

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Introduction
- 2) Code Citation: 35 Ill. Adm. Code 301
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
301.101	Repealed
301.102	Amendment
301.103	Repealed
301.104	Amendment
301.105	Repealed
301.106	Amendment
301.107	Amendment
301.108	Repealed
301.200	Amendment
301.210	Amendment
301.221	Amendment
301.231	Amendment
301.260	Amendment
301.275	Amendment
301.280	Amendment
301.290	Repealed
301.295	Amendment
301.301	Amendment
301.311	Amendment
301.312	Amendment
301.325	Amendment
301.331	Repealed
301.340	Amendment
301.341	Amendment
301.346	Amendment
301.350	Amendment
301.356	Amendment
301.365	Amendment
301.370	Amendment
301.371	Amendment
301.372	Amendment
301.373	Amendment
301.395	Amendment
301.400	Amendment
301.411	Amendment

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301.421	Amendment
301.430	Amendment
301.441	Amendment
301.442	Amendment
301.443	Amendment
301.Appendix A	Repealed

- 4) Statutory Authority: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].
- 5) A Complete Description of the Subjects and Issues Involved: In 2016, the Board began reviewing its rules to identify obsolete, repetitive, confusing, or otherwise unnecessary language. On January 10, 2018, the Illinois Environmental Protection Agency (IEPA) filed a proposal to update provisions including Part 301. IEPA's proposal arose from Executive Order 2016-13, which required agencies to identify outdated, repetitive, confusing, or unnecessary rules and then amend or repeal them. These proposed amendments to Part 301 include those submitted by IEPA and those identified separately by the Board. Both IEPA and the Board intend the amendments to be non-substantive clarifications.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes
  - 40 CFR 122 (2017)
  - 40 CFR 132 (2017) Appendix F
  - 40 CFR 136 (2017)
  - 40 CFR 141 (2017)
  - 40 CFR 302.4 (2017)
- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments should refer to Docket R18-23 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at [pcb.illinois.gov](http://pcb.illinois.gov). Public comments may be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

Interested persons may download copies of the Board's opinions and orders in R18-23 from the Board's Web site at [pcb.illinois.gov](http://pcb.illinois.gov) and may also request copies by calling the Clerk's office at 312-814-3620.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of Professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board expects that this rulemaking will not have an adverse impact on small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2022

The full text of the Proposed Amendments begins on the next page:

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

PART 301  
INTRODUCTION

8	Section	
9	301.101	Authority (Repealed)
10	301.102	Policy
11	301.103	Repeals (Repealed)
12	301.104	Analytical Testing
13	301.105	References to Other Sections (Repealed)
14	301.106	Incorporations by Reference
15	301.107	Severability
16	301.108	Adjusted Standards (Repealed)
17	301.200	Definitions
18	301.205	Act
19	301.210	Administrator
20	301.215	Agency
21	301.220	Aquatic Life
22	301.221	Area of Concern
23	301.225	Artificial Cooling Lake
24	301.230	Basin
25	301.231	Bioaccumulative Chemicals of Concern
26	301.235	Board
27	301.240	CWA
28	301.245	Calumet River System
29	301.247	Chicago Area Waterway System
30	301.250	Chicago River System
31	301.255	Combined Sewer
32	301.260	Combined Sewer Service Area
33	301.265	Construction
34	301.267	Conversion Factor
35	301.270	Dilution Ratio
36	301.275	Effluent
37	301.280	Hearing Board
38	301.282	Incidental Contact Recreation
39	301.285	Industrial Wastes
40	301.290	Institute (Repealed)
41	301.295	Interstate Waters
42	301.300	Intrastate Waters
43	301.301	Lake Michigan Lakewide Management Plan
44	301.305	Land Runoff

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45	301.307	Lower Des Plaines River
46	301.310	Marine Toilet
47	301.311	Method Detection Level
48	301.312	Minimum Level
49	301.313	Metals Translator
50	301.315	Modification
51	301.320	New Source
52	301.323	Primary Contact Recreation
53	301.324	Non-contact Recreation and Non-recreational
54	301.325	NPDES
55	301.330	Other Wastes
56	301.331	Outlier (Repealed)
57	301.335	Person
58	301.340	Pollutant
59	301.341	Pollutant Minimization Program
60	301.345	Population Equivalent
61	301.346	Preliminary Effluent Limitation
62	301.350	Pretreatment Works
63	301.355	Primary Contact
64	301.356	Projected Effluent Quality
65	301.360	Public and Food Processing Water Supply
66	301.365	Publicly Owned Treatment Works
67	301.370	Publicly Regulated Treatment Works
68	301.371	Quantification Level
69	301.372	Reasonable Potential Analysis
70	301.373	Same Body of Water
71	301.375	Sanitary Sewer
72	301.380	Secondary Contact
73	301.385	Sewage
74	301.390	Sewer
75	301.395	Sludge
76	301.400	Standard of Performance
77	301.405	STORET
78	301.410	Storm Sewer
79	301.411	Total Maximum Daily Load
80	301.413	Total Metal
81	301.415	Treatment Works
82	301.420	Underground Waters
83	301.421	Wasteload Allocation
84	301.425	Wastewater
85	301.430	Wastewater Source
86	301.435	Watercraft
87	301.440	Waters
88	301.441	Water Quality Based Effluent Limitation

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89 301.442 Wet Weather Point Source

90 301.443 Whole Effluent Toxicity

91

92 301.APPENDIX A References to Previous Rules (Repealed)

93

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

96

97 SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190,  
98 effective June 21, 1979; amended at 5 Ill. Reg. 6384, effective May 28, 1981; codified at 6 Ill.  
99 Reg. 7818; amended in R88-1 at 13 Ill. Reg. 5984, effective April 18, 1989; amended in R88-  
100 21(A) at 14 Ill. Reg. 2879, effective February 13, 1990; amended in R99-8 at 23 Ill. Reg. 11277,  
101 effective August 26, 1999; amended in R02-11 at 27 Ill. Reg. 158, effective December 20, 2002;  
102 amended in R08-9(A) at 35 Ill. Reg. 15071, effective August 23, 2011; amended in R11-18 at 36  
103 Ill. Reg. 18863, effective December 12, 2012; amended in R18-23 at 46 Ill. Reg. \_\_\_\_\_,  
104 effective \_\_\_\_\_.

105

### **Section 301.101 Authority (Repealed)**

106

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

108

### **Section 301.102 Policy**

109

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

120

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

122

### **Section 301.103 Repeals (Repealed)**

123

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

125

### **Section 301.104 Analytical Testing**

126

127 All methods to collect, preserve, and analyze samples used in applying any of the requirements  
128 of this Subtitle will be consistent with United States Environmental Protection Agency's current  
129  
130  
131  
132

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133 manual of practice or with other procedures acceptable to USEPA and the Agency.

134

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

136

### 137 **Section 301.105 References to Other Sections (Repealed)**

138

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

140

### 141 **Section 301.106 Incorporations by Reference**

142

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

145

146 "ASTM" means American Society for Testing and Materials.

147

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

150

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

154

155 "USEPA" means United States Environmental Protection Agency.

156

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

158

159 American Public Health Association et al., 800 I Street, N.W., Washington, D.C.  
160 20001-3710, (202)777-2742.

161

162 Standard Methods for the Examination of Water and Wastewater, 21<sup>st</sup>  
163 Edition, 2005.

164

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

167

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

171

172 USEPA, NSCEP. United States Environmental Protection Agency, National  
173 Service Center for Environmental Publications, P.O. Box 42419, Cincinnati, OH  
174 45242-0419 (accessible on-line and available by download from  
175 <http://www.epa.gov/nscep/>).

176

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

179  
180 Method OIA-1677, DW: Available Cyanide by Flow Injection, Ligand  
181 Exchange, and Amperometry, January 2004, Document Number EPA-  
182 821-R-04-001.

183  
184 c) The Board incorporates the following federal regulations by reference. Available  
185 from the Superintendent of Documents, U.S. Government Printing Office,  
186 Washington, D.C. 20402, (202)783-3238:

187  
188 40 CFR 122 (2017)

189  
190 Appendix F of 40 CFR 132 (2017)

191  
192 40 CFR 136 (2017)

193  
194 40 CFR 141 (2017)

195  
196 40 CFR 302.4 (2017)

197  
198 d) This Section incorporates no future editions or amendments.

199  
200 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 201 202 **Section 301.107 Severability**

203  
204 If any provision of this Subtitle or its application to any person or in any circumstance is  
205 adjudged invalid, that adjudication will not affect the validity of this Subtitle as a whole, or any  
206 portion not adjudged invalid.

207  
208 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 209 210 **Section 301.108 Adjusted Standards (Repealed)**

211  
212 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 213 214 **Section 301.200 Definitions**

215  
216 Except as otherwise provided within individual Parts of this Chapter, the terms defined in the  
217 following Sections have the meanings specified.

218  
219 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

220



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221 **Section 301.210 Administrator**

222

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

225

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

227

228 **Section 301.221 Area of Concern**

229

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

231

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

233

234 **Section 301.231 Bioaccumulative Chemicals of Concern**

235

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

238

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

240

241 **Section 301.260 Combined Sewer Service Area**

242

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

248

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

250

251 **Section 301.275 Effluent**

252

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

258

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

260

261 **Section 301.280 Hearing Board**

262

263 "Hearing Board" means an Agency hearing board of one or more employees, appointed by the  
264 Director under 35 Ill. Adm. Code 309.115(c), which conducts public hearings and makes

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265 recommendations to the Agency with respect to issuing or denying NPDES permits.

266

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

268

### 269 **Section 301.290 Institute (Repealed)**

270

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

272

### 273 **Section 301.295 Interstate Waters**

274

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

277

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

279

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

281

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

284

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

286

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

288

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

293

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

295

### 296 **Section 301.312 Minimum Level**

297

298 "Minimum Level" or "ML" is the concentration at which the entire analytical system must give a  
299 recognizable signal and acceptable calibration point. The ML is the concentration in a sample  
300 that is equivalent to the concentration of the lowest calibration standard analyzed by a specific  
301 analytical procedure, assuming that all the method-specified sample weights, volumes and  
302 processing steps have been followed. The analytical procedure used for determining minimum  
303 level must be a procedure published by USEPA or nationally recognized organization, including  
304 but not limited to those methods found in 40 CFR 136, 40 CFR 132, or Standard Methods,  
305 incorporated by reference in 35 Ill. Adm. Code 301.106.

306

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

308

309 **Section 301.325 NPDES**

310  
311 "NPDES" means the National Pollutant Discharge Elimination System for issuing, establishing  
312 conditions for, and denying permits under Section 402 of the CWA. All terms used in connection  
313 with NPDES that have been defined in the CWA or regulations adopted under it have the  
314 meanings specified, unless specifically noted otherwise.

315  
316 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

317  
318 **Section 301.331 Outlier (Repealed)**

319  
320 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

321  
322 **Section 301.340 Pollutant**

323  
324 "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage  
325 sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or  
326 discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste  
327 discharged into water. This term does not mean:

- 328
- 329 a) "sewage from vessels" within the meaning of the CWA; or
  - 330
  - 331 b) water, gas, or other material which is injected into a well to facilitate production  
332 and disposed of in a well, if the well, used either to facilitate production or for  
333 disposal purposes, is approved by the Department of Natural Resources, Office of  
334 Mines and Minerals, and if the Office of Mines and Minerals determines that such  
335 injection or disposal will not result in the degradation of ground or surface water  
336 resources.

337  
338 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

339  
340 **Section 301.341 Pollutant Minimization Program**

341  
342 "Pollutant Minimization Program" means a structured set of activities to improve processes and  
343 pollutant controls that will prevent and reduce pollutant loading.

344  
345 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

346  
347 **Section 301.346 Preliminary Effluent Limitation**

348  
349 "Preliminary Effluent Limitation" or "PEL" is an estimate of an allowable discharge considering  
350 mixing or dilution.

351  
352 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 301.350 Pretreatment Works**

"Pretreatment Works" means a treatment works designed and intended to treat wastewater from an indirect discharge or industrial user as defined in 40 CFR 403, before it is introduced 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 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 are regulated as public utilities engaged in the disposal of domestic and industrial wastes and regulated by the Illinois Commerce Commission, under the Public Utilities Act [220 ILCS 5]

(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 those methods found in 40 CFR 136, 40 CFR 132, or Standard Methods, incorporated by reference in 35 Ill. Adm. Code 301.106.

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397 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
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### **Section 301.372 Reasonable Potential Analysis**

400

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

404

405 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
406

407

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

408

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

421

422 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
423

424

### **Section 301.395 Sludge**

425

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

429

430 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
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### **Section 301.400 Standard of Performance**

433

434 "Standard of Performance" means a standard promulgated by the Administrator under Section  
435 306 of the CWA, for the control of the discharge of pollutants, which reflects the greatest degree  
436 of effluent reduction which the Administrator determines to be achievable through application of  
437 the best available demonstrated control technology, processes, operating methods, or other  
438 alternatives, including, where practicable, a standard permitting no discharge of pollutants.

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

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**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 under 40 CFR 130.7 or an assessment and remediation plan developed and approved according to 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 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 include only: discharges of stormwater from a municipal

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485 separate storm sewer as defined at 40 CFR 122.26(b)(8); incorporated by reference at 35 Ill.  
486 Adm. Code 301.106, stormwater discharge associated with industrial activity as defined at 40  
487 CFR 122.26(b)(14); incorporated by reference at 35 Ill. Adm. Code 301.106, discharges of  
488 stormwater and sanitary wastewaters (domestic, commercial, and industrial) from a combined  
489 sewer overflow; or any other stormwater discharge for which a permit is required under Section  
490 402(p) of the Clean Water Act. A stormwater discharge associated with industrial activity that is  
491 mixed with process wastewater will not be considered a wet weather point source.

492

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

494

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

496

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

499

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

501

**1<sup>st</sup> Notice**

JCAR350301-2207031r01

502 **Section 301.APPENDIX A References to Previous Rules (Repealed)**

504

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





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

3  
4 PART 301  
5 INTRODUCTION  
6

7Section

- 8301.101 Authority (Repealed)
- 9301.102 Policy
- 10301.103 Repeals (Repealed)
- 11301.104 Analytical Testing
- 12301.105 References to Other Sections (Repealed)
- 13301.106 Incorporations by Reference
- 14301.107 Severability
- 15301.108 Adjusted Standards (Repealed)
- 16301.200 Definitions
- 17301.205 Act
- 18301.210 Administrator
- 19301.215 Agency
- 20301.220 Aquatic Life
- 21301.221 Area of Concern
- 22301.225 Artificial Cooling Lake
- 23301.230 Basin
- 24301.231 Bioaccumulative Chemicals of Concern
- 25301.235 Board
- 26301.240 CWA
- 27301.245 Calumet River System
- 28301.247 Chicago Area Waterway System
- 29301.250 Chicago River System
- 30301.255 Combined Sewer
- 31301.260 Combined Sewer Service Area
- 32301.265 Construction
- 33301.267 Conversion Factor
- 34301.270 Dilution Ratio
- 35301.275 Effluent
- 36301.280 Hearing Board
- 37301.282 Incidental Contact Recreation

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38301.285	Industrial Wastes
39301.290	Institute (Repealed)
40301.295	Interstate Waters
41301.300	Intrastate Waters
42301.301	Lake Michigan Lakewide Management Plan
43301.305	Land Runoff
44301.307	Lower Des Plaines River
45301.310	Marine Toilet
46301.311	Method Detection Level
47301.312	Minimum Level
48301.313	Metals Translator
49301.315	Modification
50301.320	New Source
51301.323	Primary Contact Recreation
52301.324	Non-contact Recreation and Non-recreational
53301.325	NPDES
54301.330	Other Wastes
55301.331	Outlier (Repealed)
56301.335	Person
57301.340	Pollutant
58301.341	Pollutant Minimization Program
59301.345	Population Equivalent
60301.346	Preliminary Effluent Limitation
61301.350	Pretreatment Works
62301.355	Primary Contact
63301.356	Projected Effluent Quality
64301.360	Public and Food Processing Water Supply
65301.365	Publicly Owned Treatment Works
66301.370	Publicly Regulated Treatment Works
67301.371	Quantification Level
68301.372	Reasonable Potential Analysis
69301.373	Same Body of Water
70301.375	Sanitary Sewer
71301.380	Secondary Contact
72301.385	Sewage
73301.390	Sewer
74301.395	Sludge
75301.400	Standard of Performance

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- 76301.405 STORET
- 77301.410 Storm Sewer
- 78301.411 Total Maximum Daily Load
- 79301.413 Total Metal
- 80301.415 Treatment Works
- 81301.420 Underground Waters
- 82301.421 Wasteload Allocation
- 83301.425 Wastewater
- 84301.430 Wastewater Source
- 85301.435 Watercraft
- 86301.440 Waters
- 87301.441 Water Quality Based Effluent Limitation
- 88301.442 Wet Weather Point Source
- 89301.443 Whole Effluent Toxicity

90

91301.APPENDIX A References to Previous Rules (Repealed)

92

93AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental  
94Protection Act [415 ILCS 5/13 and 27].

95

96SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190,  
97effective June 21, 1979; amended at 5 Ill. Reg. 6384, effective May 28, 1981; codified at 6 Ill.  
98Reg. 7818; amended in R88-1 at 13 Ill. Reg. 5984, effective April 18, 1989; amended in  
99R88-21(A) at 14 Ill. Reg. 2879, effective February 13, 1990; amended in R99-8 at 23 Ill. Reg.  
10011277, effective August 26, 1999; amended in R02-11 at 27 Ill. Reg. 158, effective December  
10120, 2002; amended in R08-9(A) at 35 Ill. Reg. 15071, effective August 23, 2011; amended in  
102R11-18 at 36 Ill. Reg. 18863, effective December 12, 2012; amended in R18-23 at 46 Ill. Reg. —

103\_\_\_\_\_, effective —\_\_\_\_\_.

104

105**Section 301.101 Authority (Repealed)**

106

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

108

109**Section 301.102 Policy**

110

111*The General Assembly finds that pollution of the waters of this State constitutes a menace to*  
112*public health and welfare, creates public nuisances, is harmful to wildlife, fish, and aquatic life,*  
113*impairs domestic, agricultural, industrial, recreational, and other legitimate beneficial uses of*

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114 *water, depresses property values, and offends the senses* [415 ILCS 5/11(a)(1)]. It is the purpose  
115 of these rules and regulations to designate the uses for which the various waters of the State will  
116 be maintained and protected; to prescribe the water quality standards required to sustain the  
117 designated uses; to establish effluent standards to limit the contaminants discharged to the  
118 waters; and to prescribe additional regulations necessary for implementing, achieving and  
119 maintaining the prescribed water quality. It is also the purpose of these regulations to meet the  
120 requirements of Section 402 of the Clean Water Act.

121

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

123

124 **Section 301.103 Repeals (Repealed)**

125

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

127

128 **Section 301.104 Analytical Testing**

129

130 All methods to collect, preserve, and analyze samples used in applying any of the requirements  
131 of this Subtitle will be consistent with United States Environmental Protection Agency's current  
132 manual of practice or with other procedures acceptable to USEPA and the Agency.

133

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

135

136 **Section 301.105 References to Other Sections (Repealed)**

137

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

139

140 **Section 301.106 Incorporations by Reference**

141

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

144

145 "ASTM" means American Society for Testing and Materials.

146

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

149

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

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

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/>).

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

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)

Appendix F of 40 CFR 132 (2017)

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190

191 40 CFR 136 (2017)

192

193 40 CFR 141 (2017)

194

195 40 CFR 302.4 (2017)

196

197 d) This Section incorporates no future editions or amendments.

198

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

200

201 **Section 301.107 Severability**

202

203 If any provision of this Subtitle or its application to any person or in any circumstance is  
204 adjudged invalid, that adjudication ~~will~~will not affect the validity of this Subtitle as a whole, or  
205 any portion not adjudged invalid.

206

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

208

209 **Section 301.108 Adjusted Standards (Repealed)**

210

211 ~~AFTER ADOPTING A REGULATION OF GENERAL APPLICABILITY, THE~~  
212 ~~BOARD MAY GRANT, IN A SUBSEQUENT ADJUDICATORY~~  
213 ~~DETERMINATION, AN ADJUSTED STANDARD FOR PERSONS WHO~~  
214 ~~CAN JUSTIFY SUCH AN ADJUSTMENT CONSISTENT WITH~~  
215 ~~SUBSECTION OF SECTION 27 OF THE ILLINOIS ENVIRONMENTAL~~  
216 ~~PROTECTION ACT. IN GRANTING SUCH ADJUSTED STANDARDS, THE~~  
217 ~~BOARD MAY IMPOSE SUCH CONDITIONS AS MAY BE NECESSARY TO~~  
218 ~~ACCOMPLISH THE PURPOSES OF THE ILLINOIS ENVIRONMENTAL~~  
219 ~~PROTECTION ACT. THE RULE-MAKING PROVISIONS OF THE ILLINOIS~~  
220 ~~ADMINISTRATIVE PROCEDURE ACT AND TITLE VII OF THE~~  
221 ~~ENVIRONMENTAL PROTECTION ACT SHALL NOT APPLY TO SUCH~~  
222 ~~SUBSEQUENT DETERMINATIONS~~

223

224 ~~IN ADOPTING A RULE OF GENERAL APPLICABILITY, THE BOARD MAY~~  
225 ~~SPECIFY THE LEVEL OF JUSTIFICATION REQUIRED OF A PETITIONER~~  
226 ~~FOR AN ADJUSTED STANDARD CONSISTENT WITH THIS SECTION.~~

227

227 ~~IF A REGULATION OF GENERAL APPLICABILITY DOES NOT SPECIFY A~~  
~~LEVEL OF JUSTIFICATION REQUIRED OF A PETITIONER TO QUALIFY~~

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228 ~~FOR AN ADJUSTED STANDARD, THE BOARD MAY GRANT~~  
229 ~~INDIVIDUAL ADJUSTED STANDARDS WHENEVER THE BOARD~~  
230 ~~DETERMINES UPON ADEQUATE PROOF BY PETITIONER, THAT:~~

231  
232 ~~1) FACTORS RELATING TO THAT PETITIONER ARE~~  
233 ~~SUBSTANTIALLY AND SIGNIFICANTLY DIFFERENT FROM THE~~  
234 ~~FACTORS RELIED UPON BY THE BOARD IN ADOPTING THE~~  
235 ~~GENERAL REGULATION APPLICABLE TO THAT PETITIONER;~~

236  
237 ~~2) THE EXISTENCE OF THOSE FACTORS JUSTIFIES AN ADJUSTED~~  
238 ~~STANDARD;~~

239  
240 ~~3) THE REQUESTED STANDARD WILL NOT RESULT IN~~  
241 ~~ENVIROMENTAL OR HEALTH EFFECTS SUBSTANTIALLY AND~~  
242 ~~SIGNIFICANTLY MORE ADVERSE THAN THE EFFECTS~~  
243 ~~CONSIDERED BY THE BOARD IN ADOPTING THE RULE OF~~  
244 ~~GENERAL APPLICABILITY; AND~~

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

247  
248 (Source: Repealed at 46 Ill. Reg. ~~\_\_\_\_\_~~, effective ~~\_\_\_\_\_~~)  
249

250 **Section 301.200 Definitions**

251  
252 Except as otherwise provided within individual Parts of this Chapter, the terms defined in the  
253 following Sections have the meanings specified.

254  
255 (Source: Amended at 46 Ill. Reg. ~~\_\_\_\_\_~~, effective ~~\_\_\_\_\_~~)  
256

257 **Section 301.210 Administrator**

258  
259 "Administrator" means the Administrator of the United States Environmental Protection Agency  
260 or his or her designee.

261  
262 (Source: Amended at 46 Ill. Reg. ~~\_\_\_\_\_~~, effective ~~\_\_\_\_\_~~)  
263

264 **Section 301.221 Area of Concern**

265

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

267

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

269

**270Section 301.231 Bioaccumulative Chemicals of Concern**

271

272"Bioaccumulative Chemicals of Concern" or "BCC" means a chemical or class of chemicals  
273meeting the definition at 35 Ill. Adm. Code 302.501.

274

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

276

**277Section 301.260 Combined Sewer Service Area**

278

279"Combined Sewer Service Area" means a specific geographical drainage area served by a  
280combined sewer system. Areas served by separate sewer systems which enter the combined  
281system are not included. Undeveloped areas within a combined sewer service area may be  
282included in that area if deemed appropriate by the Agency under the guidelines in 35 Ill. Adm.  
283Code 306.102.

284

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

286

**287Section 301.275 Effluent**

288

289"Effluent" means any wastewater discharged, directly or indirectly, to the waters of the State or  
290to any storm sewer, and the runoff from land used for the disposition of wastewater or sludges,  
291but does not otherwise include nonpoint source discharges such as runoff from land or any  
292livestock management facility or livestock waste handling facility subject to regulation under  
293Subtitle E.

294

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

296

**297Section 301.280 Hearing Board**

298

299"Hearing Board" means an Agency hearing board of one or more employees, appointed by the  
300Director under 35 Ill. Adm. Code 309.115(c), which conducts public hearings and makes  
301recommendations to the Agency with respect to issuing or denying NPDES permits.

302

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



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304

305 **Section 301.290 Institute (Repealed)**

306

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

308

309 **Section 301.295 Interstate Waters**

310

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

313

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

315

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

317

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

320

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

322

323 **Section 301.311 Method Detection Level**

324

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

329

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

331

332 **Section 301.312 Minimum Level**

333

334 "Minimum Level" or "ML" is the concentration at which the entire analytical system must give a  
335 recognizable signal and acceptable calibration point. The ML is the concentration in a sample  
336 that is equivalent to the concentration of the lowest calibration standard analyzed by a specific  
337 analytical procedure, assuming that all the method-specified sample weights, volumes and  
338 processing steps have been followed. The analytical procedure used for determining minimum  
339 level must be a procedure published by USEPA or nationally recognized organization, including  
340 but not limited to those methods found in 40 CFR 136, 40 CFR 132, or Standard Methods,  
341 incorporated by reference in 35 Ill. Adm. Code 301.106.

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342

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

344

345 **Section 301.325 NPDES**

346

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

351

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

353

354 **Section 301.331 Outlier (Repealed)**

355

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

357

358 **Section 301.340 Pollutant**

359

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

364

365 a) ~~"sewage from vessels"~~ within the meaning of the CWA; or

366

367 b) water, gas, or other material which is injected into a well to facilitate production  
368 and disposed of in a well, if the well, used either to facilitate production or for  
369 disposal purposes, is approved by the Department of Natural Resources, Office of  
370 Mines and Minerals, and if the Office of Mines and Minerals determines that such  
371 injection or disposal will not result in the degradation of ground or surface water  
372 resources.

373

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

375

376 **Section 301.341 Pollutant Minimization Program**

377

378 "Pollutant Minimization Program" means a structured set of activities to improve processes and  
379 pollutant controls that will prevent and reduce pollutant loading.

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380

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

382

**383 Section 301.346 Preliminary Effluent Limitation**

384

385 "Preliminary Effluent Limitation" or "PEL" is an estimate of an allowable discharge considering  
386 mixing or dilution.

387

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

389

**390 Section 301.350 Pretreatment Works**

391

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

395

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

397

**398 Section 301.356 Projected Effluent Quality**

399

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

402

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

404

**405 Section 301.365 Publicly Owned Treatment Works**

406

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

411

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

413

**414 Section 301.370 Publicly Regulated Treatment Works**

415

416 "Publicly Regulated Treatment Works" means those otherwise private companies that are  
417 regulated as public utilities engaged in the disposal of domestic and industrial wastes and

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418 regulated by the Illinois Commerce Commission, under the Public Utilities Act [220 ILCS  
419 ~~5/1-101 et seq.5~~]

420

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

422

423 **Section 301.371 Quantification Level**

424

425 "Quantification Level" is a measurement of the concentration of a contaminant obtained by using  
426 a specified laboratory procedure calibrated at a specified concentration above the method  
427 detection level. It is considered the lowest concentration at which a particular contaminant can be  
428 quantitatively measured using a specified laboratory procedure for monitoring of the  
429 contaminant. The analytical procedure used for determining quantification level must be a  
430 procedure published by USEPA or nationally recognized organization, including those methods  
431 found in 40 CFR 136, 40 CFR 132, or Standard Methods, incorporated by reference in 35 Ill.  
432 Adm. Code 301.106.

433

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

435

436 **Section 301.372 Reasonable Potential Analysis**

437

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

441

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

443

444 **Section 301.373 Same Body of Water**

445

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

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456 characteristics of the intake and receiving water must not result in an adverse impact on the  
457 receiving water.

458

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

460

461 **Section 301.395 Sludge**

462

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

466

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

468

469 **Section 301.400 Standard of Performance**

470

471 "Standard of Performance" means a standard promulgated by the Administrator under Section  
472 306 of the CWA, for the control of the discharge of pollutants, which reflects the greatest degree  
473 of effluent reduction which the Administrator determines to be achievable through application of  
474 the best available demonstrated control technology, processes, operating methods, or other  
475 alternatives, including, where practicable, a standard permitting no discharge of pollutants.

476

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

478

479 **Section 301.411 Total Maximum Daily Load**

480

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

486

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

488

489 **Section 301.421 Wasteload Allocation**

490

491 "Waste Load Allocation" or "WLA" is the portion of receiving water's loading capacity that is  
492 allocated to one of its existing or future point sources of pollution, as more fully defined at 40  
493 CFR 130.2(h). In the absence of a TMDL approved by USEPA under 40 CFR 130.7 or an

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494assessment and remediation plan developed and approved according to procedure 3.A of  
495Appendix F of 40 CFR 132, incorporated by reference at 35 Ill. Adm. Code 301.106, a WLA is  
496the allocation for an individual point source that ensures that the level of water quality to be  
497achieved by the point source is derived from and complies with all applicable water quality  
498standards.

499

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

501

**502Section 301.430 Wastewater Source**

503

504"Wastewater Source" means any equipment, facility, or other source of any type whatsoever  
505which discharges wastewater, directly or indirectly to the waters of the State.

506

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

508

**509Section 301.441 Water Quality Based Effluent Limitation**

510

511"Water Quality Based Effluent Limitation" or "WQBEL" is a limit imposed in a permit so that  
512the applicable water quality standard, criteria or value is not exceeded outside of a designated  
513mixing zone.

514

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

516

**517Section 301.442 Wet Weather Point Source**

518

519"Wet Weather Point Source" means any discernible, confined and discrete conveyance from  
520which pollutants are, or may be, discharged as the result of a wet weather event. Discharges from  
521wet weather point sources must include only: discharges of stormwater from a municipal  
522separate storm sewer as defined at 40 CFR 122.26(b)(8); incorporated by reference at 35 Ill.  
523Adm. Code 301.106, stormwater discharge associated with industrial activity as defined at 40  
524CFR 122.26(b)(14); incorporated by reference at 35 Ill. Adm. Code 301.106, discharges of  
525stormwater and sanitary wastewaters (domestic, commercial, and industrial) from a combined  
526sewer overflow; or any other stormwater discharge for which a permit is required under Section  
527402(p) of the Clean Water Act. A stormwater discharge associated with industrial activity that is  
528mixed with process wastewater will not be considered a wet weather point source.

529

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

531

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

532 **Section 301.443 Whole Effluent Toxicity**

533

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

536

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

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

539 **Section 301.APPENDIX A References to Previous Rules (Repealed)**

540

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



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Format change	
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Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

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Format changes	0

Total changes	101
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