

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Treatment Plant Operator Certification
- 2) Code Citation: 35 Ill. Adm. Code 312
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
312.100	Repealed
312.101	Amendment
312.102	Amendment
312.103	Amendment
312.104	Amendment
312.105	Amendment
312.Appendix	Repealed
- 4) Statutory Authority: Authorized by Section 27 and implemented by Section 13 of the Environmental Protection Act [415 ILCS 5/27 and 13].
- 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. The Board intends these proposed amendments to Part 312 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? 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-

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Line (COOL) on the Board's website at 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 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 312
TREATMENT PLANT OPERATOR CERTIFICATION

Section

- 312.100 References to Other Sections (Repealed)
- 312.101 Prohibition
- 312.102 Classifications
- 312.103 Standards for Certification
- 312.104 Procedures
- 312.105 Appeals
- 312.APPENDIX References to Previous Rules (Repealed)

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)

(Source: Repealed at 46 Ill.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

Section 312.101 Prohibition

A person must not cause or allow the use or operation of any treatment works for which a permit is required by 35 Ill. Adm. Code 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 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 adopt procedures which classify treatment works by type and size. The classes must 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 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 _____)

1st Notice

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Section 312.103 Standards for Certification

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48 The Agency must not certify a person as a competent operator unless the person submits
49 adequate proof that he or she is competent to operate the particular class of treatment works for
50 which he or she seeks certification in a manner that will not cause a violation of the Act or this
51 Chapter.

52

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

54

Section 312.104 Procedures

56

57 In addition to the procedures required by 35 Ill. Adm. Code 312, the Agency may adopt all
58 procedures reasonably necessary to perform its duties and responsibilities under 35 Ill. Adm.
59 Code 312.

60

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

62

Section 312.105 Appeals

64

65 An applicant for certification may appeal the Agency's decision to the Board in a manner similar
66 to that in 35 Ill. Adm. Code 309.244.

67

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

69

Section 312.APPENDIX References to Previous Rules (Repealed)

72

73 (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 312
5 TREATMENT PLANT OPERATOR CERTIFICATION
6

7Section

8312.100 References to Other Sections (Repealed)

9312.101 Prohibition

10312.102 Classifications

11312.103 Standards for Certification

12312.104 Procedures

13312.105 Appeals

14312. ~~Appendix~~ APPENDIX References to Previous Rules (Repealed)

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17Protection Act [415 ILCS 5/27 and 13] (Ill. Rev. Stat. 1979, ch. 111 1/2, pars. 1027 and
181013).

19

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21in 18-23 at 46 Ill. Reg. _____, effective _____.

22

23**Section 312.100 References to Other Sections (Repealed)**

24

25~~Unless the contrary is clearly indicated, all references to "Parts" or "Sections" are to Ill. Adm.~~
26~~Code, Title 35: Environmental Protection. For example, "Part 309" is 35 Ill. Adm. Code 309,~~
27~~and "Section 309.101" is 35 Ill. Adm. Code 309.101.~~

28

29

30

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

32

33**Section 312.101 Prohibition**

34

35A ~~No~~ person must not ~~shall~~ cause or allow the use or operation of any treatment works for which
36a permit is required by 35 Ill. Adm. ~~Code~~ Part Code 309 unless the operation of such treatment
37works is under the direct and active field supervision of a person who has been certified by the

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

38 Agency as ~~being~~ competent to operate the particular type or size of treatment works being used
39 or operated.

40

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

42

43 **Section 312.102 Classifications**

44

45 The Agency must ~~shall~~ adopt ~~and promulgate~~ procedures which classify treatment works by type
46 and size. ~~The~~ ~~Such~~ ~~The~~ classes must ~~shall~~ be based on the volume and nature of wastewater
47 influent to the treatment works, and on the complexity of the treatment works. The procedures
48 must ~~shall~~ contain corresponding standards defining the class or classes of operators competent
49 to operate a particular type or size of treatment works.

50

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

52

53 **Section 312.103 Standards for Certification**

54

55 The Agency must ~~shall~~ not certify a ~~any~~ person as ~~being~~ a competent operator unless the ~~such~~
56 person submits adequate proof that he or she is competent to operate the particular class of
57 treatment works for which he or she seeks certification ~~is sought~~ in a manner that ~~will~~ ~~so~~ ~~as~~ ~~will~~
58 ~~not to~~ cause a violation of the Act or ~~of~~ this Chapter.

59

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

61

62 **Section 312.104 Procedures**

63

64 In addition to the procedures ~~specifically~~ required by 35 Ill. Adm. ~~Code~~ ~~under this Part~~ ~~Code~~ 312,
65 the Agency may adopt ~~and promulgate~~ all procedures reasonably necessary to perform its duties
66 and responsibilities under 35 Ill. Adm. Code 312 ~~this Part~~.

67

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

69

70 **Section 312.105 Appeals**

71

72 An applicant for certification may appeal the Agency's decision to the Board in a manner similar
73 to that ~~stated~~ in 35 Ill. Adm. ~~Code~~ ~~Section~~ ~~Code~~ 309.244 ~~above~~.

74

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

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76

77 ~~Section 312.~~ ~~Appendix~~ APPENDIX **References to Previous Rules (Repealed)**

78

79 ~~The following table is provided to aid in referencing old Board rule numbers to section numbers~~
80 ~~pursuant to codification~~

81

Chapter 3: Water Pollution Part XII: Treatment Plant Operator Certification	35 Ill. AdmAdmin. Code Part 312
Rule 1201	Section 312.101
Rule 1202	Section 312.102
Rule 1203	Section 312.103
Rule 1204	Section 312.104
Rule 1205	Section 312.105

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83

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

Document comparison by Workshare Compare on Thursday, May 12, 2022
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Description	35-312RG-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:	
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Insertions	24
Deletions	43
Moved from	0
Moved to	0
Style changes	0
Format changes	0

Total changes	67
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