

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Disposal of Wastes from Watercraft
- 2) Code Citation: 35 Ill. Adm. Code 308
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
308.101	Amendment
308.102	Amendment
308.103	Amendment
308.104	Amendment
308.Appendix	Repealed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. These proposed amendments to Part 308 are intended to be non-substantive clarifications.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 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]
- 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. Public

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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 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 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

308.APPENDIX 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 3 Ill. Reg. no. 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 water pollution controls for the disposal of wastes from watercraft.

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

Section 308.102 Marine Toilets

- a) A person owning or operating a watercraft with a marine toilet must not use, or permit the use of, the 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 (c).
- b) A person must not 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 approved by the Agency or operated 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

1st Notice

JCAR350308-2207608r01

- 45 under subsection (b).
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47 2) Incinerating devices which will reduce to ash all sewage and toilet wastes
48 produced on the watercraft. The ash from such devices must not be
49 disposed of in the waters of Illinois.
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51 3) Any other device determined by the Agency to provide an effluent which
52 meets the effluent criteria of this Chapter.
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54 (Source: Amended at 46 Ill. Reg. _____, effective _____)
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Section 308.103 Contaminated Bilge or Ballast Waters

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58 Bilge or ballast water that fails to meet the effluent standards of 35 Ill. Adm. Code 304 must not
59 be discharged to the waters of the State.
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61 (Source: Amended at 46 Ill. Reg. _____, effective _____)
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Section 308.104 Statewide Application

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65 This Part applies to all waters of the State unless preempted under Section 312 of the CWA.
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67 (Source: Amended at 46 Ill. Reg. _____, effective _____)
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Section 308.APPENDIX References To Previous Rules (Repealed)

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71 (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

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4 PART 308
5 DISPOSAL OF WASTES FROM WATERCRAFT

6
7Section
8308.101 Preamble
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10308.103 Contaminated Bilge or Ballast Waters
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13308. ~~Appendix~~ APPENDIX References to Previous Rules (Repealed)

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15AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental
16Protection Act [415 ILCS 5/13 and 27].

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19effective June 21, 1979; codified 6 Ill. Reg. 7818; amended in 18-23 at 46 Ill. Reg. _____,
20effective _____.

21
22Section 308.101 Preamble

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24This Part ~~addresses of the rules and regulations concerning~~ addresses water pollution controls for
25the disposal of wastes from watercraft. ~~Unless the contrary is clearly indicated, all references to~~
26~~"Parts" or "Sections" are to Ill. Adm. Code, Title 35: Environmental Protection. For example,~~
27~~"Part 309" is 35 Ill. Adm. Code 309, and "Section 309.101" is 35 Ill. Adm. Code 309.101.~~

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29 (Source: Amended at 46 Ill. Reg. _____, effective _____)

30
31Section 308.102 Marine Toilets

- 32
33 a) A ~~No~~ person owning or operating a watercraft with a marine toilet must not ~~shall~~
34 use, or permit the use of, ~~the such the~~ toilet on the waters of this State, unless the
35 toilet is equipped with facilities that will treat, hold, incinerate or otherwise
36 handle the waste in a manner capable of preventing water pollution as described
37 in ~~subsection paragraphs (c) and (d) of this Section~~ subsection (c).

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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~~operated under a permit issued by the Agency.

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c) Acceptable pollution control devices are:

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1) Holding tanks which retain wastes from marine toilets for proper disposal ~~under pursuant to subsection paragraph~~under subsection (b) ~~of this Section.~~

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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.

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3) Any other device determined by the Agency to provide an effluent which meets the effluent criteria of this Chapter.

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

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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 Code~~ 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~~ APPENDIX References ~~to~~ To Previous Rules (Repealed)

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75 ~~The following table is provided to aid in referencing old Board rule numbers to section numbers~~
76 ~~pursuant to codification.~~

77

Chapter 3: Water Pollution Part VIII, Disposal of Wastes from Watercraft	35 Ill. <u>Adm.</u>Admin. Code Part 308
Unnumbered Preamble	Section 308.101
Rule 801	Section 308.102
Rule 802	Section 308.103
Rule 803	Section 308.104

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81 (Source: Repealed at 46 Ill. Reg. _____, effective _____)

Document comparison by Workshare Compare on Thursday, May 12, 2022
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Input:	
Document 1 ID	file:///I:/Input/Agency Rulemakings - Files Received\2022\Volume 46, Issue 20\35-308RG-P Agency.docx
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Document 2 ID	file:///I:/Input/Agency Rulemakings - Files Received\2022\Volume 46, Issue 20\35-308RG-P r01.docx
Description	35-308RG-P r01
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	17
Deletions	36
Moved from	0
Moved to	0
Style changes	0
Format changes	0

Total changes	53
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