Section applies to discharges of wastewater that are associated with Commercial Hazardous Waste Combustor wastewater, as defined in the materials incorporated by reference in subsection (a)(1) ~~of this Section~~.
- b) Definitions. The Board incorporates by reference 40 CFR 444.11 (2003). This incorporation includes no later amendments or editions.
- c) Monitoring requirements. The Board incorporates by reference 40 CFR 444.12 (2003). This incorporation includes no later amendments or editions.
- d) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 444.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- e) New sources-
  - 1) The Board incorporates by reference 40 CFR 444.18 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (e)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART BT: LANDFILLS

### Section 307.5500 General Provisions

- a) Applicability-

- 1) The Board incorporates by reference 40 CFR 445.1 (2003). This incorporation includes no later amendments or editions.
  - 2) This Section applies to discharges of wastewater from landfill units, as defined in the materials incorporated by reference in subsection (a)(1) of this Section.
- b) General definitions. The Board incorporates by reference 40 CFR 445.2 (2003). This incorporation includes no later amendments or editions.
  - c) General Pretreatment Standards. Any source subject to this Section that introduces wastewater pollutants into a publicly owned treatment works (POTW) must comply with Subpart B of this Part and 35 Ill. Adm. Code 310.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.5501 RCRA Subtitle C Hazardous Waste Landfill**

- a) Applicability. Except as provided in ~~35 Ill. Adm. Code~~ ~~Section 307.5500~~, this Section applies to discharges of wastewater from landfills subject to the provisions of Subpart N of 35 Ill. Adm. Code 724 and Subpart N (landfills) of 35 Ill. Adm. Code 725.
- b) Existing sources. Any source subject to this Section that introduces wastewater pollutants into a publicly owned treatment works (POTW) must comply with Subpart B of 35 Ill. Adm. Code 307 and 35 Ill. Adm. Code 310.
- c) New sources. Any source subject to this Section that introduces wastewater pollutants into a publicly owned treatment works (POTW) must comply with Subpart B of 35 Ill. Adm. Code 307 and 35 Ill. Adm. Code 310.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.5502 RCRA Subtitle D Non-Hazardous Waste Landfill**

- a) Applicability. Except as provided in ~~35 Ill. Adm. Code~~ ~~Section 307.5500~~, this Section applies to discharges of wastewater from landfills subject to the provisions of 35 Ill. Adm. Code 810 and 811 and 40 CFR 257.
- b) Existing sources. Any source subject to this Section that introduces wastewater pollutants into a publicly owned treatment works (POTW) must comply with Subpart B of 35 Ill. Adm. Code 307 and 35 Ill. Adm. Code 310.
- c) New sources. Any source subject to this Section that introduces wastewater pollutants into a publicly owned treatment works (POTW) must comply with Subpart B of 35 Ill. Adm. Code 307 and 35 Ill. Adm. Code 310.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART BU: PAINT FORMULATING**

#### **Section 307.5601 Oil-Base Solvent Wash Paint**

- a) Applicability. This Section applies to discharges resulting from the production of oil-base paint where the tank cleaning is performed using solvents.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 446.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources.
  - 1) The Board incorporates by reference 40 CFR 446.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 26, 1975.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART BV: INK FORMULATING**

#### **Section 307.5701 Oil-Base Solvent Wash Ink**

- a) Applicability. This Section applies to discharges resulting from the production of oil-base ink where the tank washing system uses solvents.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 447.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-

- 1) The Board incorporates by reference 40 CFR 447.16 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) “New source” means any building, structure, facility, or installation the construction of which commenced after February 26, 1975.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART CD: PESTICIDE CHEMICALS**

#### **Section 307.6501 Organic Pesticide Chemicals Manufacturing**

- a) Applicability-
  - 1) The Board incorporates by reference 40 CFR 455.20 (2003). This incorporation includes no later amendments or editions.
  - 2) This Section applies to discharges resulting from any plant that manufactures organic pesticide chemicals, as defined in the materials incorporated by reference in subsection (a)(1) ~~of this Section~~.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 455.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 455.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 455.27 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.6502 Metallo-Organic Pesticides Chemicals Manufacturing**

- a) Applicability. This Section applies to discharges resulting from the manufacture of metallo-organic active ingredients containing mercury, cadmium, arsenic, or copper. The manufacture of the intermediates used to manufacture the active ingredients are excluded from this Section.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 455.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.6503 Pesticide Chemicals Formulating and Packaging**

- a) Applicability-
  - 1) The Board incorporates by reference 40 CFR 455.40 (2005). This incorporation includes no later amendments or additions.
  - 2) This Section applies to discharges resulting from all pesticide formulating and packaging operations, as defined in the materials incorporated in subsection (a)(1) ~~of this Section~~.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 455.41 (2005). This incorporation includes no later amendments or additions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 455.46 (2005). This incorporation includes no later amendments or additions.
  - 2) No person subject to the pretreatment standards incorporated by reference in section subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-

- 1) The Board incorporates by reference 40 CFR 455.47 (2005). This incorporation includes no later amendments or additions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) New source means any building, structure, facility, or installation the construction of which commenced after April 14, 1994.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments**

- a) Applicability-
  - 1) The Board incorporates by reference 40 CFR 455.60 (2005). This incorporation includes no later amendments or additions.
  - 2) This Section applies to discharges resulting from all pesticide formulating and packaging operations, as defined in the materials incorporated in subsection (a)(1) ~~of this Section~~.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 455.61 (2005). This incorporation includes no later amendments or additions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 455.66 (2005). This incorporation includes no later amendments or additions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 455.67 (2005). This incorporation includes no later amendments or additions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) New source means any building, structure, facility, or installation the construction of which commenced after April 14, 1994.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART CG: CARBON BLACK MANUFACTURING**

#### **Section 307.6801 Carbon Black Furnace Process**

- a) Applicability. This Section applies to discharges resulting from production of carbon black by the furnace process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 458.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 458.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.6802 Carbon Black Thermal Process**

- a) Applicability. This Section applies to discharges resulting from the production of carbon black by the thermal process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 458.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-



- 1) The Board incorporates by reference 40 CFR 458.26 (2003). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.6803 Carbon Black Channel Process**

- a) Applicability. This Section applies to discharges resulting from the production of carbon black by the channel process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 458.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources.
  - 1) The Board incorporates by reference 40 CFR 458.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.6804 Carbon Black Lamp Process**

- a) Applicability. This Section applies to discharges resulting from the production of carbon black by the lamp process.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 458.41 (2003). This incorporation includes no later amendments or editions.

- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 458.46 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after May 18, 1976.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART CJ: BATTERY MANUFACTURING**

#### **Section 307.7100 General Provisions**

- a) Applicability. This Subpart CJ applies to any battery manufacturing plant that introduces or may introduce process wastewater pollutants into a POTW. Battery manufacturing operations regulated under this Subpart CJ are not subject to Subpart N or AH ~~of this Part~~.
- b) General definitions. The Board incorporates by reference 40 CFR 461.2 (2003). This incorporation includes no later amendments or editions.
- c) Monitoring requirements. The Board incorporates by reference 40 CFR 461.3 (2003). This incorporation includes no later amendments or editions.
- d) Compliance dates. The Board incorporates by reference 40 CFR 461.4 (2003). This incorporation includes no later amendments or editions.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 307.7101 Cadmium**

- a) Applicability. This Section applies to discharges resulting from the manufacturing of cadmium anode batteries.
- b) Specialized definitions. None.
- c) Existing sources-

- 1) The Board incorporates by reference 40 CFR 461.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources.
- 1) The Board incorporates by reference 40 CFR 461.15 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 10, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7102 Calcium**

- a) **Applicability.** This Section applies to discharges resulting from manufacturing calcium anode batteries.
- b) **Specialized definitions.** None.
- c) **Existing sources.** These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 461.25 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 10, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.7103 Lead**

- a) Applicability. This Section applies to discharges resulting from the manufacturing of lead anode batteries.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 461.34 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 461.35 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 10, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.7104 Leclanche**

- a) Applicability. This Section applies to discharges resulting from manufacturing Leclanche type batteries (zinc anode batteries with acid electrolyte).
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 461.44 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources-
- 1) The Board incorporates by reference 40 CFR 461.45 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 10, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7105 Lithium**

- a) Applicability. This Section applies to discharges resulting from the manufacturing of lithium anode batteries.
- b) Specialized definitions. None.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 461.55 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 10, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7106 Magnesium**

- a) Applicability. This Section applies to discharges resulting from the manufacturing of magnesium anode batteries.
- b) Specialized definitions. None.

- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 461.64 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 461.65 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 10, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7107 Zinc**

- a) Applicability. This Section applies to discharges resulting from the manufacturing of zinc anode batteries.
- b) Specialized definitions. None.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 461.74 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 461.75 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 10, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART CL: PLASTICS MOLDING AND FORMING

### Section 307.7300 General Provisions

- a) Applicability:
  - 1) This Subpart CL applies to any plastics molding and forming process that introduces or may introduce process wastewater pollutants into a POTW. Plastics molding and forming processes include processes that blend, mold, form, or otherwise process plastic materials into intermediate or final plastic products. They include commonly recognized processes such as extrusion, molding, coating and laminating, thermoforming, calendaring, casting, foaming, cleaning, and finishing.
  - 2) Plastics molding and forming processes (e.g., extrusion and pelletizing) used by plastics resin manufacturers to process crude intermediate plastic material for shipment off-site are excluded from this regulation and regulated under the organic chemicals, plastics, and synthetic fibers category. Plastics molding and forming processes used by plastic resin manufacturers to process crude intermediate plastic materials, which are further processed on-site into intermediate or final plastics products in molding and forming processes, are controlled by this Subpart CL.
  - 3) Processes that coat a plastic material onto a substrate may fall within the definition of electroplating and metal finished as defined in Subpart N or AH ~~of this Part~~. These coating processes are excluded from the electroplating and metal finishing point source categories and are subject to this Subpart CL.
  - 4) Coating of plastic material onto a formed metal substrate is also covered by this Subpart and is not covered by the specific metal forming guidelines such as aluminum forming, copper forming and nonferrous metals forming (Subparts BP, BQ, and BT ~~of this Part~~). This Subpart CL applies only to the coating process; the metal forming operations are subject to the specific metal forming regulation.

- 5) Research and development laboratories that produce plastic products using a plastics molding and forming process are subject to this Subpart CL if the plastics molding and forming process discharges process water. The mass of plastic product produced in the plastics molding and forming process is not considered when determining the applicability of this Subpart CL to plastics molding and forming processes at research and development laboratories.
  - 6) Chemical and thermal reticulation processes for polyurethane foam are not subject to this Subpart CL. Water used in those processes is not considered to be process water as defined in this regulation. Processes used to further mold or form the reticulated foam are subject, however, to this regulation if they discharge process water.
  - 7) Processes used to regenerate cellulose and to produce a product (e.g., rayon) from the regenerated cellulose are not subject to the limitations and standards in this Subpart. Processes that mold or form cellulose derivatives (e.g., cellulose acetate) are subject to this Subpart CL if they discharge process water.
- b) General definitions. The Board incorporates by reference 40 CFR 463.2 (2003). This incorporation includes no later amendments or editions.
  - c) Monitoring requirements. The Board incorporates by reference 40 CFR 463.3 (2003). This incorporation includes no later amendments or editions.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7301 Contact Cooling and Heating Water**

- a) Applicability. This Section applies to introduction into POTWs of pollutants resulting from processes in the contact cooling and heating water subcategory. Processes in the contact cooling and heating water subcategory are processes where process water comes in contact with plastic materials or plastic products for the purpose of heat transfer during plastics molding and forming.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 463.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 463.15 (2003). This incorporation includes no later amendments or editions.



- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 463.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 15, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7302 Cleaning Water**

- a) Applicability. This Section applies to introduction into POTWs of pollutants resulting from processes in the cleaning water subcategory. Processes in the cleaning water subcategory are processes where water comes in contact with the plastic product for the purpose of cleaning the surface of the product and where water comes in contact with shaping equipment, such as molds and mandrels, that contact the plastic material for the purpose of cleaning the equipment surfaces.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 463.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 463.25 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 463.26 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 15, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7303 Finishing Water**

- a) **Applicability.** This Section applies to introduction into POTWs of pollutants resulting from processes in the finishing water subcategory. Processes in the finishing water ~~subcategory~~ ~~subcategory~~ are processes where water comes in contact with the plastic product during finishing.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 463.31 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
  - 1) The Board incorporates by reference 40 CFR 463.35 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
  - 1) The Board incorporates by reference 40 CFR 463.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 15, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART CM: METAL MOLDING AND CASTING

### Section 307.7401 Aluminum Casting

- a) Applicability. This Section applies to discharges resulting from aluminum casting operations, as defined in 40 CFR 464.02, incorporated by reference in 35 Ill. Adm. Code Section 307.7400(b).
- b) Specialized definitions. The Board incorporates by reference 40 CFR 464.11 (2005). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 464.15 (2005). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 464.16 (2005). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 15, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 307.7402 Copper Casting

- a) Applicability. This Section applies to discharges resulting from copper casting operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 464.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-

- 1) The Board incorporates by reference 40 CFR 464.25 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 464.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 15, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7403 Ferrous Casting**

- a) Applicability. This Section applies to discharges resulting from ferrous casting operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 464.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 464.35 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 464.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 15, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7404 Zinc Casting**

- a) **Applicability.** This Section applies to discharges resulting from zinc casting operations.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 464.41 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
- 1) The Board incorporates by reference 40 CFR 464.45 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
- 1) The Board incorporates by reference 40 CFR 464.46 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 15, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART CN: COIL COATING**

### **Section 307.7501 Steel Basis Material**

- a) **Applicability.** This Section applies to discharges resulting from coil coating of steel basis material coils.
- b) **Specialized definitions.** None.

- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 465.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 465.15 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 12, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7502 Galvanized Basis Material**

- a) Applicability. This Section applies to discharges resulting from coil coating of galvanized basis material coils.
- b) Specialized definitions. None.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 465.24 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 465.25 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 12, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7503 Aluminum Basis Material**

- a) Applicability. This Section applies to discharges resulting from coil coating of aluminum basis material coils.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 465.34 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources.
  - 1) The Board incorporates by reference 40 CFR 465.35 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 12, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7504 Canmaking**

- a) Applicability. This Section applies to discharges resulting from the manufacturing of seamless can bodies, which are washed.
- b) Specialized definitions. None.

- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 465.44 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 465.45 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after February 10, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART CO: PORCELAIN ENAMELING**

#### **Section 307.7600 General Provisions**

- a) Applicability-
- 1) Except as provided in subsection (a)(2) or (a)(3) ~~of this Section~~, this Subpart CO applies to any porcelain enameling facility that introduces or may introduce process wastewater pollutants into a POTW.
  - 2) Any existing porcelain enameling facility that prepares or coats less than 1600 square meters per day and which introduces less than 60,000 liters per day of wastewater into a POTW is not controlled by the pretreatment standards for existing sources in this Subpart. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
  - 3) This Subpart CO does not apply to porcelain enameling on precious metal basis material.
- b) General definitions. The Board incorporates by reference 40 CFR 466.02 (2003). This incorporation includes no later amendments or editions.



- c) Monitoring requirements. The Board incorporates by reference 40 CFR 466.03 (2003). This incorporation includes no later amendments or editions.
- d) Compliance dates. The Board incorporates by reference 40 CFR 466.04 (2003). This incorporation includes no later amendments or editions.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7601 Steel Basis Material**

- a) Applicability. This Section applies to discharges resulting from porcelain enameling on steel basis materials.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 466.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 466.15 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 27, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7602 Cast Iron Basis Material**

- a) Applicability. This Section applies to discharges resulting from porcelain enameling of cast iron basis materials.
- b) Specialized definitions. None.
- c) Existing sources-

- 1) The Board incorporates by reference 40 CFR 466.24 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 466.25 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 27, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7603 Aluminum Basis Material**

- a) Applicability. This Section applies to discharges resulting from porcelain enameling of aluminum basis materials.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 466.34 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 466.35 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 27, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7604 Copper Basis Material**

- a) Applicability. This Section applies to discharges resulting from porcelain enameling of copper basis materials.
- b) Specialized definitions. None.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 466.45 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after January 27, 1981.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART CP: ALUMINUM FORMING**

### **Section 307.7700 General Provisions**

- a) Applicability-
- 1) Aluminum forming includes commonly recognized forming operations such as rolling, drawing, extruding and forging, and related operations such as heat treatment, casting, and surface treatments. Surface treatment of aluminum is any chemical or electrochemical treatment applied to the surface of aluminum. Such surface treatment is considered to be a part of aluminum forming whenever it is performed as an integral part of aluminum forming. For the purposes of this Subpart CP, surface treatment of aluminum is considered to be an integral part of aluminum forming whenever it is performed at the same plant site at which aluminum is formed and such operations are not considered for regulation under the

electroplating and metal finishing provisions of Subparts N and AH ~~of this Part~~. Casting aluminum when performed as an integral part of aluminum forming and located on-site at an aluminum forming plant is considered an aluminum forming operation and is covered under this Subpart CP. When aluminum forming is performed on the same site as primary aluminum reduction the casting must be regulated by Subpart CT ~~of this Part~~ (nonferrous metals) if there is no cooling of the aluminum prior to casting. If the aluminum is cooled prior to casting then the casting must be regulated by this Subpart CP.

- 2) This Subpart CP applies to any aluminum forming facility, except for plants identified under subsection (a)(3) ~~of this Section~~, which introduces or may introduce pollutants into a POTW.
  - 3) This Subpart CP applies to indirect discharging aluminum forming plants that extrude less than three million pounds of product per year and draw, with emulsions or soaps, less than one million pounds per year.
- b) General definitions. The Board incorporates by reference 40 CFR 467.02 (2003). This incorporation includes no later amendments or editions.
  - c) Monitoring requirements. The Board incorporates by reference 40 CFR 467.03 (2003). This incorporation includes no later amendments or editions.
  - d) Compliance dates. The Board incorporates by reference 40 CFR 467.04 (2003). This incorporation includes no later amendments or editions.
  - e) Removal credits. The control authority may grant removal credits underpursuant ~~to~~ Subpart C of 35 Ill. Adm. Code 310 for toxic metals limited in this Subpart CP when used as indicator pollutants.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7701 Rolling With Neat Oils**

- a) Applicability. This Section applies to discharges resulting from the core and the ancillary operations of the rolling with neat oils subcategory.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 467.11 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 467.15 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 467.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7702 Rolling With Emulsions**

- a) Applicability. This Section applies to discharges resulting from the core and the ancillary operations of the rolling with emulsions subcategory.
  - b) Specialized definitions. The Board incorporates by reference 40 CFR 467.21 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 467.25 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 467.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7703 Extrusion**

- a) Applicability. This Section applies to discharges resulting from the core and the ancillary operations of the extrusion subcategory.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 467.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 467.35 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 467.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7704 Forging**

- a) Applicability. This Section applies to discharges resulting from the core of the forging subcategory and the ancillary operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 467.41 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 467.45 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 467.46 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7705 Drawing With Neat Oils**

- a) Applicability. This Section applies to discharges resulting from the core of the drawing with neat oils subcategory and the ancillary operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 467.51 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 467.55 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 467.56 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7706 Drawing With Emulsions or Soaps**

- a) **Applicability.** This Section applies to discharges resulting from the core and the ancillary operations of the drawing with emulsions or soaps subcategory.
- b) **Specialized definitions.** The Board incorporates by reference 40 CFR 467.61 (2003). This incorporation includes no later amendments or editions.
- c) **Existing sources-**
- 1) The Board incorporates by reference 40 CFR 467.65 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) **New sources-**
- 1) The Board incorporates by reference 40 CFR 467.66 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 22, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART CQ: COPPER FORMING**

### **Section 307.7800 General Provisions**

- a) **Applicability-**
- 1) This Subpart CQ applies to discharges resulting from the manufacture of formed copper and copper alloy products. The forming operations covered are hot rolling, cold rolling, drawing, extrusion, and forging. This Subpart CQ does not regulate the forming of precious metals. (See



Subpart CT ~~of this Part.~~) The casting of copper and copper alloys is not covered by this Subpart CQ. (See Subpart CM ~~of this Part.~~)

- 2) The discharge allowance for drawing spent lubricant of 40 CFR 468.14(c) and 468.15(c), incorporated by reference in Section 307.7801(d)(1), are applicable only to those plants that actually discharge the drawing spent lubricant waste stream at copper forming sites. No discharge allowance is applicable or allowable where these wastewaters are hauled off-site for disposal or are otherwise not discharged at copper forming sites.
- b) General definitions. The Board incorporates by reference 40 CFR 468.02 (2003). This incorporation includes no later amendments or editions.
- c) Monitoring requirements. The Board incorporates by reference 40 CFR 468.03 (2003). This incorporation includes no later amendments or editions.
- d) Compliance dates. The Board incorporates by reference 40 CFR 468.04 (2003). This incorporation includes no later amendments or editions.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7801 Copper Forming**

- a) Applicability. This Section applies to discharges resulting from the forming of copper and copper alloys except beryllium copper alloys.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 468.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 468.15 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after November 12, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7802 Beryllium Copper Forming**

- a) Applicability. This Section applies to discharges resulting from the forming of beryllium copper alloys.
- b) Specialized definitions. None.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS**

### **Section 307.7901 Semiconductor**

- a) Applicability. This Section applies to discharges resulting from all process operations associated with the manufacture of semiconductors, except sputtering, vapor deposition, and electroplating.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 469.12 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 469.16 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 469.18 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 8, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7902 Electronic Crystals**

- a) Applicability. This Section applies to discharges resulting from the manufacture of electronic crystals.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 469.22 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 469.26 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 469.28 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after August 8, 1982.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7903 Cathode Ray Tube**

- a) Applicability. This Section applies to discharges resulting from the manufacture of cathode ray tubes.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 469.31 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 469.34 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 469.36 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 9, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.7904 Luminescent Materials**

- a) Applicability. This Section applies to discharges resulting from the manufacture of luminescent materials.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 469.41 (2003). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B ~~of this Part~~.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 469.43 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 9, 1983.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS**

### **Section 307.8100 General Provisions**

a) Applicability:

- 1) This Subpart CT applies to the introduction of pollutants into a POTW from the forming of nonferrous metals (including nonferrous metal alloys), except beryllium, copper and aluminum, and their alloys. Aluminum alloys are defined as any alloy in which aluminum is the major constituent in percent by weight. Copper alloys are defined as any alloy in which copper is the major constituent in percent by weight except when copper is alloyed with precious metals. Any copper-precious metal alloy containing 30 percent or greater precious metal is considered a precious metal alloy for the purpose of this Subpart CT. Beryllium alloys are any alloy in which beryllium is present at 0.1 percent or greater. This Subpart CT applies to the following:
  - A) Forming operations, including rolling (both hot and cold), extruding forging, drawing, swaging, cladding, and tube reducing, and
  - B) Ancillary operations performed as an integral part of the forming of these metals, including casting for subsequent forming, heat treatment, surface treatment, alkaline cleaning, solvent degreasing, product testing, surface coating, sawing, grinding, tumbling, burnishing, and wet air pollution control.
- 2) This Subpart CT also applies to introduction of pollutants into a POTW from mechanical metal powder production operations, forming of parts from metal powders, and associated ancillary operations of the following:
  - A) Iron, copper and aluminum and their alloys; and
  - B) The nonferrous metal and their alloys described in subsection (a)(1) ~~of this Section~~. This Subpart CT does not regulate the production of metal powders by chemical means such as precipitation. The production of metal powder as the final step in refining metal is regulated under nonferrous metals manufacturing, Subpart V ~~of this Part~~.

- 3) Surface treatment includes any chemical or electrochemical treatment applied to the surface of the metal. For the purposes of this Subpart CT, surface treatment of metals is considered to be an integral part of the forming of metals whenever it is performed at the same plant site at which the metals are formed. Such surface treatment operations are not regulated under the electroplating or metal finishing regulations, Subpart N or AH of ~~this Part~~.
  - 4) Casting is covered by this Subpart CT when it is performed as an integral part of the metal forming process and takes place at the same plant site at which metals are formed. Such casting is not regulated under the provisions of metal molding and casting (Subpart CM ~~of this Part~~).
  - 5) This Subpart CT does not apply to the forming of the metals cadmium, chromium, gallium, germanium, indium, lithium, manganese, neodymium, or praseodymium.
- b) General definitions. The Board incorporates by reference 40 CFR 471.02 (2003). This incorporation includes no later amendments or editions.
  - c) Compliance dates. The Board incorporates by reference 40 CFR 471.03 (2003). This incorporation includes no later amendments or editions.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.8101 Lead-Tin-Bismuth Forming**

- a) Applicability. This Section applies to discharges resulting from the process operations of the lead-tin bismuth forming subcategory.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 471.14 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 471.15 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.8102 Magnesium Forming**

- a) Applicability. This Section applies to discharges resulting from the process operations of the magnesium forming subcategory.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 471.24 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 471.25 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.8103 Nickel-Cobalt Forming**

- a) Applicability. This Section applies to discharges resulting from the process operations of the nickel-cobalt forming subcategory.
- b) Specialized definitions. None.

- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 471.34 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 471.35 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.8104 Precious Metals Forming**

- a) Applicability. This Section applies to discharges resulting from the process operations of the precious metals forming subcategory.
- b) Specialized definitions. None.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 471.44 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 471.45 (2003). This incorporation includes no later amendments or editions.



- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.8105 Refractory Metals Forming**

- a) Applicability. This Section applies to discharges resulting from the process operations of the refractory metals forming subcategory.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 471.54 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 471.55 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.8106 Titanium Forming**

- a) Applicability. This Section applies to discharges resulting from the process operations of the titanium forming subcategory.
- b) Specialized definitions. None.

- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 471.64 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 471.65 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.8107 Uranium Forming**

- a) Applicability. This Section applies to discharges resulting from the process operations of the uranium forming subcategory.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 471.74 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 471.75 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.8108 Zinc Forming**

- a) Applicability. This Section applies to discharges resulting from the process operations of the zinc forming subcategory.
- b) Specialized definitions. None.
- c) Existing sources-
  - 1) The Board incorporates by reference 40 CFR 471.84 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
  - 1) The Board incorporates by reference 40 CFR 471.85 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.8109 Zirconium-Hafnium Forming**

- a) Applicability. This Section applies to discharges resulting from the process operations of the zirconium-hafnium forming subcategory.
- b) Specialized definitions. None.

- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 471.94 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 471.95 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
  - 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 307.8110 Metal Powders**

- a) Applicability. This Section applies to discharges resulting from the process operations of the metal powders subcategory.
- b) Specialized definitions. None.
- c) Existing sources-
- 1) The Board incorporates by reference 40 CFR 471.104 (2003). This incorporation includes no later amendments or editions.
  - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources-
- 1) The Board incorporates by reference 40 CFR 471.105 (2003). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) ~~of this Section~~ may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility, or installation the construction of which commenced after March 5, 1984.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION**

**CHAPTER I: POLLUTION CONTROL BOARD**

**PART 308**

**DISPOSAL OF WASTES FROM WATERCRAFT**

**Section**

308.101	Preamble
308.102	Marine Toilets
308.103	Contaminated Bilge or Ballast Waters
308.104	Statewide Application
Appendix	References to Previous Rules <u>(Repealed)</u>

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27]~~(Ill. Rev. Stat. 1979, ch. 111 1/2, pars. 1013 and 1027).~~

SOURCE: Filed with the Secretary of State January 1, 1978; amended 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified 6 Ill. Reg. 7818; amended in 18-23 at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 308.101 Preamble**

This Part ~~addresses of the rules and regulations concerning~~ water pollution controls for the disposal of wastes from watercraft. ~~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: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 308.102 Marine Toilets**

- a) A ~~No~~ person owning or operating a watercraft with a marine toilet must not shall use, or permit the use of, ~~thesuch~~ toilet on the waters of this State, unless the toilet is equipped with facilities that will treat, hold, incinerate or otherwise handle the

waste in a manner capable of preventing water pollution as described in ~~subsection paragraphs (c) and (d) of this Section.~~

- b) ~~A No person must not shall~~ dispose of any sewage or wastewater accumulated in a holding tank or any other container on a watercraft, in such a manner that the sewage or wastewater reaches or may reach the waters of the State, except by pumpout to an operating sewage works ~~which has been~~ approved by the Agency or ~~operated~~ which operates under a permit issued by the Agency.
- c) Acceptable pollution control devices are:
- 1) Holding tanks which retain wastes from marine toilets for proper disposal ~~under pursuant to subsection paragraph (b) of this Section.~~
  - 2) Incinerating devices which will reduce to ash all sewage and toilet wastes produced on the watercraft. The ash from such devices ~~must is not to~~ be disposed of in the waters of Illinois.
  - 3) Any other device determined by the Agency to provide an effluent which meets the effluent criteria of this Chapter.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 308.103 Contaminated Bilge or Ballast Waters**

~~Bilge~~ No bilge or ballast water ~~that which~~ fails to meet the effluent standards of 35 Ill. Adm. Code Part 304 ~~must not shall~~ be discharged to the waters of the State.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 308.104 Statewide Application**

This Part ~~applies 308 shall apply~~ to all waters of the State unless preempted under Section 312 of the CWA.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 308.APPENDIX REFERENCES TO PREVIOUS RULES (Repealed)**

~~The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.~~

~~Chapter 3: Water Pollution Part VIII,  
Disposal of Wastes from Watercraft~~

~~35 Ill. Adm. Admin. Code Part 308~~

<del>Unnumbered Preamble</del>	<del>Section 308.101</del>
<del>Rule 801</del>	<del>Section 308.102</del>
<del>Rule 802</del>	<del>Section 308.103</del>
<del>Rule 803</del>	<del>Section 308.104</del>

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

**PART 309  
PERMITS**

**SUBPART A: NPDES PERMITS**

Section	
309.101	Preamble
309.102	NPDES Permit Required
309.103	Application - General
309.104	Renewal
309.105	Authority to Deny NPDES Permits
309.106	Access to Facilities and Further Information
309.107	Distribution of Applications
309.108	Tentative Determination and Draft Permit
309.109	Public Notice
309.110	Contents of Public Notice of Application
309.111	Combined Notices
309.112	Agency Action After Comment Period
309.113	Fact Sheets
309.114	Notice to Other Governmental Agencies
309.115	Public Hearings on NPDES Permit Applications
309.116	Notice of Agency Hearing
309.117	Agency Hearing
309.118	Agency Hearing File
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#### **SUBPART B: OTHER PERMITS**

Section	
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309.204	Operating Permits; Existing Sources
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309.282 Severability (Repealed)309.Appendix A References to Previous Rules (Repealed)

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

SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB 509, December 20, 1977; amended in R73-11, 12, at 29 PCB 477, at 2 Ill. Reg. 16, p. 20, effective April 20, 1978; amended in R79-13, at 39 PCB 263, at 4 Ill. Reg. 34, p. 159, effective August 7, 1980; amended in R77-12B, at 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1612, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2495, effective January 13, 1988; amended in R88-1 at 13 Ill. Reg. 5993, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2892, effective February 13, 1990; amended in R91-5 at 16 Ill. Reg. 7339, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5526, effective April 1, 1996; amended in R99-8 at 23 Ill. Reg. 11287, effective August 26, 1999; amended in R02-11 at 27 Ill. Reg. 202, effective December 20, 2002; amended in R03-19 at 28 Ill. Reg. 7310, effective May 7, 2004; amended in R07-9 at 32 Ill. Reg. 14978, effective September 8, 2008, amended at in R08-09(D) at 39 Ill. Reg. 9433, effective July 1, 2015; amended in R15-24 at 40 Ill. Reg. 8597, effective June 13, 2016; amended in R18-23 at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

### SUBPART A: NPDES PERMITS

#### Section 309.101 Preamble

- a) Permits may be required under either of two subparts -- NPDES Permits, Subpart A, which regulate discharges into navigable waters as defined in the CWA, as defined at 35 Ill. Adm. Code 301.240, or Other Permits, Subpart B, which ~~regulates~~regulate certain structures and discharges ~~from them~~therefrom that are not required to have an NPDES Permit.
- b) ~~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.~~

~~(Editor's Note: Paragraph (b) was added during the codification process to clarify references to other Parts or Sections of the Illinois Administrative Code.)~~

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 309.102 NPDES Permit Required

- a) ~~Unless it complies~~~~Except as in compliance~~ with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well ~~is~~~~shall be~~ unlawful.
- b) Neither an NPDES permit nor a state permit is required for any discharge into a well which is authorized by a UIC (Underground Injection Control) permit issued by the Agency ~~underpursuant to~~ 35 Ill. Adm. Code 702 and 704 of Subtitle G. For such wells, compliance with the UIC permit requirements of Section 12(g) is deemed compliance with the NPDES permit requirement of Section 12(f) of the Act.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.103 Application - General

- a) Application Forms
- 1) An applicant for a ~~National Pollution Discharge Elimination System~~ (NPDES) Permit ~~must~~ ~~shall~~ file an application ~~under~~ 35 Ill. Adm. Code, ~~in accordance with Section~~ 309.223, on forms provided by the Illinois Environmental Protection Agency (Agency). ~~The~~ ~~Such~~ forms ~~must~~ ~~shall~~ comprise the NPDES application forms promulgated by the U.S. Environmental Protection Agency for the type of discharge for which an NPDES Permit is ~~being~~ sought and ~~any~~ ~~such~~ additional information as the Agency may reasonably require in order to determine that the discharge or proposed discharge will ~~comply~~~~be in compliance~~ with applicable state and federal requirements.
  - 2) In addition to ~~the above~~ application forms, the Agency may require the submission of plans and specifications for treatment works and summaries of design criteria.
  - 3) Effluent toxicity monitoring
    - A) In addition to the above application forms, the Agency may require, ~~underpursuant to~~ Section 39 of the Act, installing, using, maintaining~~the installation, use, maintenance~~ and reporting of results from monitoring equipment and methods, including biological monitoring. The Agency may require, ~~underpursuant to~~ Section 39 of the Act, effluent toxicity testing to show compliance with 35 Ill. Adm. Code 302.621 and 302.630. If this toxicity testing shows the effluent to be toxic, the Agency may require ~~underpursuant to~~ Section 39 of the Act, further testing and

identification of the toxicants ~~underpursuant to~~ 35 Ill. Adm. Code 302.210(a).

- B) The following POTWs ~~must~~ shall provide the results of valid whole effluent biological toxicity testing to the Agency:
- i) All POTWs with design influent flows equal to or greater than one million gallons per day;
  - ii) All POTWs with approved pretreatment programs or POTWs required to develop a pretreatment program ~~underpursuant to~~ 35 Ill. Adm. Code 310.Subpart E;
- C) In addition to the POTWs listed in subsection (a)(3)(B), the Agency may require other POTWs to submit the result of toxicity tests with their permit applications, based on consideration of the following factors.
- i) The variability of the pollutants or pollutant parameters in the POTW effluent (based on chemical-specific information, the type of treatment facility, and types of industrial contributors);
  - ii) The dilution of the effluent in the receiving water (ratio of effluent flow to receiving stream flow);
  - iii) Existing controls on point or nonpoint sources, including total maximum daily load calculations for the waterbody segment and the relative contribution of the POTW;
  - iv) Receiving stream characteristics, including possible or known water quality impairment, and whether the POTW discharges to a coastal water, one of the Great Lakes, or a water designated as an outstanding natural resource; or
  - v) Other considerations (including ~~but not limited to~~ the history of toxic impact and compliance problems at the POTW), which the Agency determines could cause or contribute to adverse water quality impacts.
- D) The POTWs required under subsection (a)(3)(B) or (a)(3)(C) to conduct toxicity testing ~~must~~ shall use the methods prescribed at 35 Ill. Adm. Code 302.Subpart F. Such testing must have been conducted since the later of the last NPDES permit reissuance or permit modification ~~under 35 Ill. Adm. Code~~ pursuant to Section 309.182,

309.183 or 309.184 for any of the reasons listed at 40 CFR 122.62(a) (1994), as amended at 60 Fed. Reg. 33926 effective June 29, 1995, ~~herein~~ incorporated by reference in 35 Ill. Adm. Code 301.106 (including no later amendments or editions).

- 4) All POTWs with approved pretreatment programs ~~must~~ shall provide the following information to the Agency: a written technical evaluation of the need to revise local limits ~~under~~ pursuant to 35 Ill. Adm. Code 310.210.

BOARD NOTE: Subsections (a)(3)(B) through (a)(4) are derived from 40 CFR 122.21(j) (1994).

b) Animal Waste Facilities

An applicant for an NPDES Permit in connection with the operation of an animal waste facility ~~must~~ shall complete, sign, and submit an NPDES application ~~under~~ in accordance with the provisions of 35 Ill. Adm. Code: Subtitle E, Chapter I.

c) Mining Activities

- 1) If, as defined by 35 Ill. Adm. Code 402.101, mining activities are to be carried out on a facility for which an NPDES Permit is held or required, the applicant must submit a permit application as required by 35 Ill. Adm. Code 403.103, 403.104 and 405.104. If the facility will have a discharge other than a mine discharge or non-point source mine discharge as defined by 35 Ill. Adm. Code 402.101, the applicant ~~must~~ shall also submit an NPDES Permit application ~~under~~ 35 Ill. Adm. Code ~~in accordance with Section 309.223 on forms supplied by the Agency.~~
- 2) As provided by 35 Ill. Adm. Code 403.101, except to the extent contradicted in 35 Ill. Adm. Code: Subtitle D, Chapter I, the rules ~~contained~~ in this Subpart apply only to 35 Ill. Adm. Code: Subtitle D, Chapter I NPDES Permits.
- 3) As provided by 35 Ill. Adm. Code 406.100, except to the extent provided in 35 Ill. Adm. Code: Subtitle D, Chapter I, the effluent standards of 35 Ill. Adm. Code 304 are inapplicable to mine discharges and non-point source mine discharges.

d) New Discharges

Any person whose discharge will begin after the effective date of this Subpart A or any person having an NPDES Permit issued by the U.S. Environmental Protection Agency for an existing discharge which will substantially change in

nature, or increase in volume or frequency, must apply for an NPDES Permit either:

- 1) No later than 180 days ~~before in advance~~ of the date on which ~~the such~~ NPDES Permit will be required; or
- 2) In sufficient time ~~before prior to~~ the anticipated commencement of the discharge to insure compliance with ~~the requirements of~~ Section 306 of the Clean Water Act (CWA) (33 USC 1251 et seq), or with any other applicable water quality standards and applicable effluent standards and limitations.

e) Signatures

An application submitted by a corporation ~~must shall~~ be signed by a principal executive officer of at least the level of vice president, or his or her duly authorized representative, if ~~the such~~ representative is responsible for the overall operation of the facility from which the discharge described in the application form originates. In the case of a partnership or a sole proprietorship, the application ~~must shall~~ be signed by a general partner or the proprietor, respectively. In the case of a publicly owned facility, the application ~~must shall~~ be signed by either the principal executive officer, ranking elected official, or other duly authorized employee.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.104 Renewal

- a) Any permittee who wishes to continue to discharge after the expiration date of the NPDES Permit must timely apply for reissuance of the permit.
  - 1) A permittee has submitted a timely application for a new permit when:
    - A) The permittee submits:
      - i) an application 180 days ~~before prior to~~ the expiration date of the existing permit; or
      - ii) a request for a waiver in writing to the Agency, the Agency grants a written waiver to submit the application less than 180 days ~~before prior to~~ the expiration date of the existing permit, and the applicant submits an application within the timeframe listed in the waiver request. ~~A Such a~~ waiver request must include the permittee's reasonably justifiable causes for not meeting the 180 day timeframe. A waiver of the 180 day submittal requirement must be filed a

minimum of 60 days ~~before prior to expiration~~ of the permit expires, and ~~must shall~~ include the date by which the permittee will submit the application.

- B) The Agency ~~must shall~~ not grant a waiver for applications to be submitted later than the expiration date of the existing permit.
  - C) Any Agency decision to deny a waiver request must be made within 21 days after ~~the Agency receives receipt~~ of the waiver request.
- 2) The terms and conditions of an expiring permit remain effective and enforceable against the discharger until the Agency takes final action on the pending permit application, only if:
- A) the permittee has submitted a timely application ~~under pursuant to~~ subsection (a)(1); and
  - B) the Agency, through no fault of the permittee, does not issue a new permit on or before the expiration date of the previous permit.
- b) All permittees that timely apply for an NPDES permit renewal must pay an annual NPDES discharge fee ~~under pursuant to~~ Section 12.5 of the Act.
  - c) The Agency must circulate public notice and provide opportunity for public hearing, as provided for in this Subpart A, in the same manner as for a new permit application.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.105 Authority to Deny NPDES Permits**

An ~~No~~-NPDES Permit ~~must not~~may be issued in any case in which:

- a) The permit would authorize the discharge of a radiological, chemical or biological warfare agent or high-level radioactive waste;
- b) The discharge would, in the judgment of the Secretary of the Army acting through the Chief of Engineers, result in the substantial impairment of anchorage and navigation;
- c) The ~~proposed permit is objected to in writing by the~~ Administrator of the U.S. Environmental Protection Agency objects in writing to the proposed permit ~~under pursuant to~~ any right to object given to the Administrator under Section 402(d) of the CWA;

- d) The permit would authorize a discharge from a point source which ~~conflictsis in conflict~~ with a plan approved under Section 208(b) of the CWA; or
- e) The applicant has not provided proof to the Agency that ~~the applicant~~ will meet any schedule of compliance which may be established, in ~~complianceaccordance~~ with the Act and regulations, as a condition of ~~the~~his permit.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.106 Access to Facilities and Further Information**

If the Agency determines that ~~either additional~~ ~~further~~ information or a site visit is necessary for the Agency to evaluate an NPDES Permit application, it ~~must shall~~ notify the applicant and ~~arrangemake arrangements~~ to secure the additional information or make the site visit. If ~~the Agency does not receive adequate information is not received~~ within the ~~period of~~ time specified by the Agency, the permit ~~must shall~~ either be issued on the basis of the information currently before the Agency or be denied, and the applicant so notified.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.107 Distribution of Applications**

When the Agency determines that an application for an NPDES Permit is complete, it ~~must shall~~:

- a) Unless otherwise agreed, send a copy of the application to the District Engineer of the appropriate district of the U.S. Corps of Engineers with a letter requesting that the District Engineer provide, within 30 days or as otherwise stated in the Agency's letter, his or her evaluation of the impact of the discharge on anchorage and navigation. If the District Engineer responds that anchorage and navigation of any of the ~~navigable~~ ~~navigation~~ waters would be substantially impaired by the granting of a permit, the permit will be denied and the Agency ~~must shall~~ notify the applicant. If the District Engineer informs the Agency that ~~imposingthe imposition~~ of specified conditions upon the NPDES Permit is necessary to avoid any substantial impairment of any of the navigable waters, the Agency ~~must shall~~ include in the permit those conditions specified by the District Engineer.
- b) Send ~~one copy two copies~~ of the application to the Regional Administrator of the U.S. Environmental Protection Agency with a letter stating that the application is complete.
- c) Notify the Illinois Department of Natural Resources (DNR), subject to any memorandum of agreement between the Agency and the DNR.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.108 Tentative Determination and Draft Permit

~~After receiving~~ Following the receipt of a complete application for an NPDES Permit, the Agency ~~must shall~~ prepare a tentative determination. ~~The Such~~ determination ~~must shall~~ include at least the following:

- a) A Statement ~~regarding~~ whether an NPDES Permit is to be issued or denied; and
- b) If the determination is to issue the permit, a draft permit containing:
  - 1) Proposed effluent limitations, consistent with federal and state requirements;
  - 2) A proposed schedule of compliance, if the applicant is not in compliance with applicable requirements, including interim dates and requirements consistent with the CWA and applicable regulations, for meeting the proposed effluent limitations;
  - 3) A brief description of any other proposed special conditions which will have a significant impact upon the discharge.
- c) A brief description of the basis for each of the permit conditions listed in 35 Ill. Adm. Code ~~Section~~ 309.108(b), including a brief description of any mixing zones, how the conditions of the draft permit were derived, and the statutory or regulatory provisions and appropriate supporting references.
- d) Upon tentative determination to issue or deny an NPDES Permit:
  - 1) If the determination is to issue the permit the Agency ~~must shall~~ notify the applicant in writing of the content of the tentative determination and draft permit and of its intent to circulate public notice of issuance in ~~compliance~~ accordance with 35 Ill. Adm. Code ~~Sections~~ 309.108 through 309.112;
  - 2) If the determination is to deny the permit, the Agency ~~must shall~~ notify the applicant in writing of the tentative determination and of its intent to circulate public notice of denial, in ~~compliance~~ accordance with 35 Ill. Adm. Code ~~Sections~~ 309.108 through 309.112. In the case of denial, notice to the applicant ~~must shall~~ include a statement of the reasons for denial, as required by Section 39(a) of the Act.
- e) For ~~the purposes of~~ Title X of the Act [415 ILCS 5/Title X], the documents supporting the Agency's tentative decision to issue or deny an NPDES permit under this Section ~~must shall~~ be either identified in or made part of the Agency record.



(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.109 Public Notice

- a) Upon tentative determination to issue or deny an NPDES Permit, completion of the draft permit, if any, and not earlier than 10 days ~~after~~<sup>following</sup> notice to the applicant ~~under 35 Ill. Adm. Code pursuant to Section 309.108(d)~~, the Agency ~~must shall~~ circulate public notice of the completed application for an NPDES Permit in a manner designed to inform interested and potentially interested persons of the discharge or proposed discharge and of the proposed determination to issue or deny an NPDES Permit for the discharge or proposed discharge. Procedures for the circulation of public notice ~~must shall~~ include at least the following concurrent actions:
- 1) Notice ~~must shall~~ be mailed to the applicant;
  - 2) Notice ~~must shall~~ be circulated within the geographical area of the proposed discharge; such circulation may include any or all of the following:
    - A) Posting in the post office and public places of the municipality nearest the premises of the applicant in which the effluent source is located;
    - B) Posting near the entrance to the applicant's premises and in nearby places;
    - C) Publishing in local newspapers and periodicals, or, if appropriate, in a daily newspaper of general circulation; and
    - D) Any other notice requirements necessary to meet the requirements of the Act and the CWA;
  - 3) Notice ~~must shall~~ be mailed to any person or group upon request;
  - 4) The Agency ~~must shall~~ add the name of any person or group upon request to a mailing list to receive copies of notices for all NPDES applications within the State of Illinois or within a certain geographical area.
- b) The Agency ~~must shall~~ provide a period of not less than 30 days following the date of first publication of the public notice during which ~~time~~ interested persons may submit their written views on the tentative determinations with respect to the NPDES application. All comments ~~must shall~~ be submitted to the Agency and to the applicant. All written comments submitted during the 30-day comment period ~~must shall~~ be retained by the Agency and considered in ~~forming~~<sup>the formulation of</sup> its final determinations with respect to the NPDES application. The period for

comment may be extended at the discretion of the Agency by publication as provided in 35 Ill. Adm. Code~~Section~~ 309.109.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.110 Contents of Public Notice of Application**

The contents of public notice of applications for NPDES Permits must~~shall~~ include at least the following:

- a) Name, address, and telephone number of the Agency;
- b) Name and address of the applicant;
- c) Brief description of the applicant's activities or operations which result in the discharge described in the NPDES application (e.g., municipal waste treatment plant, steel manufacturing, drainage from mine activities);
- d) Name, if any, of the waterway to which the discharge is made and a short description of the location of the discharge indicating whether it is a new or an existing discharge;
- e) A statement of the tentative determination to issue or deny an NPDES Permit for the discharge described in the application;
- f) A brief description of the procedures for ~~forming~~the formulation of final determinations, including the procedures for submitting comments and expiration date of the comment period; and
- g) Address and telephone number of Agency premises at which interested persons may obtain further information, request a copy of the fact sheet, and inspect and copy NPDES forms and related documents.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.111 Combined Notices**

- a) The Agency may circulate public notice of applications for more than one NPDES Permit at a time. If a public notice deals with more than one NPDES Permit application, the information required by 35 Ill. Adm. Code~~Section~~ 309.109 must~~above shall~~ be included in the notice for each application.
- b) To expedite the administrative disposition of NPDES Permit applications, the Agency may publish, for one or more NPDES Permit applications at a time, combined public notices and notices of public hearing as required by 35 Ill. Adm. Code~~Sections~~ 309.115 through 309.119 ~~hereof~~. Any ~~such~~ combined public notice

and notice of hearing ~~must shall~~ contain all the information which would be required and ~~must shall~~ be circulated to all the persons to whom each notice would be required to be sent if the notices were published separately.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.112 Agency Action After Comment Period**

Subject to 35 Ill. Adm. Code~~Section 309.120~~, if, after the comment period provided, no public hearing is held with respect to the permit, the Agency ~~must shall~~, after ~~evaluating~~~~evaluation~~ of any comments which may have been received, either issue or deny the permit.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.113 Fact Sheets**

- a) For every discharge which has a total volume of more than 500,000 gallons (1.9 megaliters) on any day of the year, the Agency ~~must shall~~ prepare and, following public notice, ~~must shall~~ send upon request to any person a fact sheet with respect to the application described in the public notice. The contents of such fact sheets ~~must shall~~ include at least the following information:
- 1) A sketch or detailed description of the location of the discharge described in the application;
  - 2) A quantitative description of the proposed discharge described in the application which includes at least the following:
    - A) The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;
    - B) For thermal discharges subject to limitation under the Act, the average monthly temperatures for the discharge;
    - C) The average daily mass discharged and average concentration in milligrams per liter, or other applicable units of measurement, of any contaminants which are present in significant quantities or which are subject to limitations or prohibitions under applicable provisions of the CWA or the Act or regulations adopted under them~~thereunder~~;
  - 3) The tentative determinations required under 35 Ill. Adm. Code~~Section 309.108~~;

- 4) A brief citation, including an identification of the uses for which the receiving waters have been classified, of the water quality standards and effluent standards and limitations applicable to the proposed discharge;
  - 5) In the case of modified and reissued permits, a summary of changes between the public noticed permit and the previous permit;
  - 6) Summary of the antidegradation analysis, including characterization of the receiving waters and the existing uses of the receiving waters;
  - 7) A more detailed description of the procedures for formulating~~the formulation of~~ final determinations than that given in the public notice, including:
    - A) The beginning and ending dates of the comment period and address where comments will be received;
    - B) Procedures for requesting a public hearing and the nature of it ~~thereof~~; and
    - C) Any other procedures by which the public may participate in formulating~~the formulation of~~ the final determination; and
  - 8) Information on how to obtain the Agency record.
- b) The Agency must shall add the name of any person or group, upon request, to a mailing list to receive copies of fact sheets.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.114 Notice to Other Governmental Agencies**

~~When it issues~~At the time of issuance of public notice under 35 Ill. Adm. Code pursuant to Sections 309.109 through 309.112, the Agency must shall:

- a) Send a fact sheet, if one has been prepared, to any other states whose waters may be affected by issuing~~the issuance of~~ the proposed permit and, upon request, provide the such states with a copy of the application and a copy of the draft permit. Each affected State must shall be afforded an opportunity to submit written recommendations within a stated number of days to the Agency and to the Regional Administrator of the U.S. Environmental Protection Agency, which the Agency may incorporate into the permit if issued. Should the Agency decline to incorporate any written recommendations thus received, it must shall provide to the affected state or states (and to the Regional Administrator) a written explanation of its reasons for declining to accept any of the written recommendations.

- b) Following the procedure ~~set forth~~ in subsection (a), notify and receive recommendations from any interstate agency having water quality control authority over waters which may be affected by the permit.
- c) ~~Unless otherwise agreed, in accordance with 40 CFR 124.34(e), send a copy of the fact sheet, if one has been prepared, to the appropriate District Engineer of the Army Corps of Engineers for discharges (other than minor discharges) into navigable waters.~~
- d) ~~Unless otherwise waived, Upon request,~~ send a copy of the public notice and a copy of the fact sheet for NPDES Permit applications to any other Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources, the Advisory Council on Historic Preservation, state Historic Preservation Officers, and other appropriate government authorities, including affected States, states, or local agency, or any affected country, and provide ~~thesuch~~ agencies an opportunity to respond, comment, or request a public hearing under 35 Ill. Adm. Code pursuant to Sections 309.115-309.119. The Such agencies must shall include at least the following:
- 1) The agency responsible for ~~preparingthe preparation of~~ an approved plan under pursuant to Section 208(b) of the CWA; and
  - 2) The State or interstate agency responsible for ~~preparingthe preparation of~~ a plan underpursuant to an approved continuous planning process under Section 303(e) of the CWA.
- d)e) Send notice to, and coordinate with, appropriate public health agencies to assistfor ~~the purpose of assisting~~ the applicant in integrating the relevant provisions of the CWA with any applicable requirements of ~~thesuch~~ public health agencies.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.115 Public Hearings on NPDES Permit Applications**

- a)
- 1) The Agency ~~must shall~~ hold a public hearing on issuing or denyingthe issuance or denial of the an NPDES Permit or group of permits whenever the Agency determines that there exists a significant degree of public interest in the proposed permit or group of permits (instances of doubt mustshall be resolved in favor of holding the hearing), to warrant ~~the holding of~~ such a hearing.
  - 2) Any person, including the applicant, may submit to the Agency a request for a public hearing or a request to be a party at such a hearing to consider

the proposed permit or group of permits. Any such request for public hearing ~~must shall~~ be filed within the 30-day public comment period and ~~must shall~~ indicate the interest of the ~~party~~ ~~part~~ filing ~~the~~ ~~such~~ a request and the reasons why a hearing is warranted.

- b) When the Agency has determined under ~~subsections~~ ~~paragraphs~~ (a) and (b) that a public hearing is required, the Director ~~must shall~~ appoint one or more employees of the Agency to serve as a Hearing Board and ~~must shall~~ designate one to serve as ~~Chair~~ ~~Chairman~~.
- c) The ~~Chair~~ ~~Chairman~~ of the hearing board ~~must shall~~ promptly schedule the matter for hearing to be held within 60 days ~~after~~ ~~from~~ the filing of the first request for public hearing, or as may be otherwise agreed among the parties.
- d) Hearings held ~~under~~ ~~pursuant to~~ this Section ~~must shall~~ be held in the geographical area in which the discharges or proposed discharges are located, or other appropriate location, as determined by the ~~Chair~~ ~~Chairman~~. Consideration ~~must shall~~ be ~~giv~~ ~~give~~ to facilitating attendance of interested or affected persons and organizations and to accessibility of hearing sites to public transportation. The ~~Chair~~ ~~has~~ ~~Chairman~~ ~~shall~~ ~~have~~ the duty to conduct a fair hearing, ~~to~~ take all necessary action to avoid delay, ~~to~~ maintain order, and ~~to~~ ensure development of a clear and complete hearing file.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.116 Notice of Agency Hearing**

The Agency ~~must shall~~ issue public notice of ~~the~~ ~~such~~ hearing not less than 30 days ~~before~~ ~~prior~~ to the date of ~~the~~ ~~such~~ hearing, in the manner described by 35 Ill. Adm. Code Sections 309.109 through 309.112 for public notice. The Agency ~~must shall~~ send notices of the hearing to all persons and governmental agencies who had received notice of the application under 35 Ill. Adm. Code Sections 309.109 through 309.112 and 309.114. ~~The~~ ~~Such~~ notice ~~must shall~~ include at least the following:

- a) Name, address, and telephone number of the Agency;
- b) Name and address of each applicant whose application will be considered at the hearing;
- c) Name of waterway to which each applicant's discharge is to be made and a short description of the location of each such discharge on the waterway;
- d) A brief reference to the public notice issued for the NPDES application, including identification number (if any) and date of issuance;
- e) Information regarding the time and location of the hearing;

- f) The purpose of the hearing;
- g) A concise statement of the issues to be considered at the hearing;
- h) Address and telephone number of premises at which interested persons may obtain further information, request a copy of the draft permit, request a copy of the fact sheet, request a copy of the regulations governing the conduct of the hearing, and inspect and copy NPDES forms and related documents; and
- i) A statement that the hearing will be conducted under 35 Ill. Adm. Code ~~in accordance with the provisions of Sections 309.115 through 309.119.~~

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.117 Agency Hearing**

The applicant or any person must ~~shall~~ be permitted to submit oral or written statements and data concerning the proposed permit or group of permits. The Chair ~~has~~ ~~Chairman~~ ~~shall have~~ authority to fix reasonable limits upon the time allowed for oral statements, and may require statements in writing.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.118 Agency Hearing File**

- a) Following the public hearing, the Chair ~~must~~ ~~Chairman~~ ~~shall~~ prepare a hearing file, which must ~~shall~~ include:
  - 1) Copies of statements submitted in writing;
  - 2) A summary of the statements submitted orally;
  - 3) A report of the major issues raised at the hearing;
  - 4) An estimate of the number of persons present; and
  - 5) The Chair's ~~His~~ recommendations concerning actions to be taken on ~~of~~ the proposed permit or permits as a result of the hearing.
- b) The hearing file must ~~shall~~ be available upon request to any member of the public and to representatives of the U.S. Environmental Protection Agency.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.119 Agency Action After Hearing

Subject to 35 Ill. Adm. Code~~Section~~ 309.120, following the public hearing, the Agency may make appropriate~~such~~ modifications in the terms and conditions of proposed permits ~~as may be appropriate~~ and must shall transmit to the Regional Administrator for his or her approval a copy of the permit proposed to be issued unless the Regional Administrator has waived the~~his~~ right to receive and review permits of its class. The Agency must shall provide a notice of this~~such~~ transmission to the applicant, to any person who participates in the public hearing, to any person who requested a public hearing, and to appropriate persons on the mailing list established under 35 Ill. Adm. Code~~Sections~~ 309.109 through 309.112. The~~Such~~ notice must shall briefly indicate any significant changes which were made from terms and conditions set forth in the draft permit. All permits become effective when issued unless a different date is specified in the permit.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.120 Reopening the Record to Receive Additional Written Comment

- a) The Agency must shall order the public comment period reopened to receive additional written comments when~~where~~ the Agency significantly modifies the draft permit and the final permit is not a logical outgrowth of the proposed draft permit. In determining if the final permit is a logical outgrowth of the draft permit, the Agency must shall consider the following:
- 1) Whether the interested parties could not have reasonably anticipated the final permit from the draft permit;
  - 2) Whether a new round of notice and comment would provide interested parties the first opportunity to offer comments on the issue; or
  - 3) Whether the provisions in the final permit deviate sharply from the concepts included in the draft permit or suggested by the commenters.
- b) The public notice of any comment period extended under this Section must shall identify the issues as to which the public comment period is being reopened. Comments filed during the reopened period must shall be limited to the substantial new issues that caused its reopening.
- c) For the purposes of the notification required by subsection (b), the Agency must shall follow the public notice requirements of 35 Ill. Adm. Code~~Section~~ 309.109.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART A: NPDES PERMITS

### Section 309.141 Terms and Conditions of NPDES Permits



In establishing the terms and conditions of each issued NPDES Permit, the Agency ~~must shall~~ apply and ensure compliance with all of the following, whenever applicable:

- a) Effluent limitations under sections 301 and 302 of the CWA;
- b) Standards of performance for new sources under section 306 of the CWA;
- c) Effluent standards, effluent prohibitions, and pretreatment standards under section 307 of the CWA;
- d) Any more stringent limitation, including those:
  - 1) necessary to meet water quality standards, treatment standards, or schedules of compliance, established ~~underpursuant to~~ any Illinois statute or regulation (under authority preserved by section 510 of the CWA),
  - 2) necessary to meet any other federal law or regulation, or
  - 3) required to implement any applicable water quality standards, ~~including such limitations to include~~ any legally applicable requirements necessary to implement total maximum daily loads established ~~underpursuant to~~ section 303(d) of the CWA and incorporated in the continuing planning process approved under section 303(e) of the CWA and any regulations or guidelines issued ~~underpursuant to~~ that statute;
- e) Any more stringent legally applicable requirements necessary to comply with a plan approved ~~underpursuant to~~ section 208(b) of the CWA;
- f) ~~Before~~Prior to promulgation by the Administrator of the U.S. Environmental Protection Agency ~~promulgates~~of applicable effluent standards and limitations ~~underpursuant to~~ sections 301, 302, 306 and 307 of the CWA, ~~such conditions as~~ the Agency determines are necessary to carry out the provisions of the CWA;
- g) If the NPDES Permit is for the discharge of pollutants into navigable waters from a vessel or other floating craft (except that no NPDES Permit ~~must shall~~ be issued for the discharge of pollutants from a vessel or other floating craft into Lake Michigan), any applicable regulations promulgated by the Secretary of the Department in which the Coast Guard is operating, establishing specifications for safe transportation, handling, carriage, storage and stowage of pollutants; and
- h) If the NPDES Permit is for the discharge of pollutants from other than wet weather point sources into the Lake Michigan Basin as defined at 35 Ill. Adm. Code 303.443:
  - 1) Total Maximum Daily Loads (TMDLs) and Waste Load Allocation (WLA) will be established through either the LaMP or a RAP for an Area

of Concern. If a LaMP or RAP has not been completed and adopted, effluent limits ~~must shall~~ be established consistent with the other provisions of this Section, including, ~~but not limited to,~~ Additivity, Intake Pollutants, Loading Limits, Level of Detection/Level of Quantification and Compliance Schedules. When calculation of TMDLs or a WLA is incomplete and it is expected that limits established through other provisions will be superseded upon completion of the TMDL or WLA process, those limits ~~must shall~~ be identified as interim and the permit ~~must shall~~ include a reopener clause triggered by completion of a TMDL or WLA determination. Any new limits brought about through exercise of the reopener clause ~~must shall~~ be eligible for delayed compliance dates and compliance schedules consistent with Section 39(b) of the Act [415 ILCS 5/39(b)], Section 309.148 of this Part, and 35 Ill. Adm. Code 352.Subpart H.

- 2) 35 Ill. Adm. Code 302.590 establishes an acceptable additive risk level of one in 100,000 ( $10^5$ ) for establishing Tier I criteria and Tier II values for combinations of substances exhibiting a carcinogenic or other nonthreshold toxic mechanism. For those discharges containing multiple nonthreshold substances application of this additive standard ~~must shall~~ be consistent with this subsection (h).
- A) For discharges in the Lake Michigan Basin containing one or more 2,3,7,8-substituted chlorinated dibenzo-p-dioxins or 2,3,7,8-substituted dibenzofurans, the tetrachloro dibenzo-p-dioxin 2,3,7,8-TCDD toxicity equivalence concentration ( $TEC_{TCDD}$ ) ~~must shall~~ be determined as outlined in subsection (h)(2)(B).
- B) The values listed in the following Table ~~must shall~~ be used to determine the 2,3,7,8-TCDD toxicity equivalence concentrations using the following equation:

$$(TEC)_{TCDD} = \sum (C)_x (TEF)_x (BEF)_x$$

WHERE:

- $(TEC)_{TCDD}$  = 2,3,7,8-TCDD toxicity equivalence concentration in effluent
- $(C)_x$  = Concentration of total chemical x in effluent
- $(TEF)_x$  = TCDD toxicity equivalency factor for x
- $(BEF)_x$  = TCDD bioaccumulation equivalency factor for x

TABLE

Congener	TEF	BEF
2,3,7,8-TCDD	1.0	1.0
1,2,3,7,8-PeCDD	0.5	0.9
1,2,3,4,7,8-HxCDD	0.1	0.3
1,2,3,6,7,8-HxCDD	0.1	0.1
1,2,3,7,8,9-HxCDD	0.1	0.1
1,2,3,4,6,7,8-HpCDD	0.01	0.0
OCDD	0.001	0.0
2,3,7,8-TCDF	0.1	0.8
1,2,3,7,8-PeCDF	0.05	0.2
2,3,4,7,8-PeCDF	0.5	1.6
1,2,3,4,7,8-HxCDF	0.1	0.0
1,2,3,6,7,8-HxCDF	0.1	0.2
2,3,4,6,7,8-HxCDF	0.1	0.7
1,2,3,7,8,9-HxCDF	0.1	0.6
1,2,3,4,6,7,8-HpCDF	0.01	0.0
1,2,3,4,7,8,9-HpCDF	0.01	0.4
OCDF	0.001	0.0

C) Any combination of carcinogenic or otherwise nonthreshold toxic substances must shall be assessed on a case-by-case basis. The Agency must shall only consider such additivity for chemicals that exhibit the same type of effect and the same mechanism of toxicity, based on available scientific information that supports a reasonable assumption of additive effects.

3) Reasonable potential to exceed.

A) The first step in determining if a reasonable potential to exceed the water quality standard exists for any particular pollutant parameter is estimating the estimation of the maximum expected effluent concentration for that substance. That estimation will be completed for both acute and chronic exposure periods and is termed the PEQ. The PEQ must shall be derived from representative facility-specific data to reflect a 95 percent confidence level for the 95th percentile value. These data will be presumed to adhere to a lognormal distribution pattern unless the actual effluent data demonstrates a different distribution pattern. If facility-specific data in excess of 10 data values are is available, the Agency must calculate a coefficient of variation that is the ratio of the standard deviation to the arithmetic average shall be calculated by the Agency. The PEQ is derived as the upper bound of a 95 percent confidence bracket around the 95th percentile value through a multiplier from the following table applied to the maximum value in the data set that has its quality assured

consistent with 35 Ill. Adm. Code 352.410 as appropriate for acute and chronic data sets.

$$\text{PEQ} = (\text{maximum data point})(\text{statistical multiplier})$$

Coefficient of Variation

No. Samples	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0	1.1	1.2	1.3
1	1.4	1.9	2.6	3.6	4.7	6.2	8.0	10.1	12.6	15.5	18.7	22.3	26.4
2	1.3	1.6	2.0	2.5	3.1	3.8	4.6	5.4	6.4	7.4	8.5	9.7	10.9
3	1.2	1.5	1.8	2.1	2.5	3.0	3.5	4.0	4.6	5.2	5.8	6.5	7.2
4	1.2	1.4	1.7	1.9	2.2	2.6	2.9	3.3	3.7	4.2	4.6	5.0	5.5
5	1.2	1.4	1.6	1.8	2.1	2.3	2.6	2.9	3.2	3.6	3.9	4.2	4.5
6	1.1	1.3	1.5	1.7	1.9	2.1	2.4	2.6	2.9	3.1	3.4	3.7	3.9
7	1.1	1.3	1.4	1.6	1.8	2.0	2.2	2.4	2.6	2.8	3.1	3.3	3.5
8	1.1	1.3	1.4	1.6	1.7	1.9	2.1	2.3	2.4	2.6	2.8	3.0	3.2
9	1.1	1.2	1.4	1.5	1.7	1.8	2.0	2.1	2.3	2.4	2.6	2.8	2.9
10	1.1	1.2	1.3	1.5	1.6	1.7	1.9	2.0	2.2	2.3	2.4	2.6	2.7
11	1.1	1.2	1.3	1.4	1.6	1.7	1.8	1.9	2.1	2.2	2.3	2.4	2.5
12	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.9	2.0	2.1	2.2	2.3	2.4
13	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3
14	1.1	1.2	1.3	1.4	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2
15	1.1	1.2	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.8	1.9	2.0	2.1
16	1.1	1.1	1.2	1.3	1.4	1.5	1.6	1.6	1.7	1.8	1.9	1.9	2.0
17	1.1	1.1	1.2	1.3	1.4	1.4	1.5	1.6	1.7	1.7	1.8	1.9	1.9
18	1.1	1.1	1.2	1.3	1.3	1.4	1.5	1.6	1.6	1.7	1.7	1.8	1.9
19	1.1	1.1	1.2	1.3	1.3	1.4	1.5	1.5	1.6	1.6	1.7	1.8	1.8
20	1.1	1.1	1.2	1.2	1.3	1.4	1.4	1.5	1.5	1.6	1.6	1.7	1.7
30	1.0	1.1	1.1	1.1	1.2	1.2	1.2	1.3	1.3	1.3	1.3	1.4	1.4
40	1.0	1.0	1.1	1.1	1.1	1.1	1.1	1.1	1.2	1.2	1.2	1.2	1.2
50	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.1	1.1	1.1	1.1	1.1	1.1
60 or greater	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0

- i) If the PEQ is less than or equal to the water quality standard, there is no reasonable potential and no limit will be established in the permit.
- ii) If the PEQ is more than the water quality standard, the Agency will proceed to consideration of dilution and mixing ~~underpursuant to~~ subsection (h)(4).

B) If facility-specific data of 10 or less data values ~~are~~ available, an alternative PEQ ~~must~~ shall be derived using the table in subsection (h)(3)(A) assuming a coefficient of variation of 0.6, applied to the

maximum value in the data set that has its quality assured consistent with 35 Ill. Adm. Code 352.410.

- i) If the PEQ is less than or equal to the water quality standard, there is no reasonable potential and no limit will be established in the permit.
  - ii) If the PEQ exceeds the water quality standard, an alternative PEQ will be calculated using the maximum value in the data set and a multiplier of 1.4. If the alternative PEQ also exceeds the water quality standard, the Agency will proceed to consider dilution and mixing underpursuant to subsection (h)(4).
  - iii) If the PEQ exceeds the water quality standard but the alternative PEQ is less than or equal to the standard, the Agency will either proceed to consider dilution and mixing underpursuant to subsection (h)(4), or will incorporate a monitoring requirement and reopener clause to reassess the potential to exceed within a specified time schedule, not to exceed one year. In determining which of these options to use in any individual application, the Agency must shall consider the operational and economic impacts on the permittee and the effect, if any, deferral of a final decision would have on an ultimate compliance schedule if a permit limit were subsequently determined to be necessary.
- C) The Agency must shall compare monthly average effluent data values, when available, with chronic aquatic life, human health and wildlife standards to evaluate the need for monthly average water quality based effluent limitations (WQBELs). The Agency must shall use daily effluent data values to determine whether a potential exists to exceed acute aquatic life water quality standards.
- D) The Agency may apply other scientifically defensible statistical methods for calculating PEQ for use in the reasonable potential analysis as provided for in Procedure 5.b.2 of appendix F to 40 CFR 132, incorporated by reference at 35 Ill. Adm. Code 301.106.
- E) Regardless of the statistical procedure used, if the PEQ for the parameter is less than or equal to the water quality standard for that parameter, the Agency mustshall deem the discharge not to have a reasonable potential to exceed, and a WQBEL mustshall not be required unless otherwise required under 35 Ill. Adm. Code 352.430.

- 4) If the PEQ for a parameter is greater than the particular water quality standard, criteria or value for that parameter, the Agency will assess the level of treatment being provided by the discharger. If the discharger is providing (or will be providing) a level of treatment consistent with the best degree of treatment required by 35 Ill. Adm. Code 304.102(a), the PEQ derived under subsection (h)(3) ~~must shall~~ be compared to a preliminary effluent limitation (PEL) determined by applying an appropriate mixing zone or a default mixing zone to the discharge. Mixing opportunity and dilution credit will be considered as follows:
- A) Discharges to tributaries of the Lake Michigan Basin ~~must shall~~ be considered to have no available dilution for either acute or chronic exposures, and the PEL will be set equivalent to the water quality standard unless dilution is documented through a mixing zone study.
  - B) Bioaccumulative chemicals of concern (BCCs):
    - i) ~~Mixing No-mixing must not shall~~ be allowed for new discharges of BCCs commencing on or after December 24, 1997. The PEL will be set equivalent to the water quality standard.
    - ii) ~~Mixing must not shall~~ be allowed for discharges of BCCs that existed as of December 24, 1997 ~~under in accordance with the requirements of~~ 35 Ill. Adm. Code 302.530.
  - C) Direct discharges to the Open Waters of Lake Michigan ~~must shall~~ have a default mixing allowance of 2:1 for acute standards, criteria or values and 10:1 for chronic standards, criteria or values if the discharge configuration indicates that the effluent readily and rapidly mixes with the receiving waters. If ready and rapid mixing is in doubt the Agency ~~must shall~~ deny any default dilution or mixing allowance and require a mixing or dispersion study to determine the proper dilution allowance. If the discharger applies for more than the default dilution or mixing allowance, it must submit a mixing or dispersion study to justify its request. Whenever a mixing or dispersion study is available, it ~~must shall~~ be used to determine dilution or mixing allowance in lieu of the default allowance.
- 5) Preliminary effluent limitations calculations.
- A) The preliminary effluent limitation (PEL) is calculated in a simple mass balance approach reflecting the dilution allowance established in subsection (h)(4):

$$\begin{aligned} \text{WQS} &= [(Q_e)(\text{PEL}) + (Q_d)(C_d)] / [Q_e + Q_d] \text{ or} \\ \text{PEL} &= [\text{WQS}(Q_e + Q_d) - (Q_d)(C_d)] / Q_e \end{aligned}$$

WHERE:

WQS = applicable water quality standard, criteria or value

Q<sub>e</sub> = effluent flowrate

Q<sub>d</sub> = allowable dilution flowrate

C<sub>d</sub> = background pollutant concentration in dilution water

B) The representative background concentration of pollutants to develop TMDLs and WLAs calculated in the absence of a TMDL must shall be established as follows:

- i) "Background" represents all pollutant loadings, specifically loadings that flow from upstream waters into the specified watershed, water body, or water body segment for which a TMDL or WLA in the absence of a TMDL is being developed and enter the specified watershed, water body, or water body segment through atmospheric deposition, chemical reaction, or sediment release or resuspension.
- ii) When determining what available data are acceptable for use in calculating background, the Agency must shall use its best professional judgment, including consideration of the sampling location and the reliability of the data through comparison, in part, to detection and quantification levels. When data in more than 1 of the data sets or categories described in subsection (h)(5)(B)(iii) exists, best professional judgment must shall be used to select the data that most accurately reflects or estimates background concentrations. Pollutant degradation and transport information may be considered when using pollutant loading data to estimate a water column concentration.
- iii) The representative background concentration for a pollutant in the specified watershed, water body, or water body segment must shall be established on a case-by-case basis as the geometric mean of: acceptable water column data; water column concentrations estimated through use of

acceptable caged or resident fish tissue data; or water column concentrations estimated through the use of acceptable or projected pollutant loading data. When determining the geometric mean of the data for a pollutant that includes values both above and below the detection level, commonly accepted statistical techniques ~~must~~shall be used to evaluate the data. If all of the acceptable data in a data set are below the detection level for a pollutant, then all the data for the pollutant in that data set ~~must~~shall be assumed to be zero.

- 6) Water quality based effluent limitations.
- A) If the PEQ is less than or equal to the PEL, it will be concluded that there is no reasonable potential to exceed. Under ~~these such~~ circumstances a permit limit for that contaminant will not be set unless otherwise justified under one or more provisions of 35 Ill. Adm. Code 352.430.
  - B) If the PEQ is equal to or greater than the PEL, and the PEQ was calculated using a data set of more than 10 values, a WQBEL will be included in the permit. If the PEQ was calculated using a data set of less than or equal to 10 values, and the alternative PEQ calculated under subsection (h)(3) (B) also exceeds the PEL, a WQBEL will be included in the permit.
  - C) If the PEQ was calculated using a data set of less than or equal to 10 values, and the PEQ is greater than the PEL but the alternative PEQ is less than the PEL, the Agency will either establish a WQBEL in the permit or incorporate a monitoring requirement and reopener clause to reassess potential to exceed within a specified time schedule, not to exceed one year. In determining which of these options to use in any individual application, the Agency ~~must~~shall consider the operational and economic impacts on the permittee and the effect, if any, deferral of a final decision would have on an ultimate compliance schedule if a permit limit were subsequently determined to be necessary.
  - D) The WQBEL will be set at the PEL, unless the PEL is appropriately modified to reflect credit for intake pollutants when the discharged water originates in the same water body to which it is being discharged. Consideration of intake credit will be limited to the provisions of 35 Ill. Adm. Code 352.425.
  - E) The reasonable potential analysis ~~must~~shall be completed separately for acute and chronic aquatic life effects. When WQBELs are based on acute impacts, the limit will be expressed



as a daily maximum. When the WQBEL is based on chronic effects, the limit will be expressed as a monthly average. Human health and wildlife based WQBELs will be expressed as monthly averages. If circumstances warrant, the Agency ~~must~~ shall consider alternatives to daily and monthly limits.

- i) Best management practices (BMPs) to control or abate the discharge of chloride when:
  - 1) Authorized under section 402(p) of the CWA for the control of storm water discharges;
  - 2) Numeric effluent limitations are infeasible; or
  - 3) The practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.142 Water Quality Standards and Waste Load Allocation**

In any case in which an NPDES Permit includes as conditions the effluent standards and limitations described in 35 Ill. Adm. Code Sections 309.141, 309.142, and 309.143, the Agency ~~must shall have determine determined and verify verified~~ that the discharge authorized by the permit will not violate applicable water quality standards or a schedule of compliance to achieve applicable water quality standards contained in the NPDES Permit. In any case in which an NPDES Permit applies any more stringent effluent limitation based on applicable water quality standards, a waste load allocation ~~must shall~~ be prepared to ensure that the discharge authorized by the permit is consistent with applicable water quality standards.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.143 Effluent Limitations**

- a) Effluent limitations must control all pollutant or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Agency determines are, or may be, discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality. When determining whether a discharge causes, has the reasonable potential to cause or contributes to an in-stream excursion above a narrative or numeric criteria within a State water quality standard, the Agency ~~must shall~~ use procedures which account for existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species to toxicity

testing (when evaluating whole effluent toxicity), and, where appropriate, the dilution of the effluent in the receiving water.

- b) In the application of effluent standards and limitations, water quality standards and other applicable requirements, the Agency must shall, for each permit, specify average and maximum daily quantitative limitations for the level of pollutants in the authorized discharge in terms of weight (except pH, temperature, radiation, and any other pollutants not appropriately expressed by weight, and except for discharges whose constituents cannot be appropriately expressed by weight). The Agency may, in its discretion, in addition to specification of daily quantitative limitations by weight, specify other limitations, such as average or maximum concentration limits, for the level of pollutants in the authorized discharge. Effluent limitations for multiproduct operations must shall provide for appropriate waste variations from such plants. Where a schedule of compliance is included as a condition in a permit, effluent limitations must shall be included for the interim period as well as for the period following the final compliance date.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 309.144 Federal New Source Standards of Performance**

Notwithstanding any other provisions of these regulations, any point source, the construction of which is commenced after the date of enactment of the CWA and which is so constructed as to meet all applicable federal standards of performance as defined in Section 306 of the CWA and 35 Ill. Adm. Code Section 301.400 of this Chapter, must shall not be subject to any more stringent federal standard of performance during:

- a) A 10-year period beginning on the date of completion of such construction, or
- b) The period of depreciation or amortization of such facility for the purposes of Section 167 or 169 (or both) of the Internal Revenue Code of 1954 (26 U.S.C. 167 and 169), whichever period ends first.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 309.145 Duration of Permits**

All NPDES Permits must shall be issued for fixed terms not to exceed five years.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 309.146 Authority to Establish Recording, Reporting, Monitoring and Sampling Requirements**

- a) The Agency must shall require every holder of an NPDES Permit, as a condition of the NPDES Permit issued to the holder, to:

- 1) Establish, maintain and retain records;
  - 2) Make reports adequate to determine the compliance or lack of compliance with all effluent limits and special conditions in the permit;
  - 3) Install, calibrate, use and maintain monitoring equipment or methods (including where appropriate biological monitoring methods);
  - 4) Take samples of effluents (~~according to~~ in accordance with such methods, at such locations, at such intervals, and in such a manner as may be prescribed); and
  - 5) Provide ~~such~~ other information as may reasonably be required.
- b) The Agency may require every holder of an NPDES Permit for a publicly owned and publicly regulated treatment works, as a condition of the NPDES Permit, to require industrial users of such a treatment works to:
- 1) Establish, maintain and retain records;
  - 2) Make reports;
  - 3) Install, calibrate, use and maintain monitoring equipment or methods (including where appropriate biological monitoring methods);
  - 4) Take samples of effluents (~~according to~~ in accordance with such methods, at such locations, at such intervals, and in such a manner as may be prescribed); and
  - 5) Provide ~~such~~ other information as may reasonably be required.
- c) All ~~these such~~ requirements ~~must shall~~ be included as conditions of the NPDES Permit issued to the discharger, and ~~must shall~~ be at least as stringent as those required by applicable federal regulations when these become effective.
- d) All permits ~~must shall~~ specify requirements for properly using, maintaining, and installing ~~concerning the proper use, maintenance, and installation~~, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate); required monitoring including type, interval, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.147 Authority to Apply Entry and Inspection Requirements

- a) Any holder of an NPDES Permit and any industrial user of a publicly owned or publicly regulated sewage treatment plant, ~~must~~ shall be required as a condition of the NPDES Permit issued to the holder, and in ~~compliance~~ accordance with constitutional limitations, to allow any authorized representative of the Agency, upon presentation of his or her credentials, to:
- 1) Enter any premises of a permittee or ~~of~~ an industrial user of a publicly owned or publicly regulated treatment works in which premises an effluent source is located or in which any applicable records are located that are required to be maintained;
  - 2) At reasonable times have access to and copy any records required to be maintained;
  - 3) Inspect any monitoring equipment or method which is required;
  - 4) Have access to and sample any discharge of contaminants to State waters or to publicly owned or publicly regulated treatment works resulting from the activities or operations of the permittee or industrial user; and
  - 5) Inspect, sample, photograph or otherwise investigate any part of the facilities or equipment of the permit holder or industrial user which the Agency may deem necessary in order to determine the possibility of a present or future violation of the Act, applicable regulations or any NPDES Permit conditions.
- b) The requirements ~~set forth~~ in subsections (a)(1) through (a)(5) ~~must~~ above shall be ~~set forth~~ in all NPDES Permits as terms and conditions ~~thereof~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.148 Schedules of Compliance

The Agency ~~must~~ shall establish schedules of compliance in NPDES Permits in the following manner:

- a) With respect to any discharge which is not in compliance with applicable effluent standards and limitations, applicable water quality standards or other legally applicable requirements, the permittee ~~must~~ shall be required to take specific steps to achieve compliance ~~therewith~~ in the shortest reasonable period of time consistent with the guidelines and requirements of CWA and the Act.
- b) In any case where the period of time for compliance specified in ~~subsection~~ Subsection (a) ~~above~~ exceeds 9 months, the permit must specify a

~~schedule of compliance~~ schedule setting shall be specified in the permit which will set forth interim requirements and the dates for their achievement; in no event must ~~shall~~ more than 9 months elapse between interim dates. If the time necessary for completion of the interim requirements is more than 9 months and is not readily divided into stages for completion, the permit must specify interim dates to submit progress ~~shall be specified for the submission of reports on completing of progress toward completion~~ of the interim requirement. For each NPDES Permit schedule of compliance, interim dates and the final date for compliance must ~~shall~~, to the extent practicable, fall on the last day of ~~the months of~~ March, June, September, and December.

- c) Not later than 14 days ~~after following~~ each interim date and the final date of compliance, the permittee must ~~shall~~ provide the Agency with written notice of the permittee's compliance or noncompliance with the interim or final requirement.
- d) Interim and final compliance dates in NPDES permits are ~~shall be~~ enforceable without otherwise showing a violation of an effluent limitation or injury to water quality.
- e) ~~The Agency shall make available for public inspection and copying at its Springfield and Chicago offices a copy of the quarterly list as filed with the Regional Administrator in accordance with 40 CFR 124.44(d).~~
- f) The Agency may establish schedules of compliance in NPDES permits under ~~pursuant to~~ applicable federal requirements which may be earlier or later than deadlines established by otherwise applicable regulations of the Board, provided that all schedules of compliance must ~~shall~~ require compliance at the earliest reasonable date. However, the Agency must ~~shall~~ not issue an NPDES Permit containing a schedule of compliance beyond July 1, 1977, or any other compliance date established by federal law, to any applicant who is not in compliance with, or who has not obtained a variance, adjusted standards, or time-limited water quality standard from applicable Illinois Water Pollution Regulations, or who has not been ordered to apply for and obtain all necessary permits in an appropriate Board enforcement action, for which the deadline for compliance occurred before the effective date of these NPDES Regulations.
- ~~f)g)~~ In any case in which an NPDES permit includes a schedule of compliance, the Agency must ~~shall~~ include in its final determination a statement of the factual basis for such schedule.
- ~~g)h)~~ Schedules of compliance established by the Agency in NPDES Permits must ~~shall~~ be subject to review by the Pollution Control Board under 35 Ill. Adm. Code in accordance with Sections 309.181 and 309.182 herein.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 309.149 Authority to Require Notice of Introduction of Pollutants into Publicly Owned Treatment Works**

The Agency ~~must shall~~ include in all NPDES Permits issued to publicly owned or publicly regulated treatment works conditions requiring the permittee to give notice to the Agency of the following:

- a) Any new introduction of pollutants into ~~the such~~ treatment works from a source which would be a new source as defined in Section 306 of the CWA if ~~the such~~ source were discharging pollutants directly to the waters of the State;
- b) Except as to ~~such~~ categories and classes of point sources or discharges which may be specified by the Agency, any new introduction of pollutants into ~~the such~~ treatment works from a source which would be a point source subject to Section 301 of the CWA if it were discharging such pollutants directly to the waters of the State;
- c) Any substantial change in volume or character of pollutants being introduced into ~~the such~~ treatment works by a source introducing pollutants into ~~the such~~ works at the time of ~~issuance of the permit is issued~~; and
- d) All notices required of publicly owned or publicly regulated treatment works ~~under pursuant to this section must shall~~ be in ~~the such~~ form and content required ~~by~~ the Agency ~~may require~~, and must shall include information on:
  - 1) The quality and quantity of wastewater to be introduced into such treatment works, and
  - 2) Any anticipated impact of such change in the quantity or quality of effluent to be discharged from ~~thesuch~~ publicly owned or publicly regulated treatment works.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 309.150 Authority to Ensure Compliance by Industrial Users with Sections 204(b), 307 and 308 of the Clean Water Act**

- a) Any NPDES Permit issued to a publicly owned or publicly regulated treatment works must shall include as a condition that the permittee ~~must shall~~ require that any industrial user of ~~thesuch~~ treatment works will comply with federal requirements concerning:
  - 1) User charges and recovery of construction costs ~~under pursuant to~~ Section 204(b) of the CWA and applicable regulations ~~appearing~~ in 40 CFR 35;

- 2) Toxic pollutant effluent standards and pretreatment standards under ~~pursuant to~~ Section 307 of the CWA; and
  - 3) Inspection, monitoring and entry under ~~pursuant to~~ Section 308 of the CWA.
- b) ~~To ensure~~As a means of ensuring such compliance, the permittee must ~~shall~~ require each industrial user subject to the requirements of Section 307 of the CWA to comply with this Section. The permittee must ~~shall~~ send to the Agency periodic notice (over intervals not to exceed 9 months) of progress toward full compliance with the requirements of Section 307 of the CWA.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.151 Maintenance and Equipment**

Any NPDES Permit issued must ~~shall~~ include as a condition that the permittee must ~~shall~~ ~~at all times~~ maintain in good working order and operate as efficiently as possible any facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the permit.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.152 Toxic Pollutants**

Any NPDES Permit issued must ~~shall~~ include as a condition that if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the CWA for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the NPDES Permit, the Agency must ~~shall~~ revise or modify the permit according to ~~in accordance with~~ the more stringent standard or prohibition and must ~~shall~~ ~~so~~ notify the permittee.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.154 Authorization to Construct**

- a) ~~A~~ ~~No~~ person must not ~~shall~~ cause or allow the construction of any new treatment works, disposal well or wastewater source for which an NPDES Permit is required or cause or allow the modification of any existing treatment works, disposal well or wastewater source for which an NPDES Permit is required unless the ~~such~~ NPDES Permit contains an authorization to construct as a condition of the ~~such~~ permit.
- b) Any holder of a valid NPDES Permit who proposes or is required as a condition of the ~~such~~ NPDES Permit or of any order of the Pollution Control Board to

construct or modify any treatment works, disposal well, wastewater source, or process modification which results in new or increased discharges of pollutants, ~~must shall~~ complete, sign and submit an NPDES application for ~~the such~~ construction or modification, ~~according to in accordance with~~ the instructions provided with the form, no later than 180 days ~~before in advance of~~ the date on which construction or modification is to begin. ~~A No person must not shall~~ commence construction until the holder of the NPDES Permit ~~receivesshall have received~~ a modification to the NPDES Permit, or a new NPDES Permit if required, which contains an authorization to construct as a condition of ~~thesuch~~ permit.

- c) The Agency ~~must shall~~ not issue any authorization to construct unless the applicant submits adequate proof, including any of the information or documents ~~listed in 35 Ill. Adm. Codeset forth in Section 309.221~~ as the Agency may require, which ensures that the proposed construction, modification or operation
- 1) Either conforms to the criteria promulgated by the Agency under Section 309.221 or is based on other criteria which the applicant proves will produce consistently satisfactory results; and
  - 2) Will not cause a violation of the conditions of the NPDES Permit.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.155 Sewage Sludge Disposal**

In establishing the terms and conditions of each issued NPDES Permit, the Agency ~~mustshall~~ apply and ensure compliance with applicable regulations promulgated under Section 405 of the CWA governing the disposal of sewage sludge from treatment works.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.156 Total Dissolved Solids Reporting and Monitoring**

The Agency ~~must shall~~ by permit condition require monitoring and reporting levels of total dissolved solids in effluents unless it finds that ~~the such~~ reporting and monitoring is not required to accomplish the purposes of the Act. Monitoring of total dissolved solids levels ~~must shall~~ be by any reasonably reliable method.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_))

### **Section 309.157 Permit Limits for Total Metals**

- a) The NPDES permit limits for metals must be expressed in total metals form even though the water quality standards for metals specified in 35 Ill. Adm. Code Sections 302.208(e), 302.504(a), and 304.105 are in their dissolved form.



The total metals permit limit ~~is shall be~~ determined by multiplying the dissolved metals concentration and the appropriate metals translator.

- b) ~~Site specific metals translators must be determined according to~~The Agency shall adopt procedures for determining site-specific metals translator in accordance with “The Metals Translator: Guidance for Calculating a Total Recoverable Permit Limit from a Dissolved Criterion,” incorporated by reference at 35 Ill. Adm. Code 301.106.
- c) Except as otherwise specified in subsection (d) ~~of this Section~~, the reciprocal of the conversion factor multiplier used for obtaining the dissolved metals standards at ~~35 Ill. Adm. Code Sections~~ 302.208(e) and 302.504(a) becomes the metals translator and the resulting total metals value becomes the NPDES permit limit.
- d) A permittee may request the Agency, ~~in accordance with the procedures adopted pursuant to subsection (b) of this Section~~, to calculate a total metals permit limit based on a site-specific metals translator. Upon review and approval of the information submitted by the permittee, the Agency will calculate a total metals permit limit that is protective of the dissolved metals water quality standard.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.181 Appeal of Final Agency Action on a Permit Application**

- a) If any NPDES Permit has been issued or denied by the Agency, any appeal of the issuance or denial of the permit, or of any of ~~its the~~ terms or conditions thereof, ~~must shall~~ be to the Pollution Control Board ~~according to~~in accordance with its Procedural Rules.
- b) ~~The Such~~ appeal ~~must shall~~ be filed within ~~35-30~~ days after final Agency action.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.182 Authority to Modify, Suspend or Revoke Permits**

- a) Any person, whether or not a party to or participant at any earlier proceeding before the Agency or the Board, may file a complaint for modification, suspension, or revocation of an NPDES Permit ~~according to~~in accordance with this Section and Part 103.

~~(Note: Prior to codification, Part III of Procedural Rules.)~~

- b) The Pollution Control Board, after complaint and hearing ~~according to~~in accordance with the Act and its Procedural Rules, may modify, suspend or revoke any NPDES permit in whole or in part in any manner consistent with the Act, applicable Board regulations and federal requirements, upon proof of cause

including, ~~but not limited to,~~ the following:

- 1) Violation of any terms or conditions of the permit (including, ~~but not limited to,~~ schedules of compliance and conditions concerning monitoring, entry and inspection);
  - 2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
  - 3) A change in any circumstance that mandates either a temporary or permanent reduction or elimination of the permitted discharge.
- c) The provisions of this Section ~~must~~ shall be included as terms and conditions of each issued NPDES Permit.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.183 Revision of Schedule of Compliance**

- a) The Agency may, upon request of the applicant, revise or modify a schedule of compliance in an issued NPDES Permit if it determines good and valid cause (such as an Act of God, strike, flood, materials shortage or other event over which the permittee has little or no control) exists for ~~the~~ such revision and if within 30 days following receipt of notice from the Agency, the Regional Administrator of the U.S. Environmental Protection Agency does not object in writing.
- b) Under subsection (a), the ~~Such~~ Agency must not extend a final compliance date more than ~~revision shall only be made when the Agency has determined that the final compliance date shall not be extended beyond a total of 90 days as originally contained in the permit.~~

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.184 Regulatory Relief Permit Modification Pursuant to Variance**

To the extent authorized by the CWA and the Act, the Board may grant variances, adjusted standards, or time limited water quality standards from standards, limitations, and requirements imposed by these NPDES Regulations ~~upon a showing that compliance would impose an arbitrary and unreasonable hardship on the applicant or permittee. Any request for such relief shall be commenced in accordance with Section 104.101 and Part 104 shall govern the proceeding.~~ If the Board grants ~~such~~ a variance, adjusted standard or time-limited water quality standard is granted the Board ~~must~~ shall order the Agency to issue or modify an NPDES Permit consistent with the Board Order, the CWA, Federal NPDES Regulations and the Act.

(Note: ~~Prior to codification, Rule 401 and Part IV of Procedural Rules~~)

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 309.185 Public Access to Information (Repealed)**

~~The Agency and Board shall assure public access to information pursuant to Section 7(b) of the Act.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 309.191 Effective Date (Repealed)**

~~a) Except as otherwise provided, Subpart A became effective on October 24, 1977.~~

~~b) The UIC permit exception of Section 309.102(b) will become effective upon filing with the Secretary of State of a letter from USEPA approving the UIC program for the State of Illinois.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART B: OTHER PERMITS**

**Section 309.201 Preamble**

- a) This Subpart B establishes basic rules for issuing~~the issuance of~~ permits to construct, modify, and operate~~for the construction, modification and operation of~~ treatment works, pretreatment works, sewers, wastewater sources and other discharges that are not required to have NPDES Permits.
- b) The following discharges are exempt from the operating permit requirement of this Subpart. However, they may be subject to the construction permit requirement:
- 1) discharges for which a pretreatment permit has been issued by the Agency under~~pursuant to~~ 35 Ill. Adm. Code 310;
  - 2) discharges for which a pretreatment permit has been issued by USEPA under~~pursuant to~~ the federal Clean Water Act; or
  - 3) discharges for which an authorization has been issued by a publicly owned treatment works (POTW) with a pretreatment program approved by the Agency, under~~pursuant to~~ 35 Ill. Adm. Code 310, or approved by USEPA under~~pursuant to~~ federal law.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 309.202 Construction Permits**

Except for treatment works or wastewater sources which have or will have discharges for which NPDES Permits are required, and for which NPDES Permits have been issued by the Agency:

- a) A ~~No~~ person must not shall cause or allow the construction of any new treatment works, sewer or wastewater source or cause or allow the modification of any existing treatment works, sewer or wastewater source without a construction permit issued by the Agency, except as provided in subsections (c) and (d).
- b) For groundwater remediation systems, with or without pretreatment, a permit is required for construction of:
  - 1) a new sewer to a publicly owned or publicly regulated sanitary or combined sewer; or
  - 2) a wastewater source that discharges to a publicly owned or publicly regulated sanitary or combined sewer.
- c) Construction permits are shall ~~not be~~ required for the following:
  - 1) storm sewers that transport only land runoff;
  - 2) any treatment works, sewer or wastewater source designed and intended to serve a single building and eventually treat or discharge less than an average of 1500 gallons per day (5700 l/day) of domestic sewage and which will discharge, if at all, directly to a publicly owned or publicly regulated sanitary or combined sewer;
  - 3) any sewer required by statute to secure a permit under pursuant to ~~under~~ Section 3 of the Mobile Home Park Act [210 ILCS 115];
  - 4) any treatment works, pretreatment works, sewer or wastewater source that, on the effective date of this Subpart B, is being constructed or will be constructed under the authorization of a permit already issued by the Agency or its predecessors; provided however, that all construction must be completed within four years from the effective date of this Subpart B;
  - 5) privately owned sewers tributary to industrial treatment works owned by the same person if the additional waste load does not exceed the permitted design capacity of the industrial treatment works; or
  - 6) cooling towers, oil/water separators, pH adjustment facilities without additional pretreatment, groundwater remediation system pretreatment, reverse osmosis treatment for industrial source water, multi-media filtration for industrial source water, disposable cartridge type (or similar) filtration systems, ion-exchange systems for industrial source waters, and

all associated pipes, pumps, and appurtenances necessary for the installation and operation of these permit exempt treatment systems.

- d) ~~A No person must not shall~~ cause or allow the construction of any pretreatment works or cause or allow the modification of any existing pretreatment works without a construction permit issued by the Agency, unless exempt under 35 Ill. Adm. Code pursuant to Section 309.202(c) if those pretreatment works, after construction or modification, will:
- 1) discharge toxic pollutants, as defined in Section 502(13) of the CWA, or pollutants which may interfere with the treatment process into the receiving treatment works or be subject to regulations promulgated under section 307 of the Clean Water Act (CWA); or
  - 2) discharge 15% or more of the total hydraulic flow received by the treatment works; or
  - 3) discharge 15% or more of the total biological loading received by the treatment works as measured by the 5-day biochemical oxygen demand.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.203 Operating Permits; New or Modified Sources**

- a) ~~A No person must not shall~~ cause or allow the use or operation of any treatment works, sewer, pretreatment works or wastewater source for which a construction permit is required under 35 Ill. Adm. Code Section 309.202 without an operating permit issued by the Agency, except as may be authorized by the construction permit.
- b) No operating permit is required under this Section for any discharge:
- 1) for which an NPDES permit is required;
  - 2) for which a pretreatment permit has been issued by the Agency, underpursuant to 35 Ill. Adm. Code 310;
  - 3) for which a pretreatment permit has been issued by USEPA underpursuant to federal law; or
  - 4) for which an authorization to discharge has been issued by a POTW with a pretreatment program approved by the Agency, underpursuant to 35 Ill. Adm. Code 310, or approved by USEPA under federal law.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.204 Operating Permits; Existing Sources

- a) A ~~No~~ person ~~must not shall~~ cause or allow the use or operation of any treatment works, pretreatment works or wastewater source without an operating permit issued by the Agency, except as provided in subsections (b), (c) and (d).
- b) No operating permit is required under this Section for any discharge:
- 1) for which an NPDES permit is required;
  - 2) for which a pretreatment permit has been issued by the Agency underpursuant to 35 Ill. Adm. Code 310;
  - 3) for which a pretreatment permit has been issued by USEPA underpursuant to federal law; or
  - 4) for which an authorization to discharge has been issued by a POTW with a pretreatment program approved by the Agency, underpursuant to 35 Ill. Adm. Code 310, or approved by USEPA under federal law.
- c) Operating permits are not required for treatment works and wastewater sources that are designed and intended to serve a single building and eventually treat or discharge less than an average of 1500 gallons per day 5 (5700 l/day) of domestic sewage and that will discharge, if at all, directly to a publicly owned or publicly regulated sanitary or combined sewer.
- d) Operating permits are not required for those pretreatment works or wastewater sources discharging to a sewer tributary to a treatment works, or directly to a treatment works, that will not:
- 1) discharge toxic pollutants, as defined in section 502(13) of the CWA, or pollutants that may interfere with the treatment process into the receiving treatment works or be subject to regulations promulgated under section 307 of the CWA;
  - 2) discharge 15% or more of the total hydraulic flow received by the treatment works; or
  - 3) discharge 15% or more of the total biological loading received by the treatment works as measured by the 5-day biochemical oxygen demand.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.205 Joint Construction and Operating Permits

~~When in cases where~~ the Agency determines that a proposed treatment works, pretreatment works, sewer or wastewater source is sufficiently standard so as to obviate the need for separate construction and operating permits, the Agency may issue a joint construction and operating permit.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.206 Experimental Permits**

- a) ~~To promote developing~~In order to promote the development of water pollution control technology, the Agency may issue experimental permits for treatment processes or techniques that do not satisfy the standards for issuance set forth in ~~35 Ill. Adm. Code~~Section 309.241, provided that the applicant submits clear, cogent and convincing proof that the process or technique has a reasonable and substantial chance for success.
- b) The existence of a valid experimental permit ~~constitutes~~shall constitute a prima facie defense to any action brought against the permittee for a violation of this Chapter, but only to the extent that such action is based on the failure of the process or technique, during the period of validity of the permit, to meet the effluent limitations of water quality standards of this Chapter.
- c) An experimental permit may not be issued in lieu of an NPDES Permit when an NPDES Permit is required.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.208 Permits for Sites Receiving Sludge for Land Application**

- a) A construction and an operating permit are required under this Chapter for any site receiving sludge for land application unless:
  - 1) The site receives only livestock wastes; or
  - 2) The site receives only septic tank sludges generated from domestic sources; or
  - 3) The site is regulated under ~~Parts 700 et seq.~~ of the Board's regulations; or  
(~~Note: Prior to codification, Chapter 7: Solid Waste.~~)
  - 4) The site is specifically identified in an approved sludge management scheme of an operating or NPDES permit issued by the Agency and receives sludge exclusively from the permittee; or
  - 5) All of the following conditions are satisfied:

- A) The site is not specifically identified in an NPDES or operating permit of any treatment works or pretreatment works but receives sludge from a treatment works or pretreatment works which has a valid operating permit issued by the Agency, or an NPDES Permit with a management scheme approved by the Agency. The sludge generator ~~must shall~~ inform the user that this requirement has been met; and
  - B) The sludge user applies the sludge to less than 121 ~~hectaresha~~ (300 acres) under common ownership or control in any year; and
  - C) The sludge is transported, stored and applied by the user in compliance with the approved sludge management scheme of the generator from which the user receives the sludge. Any person who intends to transport, store or apply sludge in any manner other than that described in the approved sludge management scheme must apply for a permit.
- b) Notwithstanding ~~subsections~~~~subparagraphs~~ (1) through (5) of ~~subsection~~~~paragraph~~ (a), the Agency may require a user receiving sludge for land application to obtain a permit under this Section when the Agency determines that special circumstances ~~require exist such that~~ a permit is ~~required~~ to protect the environment or the public health. In making its determination, the Agency ~~must shall~~ consider the following factors:
- 1) Where the sludge will be stored;
  - 2) The proposed rate and method of application of the sludge to the receiving site;
  - 3) The quality (constituents and concentrations) of the sludge to be applied to the receiving site; and,
  - 4) The geological and hydrological characteristics of the receiving site, including proximity to waters of the State.
- c) No permit may be required under ~~subsection~~~~Subsection~~ (b) for a user receiving sludge for land application unless the owner or operator is notified in writing of the requirement to apply for a permit. That notification ~~must shall~~ include a statement of the special circumstances requiring the site to be permitted. The requirement of a permit is reviewable only in a permit appeal proceeding.
- d) Generators and haulers of municipal water or wastewater treatment plant sludge, which is to be applied to land and which is regulated under this Chapter, need not obtain a special waste hauling permit or prepare, carry and complete a manifest



under 35 Ill. Adm. Code Part 706 of the Board's Special Waste Hauling regulations.

(Note: Prior to codification, Chapter 9: Special Waste.)

- e) The Agency may establish and revise criteria according to 35 Ill. Adm. Code in accordance with Section 309.262 for designing, operating, and maintaining the design, operation, and maintenance of facilities regulated under this Section.
- f) For purposes ~~of~~ permit issuance and approval of a sludge management scheme, proof of conformity with Agency criteria ~~is~~ shall be prima facie evidence of no violation of the Act or this Chapter. However, nonconformity with Agency criteria ~~is~~ shall not be grounds for permit denial, or for failure to approve a sludge management scheme, if the applicant submits adequate information showing that the sludge will be stored, transported and applied so as not to cause a violation of the Act or this Chapter.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.221 Applications -- Contents**

- a) All applications for any permit required under ~~this~~ Subpart B must ~~shall~~ contain, where appropriate, the following information and documents:
  - 1) A complete description of the volume and nature of the wastewater influent and effluent to be transported, treated or discharged, including a statement as to presence or absence of all contaminants for which effluent or water quality standards are set by this chapter; and
  - 2) A description of the present condition of the receiving body of water and the effect of the wastewater on such receiving body of water; and
  - 3) A statement as to any projected changes in the volume or nature of the wastewater which the applicant desires to have included within the terms of the permit; and
  - 4) A description of the geographic location of the facility or source, and its interrelation with any existing or proposed treatment works, sewer or wastewater source which will transport, treat or discharge the same wastewater; and
  - 5) Plans and specifications, prepared by an Illinois Registered Professional Engineer when required by the Professional Engineering Practice Act of 1989 (225 ILCS 325) ~~provisions of the Illinois Professional Engineering Act (Ill. Rev. Stat. 1979 ch. 111, pars. 5101 et. seq.)~~, fully describing the design, nature, function and interrelationship of each individual

component of the facility or source, except that the Agency may waive this requirement for plans and specifications when the application is for a routine renewal; and

- 6) A statement identifying and justifying any departure from current design criteria promulgated by the Agency.
- b) The Agency may adopt procedures requiring such additional information as is necessary to determine whether the treatment works, pretreatment works, sewer or wastewater source will meet the requirements of the Act and this Part Chapter.
- c) The Agency may prescribe the form in which all information required under this Section must~~shall~~ be submitted.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.222 Applications -- Signatures and Authorizations**

- a) An application submitted by a corporation must be signed by a principal executive officer of at least the level of vice president, or his or her duly authorized representative, if ~~the~~such representative is responsible for the overall operation of the facility from which the discharge described in the application form originates. In the case of a partnership or a sole proprietorship, the application must be signed by a general partner or the proprietor respectively. In the case of a publicly owned facility, the application must be signed by either a principal executive officer, ranking elected official or other duly authorized employee.
- b) Permit applications for sewer construction or modification must ~~shall~~ be accompanied by signed statements from the owners of all intermediate receiving sewers and the receiving treatment works certifying that their facilities have adequate capacity to transport, ~~and/or~~ transport and treat, as applicable, the wastewater that will be added through the proposed sewer without violating any provisions of the Act and this Chapter.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.223 Applications -- Delivery~~Registered or Certified Mail~~**

All permit applications must ~~shall~~ be mailed or delivered to the appropriate address designated by the Agency. ~~Any application or revised application sent by mail shall be sent by registered or certified mail, return receipt requested. Applications which are hand-delivered shall be delivered to and received for by any authorized person employed in the Permit Section of the Agency's Division of Water Pollution Control.~~

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.224 Applications -- Time to Apply

Any person required under ~~this~~ Subpart B to have a permit must file an application with the Agency at least 90 days before the date on which the permit is required.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.225 Applications -- Filing and Final Action By Agency

- a) An application for permit under ~~this~~ Subpart B ~~must shall~~ not be deemed to be filed until the Agency has received, at the designated address, all information, documents and authorizations in the form and with the content required by 35 Ill. Adm. Code Sections 309.221, 309.222 and 309.223 and related Agency procedures; provided, however, that if the Agency fails to notify the applicant within 30 days after the filing of a purported application that the application is incomplete and of the reason the Agency deems it incomplete, the application will shall be deemed to have been filed ~~on~~ as of the date of ~~the~~ such purported filing. The applicant may treat the Agency's notification that an application is incomplete as a denial of the application for purposes of review.
- b) If the Agency fails to take final action, by granting or denying the permit as requested or with conditions, within 90 days ~~after~~ from the filing of the application, the applicant may deem the permit granted for a one year period commencing on the 91st day after the application under ~~this~~ Subpart B was filed.
- c) Any applicant for a permit under ~~this~~ Subpart B may waive the requirement that the Agency must take final action within 90 days ~~after~~ from the filing of the application.
- d) The Agency ~~must shall~~ send written notice of final action taken.
- e) The Agency ~~will shall~~ be deemed to have taken final action on the date that the notice is mailed.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.241 Standards for Issuance

- a) ~~—~~ The Agency ~~must shall~~ not grant any permit required by ~~this~~ Subpart B, except an experimental permit under 35 Ill. Adm. Code Section 309.206, unless the applicant submits adequate proof that the treatment works, pretreatment works, sewer, or wastewater source will be constructed, modified, or operated so as not to cause a violation of the Act or of this Subtitle. ~~and~~
- b) ~~—~~ If the Agency has promulgated, ~~pursuant to Section 309.262~~, criteria under 35 Ill. Adm. Code 309.262 with regard to any part or condition of a permit, then for

purposes of permit issuance proof of conformity with the criteria ~~is shall be~~ prima facie evidence of no violation. However, non-conformity with the criteria ~~is shall~~ not be grounds ~~to deny the permit application for permit denial~~ if the applicant meets the condition of subsection (a) ~~of this section is met~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 309.242 Duration and Termination of Permits Issued Under Subpart B**

- a) Construction permits for sewers and wastewater sources must require that construction be completed within two years. Construction permits for treatment works and pretreatment works must require that construction be completed within three years. In situations in which the magnitude and complexity of the project require it, the Agency may issue a construction permit, requiring completion within a period not to exceed five years.
- b) Except ~~under as indicated in~~ subsection (c), ~~an~~ ~~no~~ operating permit ~~must not shall~~ have a duration in excess of five years. The Agency may issue operating permits for as short a period of time as may be necessary ~~in order~~ to facilitate basin planning, to coordinate operating permits with future compliance deadlines, to maintain intensive control over new or experimental processes and to provide for emergency situations.
- c) The Agency may issue operating permits under 35 Ill. Adm. Code Section 309.203 for sewers, wastewater sources, and pretreatment works for the lifetime of the sewer or the pretreatment works.
- d) Notwithstanding subsections (b) and (c), any operating permit subject to this Subpart must expire when the Agency issues ~~upon the issuance of~~ a modified or renewed permit ~~issued by the Agency~~.
- e) A permittee may request termination of a permit by submitting the request in writing to the Agency in a format prescribed by the Agency. The Agency must send written confirmation of the termination to the permittee by certified or registered mail. Termination is effective on the date of written confirmation from the Agency.
- f) A permit may be terminated by the Agency upon determination that a facility no longer operates or exists ~~is no longer in operation or existence~~. The Agency must send written notice ~~by~~ via certified or registered mail to the last known address on the permit stating that the permitted system appears no longer in operation or existence. The permit must terminate 60 days after the date of notification unless the permittee requests that ~~communicates the desire for~~ the permit ~~to~~ stay in effect.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.244 Appeals from Conditions in Permits

An applicant may consider any condition imposed by the Agency in a permit issued under ~~pursuant to this~~ Subpart B as a refusal by the Agency to grant the permit, which ~~entitles~~shall ~~entitle~~ the applicant to appeal the Agency's decision to the Board under~~pursuant to~~ Section 40 of the Act.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.261 Permit No Defense

Except as provided in 35 Ill. Adm. Code~~Section 309.206~~, the issuance and possession of a permit under ~~this~~ Subpart B ~~does~~shall not constitute a defense to a violation of the Act or this Chapter, except for construction or operation without a permit.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.262 Design, Operation and Maintenance Criteria

- a) The Agency may adopt criteria for the design, operation, and maintenance of treatment works, pretreatment works, sewers, and wastewater sources. These criteria shall be revised from time to time to reflect current engineering judgment and advances in the state of the art. ~~The Board notes that the~~

(BOARD NOTE: The Agency has adopted or is in the process of adopting "Design Criteria for Pressure Sewage Systems" (35 Ill. Adm. Code 374), "Illinois Recommended Standards for Sewage Works" (35 Ill. Adm. Code 370), and "Requirements for Plans of Design and Operation and Operation and Maintenance Manuals" (35 Ill. Adm. Code 371.).

- b) The Agency ~~must~~shall adopt ~~such~~ procedures ~~as are necessary to issue permits for~~ permit issuance under this Subpart B of Part 309.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 309.263 Modification or Renewal of Permits

- a) Any permit issued by the Agency under ~~this~~ Subpart B may be modified or renewed to make its provisions compatible with any new regulation adopted by the Board.
- b) Persons with operating permits for pretreatment works subject to this Subpart must obtain a modified permit before~~prior to~~ any of the following changes at the facility:
- 1) a modification of permitted wastewater characteristics, quantity, or

- quality;
- 2) a change in facility ownership, name, or address, so that the application or existing permit is no longer accurate; or
  - 3) a change in operations that will result in the permittee's noncompliance with the Act, a Board Regulation, or an existing permit condition.
- c) The Agency may require modifying or renewing~~the modification or renewal of~~ any operating permit subject to this Subpart for reasons including, ~~but not limited to:~~
- 1) a change in the requirements applicable to the permittee;
  - 2) the information on the permittee's application is inaccurate; or
  - 3) information that the permittee may not be in compliance with the Act, a Board regulation, or an existing permit condition.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 309.264 Permit Revocation**

- a) A permit issued under ~~this~~ Subpart B may be revoked for cause which includes, ~~but is not limited to,~~ the following:
- 1) Cause as set forth in 35 Ill. Adm. Code~~Section~~ 309.182(b); or
  - 2) Delinquency in payment of any charges which may be required to be paid under Section 204(b) of the Clean Water Act.
- b) Revocation may be sought by filing a complaint with the Board under~~pursuant to~~ Part 103 of the Procedural Rules.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 309.265 Approval of Federal Permits**

The Agency ~~must shall~~ not approve any effluent discharge for the purpose of any federal permit (other than an NPDES Permit issued by the Administrator), unless that discharge complies in compliance~~is in compliance~~ with all provisions of the Act and this Chapter, has been granted a variance, adjusted standard or time-limited water quality standard~~under Title IX of the Act~~, or complies in compliance~~is in compliance~~ with all terms and conditions of an NPDES Permit.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 309.266 Procedures (Repealed)**

~~In addition to procedures specifically authorized under this Part, the Agency may adopt and promulgate all procedures reasonably necessary to perform its duties and responsibilities under this Chapter.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 309.281 Effective Date (Repealed)**

~~a) The effective date of Subpart B is March 7, 1972.~~

~~b) Notwithstanding (a) above, Section 309.208 became effective with adoption by the Agency of 35 Ill. Adm. Code 391 on December 14, 1983.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 309.282 Severability (Repealed)**

~~If any provision of this Part 309 is adjudged invalid, or if the application thereof to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this Part 309 as a whole or of any part, subpart, sentence or clause thereof not adjudged invalid.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**APPENDIX****REFERENCES TO PREVIOUS RULES (Repealed)**

~~The following table is provided to aid in referencing old Board Rule numbers to section numbers pursuant to codification:~~

<del>Chapter 3: Water Pollution Part IX, Permits</del>	<del>35 Ill. Admin. Code Part 309</del>
<del>Unnumbered Preamble</del>	<del>Section 309.101</del>
<del>Rule 901</del>	<del>Section 309.102</del>
<del>Rule 902</del>	<del>Section 309.103</del>
<del>Rule 902(i)</del>	<del>Section 309.104</del>
<del>Rule 902(j)</del>	<del>Section 309.105</del>
<del>Rule 903</del>	<del>Section 309.106</del>
<del>Rule 904</del>	<del>Section 309.107</del>
<del>Rule 905</del>	<del>Section 309.108</del>
<del>Rule 906(a)</del>	<del>Section 309.109(a)</del>
<del>Rule 906(b)</del>	<del>Section 309.109(b)</del>
<del>Rule 906(c)</del>	<del>Section 309.110</del>
<del>Rule 906(d)</del>	<del>Section 309.111(a)</del>

Rule 906(e)	Section 309.111(b)
Rule 906(f)	Section 309.112
Rule 907	Section 309.113
Rule 908	Section 309.114
Rule 909(a)	Section 309.115(a) and (b)
Rule 909(b)	Section 309.115(e)
Rule 909(c)	Section 309.115(d)
Rule 909(d)	Section 309.115(e)
Rule 909(e)	Section 309.116
Rule 909(f)	Section 309.117
Rule 909(g)	Section 309.118
Rule 909(h)	Section 309.119
Rule 910(a)	Section 309.141
Rule 910(b)	Section 309.142
Rule 910(c)	Section 309.143
Rule 910(d)	Section 309.144
Rule 910(e)	Section 309.145
Rule 910(f)	Section 309.146
Rule 910(g)	Section 309.147
Rule 910(h)	Section 309.148
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Rule 910(k)	Section 309.151
Rule 910(l)	Section 309.152
Rule 910(m)	Section 309.153
Rule 910(n)	Section 309.154
Rule 911	Section 309.181
Rule 912	Section 309.182
Rule 913	Section 309.183
Rule 914	Section 309.184
Rule 915	Section 309.185
Rule 916	Section 309.191
Rule 918	Section 309.156
Rule 949	Section 309.155
Unnumbered Preamble	Section 309.201
Rule 950	Section 309.208
Rule 951	Section 309.202
Rule 952	Section 309.203
Rule 953	Section 309.204
Rule 954	Section 309.205
Rule 955	Section 309.206
Rule 956	Section 309.207
Rule 957	Section 309.221
Rule 958	Section 309.222
Rule 959	Section 309.223
Rule 960	Section 309.224



<del>Rule 961</del>	<del>Section 309.225</del>
<del>Rule 962</del>	<del>Section 309.241</del>
<del>Rule 963</del>	<del>Section 309.242</del>
<del>Rule 964</del>	<del>Section 309.243</del>
<del>Rule 965</del>	<del>Section 309.244</del>
<del>Rule 966</del>	<del>Section 309.261</del>
<del>Rule 967</del>	<del>Section 309.262</del>
<del>Rule 968</del>	<del>Section 309.263</del>
<del>Rule 969</del>	<del>Section 309.264</del>
<del>Rule 970</del>	<del>Section 309.265</del>
<del>Rule 971</del>	<del>Section 309.266</del>
<del>Rule 972</del>	<del>Section 309.281</del>
<del>Rule 973</del>	<del>Section 309.282</del>

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

**PART 310  
PRETREATMENT PROGRAMS**

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310.920	General
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#### **SUBPART L: FEDERAL PROJECT XL AGREEMENTS**

Section	
310.930	Federally Approved Pretreatment Program Reinvention Pilot Projects Under Project XL (Repealed)

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

**SOURCE:** Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill.

Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July 12, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15 at 24 Ill. Reg. 11633, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1322, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10860, effective August 14, 2001; amended in R02-3 at 26 Ill. Reg. 4008, effective February 28, 2002; amended in R02-9 at 26 Ill. Reg. 4653, effective March 18, 2002; amended in R03-13 at 27 Ill. Reg. 15137, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3390, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10684, effective July 13, 2004; amended in R06-13 at 30 Ill. Reg. 17847, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 19008, effective November 26, 2008; amended in R13-7 at 37 Ill. Reg. 1962, effective February 4, 2013; amended in R15-13 at 39 Ill. Reg. 12357, effective August 24, 2015; amended in R16-9 at 41 Ill. Reg. 1155, effective January 23, 2017; amended in R21-8 at 44 Ill. Reg. 19486, effective December 3, 2020; amended in R18-23 at 46 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

### Section 310.101 Applicability

- a) This Section is intended as a general guide to persons using these rules and does not supersede more specific requirements ~~contained in the body of the rules.~~
- b) This Part includes the following ~~provisions:~~
  - 1) Requirements for submission to the Agency of pretreatment programs by publicly owned treatment works (POTWs). (~~Subpart E of this Part~~)
  - 2) Requirements with which persons discharging to sewers must comply. (~~Subpart B of this Part~~)
  - 3) Requirements for prior approval by the Control Authority of certain discharges to a sewer. The Control Authority may be either of the following:
    - A) The POTW ~~under~~pursuant to an approved program; or
    - B) The Agency in the absence of an approved program. (~~Subpart D of this Part~~)

(Source: Amended at 46 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

### Section 310.102 Objectives

This Part satisfies the requirement of Section 13.3 of the Environmental Protection Act (Act) [415 ILCS 5/13.3]~~(Supp. to Ill. Rev. Stat. 1985 ch. 111-1/2, par. 1013.3)~~ that the Board adopt

rules which are identical in substance with United States Environmental Protection Agency (USEPA) regulations implementing the pretreatment requirements of the Clean Water Act. This Part is intended:

- a) To prevent the introduction into POTWs of pollutants which will interfere with the operation of the POTW, or which will interfere with the use or disposal of its sludge;
- b) To prevent the introduction of pollutants into POTWs which will pass through the treatment works or which will otherwise be incompatible with such works; and
- c) To improve the opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

(Board Note: Derived from 40 CFR 403.2 (1986))

(Source: Amended at 46 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

### **Section 310.103 Federal Law**

- a) The Board intends that this Part be identical in substance with the pretreatment requirements of the Clean Water Act (33 USC 1251 et seq.) and United States Environmental Protection Agency (USEPA) regulations at 40 CFR 401 et seq.
- b) This Part will allow the Agency to issue pretreatment permits, review POTW pretreatment plans and authorize ~~POTWs~~POTW's to issue authorizations to discharge to industrial users when and to the extent USEPA authorizes the Illinois pretreatment program ~~underpursuant to~~ the Clean Water Act. After authorization the requirements of the Clean Water Act and 40 CFR 401 et seq. will continue to apply in Illinois. In particular, USEPA will:
  - 1) Retain the right to request information ~~underpursuant to~~ 40 CFR 403.8(f); and
  - 2) Retain the right to inspect and take samples ~~underpursuant to~~ 40 CFR 403.12(l).
- c) This Part ~~must~~shall not be construed as exempting any person from compliance, prior to authorization of the Illinois pretreatment program, with the pretreatment requirements of the Clean Water Act, USEPA regulations and NPDES permit conditions.
- d) POTW pretreatment programs which have been approved by USEPA ~~underpursuant to~~ 40 CFR 403 will be deemed approved ~~underpursuant to~~ this Part, unless the Agency determines that it is necessary to modify the POTW pretreatment program to be consistent with State law.

- 1) The Agency ~~must~~shall notify the POTW of any such determination within 60 days after approval of the program by USEPA, or within 60 days after USEPA authorizes the Illinois pretreatment program, whichever is later.
- 2) If the Agency so notifies the POTW, the POTW will apply for program approval ~~under~~pursuant to 35 Ill. Adm. Code Section 310.501 et seq.
- e) USEPA's access to Agency records and information in possession of the Agency ~~must~~shall be governed by the memorandum of agreement between USEPA and the Agency, subject to confidentiality requirements in 35 Ill. Adm. Code Section 310.105.

(Source: Amended at 46 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

### **Section 310.104 State Law**

- a) 35 Ill. Adm. Code 307 includes three types of prohibitions and pretreatment standards, ~~as below~~:
  - 1) Prohibitions, including prohibitions adopted by USEPA at 40 CFR 403.5 and more stringent prohibitions adopted by the Board (e.g., 35 Ill. Adm. Code 307.1101);
  - 2) National pretreatment standards adopted by USEPA at 40 CFR 405 et seq., and incorporated by reference by the Board (e.g., Subparts F through CT of 35 Ill. Adm. Code 307); and
  - 3) More stringent concentration-based standards adopted by the Board (e.g., 35 Ill. Adm. Code 307.1102 and 307.1103).
- b) For subcategories for which there are both categorical pretreatment standards and concentration-based standards adopted by the Board for a pollutant, the Control Authority must apply the standard that is more stringent as applied to the particular discharge.

BOARD NOTE: Derived from 40 CFR 403.4 (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

### **Section 310.105 Confidentiality**

- a) Information and data provided to the Control Authority ~~under~~pursuant to this Part that is effluent data must be available to the public without restriction.

- b) With respect to the Board and Agency, confidentiality must be governed by 35 Ill. Adm. Code 130 and 161.
- c) The Agency and POTWs must make information available to the public at least to the extent provided by 40 CFR 2.302 (2003), incorporated by reference in 35 Ill. Adm. Code Section 310.107.

BOARD NOTE: Derived from 40 CFR 403.14 (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

### **Section 310.106 Electronic Reporting**

The submission of any document under any provision of this Part is subject to this Section.

- a) General Federal Requirements for Electronic Reporting.
  - 1) Scope and Applicability
    - A) USEPA has established standards for the submission of electronic documents under federally authorized programs. USEPA requires adherence to these standards for all electronic submissions to USEPA and the authorized State, if electronic submissions are authorized by USEPA. USEPA, the Board, the Agency, or the Control Authority may allow for the submission of electronic documents in lieu of paper documents. This subsection (a) does not require submission of electronic documents in lieu of paper documents. This subsection (a) sets forth the requirements for the optional electronic submission of any document that must be submitted to the appropriate of the following:
      - i) To USEPA directly, under 40 CFR 127; or
      - ii) To the Board, the Agency, or the Control Authority, under any provision of this Part or 35 Ill. Adm. Code 307.
    - B) Electronic document submission under this subsection (a) can occur only as follows:
      - i) For submissions of documents to USEPA, submissions may occur only after USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive, in an electronic format, documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations; or



- ii) For submissions of documents to the State or the Control Authority, submissions may occur only into an electronic document receiving system for which USEPA has granted approval under 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in Section 310.107, and USEPA has not withdrawn its approval of the system in writing.
- C) This subsection (a) does not apply to any of the following documents, whether or not the document is a document submitted to satisfy the requirements cited in subsection (a)(1)(A):
- i) Any document submitted via facsimile;
  - ii) Any document submitted via magnetic or optical media, like diskette, compact disc, digital video disc, or tape; or
  - iii) Any data transfer between USEPA, any state, or any local government and any of the Board, the Agency, or the Control Authority as part of administrative arrangements between the parties to the transfer to share data.
- D) Upon USEPA conferring written approval for the submission of any types of documents as electronic documents in lieu of paper documents, as described in subsection (a)(1)(B)(ii), the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and, as applicable, the date on which the Board or the Agency will begin to receive those submissions. In the event of written cessation of USEPA approval for receiving any type of document as an electronic document in lieu of a paper document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a)(1) is derived from 40 CFR 3.1, 3.2, 3.10, 3.20, and 3.1000.

- 2) Definitions. For the purposes of this subsection (a), terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code Section 310.107.
- 3) Procedures for Submission of Electronic Documents in Lieu of Paper Documents to USEPA. Except as provided in subsection (a)(1)(C), any

person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:

- A) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in 35 Ill. Adm. Code~~Section~~ 310.107; and
- B) USEPA has first published a notice in the Federal Register as described in subsection (a)(1)(B)(i).

BOARD NOTE: Subsection (a)(3) is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3.

- 4) Procedures for Submission of Electronic Documents in Lieu of Paper Documents to the Board, the Agency, or the Control Authority
  - A) The Board, the Agency, or the Control Authority may, but is not required to, establish procedural rules for the electronic submission of documents. The Board or the Agency must establish any such procedural rules under the Administrative Procedure Act [5 ILCS 100/5]. The Control Authority must establish such procedures under applicable State and local laws.
  - B) The Board, the Agency, or the Control Authority may accept electronic documents under this subsection (a) only as provided in subsection (a)(1)(B)(ii).

BOARD NOTE: Subsection (a)(4) is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3.

- 5) Effects of Submission of an Electronic Document in Lieu of a Paper Document
  - A) If a person who submits a document as an electronic document fails to comply with the requirements of this subsection (a), that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.
  - B) If a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.

- C) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.
- D) Nothing in this subsection (a) limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (a)(5) is derived from 40 CFR 3.4 and 3.2000(c).

- 6) Public Document Subject to State Laws. Any electronic document filed with the Board is a public document. The document, its submission, its retention by the Board, and its availability for public inspection and copying are subject to various State laws, including the following:
  - A) The Illinois Administrative Procedure Act [5 ILCS 100];
  - B) The Freedom of Information Act (FOIA) [5 ILCS 140];
  - C) The State Records Act [5 ILCS 160];
  - D) The Electronic Commerce Security Act [5 ILCS 175];
  - E) The Environmental Protection Act [415 ILCS 5];
  - F) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and
  - G) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).
- 7) Nothing in this subsection (a) or in any provisions adopted under subsection (a)(4)(A) will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (a)(7) is derived from 40 CFR 3.2(c).

BOARD NOTE: Subsection (a) is derived from 40 CFR 3 and 403.8(g).

- b) NPDES Electronic Reporting
  - 1) Purpose and Scope

- A) This subsection (b), in conjunction with the NPDES reporting requirements specified elsewhere in this Part, specifies the requirements for:
- i) Electronic reporting of information by NPDES permittees;
  - ii) Facilities or entities seeking coverage under NPDES general permits;
  - iii) Facilities or entities submitting waivers from NPDES permit requirements;
  - iv) Industrial users located in municipalities without approved local pretreatment programs;
  - v) Approved pretreatment programs; and
  - vi) (The Board omitted a provision derived from 40 CFR 127.1(a)(6), as subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the corresponding federal provisions.)
  - vii) USEPA and the Agency, to the extent the Agency has received authorization from USEPA to implement the NPDES program. This subsection (b), in conjunction with other segments of this Part, also specifies the requirements for electronic reporting of NPDES information to USEPA by the states, tribes, or territories that have received authorization from USEPA to implement the NPDES program.
- B) To the extent the Agency is authorized to implement a segment of the NPDES program, the Agency must ensure that the required minimum set of NPDES data (appendix A to 40 CFR 127, incorporated by reference in ~~35 Ill. Adm. Code~~ Section 310.107) is electronically transferred to USEPA in a timely, accurate, complete, and nationally-consistent manner fully compatible with USEPA's national NPDES data system.
- C) To the extent that the Secretary of Defense has exempted Department of Defense "critical infrastructure security information" from disclosure under the federal Freedom of Information Act under 10 USC 130e, the exempted NPDES program data will be withheld from the public (see also section 7(1)(k) of the FOIA). ~~If in the instance that~~ an NPDES program

data element for a particular facility is designated as critical infrastructure security information in response to a FOIA request, a separate filtered set of data without the redacted information will be shared with the public; however, all NPDES program data will continue to be provided to USEPA and the Agency under the authorized State NPDES program.

- D) Proper collection, management, and sharing of the data and information listed in appendix A to 40 CFR 127, incorporated by reference in 35 Ill. Adm. Code Section 310.107, ensures that there is a timely, complete, accurate, and nationally consistent set of data about the NPDES program.

BOARD NOTE: Subsection (b)(1) is derived from 40 CFR 127.1.

- 2) Definitions. For the purposes of this subsection (b), the following terms have the following meanings.

“Initial recipient of electronic NPDES information from NPDES-regulated facilities” or “initial recipient” means the entity (USEPA or, after Illinois is authorized by USEPA to implement the NPDES program, the Agency) that is the designated entity for receiving electronic NPDES data.

BOARD NOTE: Derived from 40 CFR 127.2(b). USEPA is the initial recipient for a specific NPDES data group and NPDES program area until USEPA authorizes the State to act as initial recipient for that NPDES data group and NPDES program area.

“Minimum set of NPDES data” means the data and information listed in table 1 in appendix A to 40 CFR 127, incorporated by reference in 35 Ill. Adm. Code Section 310.107.

BOARD NOTE: Derived from 40 CFR 127.2(e). For the purposes of this Part, the only data and information intended are those associated with NPDES data groups 1 (core NPDES data), 2 (general permit reports), 7 (pretreatment program reports), and 8 (significant industrial user reports).

“NPDES data group” means the group of related data elements identified in table 1 in appendix A to 40 CFR 127, incorporated by reference in 35 Ill. Adm. Code Section 310.107. These NPDES data groups have similar regulatory reporting requirements and have similar data sources.

BOARD NOTE: Derived from 40 CFR 127.2(c).

“NPDES program”, for the purposes of this subsection (b), means the federal pretreatment program adopted by the Board under Section 13.3 of the Act to implement section 307(b) of the Clean Water Act (33 USC 1317(b)). USEPA can implement the NPDES program or authorize the State to implement the NPDES program (“authorized NPDES program”). Identifying the relevant authority must be done for each NPDES subprogram (e.g., NPDES core program, federal facilities, general permits, and pretreatment).

BOARD NOTE: Derived from 40 CFR 127.2(d). This definition is limited to wastewater pretreatment. The corresponding federal definition includes all other aspects of the NPDES program.

“NPDES-regulated entity” means any entity regulated by the NPDES program that has a role in the NPDES program, as defined in this subsection (b)(2).

BOARD NOTE: Derived from 40 CFR 127.2(h). This definition is limited to wastewater pretreatment. The corresponding federal definition includes all other aspects of the NPDES program.

“Program reports” means the information reported by NPDES-regulated entities and listed in table 1 in appendix A to 40 CFR 127, incorporated by reference in 35 Ill. Adm. Code Section 310.107 (except NPDES data groups 1 and 2).

BOARD NOTE: Derived from 40 CFR 127.2(f). For the purposes of this subsection (b), the only information intended is that associated with NPDES data groups 7 (pretreatment program reports) and 8 (significant industrial user reports).

BOARD NOTE: Subsection (b)(2) is derived from 40 CFR 127.2.

### 3) Data to Be Reported Electronically

- A) An NPDES-regulated entity must electronically submit the minimum set of NPDES data for these NPDES reports, as applicable. The following NPDES reports are the source of the minimum set of NPDES data from NPDES-regulated entities:
- i) Discharge monitoring reports (as required by USEPA under 40 CFR 122.41(l)(4)).
  - ii) This subsection (b)(3)(A)(ii) corresponds with 40 CFR 127.11(a)(2), which pertains to sewage sludge/biosolids

annual reports, a subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the federal rules.

- iii) Concentrated animal feeding operation annual program reports (as required by USEPA under 40 CFR 122.42(e)(4)).
  - iv) This subsection (b)(3)(A)(iv) corresponds with 40 CFR 127.11(a)(4), which pertains to municipal separate storm sewer system program reports, a subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the federal rules.
  - v) Pretreatment program annual reports (see 35 Ill. Adm. Code Section 310.612).
  - vi) Sewer overflow and bypass incident event reports (as required by USEPA under 40 CFR 122.41(l)(6) and (l)(7)).
  - vii) This subsection (b)(3)(A)(vii) corresponds with 40 CFR 127.11(a)(7), which pertains to cooling water intake structure reports, a subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the federal rules.
- B) A facility or entity seeking coverage under or termination from an NPDES general permit must electronically submit the minimum set of NPDES data for the following notices, certifications, and waivers (if those reporting requirements are applicable):
- i) Notice of intent (NOI) to discharge by facilities seeking coverage under a general NPDES permit (rather than an individual NPDES permit), as described in 40 CFR 122.28(b)(2); and
  - ii) Notice of termination (NOT), as described in 40 CFR 122.64.
- C) An industrial user located in a municipality without an approved local pretreatment program must electronically submit the minimum set of NPDES data for the following self-monitoring reports (if those reporting requirements are applicable):
- i) Periodic reports on continued compliance, as described in Section 310.605; and

ii) Reporting requirements for industrial users not subject to categorical pretreatment standards, as described in Section 310.611.

D) The minimum set of NPDES data for NPDES-regulated facilities is identified in appendix A to 40 CFR 127, incorporated by reference in 35 Ill. Adm. Code~~Section~~ 310.107.

BOARD NOTE: Subsection (b)(3) is derived from 40 CFR 127.11.

4) Signature and Certification Standards for Electronic Reporting. The signatory and certification requirements identified in subsection (a) and 35 Ill. Adm. Code~~Section~~ 310.631 also apply to electronic submissions of NPDES information (see subsection (b)(2)) by NPDES permittees, facilities, and entities subject to this subsection (b).

BOARD NOTE: Subsection (b)(4) is derived from 40 CFR 127.12.

5) Requirements Regarding Quality Assurance and Quality Control

A) Responsibility for the quality of the information provided electronically in compliance with this subsection (b) by the NPDES permittees, facilities, and entities subject to this subsection (b) rests with the owners and operators of those facilities or entities. NPDES permittees, facilities, and entities subject to this subsection (b) must use quality assurance and quality control procedures to ensure the quality of the NPDES information submitted in compliance with this subsection (b).

B) NPDES permittees, facilities, and entities subject to this subsection (b) must electronically submit their NPDES information in compliance with the data quality requirements specified in subsection (b)(6). NPDES permittees, facilities, and entities subject to this subsection (b) must electronically submit their NPDES information unless a waiver is granted in compliance with this subsection (b) (see subsections (b)(7) and (b)(7)(G)).

BOARD NOTE: Subsection (b)(5) is derived from 40 CFR 127.13.

6) Requirements Regarding Timeliness, Accuracy, Completeness, and National Consistency. NPDES permittees, facilities, and entities subject to this subsection (b) must comply with all requirements in this subsection (b) and electronically submit the minimum set of NPDES data in the following nationally-consistent manner:



- A) Timely. Electronic submissions of the minimum set of NPDES data to the appropriate initial recipient, as defined in subsection (b)(2), must be timely.
- i) Measurement Data (including information from discharge monitoring reports, self-monitoring data from industrial users located outside of approved local pretreatment programs, and similar self-monitoring data). The electronic submission of these data is due when that monitoring information is required to be reported in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order.
  - ii) Program Report Data. The electronic submission of this data is due when that program report data is required to be reported in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order.
- B) Accurate. Electronic submissions of the minimum set of NPDES data must be identical to the actual measurements taken by the owner or operator, or their duly authorized representative;
- C) Complete. Electronic submission of the minimum set of NPDES data must include all required data (see appendix A to 40 CFR 127, incorporated by reference in 35 Ill. Adm. Code Section 310.107) and these electronic submissions must be sent to the NPDES data system of the initial recipient, as defined in subsection (b)(2); and
- D) Consistent. Electronic submissions of the minimum set of NPDES data must be compliant with USEPA data standards as set forth in this subsection (b) and in a form (including measurement units) fully compatible with USEPA's national NPDES data system.

BOARD NOTE: Subsection (b)(6) is derived from 40 CFR 127.14.

- 7) Waivers from Electronic Reporting
- A) NPDES permittees, facilities, and entities subject to this subsection (b) must electronically submit the minimum set of NPDES data in compliance with this Section and 35 Ill. Adm. Code Section 310.631 unless a waiver is granted in compliance with this subsection (b)(7) and the procedures of subsection (b)(7)(G).
  - B) USEPA or the Board, by an adjusted standard or variance issued under Section 28.1 or Sections 35 through 37 of the Act and

Subpart D or B of 35 Ill. Adm. Code 104, to the extent that the State is authorized to administer a segment of the NPDES program, may grant to an NPDES permittee, facility, or entity subject to this subsection (b) a temporary waiver from electronic reporting in compliance with this subsection (b)(7) and the procedures of subsection (b)(7)(G).

- i) Each temporary waiver must not extend beyond five years. However, NPDES-regulated entities may re-apply for a temporary waiver. It is the duty of the owner, operator, or duly authorized representative of the NPDES permittee, facility, and entity subject to this subsection (b) to re-apply for a new temporary waiver. The Board cannot grant a temporary waiver to an NPDES-regulated entity without first receiving a temporary waiver request from the NPDES-regulated entity.
- ii) To apply for a temporary waiver, the owner, operator, or duly authorized representative of the NPDES permittee, facility, and entity subject to this subsection (b) must submit the information listed in subsection (b)(7)(E) in the petition for temporary waiver.

BOARD NOTE: The Board moved the text of 40 CFR 127.15(b)(2)(i) through (b)(2)(vi) to appear as 35 Ill. Adm. Code 310.106(b)(7)(E)(i) through (b)(7)(E)(vi) to comport with codification requirements.

- iii) The Board will determine whether to grant a temporary waiver to the extent Illinois is authorized to administer the pertinent NPDES program area. The Board will provide notice to the owner, operator, or duly authorized facility representative submitting a temporary waiver request, in compliance with the requirements of subsection (b)(7)(G).
- iv) An NPDES permittee, facility, or entity subject to this subsection (b) that has received a temporary waiver must continue to provide the minimum set of NPDES data (as well as other required information in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order) in hard-copy format to the authorized NPDES program. The Agency must electronically transfer these data to USEPA in accordance with subsection (b)(7)(G).
- v) An approved temporary waiver is not transferrable.

- C) USEPA or the Board, by an adjusted standard under Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104, to the extent that the State is authorized to administer a segment of the NPDES program, may grant to an NPDES permittee, facility, or entity subject to this subsection (b) a permanent waiver from electronic reporting in compliance with this subsection (b)(7) and the procedures of subsection (b)(7)(G).
- i) A permanent waiver is only available to a facility or entity that is owned or operated by members of a religious community that chooses not to use certain modern technologies (e.g., computers, electricity). The Board cannot grant a permanent waiver to an NPDES-regulated entity without first receiving a permanent waiver request from the NPDES-regulated entity.
  - ii) To apply for a permanent waiver, the owner, operator, or duly authorized representative of the NPDES permittee, facility, and entity subject to this subsection (b) must submit the information listed in subsection (b)(7)(E) in the petition for permanent waiver.
  - iii) An approved permanent waiver is not transferrable.
  - iv) An NPDES permittee, facility, or entity subject to this subsection (b) that has received a permanent waiver must continue to provide the minimum set of NPDES data (as well as other required information in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order) in hard-copy format to the authorized NPDES program. The Agency must electronically transfer these data to USEPA in accordance with subsection (b)(7)(G).
- D) The Agency, by a provisional variance under Sections 35 through 37 of the Act and Subpart C of 35 Ill. Adm. Code 104, to the extent that the State is authorized to administer a segment of the NPDES program, may grant to an NPDES permittee, facility, or entity subject to this subsection (b) an episodic waiver from electronic reporting in compliance with subsections (b)(7)(G) and (b)(9). The following conditions apply to an episodic waiver:
- i) No waiver request from the NPDES permittee, facility or entity is required to obtain an episodic waiver from electronic reporting.

- ii) An episodic waiver is not transferrable.
- iii) An episodic waiver cannot last more than 60 days.

BOARD NOTE: Section 36(c) of the Act provides a maximum duration of 45 days for a provisional variance, allowing a single extension of possible up to 45 days. No combination of a provisional variance and an extension can exceed 60 days in total duration under this subsection (b)(7)(D)(iii).

- iv) The Agency will decide if the episodic waiver provision allows facilities and entities to delay their electronic submissions or to send hardcopy (paper) submissions. An episodic waiver is only available to a facility or entity in the circumstances listed in subsection (b)(7)(F).

BOARD NOTE: The Board moved the text of 40 CFR 127.15(d)(4)(i) and (d)(4)(ii) to appear as 35 Ill. Adm. Code 310.106(b)(7)(F)(i) and (b)(7)(E)(ii) to comport with codification requirements.

- E) The following information items must be included in any petition for a temporary or permanent waiver issued under subsection (b)(7)(B) or (b)(7)(C):

- i) The facility name;
- ii) The NPDES permit number (if applicable);
- iii) The facility address;
- iv) The name, address and contact information for the owner, operator, or duly authorized facility representative;
- v) A brief written statement regarding the basis for claiming such a temporary waiver; and
- vi) Any other information required by the Act or Board regulations (35 Ill. Adm. Code: Subtitle C, Chapter I).

BOARD NOTE: The Board moved the text of 40 CFR 127.15(b)(2)(i) through (b)(2)(vi) to appear as 35 Ill. Adm. Code 310.106(b)(7)(E)(i) through (b)(7)(E)(vi) to comport with codification requirements.

- F) A temporary waiver is limited to the following circumstances:
- i) A large-scale emergency involving catastrophic circumstances beyond the control of the facility, like a force of nature (e.g., a hurricane, flood, fire, or earthquake) or other national disaster. The Agency must make the determination of whether an episodic waiver is warranted in this case and must receive the hardcopy (paper) submissions.
  - ii) A prolonged electronic reporting system outage (i.e., an outage longer than 96 hours). The Agency must make the determination if an episodic waiver is warranted in this case and must receive the hardcopy (paper) submissions.

BOARD NOTE: The Board moved the text of 40 CFR 127.15(d)(4)(i) and (d)(4)(ii) to appear as 35 Ill. Adm. Code 310.106(b)(7)(F)(i) and (b)(7)(F)(ii) to comport with codification requirements.

G) Procedural Requirements for Waivers

- i) 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.

BOARD NOTE: Subsection (b)(7)(G)(i) is derived from 40 CFR 127.24(a) and (b).

- ii) The Agency must provide notice of an episodic waiver individually or through means of mass communication if an episodic waiver is available. The notice must state the facilities and entities that may use the episodic waiver, the likely duration of the episodic waiver, and any other directions regarding how facilities and entities should provide the minimum set of NPDES data (as well as other required information in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order) to the initial recipient, as defined in subsection (b)(2). No waiver request from the NPDES permittee, facility or entity is required to obtain an episodic waiver from electronic reporting. The Agency, when granting the episodic waiver, must determine whether to allow facilities and entities to delay their electronic submissions for a short time (i.e., no

more than 40 days) or to have the facilities and entities send hardcopy (paper) submissions.

BOARD NOTE: Subsection (b)(7)(G)(ii) is derived from 40 CFR 127.24(d).

- iii) The Agency must electronically transfer to USEPA the minimum set of NPDES data (as defined in 35 Ill. Adm. Code ~~Section~~ 310.106(b)(2)) that it receives from a permittee, facility, or entity that has received a waiver under this subsection (b)(7).

BOARD NOTE: Subsection (b)(7)(G)(iii) is derived from 40 CFR 127.24(c).

BOARD NOTE: Subsections (b)(7)(A) through (b)(7)(F) are derived from 40 CFR 127.15.

- 8) Implementation of Electronic Reporting Requirements for NPDES Permittees, Facilities, and Entities Subject to This Subsection (b)
- A) Scope and Schedule. An NPDES permittee, facility, or entity subject to this subsection (b), with the exception of those covered by waivers under subsection (b)(7), must electronically submit the following NPDES information (reports, notices, waivers, and certifications) after the compliance deadlines listed in the following table.

NPDES Information	Compliance Deadlines for Electronic Submissions
General Permit Reports Notices of Intent to Discharge, Notices of Termination, and Other Waivers	December 21, 2025
Discharge Monitoring Reports	December 21, 2016
POTW Pretreatment Program Annual Reports (see <u>35 Ill. Adm. Code</u> <del>Section</del> 310.612)	December 21, 2025

Significant Industrial                      December 21, 2025  
 User Compliance Reports  
 in Municipalities Without  
 Approved Pretreatment  
 Programs  
 (see 35 Ill. Adm.  
 Code Sections 310.605  
 and 310.611)

BOARD NOTE: EPA may approve an alternative compliance deadline for general permit reports and program reports in accordance with 40 CFR 127.24(e) and (f).

- B) Electronic Reporting Standards. An NPDES permittee, facility, or entity subject to this subsection (b) must electronically submit the information listed in the table in subsection (b)(8)(A) in compliance with this Section and 35 Ill. Adm. Code Section 310.631.
- C) Initial Recipient. An NPDES permittee, facility, or entity subject to this subsection (b) must electronically submit the information listed in the table in subsection (b)(8)(A) to USEPA Region 5, the Control Authority, the Approval Authority, or the initial recipient (as identified under 40 CFR 127.27 and defined in subsection (b)(2)). USEPA was to identify and publish the initial recipient on a USEPA website and in the Federal Register, by state and by NPDES data group (see subsection (b)(7)).

BOARD NOTE: The procedure by which USEPA determines the initial recipient is 40 CFR 127.27. That procedure provides that USEPA is the initial recipient if the State is not approved by USEPA to act as initial recipient.

- D) Standards for NPDES-Regulated Entities with Electronic Reporting Waivers. An NPDES permittee, facility, or entity subject to this subsection (b) that has received a waiver from electronic reporting must continue to provide the minimum set of NPDES data (as well as other required information in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order) to the Agency or initial recipient (see subsection (b)(7)).

BOARD NOTE: Subsection (b)(8) is derived from 40 CFR 127.16.

- 9) Inclusion of Electronic Reporting Requirements in NPDES Permits. All permits issued by the Agency must contain permit conditions requiring

compliance with the electronic reporting requirements in this Section. An NPDES-regulated facility already having an electronic reporting requirement in its permit that meets the requirements in this Section must continue its electronic reporting to the initial recipient.

BOARD NOTE: Subsection (b)(9) is derived from 40 CFR 127.26(f).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.107 Incorporations by Reference**

- a) The following publications are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 307:

Combined Sewer Overflow (CSO) Control Policy (April 1994) (USEPA document number EPA-830-B-94-001), available from National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419, 800-490-9198 or online for download in an electronic format at <http://nepis.epa.gov/EPA/html/pubindex.html>, referenced in 35 Ill. Adm. Code ~~Section~~ 310.320.

BOARD NOTE: USEPA published the Combined Sewer Overflow (CSO) Control Policy in the Federal Register at 59 Fed. Reg. 18688 (Apr. 19, 1994).

Standard Industrial Classification Manual (1987) (document no. PB87-100012) (referred to as "1987 SIC Manual"), available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, referenced in 35 Ill. Adm. Code 307.2201, 307.2400, 307.2402 through 307.2407, and 307.3901 and 35 Ill. Adm. Code ~~Section~~ 310.602.

BOARD NOTE: The 1987 SIC Manual is available for online search through the U.S. Department of Labor, at [http://www.osha.gov/pls/imis/sic\\_manual.html](http://www.osha.gov/pls/imis/sic_manual.html). In 1997, the federal Office of Management and Budget (OMB) announced that the North American Industry Classification System (NAICS) was replacing the SIC (62 Fed. Reg. 17288 (Apr. 9, 1997)) for statistical purposes. OMB announced adoption of a 2012 edition of NAICS (76 Fed. Reg. 51240 (Aug. 17, 2011)). The 1997 NAICS Manual is available for online search or purchase (as electronic or hard copy) at <http://www.naics.com>. Until USEPA amends its regulations to change references to SIC codes to references to NAICS codes, the Board will continue to use the 1987 SIC codes.



- b) The following provisions of the Code of Federal Regulations are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 307:

40 CFR 2.302 (2020) (Special Rules Governing Certain Information Obtained Under the Clean Water Act), referenced in 35 Ill. Adm. Code~~Section~~ 310.105.

40 CFR 3.2 (2020) (How Does This Part Provide for Electronic Reporting?), referenced in 35 Ill. Adm. Code~~Section~~ 310.106.

40 CFR 3.3 (2020) (What Definitions Are Applicable to This Part?), referenced in 35 Ill. Adm. Code~~Section~~ 310.106.

40 CFR 3.10 (2020) (What Are the Requirements for Electronic Reporting to EPA?), referenced in 35 Ill. Adm. Code~~Section~~ 310.106.

40 CFR 3.2000 (2020) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in 35 Ill. Adm. Code~~Section~~ 310.106.

40 CFR 25 (2020) (Public Participation in Programs Under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Clean Water Act), referenced in 35 Ill. Adm. Code~~Section~~ 310.510.

Tables II (Organic Toxic Pollutants in Each of Four Fractions in Analysis by Gas Chromatography/Mass Spectroscopy (GS/MS)) and III (Other Toxic Pollutants (Metals and Cyanide) and Total Phenols) in appendix D to 40 CFR 122 (2020) (NPDES Permit Application Testing Requirements), referenced in 35 Ill. Adm. Code 307.1005.

40 CFR 122.23(b) and (c) (2020) (Concentrated Animal Feeding Operations), referenced in 35 Ill. Adm. Code 307.2201.  
Appendix A to 40 CFR 127 (2020), as amended at 85 Fed. Reg. 69189 (Nov. 2, 2020) (Minimum Set of NPDES Data), referenced in 35 Ill. Adm. Code~~Sections~~ 310.106 and 310.612.

BOARD NOTE: Only those segments relevant to electronic reporting under the wastewater pretreatment program (NPDES data groups 1, 2, 3, 7, and 8) are intended.

40 CFR 136 (2020) (Guidelines Establishing Test Procedures for the Analysis of Pollutants), referenced in 35 Ill. Adm. Code 307.1003 and 307.6500 and 35 Ill. Adm. Code~~Section~~ 310.605, 310.610, and 310.611.

40 CFR 401.15 (2020) (Toxic Pollutants), referenced in 35 Ill. Adm. Code 307.1005.

40 CFR 403 (2020) (General Pretreatment Regulations for Existing and New Sources of Pollution), referenced in 35 Ill. Adm. CodeSection 310.432.

40 CFR 403.12(b) (2020) (Reporting Requirements for POTWs and Industrial Users), referenced in 35 Ill. Adm. CodeSection 310.602.

40 CFR 403.15 (2020) (Net/Gross Calculation), referenced in 35 Ill. Adm. CodeSection 310.801.

Appendix D to 40 CFR 403 (2020) (Selected Industrial Subcategories Considered Dilute for Purposes of the Combined Wastestream Formula), referenced in 35 Ill. Adm. CodeSection 310.233.

Appendix G to 40 CFR 403 (2020) (Pollutants Eligible for a Removal Credit), referenced in 35 Ill. Adm. CodeSection 310.303.

40 CFR 503 (2020) (Standards for the Use or Disposal of Sewage Sludge), referenced in 35 Ill. Adm. CodeSection 310.303.

c) The following federal statutes are incorporated by reference:

Section 1001 of federal Crimes and Criminal Procedure (18 USC 1001 (2019)), referenced in 35 Ill. Adm. CodeSection 310.633.

The federal Clean Water Act (CWA) (33 USC 1251 et seq. (2019)), referenced in 35 Ill. Adm. CodeSection 310.110 and 310.705.

Section 204(b) of the federal Clean Water Act (33 USC 1284(b) (2019)), referenced in 35 Ill. Adm. CodeSection 310.510.

Section 212(2) of the federal Clean Water Act (33 USC 1292(2) (2019)), referenced in 35 Ill. Adm. CodeSection 310.110.

Section 307(b), (c), and (d) of the federal Clean Water Act (33 USC 1317(b), (c), and (d) (2019)), referenced in 35 Ill. Adm. CodeSection 310.110.

Section 308 of the federal Clean Water Act (33 USC 1318 (2019)), referenced in 35 Ill. Adm. CodeSection 310.510.

Section 309(c)(4) of the federal Clean Water Act (33 USC 1319(c)(4) (2019)), referenced in 35 Ill. Adm. CodeSection 310.633.

Section 309(c)(6) of the federal Clean Water Act (33 USC 1319(c)(6) (2019)), referenced in 35 Ill. Adm. Code~~Section~~ 310.633.

Section 405 of the federal Clean Water Act (33 USC 1345 (2019)), referenced in 35 Ill. Adm. Code~~Section~~ 310.510.

Subtitles C and D of the federal Resource Conservation and Recovery Act (42 USC 6921-6939g and 6941-6949a) (2019)), referenced in 35 Ill. Adm. Code~~Section~~ 310.510.

- d) This Part incorporates no future editions or amendments.

BOARD NOTE: The Board has located the incorporations by reference for the purposes of this Part and the more general incorporations by reference for the purposes of 35 Ill. Adm. Code 307 in this Section to aid future review and updates. The Board has located the incorporations by reference of the federal categorical standards scattered throughout 35 Ill. Adm. Code 307 at the segments appropriate to each individual categorical standard. This aids future review and updates of the categorical standards.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.110 Definitions**

The following definitions, derived from the general definitions of 40 CFR 401.11 and the pretreatment-specific definitions of 40 CFR 403.3, apply for the purposes of this Part and 35 Ill. Adm. Code 307:

“Act” means the Environmental Protection Act [415 ILCS 5].

“Agency” means the Illinois Environmental Protection Agency.

BOARD NOTE: The Board has consistently rendered “Director”, as defined in corresponding 40 CFR 403.3(g), as “Agency” for all functions within the Agency’s statutory authority and that USEPA has not clearly reserved the function to itself.

“Approval Authority” means the Agency after USEPA has approved the Illinois wastewater pretreatment program. “Approval Authority” means USEPA prior to USEPA approval of the Illinois wastewater pretreatment program.

BOARD NOTE: Derived from 40 CFR 403.3(c) (2016).

“Approved POTW pretreatment program” or “program” or “POTW pretreatment program” means a program administered by a POTW that has been approved by USEPA, underpursuant to 40 CFR 403.11, or the Agency, in accordance with 35 Ill. Adm. Code~~Section~~ 310.541 through 310.546.

BOARD NOTE: Derived from 40 CFR 403.3(d) (2016).

“Authorization to discharge” means an authorization issued to an industrial user by a POTW that has an approved pretreatment program. The authorization may consist of a permit, license, ordinance, or other mechanism as specified in the approved pretreatment program.

BOARD NOTE: The Board added this term to distinguish a “pretreatment permit,” which is a control mechanism issued by the Agency.

“Best management practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 35 Ill. Adm. Code ~~Section~~ 310.201(a) and (c) and 310.202. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BOARD NOTE: Derived from 40 CFR 403.3(e) (2016).

“Blowdown” means the minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding limits established by best engineering practice.

BOARD NOTE: Derived from 40 CFR 401.11(p) (2016).

“Board” means the Illinois Pollution Control Board.

BOARD NOTE: The Board has consistently rendered “Director,” as defined in corresponding 40 CFR 403.3(g), as “Board” for all functions within the Board’s statutory authority and that USEPA has not clearly reserved the function to itself.

“CWA” means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 USC 1251 et seq.).

BOARD NOTE: Derived from 40 CFR 403.3(b) (2016).

“Control Authority” refers to the appropriate of the following:

The POTW, if the POTW’s pretreatment program submission has been approved by the Agency, in accordance with the requirements of 35 Ill. Adm. Code ~~Section~~ 310.541 through 310.546 or by USEPA in accordance with 40 CFR 403.11; or

The Approval Authority, if no pretreatment program submission has yet been approved.

BOARD NOTE: Derived from 40 CFR 403.3(f) (2016).

“Existing source” means any building, structure, facility, or installation from which there is or may be a discharge of pollutants the construction of which occurred prior to the date that would qualify the building, structure, facility, or installation for definition as a “new source”, as defined in 35 Ill. Adm. Code ~~Section~~ 310.111.

BOARD NOTE: The Board added this definition of a fundamental term that is used throughout the categorical standards to determine the applicability of those standards.

“Indirect discharge” or “discharge” means the introduction of pollutants into a POTW from any non-domestic source regulated under 35 Ill. Adm. Code Section 307(b), (c), or (d) of the CWA (33 USC 1317(b), (c), or (d)), incorporated by reference in 35 Ill. Adm. Code Section 310.107.

BOARD NOTE: Derived from 40 CFR 403.3(i) (2016).

“Industrial user” or “user” means a source of indirect discharge.

BOARD NOTE: Derived from 40 CFR 403.3(j) (2016).

“Industrial wastewater” means the spent or used water containing dissolved or suspended matter ~~waste of a liquid nature~~ discharged by an industrial user to a sewer tributary to a POTW ~~from an industry that contains dissolved or suspended matter~~.

“Interference” means a discharge, alone or in conjunction with a discharge or discharges from other sources, for which both of the following is true:

The discharge inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and

As a result of the inhibition or disruption, the discharge is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with applicable laws and permits issued under those laws, including 33 USC 405 and 40 CFR 503 (federal standards for sewage sludge use and disposal) and State standards relating to sludge use and disposal (such as 415 ILCS 5/21 and 22.56a and 35 Ill. Adm. Code 309.155, 309.208, and 391), 42 USC 6901 et seq. (the federal Resource Conservation and Recovery Act (hazardous waste and municipal solid waste disposal requirements)) and 35 Ill. Adm. Code: Subtitle G derived from the federal solid waste and hazardous waste management standards, 42 USC 7401 et seq. (the federal Clean Air Act) and 35 Ill. Adm. Code: Subtitle B derived from the federal Clean Air Act standards, 53 USC 2601 et seq. (the federal Toxic Substances Control Act) or any Illinois requirements relating to toxic substances (such as 415 ILCS 5/21 and 35 Ill. Adm. Code 742, 807, and 810), and 33 USC 1401 et seq. (the federal Marine Protection, Research, and Sanctuaries Act).

BOARD NOTE: Derived from 40 CFR 403.3(k) (2016).

“Municipality”. See “unit of local government”.

“New source” means a new source as defined in 35 Ill. Adm. Code Section 310.111.

BOARD NOTE: Derived from 40 CFR 401.11(e) and 403.3(m) (2016).

“Noncontact cooling water” means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

BOARD NOTE: Derived from 40 CFR 401.11(n) (2016).

“Noncontact cooling water pollutants” means pollutants present in noncontact cooling waters.

BOARD NOTE: Derived from 40 CFR 401.11(o) (2016).

“NPDES permit” means a permit issued to a POTW underpursuant to Section 402 of the CWA, or Section 12(f) of the Act and Subpart A of 35 Ill. Adm. Code 309.

BOARD NOTE: Derived from 40 CFR 403.3(n) (2016).

“Pass through” means a discharge of pollutants that exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation).

BOARD NOTE: Derived from 40 CFR 403.3(p) (2016).

“Person” means an individual, corporation, partnership, association, State, unit of local government, commission, or any interstate body. This term includes the United States government, the State of Illinois, and their political subdivisions.

BOARD NOTE: Derived from 40 CFR 401.11(m) (2016) and 33 USC 1362(5) (2014).

“Point source” means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

BOARD NOTE: Derived from 40 CFR 401.11(d) (2016).

“Pollutant” means dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural waste discharged into a sewer.

BOARD NOTE: Derived from 40 CFR 401.11(f) (2016).

“Pollution” means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

BOARD NOTE: Derived from 40 CFR 401.11(g) (2015).

“POTW treatment plant” means that portion of the POTW that is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial wastewater.

BOARD NOTE: Derived from 40 CFR 403.3(r) (2016).

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes; process changes; or by other means, except as prohibited by 35 Ill. Adm. Code Section 310.232. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 35 Ill. Adm. Code Section 310.233.

BOARD NOTE: Derived from 40 CFR 403.3(s) (2016).

“Pretreatment permit” means a permit to discharge to a sewer that is issued by the Agency as the Control Authority.

BOARD NOTE: The Board added this term to distinguish an “authorization to discharge,” which is a control mechanism issued by a POTW.

“Pretreatment requirement” means any substantive or procedural requirement related to pretreatment imposed on an industrial user by a pretreatment permit or lawful order, other than a pretreatment standard.

BOARD NOTE: Derived from 40 CFR 403.3(t) (2016).

“Pretreatment standard” or “standard” means any regulation containing pollutant discharge limits promulgated by USEPA and incorporated by reference in 35 Ill. Adm. Code 307. This term includes prohibitive discharge limits established under 35 Ill. Adm. Code pursuant to Sections 310.201 through 310.213 or 35 Ill. Adm. Code 307.1101. This term also includes more stringent prohibitions and standards adopted by the Board in this Part or 35 Ill. Adm. Code 307, including 35 Ill. Adm. Code 307.1101, 307.1102, and 307.1103. The term also includes local limits that are a part of an approved pretreatment program, as provided in 35 Ill. Adm. Code Section 310.211.

BOARD NOTE: Derived from 40 CFR 403.3(l) (2016).

“Process wastewater” means any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

BOARD NOTE: Derived from 40 CFR 401.11(q) (2016).

“Process wastewater pollutants” means pollutants present in process wastewater.  
BOARD NOTE: Derived from 40 CFR 401.11(r) (2016).

“Publicly owned treatment works” or “POTW” means a “treatment works” that is owned by the State of Illinois or a “unit of local government.” This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the “unit of local government” that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

BOARD NOTE: Derived from 40 CFR 403.3(q) (2016).

“Schedule of compliance” means a schedule of remedial measures included in an authorization to discharge or a pretreatment permit, or an NPDES permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with this Part and 35 Ill. Adm. Code 307. A schedule of compliance does not protect an industrial user or POTW from enforcement.

BOARD NOTE: Derived from 40 CFR 401.11(m) (2016) and 33 USC 1362(17).

“Significant industrial user” means significant industrial user as defined in 35 Ill. Adm. Code Section 310.112.

BOARD NOTE: Derived from 40 CFR 403.3(v) (2016).

“Sludge requirements” means any of the following permits or regulations: 35 Ill. Adm. Code 309.155 (NPDES Permits), 309.208 (Permits for Sites Receiving Sludge for Land Application), 703.121 (RCRA Permits), 807.202 (Solid Waste Permits); Section 39(b) of the Act (NPDES Permits); Section 405(b) of the federal Clean Water Act (federally-imposed sludge use and management requirements); and 40 CFR 501 and 503.

BOARD NOTE: Derived from 40 CFR 403.3(k)(2) and 403.7(a) (2016).

“Submission” means a request to the Agency by a POTW for approval of a pretreatment program, or for authorization to grant removal credits.

BOARD NOTE: Derived from 40 CFR 403.3(w) (2016).

“Treatment works” is as defined in 33 USC 1292(2), incorporated by reference in 35 Ill. Adm. Code Section 310.107. It includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal or industrial wastewater to implement 33 USC 1281, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment.

BOARD NOTE: Derived from 40 CFR 403.3(q) (2016) and 33 USC 1292(2).



“Unit of local government” means a unit of local government, as defined by Art. 7, Sec. 1 of the Illinois Constitution. Unit of local government includes, ~~but is not limited to,~~ municipalities and sanitary districts.

BOARD NOTE: Derived from 40 CFR 401.11(m) (2016) and 33 USC 1362(4).

“USEPA” means the United States Environmental Protection Agency.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 310.111 New Source

- a) “New source” means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the date specified in 35 Ill. Adm. Code 307 for the particular source category or subcategory applicable to ~~to which~~ the source, provided that one of the following is true:
- 1) The building, structure, facility, or installation is constructed at a site at which no other source is located;
  - 2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - 3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- b) Construction on a site at which an existing source is located results in a modification, rather than a new source, if the construction does not create a new building, structure, facility, or installation that meets the criteria of subsection (a)(2) or (a)(3) ~~of this Section~~, but which otherwise alters, replaces, or adds to existing process or production equipment.
- c) Construction of a new source, as defined in this Section, has commenced if the owner or operator has done either of the following:
- 1) It has begun or caused either of the following to begin as part of a continuous onsite construction program:
    - A) Any placement assembly or installation of facilities or equipment;
    - or

- B) Significant site preparation work including clearing, excavation or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- 2) It has entered into a binding contractual obligation for the purchases of facilities or equipment that are intended to be used in its operation within a reasonable time. An option to purchase or a contract that can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies does not constitute a contractual obligation under this subsection (c)(2).
- d) A new source must install and have in operating condition and must “start-up” all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), a new source must meet all applicable pretreatment standards.

BOARD NOTE: Derived from 40 CFR 403.3(m) (2005), as renumbered and amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.112 Significant Industrial User**

- a) Except as provided in subsections (b) and (c) ~~of this Section~~, the term “significant industrial user” means the following:
  - 1) An industrial user subject to any of the categorical pretreatment standards under 35 Ill. Adm. Code~~Section~~ 310.220 through 310.222, 310.230, 310.232, and 310.233 and 35 Ill. Adm. Code 307; and
  - 2) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement (in accordance with 35 Ill. Adm. Code~~Section~~ 310.510(f)).
- b) The Control Authority may determine that an industrial user subject to categorical pretreatment standards under 35 Ill. Adm. Code~~Section~~ 310.220 through 310.222, 310.230, 310.232, and 310.233 and 35 Ill. Adm. Code 307 is a non-significant categorical industrial user, rather than a significant industrial user, on a finding

that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling, and boiler blowdown wastewater, unless specifically included in the pretreatment standard), and the industrial user meets the following conditions:

- 1) That, prior to the Control Authority's finding, the industrial user has consistently complied with all applicable categorical pretreatment standards and requirements;
  - 2) That the industrial user annually submits the certification statement required in 35 Ill. Adm. Code~~Section~~ 310.636 together with any additional information necessary to support the certification statement; and
  - 3) The industrial user never discharges any untreated concentrated wastewater.
- c) Upon a finding that an industrial user meeting the criteria in subsection (a)(2) ~~of this Section~~ has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 35 Ill. Adm. Code~~Section~~ 310.510(f), determine that such industrial user is not a significant industrial user.

BOARD NOTE: Derived from 40 CFR 403.3(v) (2005), as renumbered and amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART B: PRETREATMENT STANDARDS**

### **Section 310.201 General Prohibitions**

- a) No industrial user may introduce into a POTW any pollutant that causes pass through or interference.
- b) Affirmative defenses. An industrial user has an affirmative defense in any action brought against it alleging a violation of subsection (a) ~~of this Section~~ or 35 Ill. Adm. Code 307.1101(b)(6) through (b)(9) or (b)(11) through (b)(12) if the industrial user demonstrates the following:
  - 1) That the industrial user did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and
  - 2) Either of the following:

- A) That the POTW developed in accordance with 35 Ill. Adm. Code Section 310.210 a local limit that was designed to prevent pass through or interference for each pollutant in the industrial user's discharge that caused pass through or interference, and the industrial user was in compliance with each such local limit immediately prior to and during the pass through or interference; or
- B) If the POTW has not developed local limits in accordance with 35 Ill. Adm. Code Section 310.210 that are designed to prevent pass through or interference for the pollutants that caused the pass through or interference, that the industrial user's discharge immediately prior and during the pass through or interference did not change substantially in nature or constituents from the industrial user's prior discharge activity during which the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, sludge requirements.
- c) These general prohibitions and the specific prohibitions in 35 Ill. Adm. Code Section 310.202 apply to each industrial user introducing pollutants into a POTW whether or not the industrial user is subject to other pretreatment standards or any national, State, or local pretreatment requirements.

BOARD NOTE: Derived from 40 CFR 403.5(a) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.210 Local Limits Developed by POTW**

- a) Each POTW that is required to develop a pretreatment program must develop and enforce, as part of the program, local limits to implement the prohibitions listed in 35 Ill. Adm. Code Section 310.201(a) and 310.202. Each POTW with an approved pretreatment program must continue to develop these local limits as necessary and to effectively enforce such limits.
- b) A POTW that is not required to develop a pretreatment program must, in cases where pollutants contributed by one or more industrial users result in interference or pass through, and such violation is likely to recur, develop and enforce local limits for industrial users, which, together with appropriate changes in the POTW treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit, and sludge requirements.
- c) ~~Before~~Prior to developing local limits, a POTW must give individual notice and an opportunity to respond to persons or groups that have requested notice.

- d) A POTW may develop best management practices (BMPs) to implement subsections (a) and (b) ~~of this Section~~. Such BMPs are to be considered local limits and pretreatment standards for the purposes of this Part.
- e) The POTW must base limitations developed pursuant to this Section on the characteristics and treatability of the wastewater by the POTW, effluent limitations that the POTW must meet, sludge requirements, water quality standards in the receiving stream, and the pretreatment standards and requirements of this Part and 35 Ill. Adm. Code 307.

BOARD NOTE: Subsections (a) through (d) ~~of this Section~~ are derived from 40 CFR 403.5(c) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005). The Board added subsection (e) to provide standards for development of local limits.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.221 Source Category Determination Request**

- a) Application deadline.
  - 1) The industrial user or POTW may request that the Agency provide written certification as to whether the industrial user falls within that particular source category or subcategory. If an existing industrial user adds or changes a process or operation that may be included in a source category or subcategory, the existing industrial user must request this certification prior to commencing discharge from the added or changed processes or operation. With respect to new standards, the following apply:
    - A) The POTW or industrial user must direct to USEPA any source category determination requests for pretreatment standards adopted by USEPA prior to authorization of the Illinois program.
    - B) After authorization of the Illinois program, the POTW or industrial user must direct to the Agency any source category determination requests within 60 days after the Board adopts or incorporates by reference a pretreatment standard for a source category or subcategory under which an industrial user may be included.
  - 2) A new source must request this certification prior to commencing discharge.
  - 3) If a request for certification is submitted by a POTW, the POTW must notify any affected industrial user of such applications. The industrial user may provide written comments on the POTW submissions to the Agency within 30 days of notification.

b) Contents of application. Each request must contain a statement that includes the following information:

- 1) Describing which source category or subcategories might be applicable; and
- 2) Citing evidence and reasons why a particular source category or subcategory is applicable and why others are not applicable. Any person signing the application statement submitted pursuant to this Section must make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

c) Deficient requests. The Agency must act only on written requests for determinations that contain all of the information required. The Agency must notify persons who have made incomplete submissions that their requests are deficient and that, unless the time period is extended, they have 30 days to correct the deficiency. If the deficiency is not corrected within 30 days, or within an extended period allowed by the Agency, the Agency must deny the request for a determination.

d) Final determination.

- 1) When the Agency receives a submission, the Agency shall, if it determines that the submission contains all of the information required by subsection (b) ~~of this Section~~, consider the submission, any additional evidence that may have been requested and any other available information relevant to the request. The Agency must then make a written determination of the applicable source category or subcategory and state the reasons for the determination.
- 2) The Agency must forward the determination described in subsection (d)(1) ~~of this Section~~ to USEPA. If USEPA does not modify the Agency's decision within 60 days after its receipt, the Agency's decision is final.

- 3) If USEPA modifies the Agency's decision, USEPA's decision will be final.
  - 4) The Agency must send a copy of the determination to the affected industrial user and the POTW. If the final determination is made by USEPA, the Agency must send a copy of the determination to the user.
- e) Requests for hearing or legal decision.
- 1) Within 30 days following the date of receipt of notice of the final determination as provided for by subsection (d)(4) ~~of this Section~~, the requester may submit a petition to reconsider or contest the decision to USEPA, which will act pursuant to 40 CFR 403.6(a)(5).
  - 2) Within 35 days following the date of receipt of notice of the final determination as provided for by subsection (c), (d)(2), or (d)(4) ~~of this Section~~, the requester may appeal a final decision made by the Agency to the Board.

BOARD NOTE: Derived from 40 CFR 403.6(a) (2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.230 Concentration and Mass Limits**

- a) Pollutant discharge limits in categorical pretreatment standards will be expressed either as concentration or mass limits. Limits in categorical pretreatment standards must apply to the discharge from the process regulated by the standard or as otherwise specified by the standard.
- b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
- c) A Control Authority calculating equivalent mass-per-day limitations under subsection (b) ~~of this Section~~ must calculate such limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production must be based not upon the designed production capacity, but rather upon a reasonable measure of the industrial user's actual long-term daily production during a representative year. For new sources, actual production must be estimated using projected production.
- d) A Control Authority calculating equivalent concentration limitations under subsection (b) ~~of this Section~~ must calculate such limitations by dividing the mass

limitations derived under subsection (c) ~~of this Section~~ by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate must be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during the representative year.

- e) When the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, an industrial user may request that the Control Authority convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Control Authority. The Control Authority may establish equivalent mass limits only if the industrial user meets all the following conditions in subsections (e)(1)(A) through (e)(1)(E) ~~of this Section~~.
- 1) To be eligible for equivalent mass limits, the industrial user must undertake the following actions:
    - A) It must employ or demonstrate that it will employ water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;
    - B) It must currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and it must not have used dilution as a substitute for treatment;
    - C) It must provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and long-term average production rate must be representative of current operating conditions;
    - D) It must not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
    - E) It must have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.
  - 2) An industrial user subject to equivalent mass limits must undertake the following actions:



- A) It must maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - B) It must continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - C) It must continue to record the facility's production rates and notify the Control Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in subsection (e)(1)(C) ~~of this Section~~. Upon notification of a revised production rate, the Control Authority must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - D) It must continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection (e)(1)(A) ~~of this Section~~ so long as it discharges under an equivalent mass limit.
- 3) A Control Authority that chooses to establish equivalent mass limits must undertake the following actions:
- A) It must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated processes of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;
  - B) Upon notification of a revised production rate, it must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - C) It may retain the same equivalent mass limit in subsequent control mechanism terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 310.232. The industrial user must also be in compliance with Subpart J of this Part (regarding the prohibition of bypass).
- 4) The Control Authority may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants that cannot appropriately be expressed as mass.

- f) The Control Authority may convert the mass limits of the categorical pretreatment standards of Subparts O, T, and CD of 35 Ill. Adm. Code 307 to concentration limits for purposes of calculating limitations applicable to individual industrial users under the following conditions. When converting such limits to concentration limits, the Control Authority must use the concentrations listed in the applicable provisions of Subparts O, T, and CD of 35 Ill. Adm. Code 307 and document that dilution is not being substituted for treatment as prohibited by 35 Ill. Adm. Code Section 310.232.
- g) Equivalent limitations calculated in accordance with subsections (c) through (f) of ~~this Section~~ are deemed pretreatment standards. The Control Authority must document how the equivalent limits were derived and make this information publicly available. Once incorporated into its control mechanism, the industrial users must comply with the equivalent limitations instead of the promulgated categorical standards from which the equivalent limitations were derived.
- h) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average or four-day average limitations. Where such standards are being applied, the same production or flow figure must be used in calculating both the average and the maximum equivalent equivalent limitation.
- i) Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard must notify the Control Authority within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Control Authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

BOARD NOTE: Derived from 40 CFR 403.6(c) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.233 Combined Waste Stream Formula**

Where process wastewater is mixed prior to treatment with wastewaters other than those generated by the regulated process, the Control Authority (or the industrial user with the written concurrence of the Control Authority) must derive fixed alternative discharge limits. When it is deriving alternative categorical limits, the Control Authority must calculate both an alternative daily maximum value using the daily maximum values specified in the appropriate categorical pretreatment standards and an alternative consecutive sampling day average value using the average monthly values specified in the appropriate categorical pretreatment standards. The

industrial user must comply with the alternative daily maximum and average monthly limits fixed by the Control Authority until the Control Authority modifies the limits or approves an industrial user modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user must immediately report any such material or significant change to the Control Authority. Where appropriate, the Control Authority must calculate new alternative categorical limits within 30 days.

- a) Alternative limit calculation. For purposes of these formulas, the “average daily flow” means a reasonable measure of the average daily flow for a 30-day period. For new sources, flows must be estimated using projected values. The Control Authority must derive the alternative limit for a specified pollutant by the use of either of the following formulas:

- 1) Alternative concentration limit.

$$C = \frac{(T - D) \sum C_i F_i}{(T) \sum F_i}$$

where

C = The alternative concentration limit for the combined waste stream.

$C_i$  = The categorical pretreatment standard concentration limit for a pollutant in the regulated stream  $i$ .

$F_i$  = The average daily flow (at least a 30-day average) of stream  $i$  to the extent that it is regulated for such pollutant.

“ $\sum G_i$ ” The sum of the results of calculation  $G$  for streams  $i = 1$  to  $i = N$ .

$N$  = The total number of regulated streams.

$T$  = The average daily flow (at least a 30-day average) through the combined pretreatment facility (includes  $F_i$ ,  $D$  and unregulated streams).

$D$  = The average daily flow (at least a 30-day average) from:

- A) Boiler blowdown streams, non-contact cooling streams, stormwater streams and demineralizer backwash streams, subject to the proviso of subsection (d) of this Section;

- B) Sanitary waste streams where such waste streams are not regulated by a categorical pretreatment standard; and
- C) From any process waste streams that were or could have been entirely exempted from categorical pretreatment standards as specified in subsection (e) ~~of this Section~~.

2) Alternative mass limit.

$$M = \frac{(T - D) \sum M_i}{\sum F_i}$$

where

M = The alternative mass limit for a pollutant in the combined waste stream.

M<sub>i</sub> = The categorical pretreatment standard mass limit for a pollutant in the regulated stream i (the categorical pretreatment mass limit multiplied by the appropriate measure of production).

F<sub>i</sub> = The average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

“ $\sum G_i$ ” means the sum of the results of calculation G for streams i = 1 to i = N.

N = The total number of regulated streams.

T = The average daily flow (at least a 30-day average) through the combined pretreatment facility (includes F<sub>i</sub>, D and unregulated streams).

D = The average daily flow (at least a 30-day average) from:

- A) Boiler blowdown streams, non-contact cooling streams, stormwater streams and demineralizer backwash streams subject to the proviso of subsection (d) ~~of this Section~~;
- B) Sanitary waste streams where such waste streams are not regulated by a categorical pretreatment standard; and
- C) From any process waste streams that were or could have been entirely exempted from categorical pretreatment standards, as specified in subsection (e) ~~of this Section~~.

- b) Alternative limits below detection. An alternative pretreatment limit must not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.
- c) Self-monitoring. Self-monitoring required to insure compliance with the alternative categorical limit must be as follows:
- 1) The type and frequency of sampling, analysis, and flow measurement must be determined by reference to the self-monitoring requirements of the appropriate categorical pretreatment standards.
  - 2) Where the self-monitoring schedules for the appropriate standards differ, monitoring must be done according to the most frequent schedule.
  - 3) Where flow determines the frequency of self-monitoring in a categorical pretreatment standard, the sum of all regulated flows ( $F_i$ ) is the flow that must be used to determine self-monitoring frequency.
- d) Proviso to subsections (a)(1) and (a)(2) ~~of this Section~~. Where boiler blowdown, non-contact cooling streams, stormwater streams, and demineralizer backwash streams contain a significant amount of a pollutant, and the combination of such streams, prior to pretreatment, with the industrial user's regulated process waste streams will result in a substantial reduction of that pollutant, the Control Authority, upon application of the industrial user, must determine whether such waste streams should be classified as diluted or unregulated. In its application to the Control Authority, the industrial user must provide engineering, production, sampling, and analysis and such other information so the Control Authority can make its determination.
- e) Exemptions from categorical pretreatment standards. Process waste streams were or could have been entirely exempted from categorical pretreatment standards pursuant to paragraph 8 of the NRDC v. Costle consent decree, incorporated by reference in 35 Ill. Adm. Code Section 310.107, for one or more of the following reasons (see appendix D to 40 CFR 403, incorporated by reference in 35 Ill. Adm. Code Section 310.107):
- 1) The pollutants of concern are not detectable in the discharge from the industrial user;
  - 2) The pollutants of concern are present only in trace amounts and are neither causing nor are likely to cause toxic effects;
  - 3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to USEPA;

- 4) The waste stream contains only pollutants that are compatible with the POTW.
- f) Where a treated regulated process waste stream is combined prior to treatment with wastewaters other than those generated by the regulated process, the industrial user may monitor either the segregated process waste stream or the combined waste stream for the purpose of determining compliance with applicable pretreatment standards. If the industrial user chooses to monitor the segregated process waste stream, it must apply the applicable categorical pretreatment standard. If the user chooses to monitor the combined waste stream, it must apply an alternative discharge limit calculated using the combined waste stream formula as provided in this Section. The industrial user may change monitoring points only after receiving approval from the Control Authority. The Control Authority must ensure that any change in an industrial user's monitoring point or points will not allow the user to substitute dilution for adequate treatment to achieve compliance with applicable standards.

BOARD NOTE: Derived from 40 CFR 403.6(e) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART C: REMOVAL CREDITS**

### **Section 310.301 Special Definitions**

For purposes of this Subpart C, the following definitions apply:

“Consistent removal” means the average of the lowest 50% of the removals measured according to 35 Ill. Adm. Code~~Section 310.311~~. All sample data obtained for the measured pollutant during the time period prescribed in 35 Ill. Adm. Code~~Section 310.311~~ must be reported and used in computing consistent removal. If a substance is measurable in the influent but not in the effluent, the effluent level may be assumed to be the limit of measurement, and those data may be used by the POTW at its discretion and subject to approval by the Agency. If the substance is not measurable in the influent, the data may not be used. Where the number of samples with concentrations equal to or above the limit of measurement is between eight and twelve, the average of the lowest six removals must be used. If there are less than eight samples with concentrations equal to or less than the limit of measurement, the Agency may approve alternate means of demonstrating consistent removal. “Measurement” refers to the ability of the analytical method or protocol to quantify as well as identify the presence of the substance in question.

BOARD NOTE: Derived from 40 CFR 403.7 (2005).

“Industrial user” means industrial user or users, as is appropriate from the context.

“Overflow” means the intentional or unintentional diversion of flow from the POTW before the POTW treatment plant.

BOARD NOTE: Derived from 40 CFR 403.7 (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“Removal” means a reduction in the amount of a pollutant in the POTW’s effluent or alteration of the nature of a pollutant during treatment at the POTW. The reduction or alteration can be obtained by physical, chemical, or biological means and may be the result of specifically designed POTW capabilities, or may be incidental to operation of the treatment system. Removal does not mean dilution of a pollutant in a POTW.

BOARD NOTE: Derived from 40 CFR 403.7(a) (2005).

“Sludge requirements” is as defined in 35 Ill. Adm. Code~~Section~~ 310.110.

BOARD NOTE: Derived from 40 CFR 403.7(a) (2005).

“Standard” means standard or standards as is appropriate from the context.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.302 Authority**

Any POTW receiving wastes from an industrial user to which a categorical pretreatment standard applies may, at its discretion and subject to the conditions of ~~this~~ Subpart C, grant removal credits to reflect removal by the POTW of pollutants specified in the categorical pretreatment standard. The POTW may grant a removal credit equal to, or at its discretion, less than its consistent removal rate. Upon being granted a removal credit, each affected industrial user must calculate its revised discharge limits in accordance with 35 Ill. Adm. Code~~Section~~ 310.310. Removal credits must be given for indicator or surrogate pollutants regulated in a categorical pretreatment standard only if the categorical pretreatment standard so specifies.

BOARD NOTE: Derived from 40 CFR 403.7(a)(2) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.303 Conditions for Authorization to Grant Removal Credits**

The Agency must authorize a POTW to grant removal credits only if the following conditions are met:

- a) The POTW applies for and receives authorization from the Agency to grant a removal credit in accordance with the requirements and procedures specified in 35 Ill. Adm. Code Section 310.330 and 310.340.
- b) The POTW demonstrates and continues to achieve consistent removal of the pollutant.
- c) The POTW has an approved pretreatment program in accordance with and to the extent required by this Part; provided, however, that a POTW that does not have an approved pretreatment program may, pending approval of such a program, give removal credits conditionally as provided in 35 Ill. Adm. Code Section 310.330.
- d) The granting of removal credits will not cause the POTW to violate sludge requirements that apply to the sludge management method chosen by the POTW. (“Sludge requirements” is defined in 35 Ill. Adm. Code Section 310.110.) Alternatively, the POTW demonstrates to the Agency that even though it is not presently in compliance with applicable sludge requirements, it will be in compliance when each industrial user to whom the removal credit would apply is required to meet its categorical pretreatment standard as modified by the removal credit. Removal credits may be made available for any of the following pollutants:
  - 1) For any pollutant listed in appendix G, section I of 40 CFR 403, incorporated by reference in 35 Ill. Adm. Code Section 310.107, for the use or disposal practice employed by the POTW, when the requirements in 40 CFR 503, incorporated by reference in 35 Ill. Adm. Code Section 310.107, for that practice are met;
  - 2) For any pollutant listed in appendix G, section II of 40 CFR 403, incorporated by reference in 35 Ill. Adm. Code Section 310.107, for the use or disposal practice employed by the POTW when the concentration for a pollutant listed in appendix G, section II of 40 CFR 403 in the sewage sludge that is used or disposed of does not exceed the concentration for the pollutant in appendix G, section II of 40 CFR 403; or
  - 3) For any pollutant in sewage sludge when the POTW disposes all of its sewage sludge in a municipal solid waste landfill unit that meets the criteria in 35 Ill. Adm. Code 810 through 813 that are derived from 40 CFR 258.
- e) The granting of removal credits will not cause a violation of the POTW’s NPDES permit limitations or conditions. Alternatively, the POTW demonstrates to the Agency that even though it is not presently in compliance with applicable limitations and conditions in its NPDES permit, it will be in compliance when



each industrial user to whom the removal credit would apply is required to meet its categorical pretreatment standard, as modified by the removal credit.

BOARD NOTE: Derived from 40 CFR 403.7(a)(3) (2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.311 Demonstration of Consistent Removal**

The Agency must authorize a POTW to grant a removal credit that does not exceed the POTW's consistent removal rate. In order to demonstrate consistent removal, the POTW must, for each pollutant with respect to which removal credit authorization is sought, collect influent and effluent data, and calculate consistent removal in accordance with the following requirements. As a condition of retaining removal credits authorization, the POTW's consistent removal must continue to be equal or greater than the removal credit.

- a) Representative data. Seasonal. The data must be representative of yearly and seasonal conditions to which the POTW is subjected for each pollutant for which a discharge limit revision is proposed.
- b) Representative data. Quality and quantity. The data must be representative of the quality and quantity of normal effluent and influent flow if such data can be obtained. If such data are unobtainable, alternate data or information may be presented for approval to demonstrate consistent removal.
- c) Sampling procedures-
  - 1) Composite. The influent and effluent operational data must be obtained ~~through~~ 24-hour flow-proportional composite samples. Sampling may be done manually or automatically, and discretely or continuously. For discrete sampling, at least 12 aliquots must be composited. Discrete sampling may be flow-proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites must be flow-proportional to either stream flow at time of collection of influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.
  - 2) Number of samples-
    - A) Twelve samples must be taken at approximately equal intervals throughout the full year. Sampling must be evenly distributed over the days of the week so as to include non-workdays. If the Agency determines that this schedule will not be most representative of the actual operation of the POTW treatment plant, the Agency must approve an alternative sampling schedule.

- B) Upon concurrence of the Agency, a POTW may utilize a historical data base amassed during the three years immediately preceding the application, provided that such data otherwise meet the requirements of this Section. In order for the historical data base to be approved, it must present a statistically valid description of daily, weekly, and seasonal sewage treatment plant loadings and performance for at least one year.
- 3) Effluent sample collection need not be delayed to compensate for hydraulic detention time unless the POTW elects to include detention time compensation or unless the Agency requires detention time compensation. The Agency must require that each effluent sample be taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual POTW operation. The detention period must be based on a 24-hour average daily flow value. The average daily flow used must be based upon the average of the daily flows during the same month of the previous year.
- d) Sampling procedures. Grab. Where composite sampling is not an appropriate sampling technique, one or more grab samples must be taken to obtain influent and effluent operational data. Collection of influent grab samples must precede collection of effluent samples by approximately one detention period. A detention period is to be based on a 24-hour average daily flow value. The average daily flow used must be based upon the average of the daily flows during the same month of the previous year. Grab samples are required, for example, where the parameters being evaluated are those such as cyanide and phenol, which may not be held for any extended period because of biological, chemical, or physical interactions that take place after sample collection and affect the results. A grab sample is an individual sample collected over a period of time not exceeding 15 minutes.
- e) Analytical methods. The POTW must analyze the samples for pollutants in accordance with the analytical techniques prescribed in 35 Ill. Adm. Code 307.1003. If 35 Ill. Adm. Code 307.1003 does not reference analytical techniques for the pollutant in ~~question~~ questions, or if USEPA determines, as provided in 35 Ill. Adm. Code Section 310.602, that the 35 Ill. Adm. Code 307.1003 analytical techniques are inappropriate, the analysis must be performed using validated analytical methods or any other applicable analytical procedures approved by USEPA, including procedures suggested by the POTW.
- f) Calculation of removal. All data acquired under provisions of this Subpart must be submitted to the Agency. Removal for the specific pollutant must be determined for each sample by measuring the difference between the concentrations of the pollutant in the influent and effluent of the POTW and

expressing the difference as a percent of the influent concentration. Where such data cannot be obtained, the POTW may demonstrate removal using other data or procedures subject to concurrence by the Agency.

BOARD NOTE: Derived from 40 CFR 403.7(b) (2003), as modified to reflect NRDC v. USEPA, 790 F.2d 289 (3d Cir. 1986))

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.312 Provisional Credits**

For pollutants that are not currently being discharged (new or modified facilities, or production changes) the POTW may apply for provisional authorization to revise the applicable categorical pretreatment standard prior to initial discharge of the pollutant. Consistent removal may be based provisionally on data from treatability studies or demonstrative removal at other treatment facilities where the quality and quantity of influent are similar. In calculating and applying for provisional removal allowances, the POTW must comply with provisions of this Subpart. The POTW must demonstrate consistent removal within 18 months after the commencement of discharge of the pollutants in question. If, within 18 months after the commencement of the discharge of the pollutant in question, the POTW cannot demonstrate consistent removal pursuant to 35 Ill. Adm. Code ~~Section~~ 310.311, the Agency must terminate the authority to grant removal credits, and all industrial users to whom the revised discharge limits had been applied must achieve compliance with the applicable categorical pretreatment standards within a reasonable time, not to exceed the period of time prescribed in the standards, as the Agency must specify.

BOARD NOTE: Derived from 40 CFR 403.7(c) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.320 Compensation for Overflow**

A POTW that overflows untreated wastewater to receiving waters one or more times in a year may claim consistent removal of a pollutant only by complying with subsection (a) or (b) ~~of this Section~~. However, this Section will not apply where an industrial user demonstrates that overflow does not occur between the industrial user and the POTW treatment plant.

- a) The industrial user provides containment or otherwise ceases or reduces discharges from the regulated processes that contain the pollutant for which an allowance is requested during all circumstances in which an overflow event can reasonably be expected to occur at the POTW or at a sewer to which the industrial user is connected. Discharges must cease or be reduced, or pretreatment must be increased, to the extent necessary to compensate for the removal not being provided by the POTW. The Agency must allow allowances under this subsection only if the POTW demonstrates the following to the Agency:

- 1) That all industrial users to which the POTW proposes to apply this subsection (a) have demonstrated the ability to contain or otherwise cease or reduce, during circumstances in which an overflow event can reasonably be expected to occur, discharges from the regulated processes that contain pollutants for which an allowance is requested;
  - 2) That the POTW has identified circumstances in which an overflow event can reasonably ~~be~~ expected to occur, and has a notification or other viable plan to insure that industrial users will learn of an impending overflow in sufficient time to contain, cease, or reduce discharging to prevent untreated overflows from occurring. The POTW must also demonstrate that it will monitor and verify the data required in subsection (a)(3) ~~of this Section~~ to insure that industrial users are containing, ceasing, or reducing operations during POTW system overflow; and
  - 3) That all industrial users to which the POTW proposes to apply this subsection have demonstrated the ability and commitment to collect and make available upon request by the POTW or the Agency daily flow reports or other data sufficient to demonstrate that all discharges from regulated processes containing the pollutant for which the allowance is requested were contained, reduced, or otherwise stopped as appropriate during all circumstances in which an overflow event was reasonably expected to occur; or
- b) Reduction in removal.
- 1) The consistent removal claimed is reduced pursuant to the following equation:

$$r_c = \frac{(8760 - Z)r_m}{8760}$$

where:

$r_m$  = POTW's consistent removal rate for that pollutant as established under this Subpart.

$r_c$  = Removal corrected by the overflow factor.

$Z$  = Hours per year that overflow occurred between the industrial user and the POTW treatment plant, the hours either to be shown in the POTW's current NPDES permit application or the hours, as demonstrated by verifiable techniques, that a particular industrial user's discharge overflows between the industrial user and the POTW treatment plan.

- 2) The industrial user can claim consistent removal only where the POTW is complying with all NPDES permit requirements and any additional requirements in any order or decree that affects combined sewer overflows. These requirements include, ~~but are not limited to,~~ any combined sewer overflow requirements that conform to the “Combined Sewer Overflow (CSO) Control Policy,” USEPA document number EPA-830/Z-94-001, incorporated by reference in 35 Ill. Adm. Code~~Section~~ 310.107.

BOARD NOTE: Derived from 40 CFR 403.7(h) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **SUBPART C: REMOVAL CREDITS**

#### **Section 310.330 Exception to POTW Pretreatment Requirement**

A POTW required to develop a local pretreatment program under Subpart E ~~of this Part~~ may grant removal credits conditionally pending approval of such a program in accordance with the following terms and conditions:

- a) All industrial users who are currently subject to a categorical pretreatment standard and who wish to receive conditionally a removal credit must submit to the POTW the information required by 35 Ill. Adm. Code~~Section~~ 310.602(a) through (g) (except new or modified industrial users must only submit the information required by 35 Ill. Adm. Code~~Section~~ 310.602(a) through (f)), pertaining to the categorical pretreatment standard as modified by the removal credit. The industrial users must indicate what additional technology, if any, will be needed to comply with the categorical pretreatment standard as modified by the removal credit;
- b) The POTW must have submitted to the Agency an application for pretreatment program approval meeting the requirements of Subpart E in a timely manner, not to exceed the time limitations set forth in a compliance schedule for development of a pretreatment program included in the POTW’s NPDES permit.
- c) The POTW must do the following:
  - 1) Compile and submit data demonstrating its consistent removal;
  - 2) Comply with the conditions specified in 35 Ill. Adm. Code~~Section~~ 310.303; and

- 3) Submit a complete application for removal credit authority in accordance with 35 Ill. Adm. Code Section 310.340.
- d) If a POTW receives authority to grant conditional removal credits and the Agency subsequently makes a final determination, after appropriate notice, that the POTW failed to comply with the conditions in subsections (b) and (c) ~~of this Section~~, the Agency must terminate the authority to grant conditional removal credits and all industrial users to whom the revised discharge limits had been applied must achieve compliance with the applicable categorical pretreatment standards within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard.
- e) If a POTW grants conditional removal credits and the POTW or the Agency subsequently makes a final determination, after appropriate notice, that the industrial user failed to comply with the conditions in subsection (a) ~~of this Section~~, the POTW or Agency must terminate the conditional credit for the non-complying industrial user and the industrial user to whom the revised discharge limits had been applied must achieve compliance with the applicable categorical pretreatment standard within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard. The conditional credit must not be terminated where a violation of the provisions of this Section results from causes entirely outside of the control of the industrial user or the industrial user has demonstrated substantial compliance.
- f) The Agency may elect not to review an application for conditional removal credit authority upon receipt of such application, in which case the conditionally revised discharge limits remain in effect until reviewed by the Agency. This review may occur at any time in accordance with the procedures of Section 310.541 through Section 310.547, but in any event no later than the time of any pretreatment program approval or any NPDES permit reissuance.

BOARD NOTE: Derived from 40 CFR 403.7(d) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.340 Application for Removal Credits Authorization**

- a) Any POTW that wants to grant a removal credit may apply for authorization from the Agency.
- b) The POTW must submit to the Agency an application for authorization to grant removal credits (or modify existing ones).
- c) A POTW may apply for authorization to grant or modify removal credits at any time.

- d) An application for authorization to grant removal credits must be supported by the following information:
- 1) A list of pollutants for which removal credits are proposed.
  - 2) The data required pursuant to 35 Ill. Adm. CodeSection 310.311.
  - 3) Proposed revised discharge limits for each affected subcategory of industrial users calculated in accordance with 35 Ill. Adm. CodeSection 310.310.
  - 4) A certification that the POTW has an approved local pretreatment program or qualifies for the exception to this requirement under 35 Ill. Adm. CodeSection 310.330.
  - 5) A specific description of the POTW's current method of using or disposing of its sludge and a certification that the granting of removal credits will not cause a violation of the sludge requirements identified in 35 Ill. Adm. CodeSection 310.303(d).
  - 6) A certification that the granting of removal credits will not cause a violation of the POTW's NPDES permit limits and conditions as required in 35 Ill. Adm. CodeSection 310.303(e).

BOARD NOTE: Derived from 40 CFR 403.7(e)(1) through (e)(4) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.341 Agency Review**

The Agency must review the POTW's application for authorization to grant or modify removal credits in accordance with the procedures of 35 Ill. Adm. CodeSection 310.541 through Section 310.547.

BOARD NOTE: Derived from 40 CFR 403.7(e)(5) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.350 Continuation of Authorization**

- a) Inclusion in POTW permit. Once a POTW has received authorization to grant removal credits for a particular pollutant regulated in a categorical pretreatment standard it may automatically extend that removal credit to the same pollutant when it is regulated in other categorical standards, unless granting the removal credit will cause the POTW to violate the sludge requirements identified in 35 Ill. Adm. CodeSection 310.303(d) or its NPDES permit limitations and conditions as

required by 35 Ill. Adm. Code~~Section~~ 310.303(e). If a POTW elects at a later time to extend removal credits to a certain categorical pretreatment standard, industrial subcategory, or one or more industrial users that initially were not granted removal credits, it must notify the Agency.

- b) Compliance Monitoring. Once authority is granted, the removal credits must be included in the POTW's NPDES permit as soon as possible and must become an enforceable requirement of the POTW's NPDES permit. The removal credits will remain in effect for the term of the POTW's NPDES permit, provided the POTW maintains compliance with the conditions specified in 35 Ill. Adm. Code~~Section~~ 310.351.
- c) Modification or withdrawal of removal credits. Following authorization to grant removal credits, a POTW must continue to monitor and report the POTW's removal capabilities at such intervals as are specified by the Agency in the pretreatment program and NPDES permit, but in no case less than once per year. The Agency must require a minimum of one representative sample per month during the reporting period. The POTW must include all sampling data in the POTW's compliance report.

BOARD NOTE: Derived from 40 CFR 403.7(f)(1) through (f)(3) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.351 Modification or Withdrawal of Removal Credits**

- a) Notice to POTW. The Agency must notify the POTW if, on the basis of pollutant removal capability reports received pursuant to Section 310.350(c) or other information available to it, the Agency determines:
  - 1) That one or more of the discharge limits revisions made by the POTW, or the POTW itself, no longer meets the requirements of this Subpart; or
  - 2) That such discharge limit revisions are causing or significantly contributing to a violation of any conditions or limits contained in the POTW's NPDES permit. A revised discharge limit is significantly contributing to a violation of the POTW's permit if it satisfies the definition of pass through or interference as defined in 35 Ill. Adm. Code~~Section~~ 310.110.
- b) Corrective action. If appropriate corrective action is not taken within a reasonable time, not to exceed 60 days unless the POTW or an affected industrial user demonstrates that a longer time period is reasonably necessary to undertake the appropriate corrective action, the Agency must either withdraw such discharge limits or require modifications in the revised discharge limits.



- c) Public notice of withdrawal or modification. The Agency must not withdraw, modify, or revise discharge limits unless it first notifies the POTW and all industrial users to whom revised discharge limits have been applied, and made public in writing the reasons for such withdrawal or modification and provided an opportunity for public hearing. Following such notice and withdrawal or modification, all industrial users to whom revised discharge limits had been applied must be subject to the modified discharge limits or the discharge limits prescribed in the applicable ~~categorical~~ categorical pretreatment standards as appropriate and must achieve compliance with such limits within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard.

BOARD NOTE: Derived from 40 CFR 403.7(f)(4) (2003), as modified to reflect NRDC v. USEPA, 790 F.2d 289 (3d Cir. 1986).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART D: PRETREATMENT PERMITS**

### **Section 310.400 Preamble**

- a) ~~This~~ Subpart D contains rules for the issuance of pretreatment permits by the Agency when the Agency is acting as the Control Authority. ~~This~~ Subpart D does not apply if the POTW is the Control Authority.
- b) Industrial users with pretreatment permits are not required to have operating permits ~~underpursuant to~~ Subpart B of 35 Ill. Adm. Code 309. However, sources may be required to have construction permits ~~underpursuant to~~ Subpart B of 35 Ill. Adm. Code 309.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.401 Pretreatment Permits**

- a) No industrial user shall, without a pretreatment permit, discharge to a POTW, unless the discharge is to a POTW with a pretreatment program approved ~~underpursuant to~~ Subpart E ~~of this Part~~.
- b) An industrial user that does not have a pretreatment permit must apply for a pretreatment permit within 30 days after the Agency notifies the user that the user meets any of the following criteria:
- 1) The user has caused pass through or interference.
  - 2) The user's discharge presents an imminent endangerment to the health or welfare of persons.

- c) No person may cause or allow any discharge for which a pretreatment permit has been issued unless the discharge is in compliance with the conditions of the pretreatment permit.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.402 Time to Apply**

- a) Any person required to have a pretreatment permit must file an application with the Agency at least 90 days before the date on which the permit is required.
- b) Any permittee who wishes to continue to discharge after the expiration date of a pretreatment permit must apply for reissuance of the permit at least 90 days ~~before~~before ~~prior to~~ the expiration date of the permit.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.403 Imminent Endangerment**

Under Pursuant to Section 34 of the Act [415 ILCS 5/34] the Agency must declare an emergency and seal any wastewater source or discharge if it determines that the discharge presents an imminent endangerment to the health or welfare of persons.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.410 Application**

- a) Applications for pretreatment permits must include the following information:
- 1) The location of the wastewater source and discharge;
  - 2) The location of the sewer to which the industrial user will discharge;
  - 3) The POTW and treatment works that will receive the discharge;
  - 4) The volume discharged;
  - 5) A description of the wastewater ~~before~~before ~~prior to~~ any pretreatment and ~~before~~before ~~prior to~~ discharge, including a statement as to the presence or absence of all contaminants for which pretreatment requirements have been established in 35 Ill. Adm. Code 307;
  - 6) Any projected changes in the volume or description of the wastewater that the industrial user desires to have included in the terms of the permit;

- 7) A certification of capacity to transport and treat the wastewater as specified in 35 Ill. Adm. Code Section 310.411; and
  - 8) Such additional information as the Agency determines is necessary to determine whether the industrial user will meet the requirements of this Part and 35 Ill. Adm. Code 307.
- b) The Agency must promulgate application forms for pretreatment permits.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.413 Site Visit**

If the Agency determines that a site visit is necessary for the Agency to evaluate the application, it must notify the applicant within 30 days after receiving receipt of the application and arrangemake arrangements to visit the site. Failure to allow a site visit renders the application incomplete.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.415 Time Limits**

- a) If a permittee~~permitter~~ files a timely application for renewal of an existing pretreatment permit, the existing permit must continue until the Agency takes final action on the new application.
- b) If the Agency fails to take action on an application for a new permit within 90 days after it receives the application ~~has been received~~, the applicant may deem the permit issued for a period of one year from the end of the 90 day period. This excuses the applicant only from the requirement to obtain a permit ~~only~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.420 Standard for Issuance**

The Agency must issue a pretreatment permit to the industrial user in either of the following circumstances:

- a) If the industrial user demonstrates that the discharge will meet the requirements and standards of this Part and 35 Ill. Adm. Code 307; or
- b) If the Agency imposes in the pretreatment permit conditions sufficient to assure future compliance with the requirements and standards of this Part and 35 Ill. Adm. Code 307, including a schedule of compliance under 35 Ill. Adm. Code~~pursuant to Section~~ 310.432.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.430 Conditions**

The Agency must impose the following conditions in each permit:

- a) Discharge limitations based on 35 Ill. Adm. Code 307.
- b) More stringent discharge limitations based the ability of the POTW to treat the discharge without interference or pass through.
- c) Requirements that the industrial user collect and analyze samples of the discharge.
- d) Requirements that the industrial user report the results of sample analysis to the Agency.
- e) Requirements that the industrial user allow authorized representatives of the Agency, at reasonable times, upon presentation of credentials, to inspect its premises and collect samples of the discharge.
- f) An expiration date, as specified in 35 Ill. Adm. Code~~Section~~ 310.431.
- g) If the applicant does not demonstrate compliance with this Part and 35 Ill. Adm. Code 307, a schedule of compliance as specified in 35 Ill. Adm. Code~~Section~~ 310.432.
- h) A requirement that the applicant file an application to modify the permit when notified under 35 Ill. Adm. Code~~pursuant to Section~~ 310.442.
- i) Such additional conditions as the Agency determines are necessary to assure that the discharge complies with the requirements of this Part and 35 Ill. Adm. Code 307.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.431 Duration of Permits**

No pretreatment permit may have a duration longer than~~in excess of~~ five years. In establishing earlier expiration dates, the Agency must consider the following:

- a) Coordination with future compliance deadlines;
- b) Maintenance of intensive control over new or experimental processes; and
- c) Whether the permit addresses an emergency situation.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.432 Schedules of Compliance**

- a) The Agency must establish a schedule of compliance in any pretreatment permit unless the industrial user demonstrates compliance with this Part and 35 Ill. Adm. Code 307.
- b) Schedules of compliance must require the permittee to take specific steps to achieve compliance within the shortest practicable period of time, and must be consistent with requirements in the Clean Water Act and 40 CFR 403, incorporated by reference in 35 Ill. Adm. Code~~Section~~ 310.107.
- c) The schedule of compliance must contain the following:
  - 1) Increments of progress in the form of dates to commence and complete~~for the commencement and completion~~ of major events leading to the construction and operation of additional pretreatment required to meet the standards of 35 Ill. Adm. Code 307. No increment of progress may exceed nine months.
  - 2) A requirement that the industrial user submit progress reports no later than 14 days following each date in the schedule, including the final date for compliance. The progress report must include, at a minimum, the following:
    - A) Whether or not the industrial user met the date specified in the schedule of compliance; and
    - B) If the industrial user did not meet the dates, the date on which the user expects to accomplish this increment of progress, the reason for the delay and steps being taken to return construction to the schedule of compliance.
  - 3) A requirement that in no event do more than nine months elapse between progress reports.
  - 4) A statement that the schedule of compliance does not protect the industrial user from enforcement.
- d) The schedule of compliance does not protect the industrial user from enforcement. It is not necessary to show a violation of a pretreatment standard or requirement to enforce interim and final compliance dates.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 310.442 Modification**

- a) The permittee may request modification of the permit at any time by filing an application.
- b) If the Agency finds new information or if the Board adopts new regulations relevant to the permit, the Agency must notify the permittee that it intends to modify the permit. The Agency must give the permittee the opportunity to file a new application before it modifies the permit.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 310.443 Revocation**

The Board may revoke a pretreatment permit ~~underpursuant to~~ Section 33 of the Act [415 ILCS 5/33] and 35 Ill. Adm. Code 103. Causes for revocation of a permit include, ~~but are not limited to, the following:~~

- a) ~~Violating~~Violation of permit conditions, including, ~~but not limited to,~~ schedules of compliance, monitoring, and inspection;
- b) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
- c) A change in circumstances that mandates either a temporary or permanent reduction or elimination of the discharge.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART E: POTW PRETREATMENT PROGRAMS****Section 310.501 Pretreatment Programs Required**

- a) The Agency must require any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than five million gallons per day (mgd) that receives discharges that fulfill either of the following conditions to establish a pretreatment program:
  - 1) The POTW receives discharges from industrial users that pass through or interfere with the operation of the POTW; or
  - 2) The POTW receives discharges from industrial users that are otherwise subject to categorical standards in 35 Ill. Adm. Code 307.
- b) The Agency must require that a POTW with a design flow of five mgd or less develop a POTW pretreatment program if the Agency finds that the nature or

volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances require a pretreatment program in order to prevent interference or pass through.

- c) Subsections (a) and (b) ~~of this Section~~ notwithstanding, the Agency may, in its discretion, waive the requirement that any POTW develop a pretreatment program.
- 1) Waivers must be in writing.
  - 2) The Agency may, in its discretion, rescind any waiver by giving written notice to the POTW, giving sufficient time for the POTW to develop the program.

BOARD NOTE: Derived from 40 CFR 403.8(a) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.502 Deadline for Program Approval**

A POTW that meets the criteria of 35 Ill. Adm. Code ~~Section~~ 310.501 must receive approval of a POTW pretreatment program no later than one year after the issuance, reissuance, or renewal of the POTW's NPDES permit to require development of a pretreatment program. The POTW pretreatment program must meet the criteria set forth in 35 Ill. Adm. Code ~~Section~~ 310.510 and must be administered by the POTW to ensure compliance by industrial users with applicable pretreatment standards and requirements.

BOARD NOTE: Derived from 40 CFR 403.8(b) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.503 Incorporation of Approved Programs in Permits**

A POTW may develop an appropriate POTW pretreatment program any time before the time limit set forth in 35 Ill. Adm. Code ~~Section~~ 310.502. The approved POTW pretreatment program must be incorporated into the POTW's NPDES permit. The modification of a POTW's NPDES permit for the purposes of incorporating a POTW pretreatment program approved in accordance with the procedure in 35 Ill. Adm. Code ~~Section~~ 310.541 through 310.547 must be deemed a minor permit modification subject to 35 Ill. Adm. Code ~~Section~~ 310.442.

BOARD NOTE: Derived from 40 CFR 403.8(c) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.504 Incorporation of Compliance Schedules in Permits**

If the POTW does not have an approved pretreatment program at the time the POTW's existing NPDES permit is reissued or modified, the reissued or modified permit must contain the shortest reasonable compliance schedule, not to exceed one year, for the approval of the legal authority, procedures, and funding required by 35 Ill. Adm. Code Section 310.510. The schedule of compliance does not protect the POTW from enforcement.

BOARD NOTE: Derived from 40 CFR 403.8(d) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.505 Reissuance or Modification of Permits**

The Agency must modify or, alternatively, reissue a POTW's NPDES permit in order to accomplish any of the following:

- a) Put the POTW on a compliance schedule for the development of a POTW pretreatment program where the addition of pollutants into a POTW by an industrial user or combination of industrial users presents a substantial hazard to the functioning of the treatment works, quality of the receiving waters, human health, or the environment;
- b) Incorporate an approve POTW pretreatment program in the POTW permit;
- c) Incorporate a compliance schedule for the development of a POTW pretreatment program in the POTW permit; or
- d) Incorporate the removal credits established under Subpart C ~~of this Part~~ in the POTW permit.

BOARD NOTE: Derived from 40 CFR 403.8(e) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.510 Pretreatment Program Requirements**

A POTW pretreatment program must be based on the following legal authority and include the following procedures, and these authorities and procedures must at all times be fully and effectively exercised and implemented:

- a) Legal authority. The POTW must operate pursuant to legal authority enforceable in federal, State, or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of this Part and 35 Ill. Adm. Code 307. Such authority may be contained in a statute, ordinance, or series of joint powers



agreements that the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority must enable the POTW to:

- 1) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit;
- 2) Require compliance with applicable pretreatment standards and requirements by industrial users;
- 3) Control, through ordinance, permit, order, or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements, and in the case of each significant industrial users, as defined at 35 Ill. Adm. Code 310.110, this control must be achieved through individual permits or equivalent individual control mechanisms issued to each such user except as follows:

- A) At the discretion of the POTW, this control may include use of general control mechanisms if the conditions of subsection (g) of ~~this Section~~ are met.

BOARD NOTE: Subsection (g) is derived from 40 CFR 403.8(f)(1)(iii)(A)(1)(i) through (f)(1)(iii)(A)(2). ~~The Board moved the text of 40 CFR 403.8(f)(1)(iii)(A)(1)(i) through (f)(1)(iii)(A)(2), as added at 70 Fed. Reg. 60134 (Oct. 14, 2005), which would normally appear at this subsection (a)(3)(A), but~~ which the Board moved to subsection (g) of this Section to comply with Illinois Administrative Code codification requirements.

- B) All individual control mechanisms and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:
  - i) A statement of duration (in no case more than five years);
  - ii) A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
  - iii) Effluent limits, including best management practices, based on applicable general pretreatment standards in this Part

and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law;

- iv) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored, including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with 35 Ill. Adm. Code Section 310.605(b), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards of this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law;
  - v) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule; however, such schedules may not extend the compliance date beyond applicable federal deadlines; and
  - vi) Requirements to control slug discharges, if such are determined by the POTW to be necessary;
- 4) Require the following:
- A) The development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements; and
  - B) The submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including, but not limited, to the reports required in Subpart F of ~~this Part~~;
- 5) Carry out all inspection, surveillance, and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW must be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under 35 Ill. Adm. Code Section 310.634 to assure compliance with pretreatment standards. Such authority must be at least as extensive as the authority provided under section 308 of the

federal CWA (33 USC 1318), incorporated by reference in 35 Ill. Adm. Code~~Section~~ 310.107(c);

- 6) Obtain remedies for noncompliance by any industrial user with any pretreatment standard or requirement.
    - A) All POTWs must be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards or requirements. All POTWs must also have authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by industrial users of pretreatment standards and requirements.
    - B) Pretreatment requirements that will be enforced through the remedies set forth in subsection (a)(6)(A) ~~of this Section~~ will include but not be limited to: the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW, this Part or 35 Ill. Adm. Code 307. The POTW must have authority and procedures (after notice to the industrial user) immediately and effectively to halt or prevent any discharge of pollutants to the POTW that reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW must also have authority and procedures (which must include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW that presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Agency must have authority to seek judicial relief when the POTW has sought a monetary penalty that the Agency finds to be insufficient; and
  - 7) Comply with the confidentiality requirements set forth in 35 Ill. Adm. Code~~Section~~ 310.105.
- b) Procedures. The POTW must develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures must enable the POTW to do the following:
- 1) Identify and locate all possible industrial users that might be subject to the POTW pretreatment program. Any compilation, index, or inventory of industrial users made under this subsection (b)(1) ~~of this Section~~ must be made available to the Agency upon request;

- 2) Identify the character and volume of pollutants contributed to the POTW by the industrial users identified under subsection (b)(1) ~~of this Section~~. This information must be made available to the Agency upon request;
- 3) Notify industrial users identified under subsection (b)(1) ~~of this Section~~ of applicable pretreatment standards and any applicable requirements under sections 204(b) and 405 of the federal CWA (33 USC 1284(b) and 1345) and Subtitles C and D of the federal Resource Conservation and Recovery Act (42 USC 6921-6939e and 6941-6949a), each incorporated by reference in 35 Ill. Adm. Code~~Section~~ 310.107. Within 30 days after approval, pursuant to subsection (f) ~~of this Section~~, of a list of significant industrial users, notify each significant industrial user ~~of~~ its status as such and of all requirements applicable to it as a result of such status;
- 4) Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in Subpart D ~~of this Part~~;
- 5) Randomly sample and analyze the effluent from industrial users and conduct surveillance and inspection activities in order to identify, independent of information supplies by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year, except as otherwise specified in subsections (b)(5)(A) through (b)(5)(C) ~~of this Section~~:
  - A) Where the POTW has authorized the industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard in accordance with 35 Ill. Adm. Code~~Section~~ 310.605(c), the POTW must sample for the waived pollutants at least once during the term of the categorical industrial user's control mechanism. In the event that the POTW subsequently determines that a waived pollutant is present or is expected to be present in the industrial user's wastewater based on changes that occur in the industrial user's operations, the POTW must immediately begin at least annual effluent monitoring of the industrial user's discharge and inspection.
  - B) Where the POTW has determined that an industrial user meets the criteria for classification as a non-significant categorical industrial user, the POTW must evaluate at least once per year whether an industrial user continues to meet the definition of significant industrial user in 35 Ill. Adm. Code~~Section~~ 310.110.

- C) In the case of industrial users subject to reduced reporting requirements under 35 Ill. Adm. Code~~Section~~ 310.605(c), the POTW must randomly sample and analyze the effluent from the industrial user and conduct inspections at least once every two years. If the industrial user no longer meets the conditions for reduced reporting in 35 Ill. Adm. Code~~Section~~ 310.605(c), the POTW must immediately begin sampling and inspecting the industrial user at least once a year.
- 6) Evaluate whether each such significant industrial user needs a plan or other action to control slug discharges. For industrial users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; an additional significant industrial user must be evaluated within one year after being designated a significant industrial user. For purposes of this subsection (b)(6), a slug discharge is any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. The results of such activities shall be available to the Approval Authority upon request. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
- A) Description of discharge practices, including non-routine batch discharges;
- B) Description of stored chemicals;
- C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 35 Ill. Adm. Code~~Section~~ 310.202 with procedures for follow-up written notification within five days;
- D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response;
- 7) Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required under

Subpart D ~~of this Part~~ or as indicated by analysis, inspection, and surveillance activities described in subsection (b)(5) ~~of this Section~~. Sample taking and analysis, and the collection of other information, must be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

- 8) Comply with the public participation requirements of 40 CFR 25, incorporated by reference in 35 Ill. Adm. Code~~Section~~ 310.107, in the enforcement of pretreatment standards. These procedures must include provision for providing, at least annually, public notification, in a newspaper of general circulation in the jurisdictions served by the POTW of industrial users that, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, a significant industrial user (or any industrial user that violates subsection (b)(8)(C), (b)(8)(D), or (b)(8)(H) ~~of this Section~~) is in significant noncompliance if its violation meets one or more of the following criteria:
- A) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as such are defined in 35 Ill. Adm. Code~~Section~~ 310.110;
  - B) “Technical review criteria” (TRC) violations, which mean those violations in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as such are defined in 35 Ill. Adm. Code~~Section~~ 310.110, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other pollutants, except pH);
  - C) Any other violation of a pretreatment standard or requirement, as such are defined in 35 Ill. Adm. Code~~Section~~ 310.110, (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference, or pass through (including endangering the health of POTW personnel or the general public);
  - D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the POTW’s exercise of its emergency authority under

subsection (a)(6)(B) ~~of this Section~~ to halt or prevent such a discharge;

- E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
  - F) Failure to provide, within 45 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - G) Failure to accurately report noncompliance; or
  - H) Any other violation or group of violations, which may include a violation of best management practices, that the POTW determines will adversely affect the operation or implementation of the local pretreatment program.
- c) The POTW must have sufficient resources and qualified personnel to carry the authorities and procedures described in subsections (a) and (b) ~~of this Section~~.
- d) Local limits. The POTW must develop local limits as required in 35 Ill. Adm. Code~~Section~~ 310.210 or demonstrate that they are not necessary.
- e) The POTW must develop and implement an enforcement response plan. This plan must contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum, do the following:
- 1) Describe how the POTW will investigate instances of noncompliance;
  - 2) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
  - 3) Identify (by title) the officials responsible for each type of response; and
  - 4) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in subsections (a) and (b) ~~of this Section~~.
- f) The POTW must prepare and maintain a list of its industrial users meeting the criteria in the first paragraph of the definition of "significant industrial user" at 35 Ill. Adm. Code~~Section~~ 310.110. The list must identify the criteria in the first

paragraph of the definition of “significant industrial user” at 35 Ill. Adm. CodeSection 310.110 applicable to each industrial user and, where applicable, must also indicate whether the POTW has made a determination pursuant to the ~~caveat in the~~ second paragraph of that definition that such industrial user should not be considered a significant industrial user. The initial list must be submitted to the Approval Authority pursuant to 35 Ill. Adm. CodeSection 310.521 through 310.533 as a non-substantial program modification pursuant to 35 Ill. Adm. CodeSection 310.923. Any modification to the list must be submitted to the Approval Authority pursuant to 35 Ill. Adm. CodeSection 310.612(a).

- g) Alternative use of general control mechanisms.
- 1) A POTW may use a single general control mechanism that applies to several facilities in place of several individual control mechanisms applicable to individual facilities. To use a general control mechanism, the following must be true of all of the facilities to be covered by the general control mechanism:
    - A) The covered facilities must all involve the same or substantially similar types of operations;
    - B) The covered facilities must all discharge the same types of wastes;
    - C) The covered facilities must all require the same effluent limitations;
    - D) The covered facilities must all require the same or similar monitoring; and
    - E) In the opinion of the POTW, the covered facilities are more appropriately controlled under a general control mechanism than under individual control mechanisms.
  - 2) To be covered by the general control mechanism, the significant industrial user must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general control mechanism, any requests in accordance with 35 Ill. Adm. CodeSection 310.605(b) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general control mechanism until after the POTW has provided written notice to the significant industrial user that such a waiver request has been granted in accordance with 35 Ill. Adm. CodeSection 310.605(b). The POTW must retain a copy of the general control mechanism,



documentation to support the POTW's determination that a specific significant industrial user meets the criteria in subsections (a)(3)(i)(A) through (a)(3)(i)(E) ~~of this Section~~, and a copy of the significant industrial user's written request for coverage for three years after the expiration of the general control mechanism. A POTW may not control a significant industrial user through a general control mechanism where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for a significant industrial user whose limits are based on the combined wastestream formula or net/gross calculations (35 Ill. Adm. Code~~Section~~ 310.233 and 310.801).

BOARD NOTE: Subsection (g) is derived from 40 CFR 403.8(f)(1)(iii)(A)(1)(i) through (f)(1)(iii)(A)(2), as added at 70 Fed. Reg. 60134 (Oct. 14, 2005). The Board moved the text of these subsections, which would normally appear at this subsection (a)(3)(A), to this subsection (g) to comply with Illinois Administrative Code codification requirements.

BOARD NOTE: Derived from 40 CFR 403.8(f) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.511 Receiving Electronic Documents**

A POTW that chooses to receive electronic documents must satisfy the requirements of 35 Ill. Adm. Code~~Section~~ 310.106.

BOARD NOTE: Derived from 40 CFR 403.8(g), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.521 Program Approval**

A POTW requesting approval of a POTW pretreatment program must develop a program description that includes the information set forth in 35 Ill. Adm. Code~~Section~~ 310.522(a) through (d). This description must be submitted to the Agency, which will make a determination on the request for program approval in accordance with the procedures described in 35 Ill. Adm. Code~~Section~~ 310.540 through 310.546.

BOARD NOTE: Derived from 40 CFR 403.9(a) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 310.522 Contents of Program Submission

The program description must contain the following information:

- a) A statement from the attorney or other official acting in a comparable capacity for the unit of local government that the POTW has authority adequate to carry out the programs described in 35 Ill. Adm. CodeSection 310.501 through 310.510. This statement must do the following:
  - 1) Identify the provision of the legal authority under 35 Ill. Adm. CodeSection 310.510(a) that provides the basis for each procedure under 35 Ill. Adm. CodeSection 310.510(b);
  - 2) Identify the manner in which the POTW will implement the program requirements set forth in 35 Ill. Adm. CodeSection 310.501 through 310.510, including the means by which pretreatment standards will be applied to individual industrial users (e.g., by order, permit, ordinance, etc.); and
  - 3) Identify how the POTW intends to ensure compliance with pretreatment standards and requirements, and to enforce them in the event of noncompliance by industrial users;
- b) A copy of any statutes, ordinances, regulations, agreements, or other authorities relied upon by the POTW for its administration of the program. This submission must include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising or funding the POTW pretreatment program if approved;
- c) A brief description (including organization charts) of the POTW organization that will administer the pretreatment program. If more than one agency is responsible for administration of the program the responsible agencies should be identified, their respective responsibilities delineated, and their procedures for coordination set forth; and
- d) A description of the funding levels and full- and part-time manpower available to implement the program.;

BOARD NOTE: Derived from 40 CFR 403.9(b) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.524 Content of Removal Allowance Submission**

The request for authority to revise categorical pretreatment standards must contain the information required in 35 Ill. Adm. CodeSection 310.340.

BOARD NOTE: Derived from 40 CFR 403.9(d) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.531 Agency Action**

Any POTW requesting POTW pretreatment program approval must submit to the Agency three copies of the submission described in 35 Ill. Adm. CodeSection 310.522, and, if appropriate, 35 Ill. Adm. CodeSection 310.524. Within 60 days after receiving the submission, the Agency must make a preliminary determination of whether the submission meets the requirements of 35 Ill. Adm. CodeSection 310.522 and, if appropriate, 35 Ill. Adm. CodeSection 310.524. If the Agency makes the preliminary determination that the submission meets these requirements, the Agency shall do the following:

- a) Notify the POTW that the submission has been received and is under review; and
- b) Commence the public notice and evaluation activities set forth in 35 Ill. Adm. CodeSection 310.540 through 310.546.

BOARD NOTE: Derived from 40 CFR 403.9(e) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.532 Defective Submission**

If, after review of the submission as provided for in 35 Ill. Adm. CodeSection 310.531, the Agency determines that the submission does not comply with the requirements of 35 Ill. Adm. CodeSection 310.522, or, if appropriate, 35 Ill. Adm. CodeSection 310.524, the Agency must provide notice in writing to the applying POTW and each person who has requested individual notice. This notification must identify any defects in the submission and advise the POTW, and each person who has requested individual notice, of the means by which the POTW can comply with the applicable requirements of 35 Ill. Adm. CodeSection 310.522 and, if appropriate, 35 Ill. Adm. CodeSection 310.524.

BOARD NOTE: Derived from 40 CFR 403.9(f) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.541 Deadline for Review**

The Agency has 90 days from the date of public notice of any submission complying with the requirements of 35 Ill. Adm. CodeSection 310.522, and, where removal credit authorization is sought, with 35 Ill. Adm. CodeSection 310.340 and 310.524, to review the submission. The Agency must review the submission to determine compliance with the requirements of 35 Ill. Adm. CodeSection 310.502 and 310.510, and, where removal credit authorization is sought, with Subpart C of this Part. The Agency may have up to an additional 90 days to complete the evaluation of the submission if the public comment period provided for in 35 Ill. Adm. CodeSection 310.542(a)(2) is extended beyond 30 days or if a public hearing is held as provided for in 35 Ill. Adm. CodeSection 310.542(b). In no event, however, must the time for evaluation of the submission exceed a total of 180 days from the date of public notice of a submission meeting the requirements of 35 Ill. Adm. CodeSection 310.522 and, in the case of a removal credit application, 35 Ill. Adm. CodeSection 310.522 and 310.524.

BOARD NOTE: Derived from 40 CFR 403.11(a) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.542 Public Notice and Hearing**

Upon receipt of a submission the Agency must commence its review. Within 20 work days after making a determination that a submission meets the requirements of 35 Ill. Adm. CodeSection 310.522, and, where removal allowance approval is sought, 35 Ill. Adm. CodeSection 310.340 and 310.524, the Agency must perform the following actions:

- a) Issue a public notice of request for approval of the submission.
  - 1) This public notice must be circulated in a manner designed to inform interested and potentially interested persons of the submission. Procedures for the circulation of public notice must include the following actions:
    - A) Mailing notices of the request for approval of the submission to the following entities:
      - i) Federal agencies as designated by USEPA;
      - ii) Regional planning agencies that participate in development of water quality management plans (unless such agencies have specifically requested not to receive such notices); and
      - iii) Any other person or group who has requested individual notice, including those on appropriate mailing lists; and

- B) Publication of a notice of request for approval of the submission in a newspaper or newspapers of general circulation within the jurisdiction or jurisdictions served by the POTW that would provide meaningful public notice.
  - 2) The public notice must provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the submission.
  - 3) All written comments submitted during the 30-day comment period must be retained by the Agency and considered in the decision on whether or not to approve the submission. The period for comment may be extended at the discretion of the Agency.
- b) Provide an opportunity for the applicant, any affected state, any interested State or federal agency, person, or group of persons to request a public hearing with respect to the submission.
  - 1) This request for public hearing must be filed within the 30 day (or extended) comment period described in subsection (a)(2) ~~of this Section~~ and must indicate the interest of the person filing such request and the reasons why a hearing is warranted.
  - 2) The Agency must hold a hearing if the POTW so requests. In addition, a hearing will be held if there is a significant public interest in issues relating to whether or not the submission should be approved. Instances of doubt should be resolved in favor of holding the hearing.
  - 3) Public notice of a hearing to consider a submission and sufficient to inform interested parties of the nature of the hearing and the right to participate must be published in the same newspaper as the notice of the original request for approval of the submission under subsection (a)(1)(B) ~~of this Section~~. In addition, notice of the hearing must be sent to those persons requesting individual notice.

BOARD NOTE: Derived from 40 CFR 403.11(b) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.543 Agency Decision**

At the end of the 30-day (or extended) comment period and within the 90-day (or extended) period provided for in 35 Ill. Adm. Code ~~Section 310.541~~, the Agency must approve or deny the submission based upon the evaluation in 35 Ill. Adm. Code ~~Section 310.541~~ and taking into consideration comments submitted during the comment period and the record of the public

hearing, if held. Where the Agency makes a determination to deny the request, the Agency must so notify the POTW and each person who has requested individual notice. This notification must include suggested modifications and the Agency may allow the requestor additional time to bring the submission into compliance with applicable requirements.

BOARD NOTE: Derived from 40 CFR 403.11(c) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.545 Notice of Decision**

The Agency must notify those persons who submitted comments and participated in the public hearings, if held, of the approval or disapproval of the submission. In addition, the Agency must cause to be published a notice of approval or disapproval in the same newspaper as the original notice of request for approval of the submission was published. The Agency must identify, in any notice of POTW pretreatment program approval, any authorization to modify categorical pretreatment standards that the POTW may make in accordance with Subpart C ~~of this Part~~ for removal of pollutants subject to pretreatment standards.

BOARD NOTE: Derived from 40 CFR 403.11(e) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.602 Baseline Report**

Within the time limits specified in subsection (h) ~~of this Section~~, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW must submit to the Control Authority a report that contains the information listed in subsections (a) through (g) ~~of this Section~~. New sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, must submit to the Control Authority a report that contains the information listed in subsections (a) through (e) ~~of this Section~~. Where reports containing this information already have been submitted to the USEPA in compliance with 40 CFR 128.140(b) (1977), the industrial user must not be required to submit this information again. New sources must also include in the report information on the method of pretreatment the source intended to use to meet applicable pretreatment standards. New sources must give estimates of the information requested in subsections (d) and (e) ~~of this Section~~.

- a) Identifying information. The industrial user must submit the name and address of the facility including the name of the operator and owners.
- b) Permits. The industrial user must submit a list of any environmental control permits held by or for the facility.
- c) Description of operations. The industrial user must submit a brief description of the nature, average rate of production, and standard industrial classification (SIC

Code) of the operations carried out by such industrial user, as determined using the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code Section 310.107(a). This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.

- d) Flow measurement. The industrial user must submit information that shows the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
- 1) Regulated process streams; and
  - 2) Other streams as necessary to allow use of the combined waste stream formula of 35 Ill. Adm. Code Section 310.233. (See subsection (e)(4) of ~~this Section~~.)
- e) Measurement of pollutants.
- 1) The industrial user must identify the pretreatment standards applicable to each regulated process.
  - 2) In addition, the industrial user must submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or Control Authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) must be reported. The sample must be representative of daily operations. In cases where the categorical standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation as required by the Control Authority or the applicable categorical standards to determine compliance with the categorical standard.
  - 3) The user must take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.
  - 4) Samples must be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the industrial user must measure the flows and concentrations necessary to allow use of the combined waste stream formula of 35 Ill. Adm. Code Section 310.233 in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 35 Ill. Adm. Code Section 310.233, this adjusted limit along with supporting data must be submitted to the Control Authority.

- 5) Analytical methods. Sampling and analysis must be performed in accordance with the techniques prescribed in 35 Ill. Adm. Code 307.1003. When 35 Ill. Adm. Code 307.1003 does not reference sampling or analytical techniques for the pollutant in question or where USEPA has determined that sampling and analysis techniques are inappropriate pursuant to 40 CFR 403.12(b), incorporated by reference in 35 Ill. Adm. Code Section 310.107(c), sampling and analysis must be performed by using validated analytical methods or any other applicable sampling and analytical procedures approved by the Agency, including procedures suggested by the POTW or other parties.
  - 6) The Control Authority may allow the submission of a baseline report that utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
  - 7) The baseline report must indicate the time, date, and place of sampling, and methods of analysis, and must certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- f) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in 35 Ill. Adm. Code Section 310.633) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.
- g) Compliance schedule. If additional pretreatment or O and M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment or O and M. The completion date in this schedule must not be later than the compliance date established for the applicable pretreatment standard.
- 1) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (Subpart C ~~of this Part~~), by the combined waste stream formula (35 Ill. Adm. Code Section 310.233) or a fundamentally different factors determination (Subpart E ~~of this Part~~) at the time the user submits the report required by this Section, the information required by subsections (f) and (g) ~~of this Section~~ must pertain to the modified limits.
  - 2) If the categorical pretreatment standard is modified by a removal allowance (Subpart C ~~of this Part~~), by the combined waste stream formula (35 Ill. Adm. Code Section 310.233) or a fundamentally different factors determination (Subpart E ~~of this Part~~) after the user submits the report



required by this Section, any necessary amendments to the information requested by subsections (f) and (g) ~~of this Section~~ must be submitted by the user to the Control Authority within 60 days after the modified limit is approved.

- h) Deadlines for baseline reports.
- 1) For standards adopted by USEPA prior to authorization of the Illinois pretreatment program, baseline reports must be submitted pursuant to 40 CFR 403.12(b).
  - 2) For standards adopted by USEPA after authorization of the Illinois pretreatment program:
    - A) Baseline reports for existing sources are due within 180 days after the Board adopts or incorporates a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under 35 Ill. Adm. Code ~~Section~~ 310.221(d), whichever is later.
    - B) New sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard must submit the baseline report within 90 days before beginning discharge.
    - C) New sources already in existence and discharging on the date the Board adopts or incorporates a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under 35 Ill. Adm. Code ~~Section~~ 310.221(d), as described for existing sources under subsection (h)(1)(A) ~~of this Section~~, are considered existing sources for the purposes of the due date provisions of this subsection.

BOARD NOTE: Derived from 40 CFR 403.12(b) (2012).

(Source: Amended at 46 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)

### **Section 310.603 Compliance Schedule**

The following conditions apply to the schedule required by 35 Ill. Adm. Code ~~Section~~ 310.602(g):

- a) The schedule must contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the

applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

- b) No increment referred to in subsection (a) ~~of this Section~~ must exceed nine months.
- c) Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user must submit a progress report to the Control Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reasons for delay and the steps being taken by the industrial user to return the construction to the schedule established. In no event y more than nine months elapse between such progress reports to the Control Authority.

BOARD NOTE: Derived from 40 CFR 403.12(c) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 310.604 Report on Compliance with Deadline**

Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements must submit to the Control Authority a report containing the information described in ~~35 Ill. Adm. Code Section 310.602(d) through (f)~~. For industrial users subject to equivalent mass or concentration limits established by the Control Authority in accordance with procedures in ~~35 Ill. Adm. Code Section 310.230~~, this report must contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report must include the user's actual production during the appropriate sampling period.

BOARD NOTE: Derived from 40 CFR 403.12(d) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 310.605 Periodic Reports on Compliance**

- a) After the compliance date of a pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, any industrial user subject to a categorical pretreatment standard (except a non-significant categorical user, as defined in ~~35 Ill. Adm. Code Section 310.110~~) must submit to the Control Authority a report indicating the nature and concentration of pollutants in the effluent that are limited by the categorical pretreatment standards. The industrial

user must submit the report during the months of June and December, unless the Control Authority or the pretreatment standard requires more frequent reporting. In addition, this report must include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in 35 Ill. Adm. CodeSection 310.602(d), except that the Control Authority may require more detailed reporting of flows. If the pretreatment standard requires compliance with a best management practice (or pollution prevention alternative), the industrial user must submit documentation required by the Control Authority or the pretreatment standard necessary to determine the compliance status of the industrial user. In consideration of those factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may alter the months during which the reports required by this subsection (a) are to be submitted. For an industrial user for which USEPA or the Agency is the Control Authority, as of December 21, 2025 or a USEPA-approved alternative date (see 40 CFR 127.24(e) or (f)), all reports submitted in compliance with this Subpart F must be submitted electronically by the industrial user to the Control Authority or initial recipient, as defined in 35 Ill. Adm. CodeSection 310.106(b)(2), in compliance with this Subpart F and 35 Ill. Adm. CodeSection 310.106.

- b) The Control Authority must authorize the industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if it determines that the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge or that the pollutant is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:
- 1) The Control Authority may authorize a waiver only if it determines that a pollutant is present solely due to sanitary wastewater discharged from the facility, provided that the sanitary wastewater is not regulated by an applicable categorical standard, and the sanitary wastewater otherwise includes no process wastewater;
  - 2) The monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, but in no case longer than five years. The industrial user must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism;
  - 3) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed in accordance with 35 Ill. Adm. CodeSection 310.631 and include the certification statement in 35 Ill.

Adm. CodeSection 310.221(b)(2). Non-detectable sample results may only be used as a demonstration that a pollutant is not present only if the USEPA-approved method from 40 CFR 136, incorporated by reference in 35 Ill. Adm. CodeSection 310.107, with the lowest minimum detection level for that pollutant was used in the analysis;

- 4) Any grant of a monitoring waiver by the Control Authority must be included as a condition in the industrial user's control mechanism. The reasons supporting the waiver and any information submitted by the industrial user in its request for the waiver must be maintained by the Control Authority for three years after expiration of the waiver;
- 5) Upon approval of the monitoring waiver and revision of the industrial user's control mechanism by the Control Authority, the industrial user must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user:

Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for Subpart [Subpart number of the applicable national pretreatment standard] of 35 Ill. Adm. Code 307, I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutants] in the wastewaters due to the activities at the facility since filing of the last periodic report under 35 Ill. Adm. Code 310.605(a);

- 6) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the industrial user's operations, the industrial user must immediately comply with the monitoring requirements of subsection (a) or other more frequent monitoring requirements imposed by the Control Authority, and the industrial user must notify the Control Authority; and
  - 7) This subsection (b) does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.
- c) If the Control Authority has imposed mass limitations on industrial users as provided by 35 Ill. Adm. CodeSection 310.232, the report required by subsection (a) ~~of this Section~~ must indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.
  - d) For industrial users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in 35 Ill. Adm. CodeSection 310.230, the report required by subsection (a) must contain a

reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by subsection (a) must include the user's actual average production rate for the reporting period.

BOARD NOTE: Derived from 40 CFR 403.12(e).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.606 Notice of Potential Problems**

All categorical and non-categorical industrial users must notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by 35 Ill. Adm. Code Section 310.202 and ~~35 Ill. Adm. Code 307.1101~~, by the industrial user.

BOARD NOTE: Derived from 40 CFR 403.12(f) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.610 Monitoring and Analysis**

- a) Except in the case of a non-significant categorical user, the reports required in 35 Ill. Adm. Code Section 310.602(e), 310.604, 310.605, and 310.611 must contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the Control Authority of pollutants contained in the discharge that are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the Control Authority instead of the industrial user. Where the POTW performs the required sampling and analysis instead of the industrial user, the user is not required to submit the compliance certification required under 35 Ill. Adm. Code Section 310.602(f) and 310.604. In addition, where the POTW itself collects all the information required for the report, including flow data, the industrial user is not required to submit the report.
- b) If sampling performed by an industrial user indicates a violation, the user must notify the Control Authority with 24 hours after becoming aware of the violation. The user must also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the industrial user, the Control Authority must perform the repeat sampling and analysis, unless it notifies the industrial user of the violation and requires the industrial user to perform the repeat analysis. Resampling is not required if the following conditions are fulfilled:

- 1) The Control Authority performs sampling at the industrial user at a frequency of at least once per month; or
  - 2) The Control Authority performs sampling at the user between the time when the initial sampling was conducted and the time when the industrial user or the Control Authority receives the results of this sampling.
- c) The reports required in 35 Ill. Adm. Code~~Section~~ 310.602, 310.604, 310.605, and 310.611 must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The Control Authority must require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code~~Section~~ 310.107(b), and appropriate USEPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in USEPA-approved methodologies may be authorized by the Control Authority, as appropriate.
- d) For sampling required in support of baseline monitoring and 90-day compliance reports required in 35 Ill. Adm. Code~~Section~~ 310.602 and 310.604, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by 35 Ill. Adm. Code~~Section~~ 310.605 and 310.611, the Control Authority must require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.
- e) All analyses must be performed in accordance with procedures referenced in 35 Ill. Adm. Code 307.1003, or with any other test procedure approved by the Agency. Sampling must be performed in accordance with the techniques approved by the Agency. Where 35 Ill. Adm. Code 307.1003 does not reference

sampling or analytical techniques for the pollutants in question, or where USEPA has determined as provided in 35 Ill. Adm. CodeSection 310.602 that sampling and analytical techniques are inappropriate, sampling and analyses must be performed using validated analytical methods or any other sampling and analytical procedures including procedures approved by the POTW or other persons.

- f) If an industrial user subject to the reporting requirement in 35 Ill. Adm. CodeSection 310.605 monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in subsection (e) ~~of this Section~~, the results of this monitoring must be included in the report.

BOARD NOTE: Derived from 40 CFR 403.12(g) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.611 Requirements for Non-Categorical Users**

The Control Authority must require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant non-categorical industrial users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. If a local limit requires compliance with a best management practice or pollution prevention alternative, the industrial user must submit documentation required by the Control Authority to determine the compliance status of the industrial user. These reports must be based on sampling and analysis performed in the period covered by the report and in accordance with the techniques described in 40 CFR 136, incorporated by reference at 35 Ill. Adm. CodeSection 310.107. For the purposes of this Section, “significant non-categorical industrial user” means a significant industrial user that is not subject to categorical pretreatment standards. For an industrial user for which USEPA or the Agency is the Control Authority, as of December 21, 2025 or a USEPA-approved alternative date (see 40 CFR 127.24(e) or (f)), all reports submitted in compliance with this Subpart F must be submitted electronically by the industrial user to the Control Authority or initial recipient, as defined in 35 Ill. Adm. CodeSection 310.106(b)(2), in compliance with this Subpart F and 35 Ill. Adm. CodeSection 310.106.

BOARD NOTE: Derived from 40 CFR 403.12(h).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.612 Annual POTW Reports**

POTWs with approved pretreatment programs must provide the Approval Authority with a report that briefly describes the POTW’s program activities, including activities of all

participating agencies, if more than one jurisdiction is involved in the local program. The report required by this Section must be submitted no later than one year after approval of the POTW's pretreatment program and at least annually thereafter. The report must include, at a minimum, the applicable required data in appendix A to 40 CFR 127, incorporated by reference in 35 Ill. Adm. CodeSection 310.107. The report required by this Subpart F must also include a summary of changes to the POTW's pretreatment program that have not been previously reported to the Approval Authority and any other relevant information requested by the Approval Authority. As of December 21, 2025 or a USEPA-approved alternative date (see 40 CFR 127.24(e) or (f)), all annual reports submitted in compliance with this Subpart F must be submitted electronically by the POTW pretreatment program to the Approval Authority or initial recipient, as defined in 35 Ill. Adm. CodeSection 310.106(b)(2), in compliance with this Subpart F and 35 Ill. Adm. CodeSection 310.106.

BOARD NOTE: Derived from 40 CFR 403.12(i).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.613 Notification of Changed Discharge**

An industrial user must promptly notify the Control Authority (and the POTW if the POTW is not the Control Authority) in advance of any substantial change in the volume or character of pollutants in its discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 35 Ill. Adm. CodeSection 310.635.

BOARD NOTE: Derived from 40 CFR 403.12(j) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.621 Compliance Schedule for POTWs**

The following conditions and reporting requirements must apply to the compliance schedule for development of an approvable POTW pretreatment program required by 35 Ill. Adm. CodeSection 310.501 through 310.510.

- a) The schedule must contain increments of progress in the form of dates for the commencement and completion of major events leading to the development and implementation of a POTW pretreatment program (e.g., acquiring required authorities, developing funding mechanisms, acquiring equipment);
- b) No increment referred to in 35 Ill. Adm. CodeSection 310.621(a) must exceed nine months;
- c) Not later than 14 days following each date in the schedule and the final date for compliance, the POTW must submit a progress report to the Agency including as a minimum, whether or not it complied with the increment of progress to be met



on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the POTW to return to the schedule established. In no event must more than nine months elapse between such progress reports to the Agency.

BOARD NOTE: Derived from 40 CFR 403.12(k) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.631 Signatory Requirements for Industrial User Reports**

The reports required by 35 Ill. Adm. Code~~Section~~ 310.602, 310.604, and 310.605 must include the certification statement as set forth in 35 Ill. Adm. Code~~Section~~ 310.221(b)(2) and must be signed as follows:

- a) By a responsible corporate officer, if the industrial user submitting the reports required in 35 Ill. Adm. Code~~Section~~ 310.602, 310.604, and 310.605 is a corporation. For the purposes of this Section, a responsible corporate officer means one of the following:
  - 1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or
  - 2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b) A general partner or proprietor, if the industrial user submitting the report required by 35 Ill. Adm. Code~~Section~~ 310.602, 310.604, and 310.605 is a partnership or sole proprietorship, respectively.
- c) A duly authorized representative of the individual designated in subsection (a) or (b) ~~of this Section~~, if:
  - 1) The authorization is made in writing by the individual described in subsection (a) or (b) ~~of this Section~~;

- 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, well field superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and
- 3) The written authorization is submitted to the Control Authority.
- d) If an authorization under subsection (c) ~~of this Section~~ is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (c) ~~of this Section~~ must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

BOARD NOTE: Derived from 40 CFR 403.12(l) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.632 Signatory Requirements for POTW Reports**

Reports submitted to the Agency by the POTW in accordance with 35 Ill. Adm. Code~~Section~~ 310.612 must be signed by a principal executive officer, ranking elected official, or other duly authorized employee. The duly authorized employee must be an individual or position having responsibility for the overall operation of the facility or the pretreatment program. This authorization must be made in writing by the principal executive officer or ranking elected official and submitted to the Approval Authority prior to or together with the report being submitted.

BOARD NOTE: Derived from 40 CFR 403.12(m) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.633 Fraud and False Statements**

The reports required by this Subpart are subject to the provisions of Section 1001 of Crimes and Criminal Procedure (18 USC 1001), incorporated by reference in 35 Ill. Adm. Code~~Section~~ 310.107, relating to fraud and false statements; the provisions of section 309(c)(4) of the CWA (33 USC 1319(c)(4)), incorporated by reference in 35 Ill. Adm. Code~~Section~~ 310.107(c), governing false statements, representations, or certifications in reports required under the CWA; the provisions of section 309(c)(6) of the CWA (33 USC 1319(c)(6)), incorporated by reference

in 35 Ill. Adm. Code Section 310.107(c), regarding responsible corporate officers; and to the provisions of Title XII of the Act.

BOARD NOTE: Derived from 40 CFR 403.12(n) (2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.634 Recordkeeping Requirements**

- a) Any industrial user and POTW subject to the reporting requirements established in this Subpart must maintain records of all information resulting from any monitoring activities required by this Subpart F, including documentation associated with best management practices. Such records must include the following information for all samples:
  - 1) The date, exact place, method, and time of sampling, and the names of the person or persons taking the samples;
  - 2) The dates analyses were performed;
  - 3) Who performed the analyses;
  - 4) The analytical techniques/methods use; and
  - 5) The results of such analyses.
  
- b) Any industrial user or POTW subject to the reporting requirements established in this Subpart F (including documentation associated with best management practices) must be required to retain for a minimum of three years any records of monitoring activities and results (whether or not such monitoring activities are required by this Section) and must make such records available for inspection and copying by the Agency (and POTW in the case of an industrial user). This period of retention is extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the Agency.
  
- c) Any POTW to which reports are submitted by an industrial user pursuant to 35 Ill. Adm. Code Section 310.602, 310.604, 310.605, and 310.611 must retain such reports for a minimum of three years and must make such reports available for inspection and copying by the Agency. This period of retention must be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or the operation of the POTW pretreatment program or when requested by the Agency.

BOARD NOTE: Derived from 40 CFR 403.12(o) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.635 Notification of Discharge of Hazardous Waste**

- a) Requirement for notification.
- 1) The industrial user must notify the POTW; the Director, Waste Management Division, USEPA Region 5, 230 South Dearborn Street, Chicago, Illinois 60604; and the Manager, Division of Land Pollution Control, Illinois Environmental Protection Agency, 1021 North Grand Avenue East~~2200 Churchill Road~~, P.O. Box 19276, Springfield, Illinois 62794-9276, in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 35 Ill. Adm. Code 721. Such notification must include the name of the hazardous waste as set forth in 35 Ill. Adm. Code 721, the USEPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification must also contain the following information to the extent such information is known and readily available to the industrial user:
    - A) An identification of the hazardous constituents contained in the wastes;
    - B) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
    - C) An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.
  - 2) Time for notification. All notifications required under subsection (a)(1) ~~of this Section~~ must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule must provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste.
  - 3) Frequency for notification. Any notification required under subsection (a)(1) ~~of this Section~~ need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 35 Ill. Adm. Code~~Section~~ 310.613.
  - 4) Exception for notification under other provisions. The notification requirement of subsection (a)(1) ~~of this Section~~ does not apply to pollutants already reported under the self-monitoring requirements of 35 Ill. Adm. Code~~Section~~ 310.602, 310.604, and 310.605.

- b) Exemption to reporting requirement. Discharges are exempt from the requirements of subsection (a)(1) ~~of this Section~~ during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes specified in 35 Ill. Adm. Code 721.130(d) and 721.133(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes, as specified in 35 Ill. Adm. Code 721.130(d) and 721.133(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.
- c) Newly-listed hazardous wastes. In the case of any new regulations under section 3001 of the federal RCRA (42 USC 6921) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW; USEPA Region 5, Waste Management Division; and the Agency, Division of Land Pollution Control of the discharge of such substance, pursuant to subsection (a)(1) ~~of this Section~~, within 90 days of the effective date of such regulations.
- d) Required certification. In the case of any notification made under this Section, the industrial user must certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

BOARD NOTE: Derived from 40 CFR 403.12(p) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.636 Annual Certification by Non-Significant Categorical Users**

A facility defined as a non-significant categorical industrial user in ~~35 Ill. Adm. Code Section~~ 310.110 must annually submit the following certification statement, signed in accordance with the signatory requirements in ~~35 Ill. Adm. Code Section~~ 310.631. The following certification must accompany any alternative report required by the Control Authority:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under Subpart [Subpart number of the applicable national pretreatment standard] of 35 Ill. Adm. Code 307, I certify that, to the best of my knowledge and belief that during the period from [insert beginning month, day, year], to [insert ending month, day, year]:

- (a) The facility described as [insert facility name] met the definition of a non-significant categorical industrial user, as such is defined in 35 Ill. Adm. Code 310.110;
- (b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based upon the following information: [insert the information]

BOARD NOTE: Derived from 40 CFR 403.12(q), as added at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Added at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.637 Receiving Electronic Documents**

A Control Authority that chooses to receive electronic documents must satisfy the requirements of 35 Ill. Adm. Code ~~Section~~ 310.106.

BOARD NOTE: Derived from 40 CFR 403.12(r), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.703 Criteria**

- a) General criteria. A request for an FDF determination may be approved only if the following are true:
- 1) There is an applicable categorical pretreatment standard that specifically controls the pollutant for which alternative limits have been requested;
  - 2) Factors relating to the discharge controlled by the categorical pretreatment standard are fundamentally different from the factors considered by USEPA in establishing the standards; and
  - 3) The request for an FDF determination is made in accordance with the procedural requirements in 35 Ill. Adm. Code ~~Section~~ 310.711 and 310.712.
- b) Criteria applicable to less stringent limits. An FDF determination request for the establishment of limits less stringent than required by the standard may be approved only if the following are true:
- 1) The alternative limit requested is no less stringent than justified by the fundamental difference;

- 2) The alternative limit will not result in a violation of prohibitive discharge standards prescribed by or established under 35 Ill. Adm. CodeSection 310.201 through 310.213, or 35 Ill. Adm. Code 307;
  - 3) The alternative limit will not result in a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the pretreatment standards; and
  - 4) Compliance with the standards (either by using the technologies upon which the standards are based or by using other control alternatives) would result in a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the standards.
- c) Criteria applicable to more stringent limits. An FDF determination request for the establishment of limits more stringent than required by the standards may be approved only if the following are true:
- 1) The alternative limit request is no more stringent than justified by the fundamental difference; and
  - 2) Compliance with the alternative limit would not result in a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the standards.

BOARD NOTE: Derived from 40 CFR 403.13(c) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.705 Factors that are Not Fundamentally Different**

A FDF request or portion of such a request under this Subpart G must not be granted on any of the following grounds:

- a) The feasibility of installing the required waste treatment equipment within the time the federal CWA (33 USC 1251 et seq.), incorporated by reference in 35 Ill. Adm. CodeSection 310.107(c), allows;
- b) The assertion that the standards cannot be achieved with the appropriate waste treatment facilities installed, if such assertion is not based on factors listed in 35 Ill. Adm. CodeSection 310.704;
- c) The industrial user's ability to pay for the required waste treatment; or

- d) The impact of a discharge on the quality of the POTW's receiving waters.

BOARD NOTE: Derived from 40 CFR 403.13(e) (2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.706 More Stringent State Law**

- a) The Agency may not grant FDF determinations with respect to more stringent pretreatment standards adopted pursuant to independent Board authority (35 Ill. Adm. Code 307.1102 and 307.1103).
- b) Nothing in this Subpart G may be construed to impair the right of any POTW to impose more stringent limitations pursuant to 35 Ill. Adm. Code~~Section~~ 310.210 and 310.211.

BOARD NOTE: Derived from 40 CFR 403.13(f) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.711 Application Deadline**

- a) Request for an FDF determination and supporting information must be submitted in writing to the Agency.
- b) In order to be considered, requests for FDF determinations must be submitted within the following time limits:
- 1) Prior to authorization of the Illinois program, FDF requests must be directed to USEPA pursuant to 40 CFR 403.13.
  - 2) For standards adopted by USEPA after authorization of the Illinois pretreatment program, the industrial user must request an FDF determination within 180 days after the Board adopts or incorporates the standard by reference unless the user has requested a category determination pursuant to 35 Ill. Adm. Code~~Section~~ 310.221.
- c) Where the industrial user has requested a category determination pursuant to 35 Ill. Adm. Code~~Section~~ 310.221, the user may elect to await the results of the category determination before submitting a request for an FDF determination. Where the user so elects, the user must submit the request within 30 days after a final decision has been made on the categorical determination pursuant to 35 Ill. Adm. Code~~Section~~ 310.221(d).

BOARD NOTE: Derived from 40 CFR 403.13(g) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).



(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.712 Contents of FDF Request**

Written requests for an FDF determination must include:

- a) The name and address of the person making the request;
- b) Identification of the interest of the requester that is affected by the categorical pretreatment standard for which the FDF determination is requested;
- c) Identification of the POTW currently receiving the waste from the industrial user for which alternative discharge limits are requested;
- d) Identification of the categorical pretreatment standards that are applicable to the industrial user;
- e) A list of each pollutant or pollutant parameter for which an alternative discharge limit is sought;
- f) The alternative discharge limits proposed by the requester for each pollutant or pollutant parameter identified in subsection (e) ~~of this Section~~;
- g) A description of the industrial user's existing water pollution control facilities;
- h) A schematic flow representation of the industrial user's water system including water supply, process wastewater systems, and points of discharge; and
- i) A statement of facts clearly establishing why the request for an FDF determination should be approved, including detailed support data, documentation, and evidence necessary to fully evaluate the merits of the request, e.g., technical and economic data collected by USEPA and used in developing each pollutant discharge limit in the pretreatment standard.

BOARD NOTE: Derived from 40 CFR 403.13(h) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE**

### **Section 310.801 Net/Gross Calculation**

The Control Authority may adjust categorical pretreatment standards to reflect the presence of pollutants in the industrial user's intake water as provided in 40 CFR 403.15, incorporated by reference in 35 Ill. Adm. Code ~~Section~~ 310.107(b).

BOARD NOTE: Derived from 40 CFR 403.15 (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.902 Effect of an Upset**

An upset may constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of 35 Ill. Adm. Code~~Section~~ 310.903 are met.

BOARD NOTE: Derived from 40 CFR 403.16(b) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.911 Bypass Not Violating Applicable Pretreatment Standards or Requirements**

An industrial user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of 35 Ill. Adm. Code~~Section~~ 310.912 and 310.913.

BOARD NOTE: Derived from 40 FCR 403.17(b) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.913 Prohibition of Bypass**

- a) Bypass is prohibited unless the following are true:
  - 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and
  - 3) The industrial user submitted notices as required under 35 Ill. Adm. Code~~Section~~ 310.912.

- b) The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that the bypass will meet the requirements of subsection (a) ~~of this Section~~.

BOARD NOTE: Derived from 40 CFR 403.17(d) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS**

### **Section 310.920 General**

Either the Agency or a POTW with an approved POTW pretreatment program may initiate program modification at any time to reflect changing conditions at the POTW. Program modification is necessary whenever there is a significant change in the operation of a POTW pretreatment program that differs from the information in the POTW's submission, as approved under 35 Ill. Adm. Code ~~Section~~ 310.541 through Section 310.546.

BOARD NOTE: Derived from 40 CFR 403.18(a), as added at 53 Fed. Reg. 40615, October 17, 1988.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.921 Substantial Modifications Defined**

Substantial modifications include the following types of modifications:

- a) Modifications that relax POTW legal authorities (as described in 35 Ill. Adm. Code ~~Section~~ 310.510(a)), except for modifications that directly reflect a revision to this Part or to 35 Ill. Adm. Code: Subtitle C, and are reported pursuant to 35 Ill. Adm. Code ~~Section~~ 310.923;
- b) Modifications that relax local limits, except for the modifications to local limits for pH and reallocations of the maximum allowable industrial loading of a pollutant that do not increase the total industrial loadings for the pollutant, which are reported pursuant to 35 Ill. Adm. Code ~~Section~~ 310.923. For the purposes of this Section, "maximum allowable industrial loading" means the total mass of a pollutant that all industrial users of a POTW (or a subgroup of industrial users identified by the POTW) may discharge pursuant to limits developed under 35 Ill. Adm. Code ~~Section~~ 310.210;
- c) Changes to the POTW's control mechanism, as the control mechanism is described in 35 Ill. Adm. Code ~~Section~~ 310.510(a)(3);
- d) A decrease in the frequency of self-monitoring or reporting required of industrial users;

- e) A decrease in the frequency of industrial user inspections or sampling by the POTW;
- f) Changes to the POTW's confidentiality procedures; and
- g) Other modifications designated as substantial modifications by the Agency on any of the following bases:
  - 1) The modification could have a significant impact on the operation of the POTW's pretreatment program;
  - 2) The modification could result in an increase in pollutant loadings at the POTW; or
  - 3) The modification could result in less stringent requirements being imposed on industrial users of the POTW.

BOARD NOTE: Derived from 40 CFR 403.18(b) (1997), as amended at 62 Fed. Reg. 38414 (July 17, 1997).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.922 Approval Procedures for Substantial Modifications**

- a) The POTW must submit to the Agency a statement of the basis for the desired program modification, a modified program description (see 35 Ill. Adm. CodeSection 310.522), or such other documents the Agency determines to be necessary under the circumstances.
- b) The Agency must approve or disapprove the modification based on the requirements of 35 Ill. Adm. CodeSection 310.510 and using the procedures in 35 Ill. Adm. CodeSection 310.542 through 310.546, except as provided in subsections (c) and (d) of this Section of this Section. The modification must become effective upon approval by the Agency.
- c) The Agency need not publish a notice of decision under 35 Ill. Adm. CodeSection 310.545 provided each of the following conditions is fulfilled:
  - 1) The notice of request for approval under 35 Ill. Adm. CodeSection 310.542(a) states that the request will be approved if no comments are received by a date specified in the notice;
  - 2) No substantive comments are received; and
  - 3) The request is approved without change.

- d) Notices required by 35 Ill. Adm. CodeSection 310.542 through 310.546 may be performed by the POTW, provided that the Agency finds that the POTW notice otherwise satisfies the requirements of 35 Ill. Adm. CodeSection 310.542 through 310.546.

BOARD NOTE: Derived from 40 CFR 403.18(c) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.923 Approval Procedures for Non-Substantial Modifications**

- a) The POTW must notify the Agency of any non-substantial modification at least 45 days prior to its implementation by the POTW, in a statement similar to that provided for in 35 Ill. Adm. CodeSection 310.922(a).
- b) Within 45 days after the submission of the POTW's statement, the Agency must notify the POTW of its decision to approve or disapprove the non-substantial modification.
- c) If the Agency does not notify the POTW within 45 days of its decision to approve or deny the modification, or to treat the modification as substantial under 35 Ill. Adm. CodeSection 310.921(g), the POTW may implement the modification.

BOARD NOTE: Derived from 40 CFR 403.18(d) (2003).

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

### **PART 312 TREATMENT PLANT OPERATOR CERTIFICATION**

#### **Section**

312.100	References to Other Sections
312.101	Prohibition
312.102	Classifications
312.103	Standards for Certification
312.104	Procedures
312.105	Appeals
Appendix	References to Previous Rules <u>(Repealed)</u>

AUTHORITY: Authorized by Section 27 and implementing Section 13 of the Environmental Protection Act [415 ILCS 5/27 and 13](Ill. Rev. Stat. 1979, ch. 111 1/2, pars. 1027 and 1013).

SOURCE: Filed with the Secretary of State January 1, 1978; codified 6 Ill. Reg. 7818; amended in 18-23 at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

### **Section 312.100 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 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 312.101 Prohibition**

~~A~~ ~~No~~ person ~~must not shall~~ cause or allow the use or operation of any treatment works for which a permit is required by 35 Ill. Adm. Code Part 309 unless the operation of such treatment works is under the direct and active field supervision of a person who has been certified by the Agency as ~~being~~ competent to operate the particular type or size of treatment works being used or operated.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 312.102 Classifications**

The Agency ~~must shall~~ adopt ~~and promulgate~~ procedures which classify treatment works by type and size. ~~The~~ ~~Such~~ classes ~~must shall~~ be based on the volume and nature of wastewater influent to the treatment works, and on the complexity of the treatment works. The procedures ~~must shall~~ contain corresponding standards defining the class or classes of operators competent to operate a particular type or size of treatment works.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 312.103 Standards for Certification**

The Agency ~~must shall~~ not certify a ~~any~~ person as ~~being~~ a competent operator unless the ~~such~~ person submits adequate proof that he or she is competent to operate the particular class of treatment works for which he or she seeks certification ~~is sought~~ in a manner that will ~~so~~ as not to cause a violation of the Act or ~~of~~ this Chapter.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 312.104 Procedures**

In addition to the procedures specifically required by 35 Ill. Adm. Code under this Part 312, the Agency may adopt and promulgate all procedures reasonably necessary to perform its duties and responsibilities under 35 Ill. Adm. Code 312 this Part.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 312.105 Appeals**

An applicant for certification may appeal the Agency's decision to the Board in a manner similar to that stated in 35 Ill. Adm. Code Section 309.244 above.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **APPENDIX REFERENCES TO PREVIOUS RULES (Repealed)**

The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification

<del>Chapter 3: Water Pollution Part XII: Treatment Plant Operator Certification</del>	<del>35 Ill. Adm. Code Part 312</del>
<del>Rule 1201</del>	<del>Section 312.101</del>
<del>Rule 1202</del>	<del>Section 312.102</del>
<del>Rule 1203</del>	<del>Section 312.103</del>
<del>Rule 1204</del>	<del>Section 312.104</del>
<del>Rule 1205</del>	<del>Section 312.105</del>

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)