

From: [McGill, Richard](#)
To: [Brown, Don](#)
Cc: [Fox, Tim](#)
Subject: FW: R18-23 (Register issue 20)
Date: Tuesday, January 17, 2023 10:25:59 AM
Attachments: [image001.png](#)
[35-301 JCAR Sugg Chgs.pdf](#)
[35-301RG-P r01.pdf](#)

Good morning, Mr. Clerk:

Please docket this email exchange with JCAR, including the two attachments, as a public comment in R18-23.

Thank you.

Richard R. McGill, Jr.
Senior Attorney for Research & Writing
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, Illinois 60605
richard.mcgill@illinois.gov (312) 814-6983



From: McGill, Richard
Sent: Tuesday, January 17, 2023 10:13 AM
To: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Subject: RE: R18-23 (Register issue 20)

Good morning, Jonathan:

I've attached two documents. The first document contains Board staff responses to your proposed Part 301 changes emailed to me on May 26, 2022. The second document is the JCAR line-numbered r01 referenced in your changes and our responses. Our responses include related changes prompted by your suggestions.

Thank you for your careful review. Please let me know if you have any questions.

Best regards,

Richard

Richard R. McGill, Jr.
Senior Attorney for Research & Writing
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
Chicago, Illinois 60605

richard.mcgill@illinois.gov (312) 814-6983



From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Sent: Thursday, May 26, 2022 1:36 PM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] R18-23 (Register issue 20)

Richard –

Attached are suggested first notice changes for the PCB rules published in Issue 20 of the *Illinois Register*. A few notes:

1. USC vs. U.S.C. – Kim changed these to U.S.C. at publication to comply with the style guide. I understand that we've been changing U.S.C. to USC for years now and that the Board can't turn on a dime and easily reverse all of those earlier changes. JCAR's position is that we should make sure that the references in current and future rulemakings say U.S.C. but that having several residual USCs hanging about in the Code until their Sections are reopened shouldn't cause too much confusion.
2. IAC citations: We appreciated the initiative to make IAC citations more precise. Citations to other Parts should be preceded by "35 Ill. Adm. Code". However, across the Code the convention is for internal cross-references to refer to Section ###.### rather than to use the longer format. In the changes proposed, we did our best to standardize this.
3. Subsection headings: Although the convention in the CFR is for a subsection heading to capitalize only the first word and end with a period, the convention in the IAC is to use title case and no punctuation (unless the text of the subsection starts on the same line of the heading, in which case a period is added).
4. We've made a number of suggested changes to further clarify and simplify the language in these Parts in the spirit of the Board's initiative. Many of these would have been unilaterally made by Vicki at publication, but JCAR's current approach is much more collaborative. If we have been too aggressive in our proposals, please don't feel obliged to accept them.
5. Moving forward, especially on the really big rulemakings, would it be possible for the Board to submit revisions in predraft form first? That would enable changes to phrases that occur quite frequently without the need for individually written amendments (the number of proposals we've made for Part 307 is somewhat exceptional, and I imagine neither agency really relishes the prospect of similar lists...).

Thanks in advance for your consideration. Please let me know if you have any questions or concerns.

All the best,

Jonathan

Jonathan C. Eastvold, Ph.D.
Rules Analyst III

Illinois General Assembly
Joint Committee on Administrative Rules
700 Stratton Building
Springfield IL 62706
217-524-9010

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All the best,

Jonathan

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Board staff responses and related changes (1/17/23) appear in bold, red font below.

SUGGESTED FIRST NOTICE CHANGES

Agency: Pollution Control Board

Rulemaking: Introduction (35 Ill. Adm. Code 301; 46 Ill. Reg. 7031)

Changes:

1. In line 95, delete "/13 and 27".
Disagree. Because the sentence refers not to the Act generally but rather to specific sections of the Act, we must cite those specific sections.
2. In line 138, change "regulations" to "rules".
a. Agree.
b. In line 133, strike "and regulations".
3. In line 138, strike "meet the requirements of" and add "comply with".
Agree.
4. In line 159, change "will" to "must".
Agree.
5. In line 160, after the first "with" add "the".
Agree.
6. In line 189, after "means" add "the".
Agree.
7. In line 251, change "on-line" to "online".
Agree.
8. In line 268, strike all existing text, delete all added text, and add the following:
"The Sections of 40 CFR 132 (2017) listed below:
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) and B (1 and 2)
Appendix D
Section III C, D, and E
Section IV".

Disagree. The specific appendices and sections listed in JCAR's suggested addition are taken from Section 302.510, which the Board has proposed to repeal. In addition, the existing text at line 268 specifies "Appendix F", which the Board is retaining but JCAR's suggestion would strike.

9. In line 344, strike "his", delete "or her", and add "the Administrator's".
Agree.
10. In line 385, strike "which" and add "that".
a. Agree.
b. Strike "(c)" and add "(b)".
c. In line 386, strike "with respect to" and add "on".
11. In line 400, strike "all". Strike "which" and add "that".
a. Agree.
b. In line 401, before "other" add "one or more".
12. In line 417, change "35 Ill. Adm. Code" to "Section".
Agree.
13. In line 427, after "determining" add "the".
a. Agree.
b. In line 426, after "volumes" add a comma.
14. In line 428, after "or" add "a".
a. Agree.
b. In line 429, strike "but not limited to" and "found".
15. In line 430, change "35 Ill. Adm. Code" to "Section".
Agree.
16. In line 439, strike the comma.
a. Agree.

- b. In lines 437-38, strike “in connection with” and add “concerning”.**
c. In line 438, strike “have been defined in” and after “under it” add “define”.
d. In line 439, strike “the” and add “those” and strike “specified”.

17. In line 454, strike "mean" and add "include".
Agree.
18. In line 458, strike "which" and add "that".
Agree.
19. In line 461, strike "if".
Agree.
20. In line 462, strike "such" and add "the".
Agree.
21. In line 485, after "403" add "(2022)" and strike the comma.
Agree.
22. In line 494, change "considering" to "given a".
a. Disagree. The word “considering” better conveys the act of “taking into account” than the word “given” does.
b. After “considering” add “a”.
23. In line 502, after "county" add a comma.
Agree.
24. In line 511, strike "those".
Agree.
25. In line 513, strike the comma.
a. Agree.
b. In line 514, after “ILCS 51” add a period.
26. In line 524, strike "of".
Agree.
27. In line 526, after "or" add "a".
Agree.
28. In line 527, strike "those" and add "the".
a. Disagree. The word “those” more clearly points back to “analytical procedure used for determining quantification level” than the word “the” does. The word “those” is also used this way in line 429.
b. Strike “found”.

29. In line 561, after "facility" add a comma. Strike "such".
Agree.
30. In line 568, strike the comma.
Agree.
31. In line 569, strike ", which reflects" and add "reflecting".
a. Agree.
b. Strike "which" and add "that".
32. In line 570, after "through" add "the".
Agree.
33. In line 592, change "at 35 Ill. Adm. Code" to "in Section".
Agree.
34. In line 601, strike "other" and add "another".
Disagree. No ambiguity with the word "other" and it's used similarly elsewhere in Part 301.
35. In line 602, strike "whatsoever which" and add "that".
Agree.
36. In line 619, strike the semicolon and add a comma.
a. Agree.
b. In line 616, after "confined" add a comma.
37. In lines 619-620, change "at 35 Ill. Adm. Code" to "in Section".
Agree.
38. In line 620, change the comma to a semicolon.
Agree.
39. In line 621, strike the semicolon and add a comma.
Agree.
40. In line 621, change "at 35 Ill. Adm. Code" to "in Section".
Agree.
41. In line 621, change the comma to a semicolon.
Agree.
42. In line 624, after "Act" add "(33 U.S.C. 1342(p))".
Agree.

jce

5/18/2022

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

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

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*
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

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

123

Section 301.103 Repeals (Repealed)

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, 21st
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/>).

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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 _____)
398

399 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 _____)
431

432 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.

439
440 (Source: Amended at 46 Ill. Reg. _____, effective _____)

441

442 **Section 301.411 Total Maximum Daily Load**

443

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

449

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

451

452 **Section 301.421 Wasteload Allocation**

453

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

462

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

464

465 **Section 301.430 Wastewater Source**

466

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

469

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

471

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

473

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

477

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

479

480 **Section 301.442 Wet Weather Point Source**

481

482 "Wet Weather Point Source" means any discernible, confined and discrete conveyance from
483 which pollutants are, or may be, discharged as the result of a wet weather event. Discharges from
484 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

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

504

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