

From: [McGill, Richard](#)
To: [Brown, Don](#)
Cc: [Fox, Tim](#)
Subject: FW: R18-23 (Register issue 20)
Date: Tuesday, January 17, 2023 10:30:16 AM
Attachments: [35-309 JCAR Sugg Chgs.pdf](#)
[image001.png](#)
[35-309RG-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 10:18 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 309 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

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Illinois Pollution Control Board
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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

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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

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

PROPOSED FIRST NOTICE CHANGES

Agency: Pollution Control Board

Rulemaking: Permits (35 Ill. Adm. Code 309; 46 Ill. Reg. 7613)

Changes:

1. In line 36, after "Monitoring" add a comma.
Agree.
2. In line 42, after "307" add a comma.
Agree.
3. In line 79, after "Operation" add a comma.
Agree.
4. In line 114, after "the" add "Clean Water Act".
Agree.
5. In line 115, after "CWA" add "}".
Agree.
6. In line 131, after "regulations," strike "and".
Agree.
7. In line 137, strike "which" and add "that".
a. Agree.
b. In line 139, strike "such" and add "these". After "12(g)" add "of the Act".
c. In line 140, strike "12 (f)" and add "12(f)".
8. In line 149, strike "a" and add "an".
Agree.
9. In line 150, strike "file an application" and add "apply".
a. Agree. Delete "35 Ill. Adm. Code".
b. In line 151, restore "Section".
10. In line 151, strike the comma.
Agree.

11. In line 155, strike "as".
a. Agree.
b. In line 156, strike “in order”.
12. In line 157, strike "state" and add "State".
Agree.
13. In line 160, reinstate "the".
Agree.
14. In line 164, strike "toxicity monitoring" and add "toxicity monitoring".
Disagree. Strike "toxicity monitoring" and add "Toxicity Monitoring".
15. In line 168, after "maintaining" add a comma. **a. Agree.** Strike "of". **b. Agree.**
c. In line 173, after “require” add a comma.
16. In line 174, delete "under" and strike "Section 39 of the Act". **a. Disagree. The current text maintains parallel construction with the prior two sentences.** Delete the comma.
b. Disagree.
17. In line 175, after "under" add "Section 39 of the Act and".
Disagree. The reference to Section 39 of the Act is a general one to support IEPA imposing permit conditions. The reference to Section 302.210(a) is a specific one to support IEPA requiring further testing and identification of the toxicants. The current placement of these references is therefore more precise. See also response to 16(a).
18. In line 199, strike "stream flow" and add "streamflow".
Agree.
19. In line 207, strike "a coastal water,".
Disagree. As the Board Note indicates, this subsection is based on 40 CFR 122.21(j)(5)(ii)(C)(4). Neither 40 CFR 122 nor the Clean Water Act define “coastal water”. Dictionary definitions of “coastal” and “coast” tend not to be restricted to oceans, seas, or saltwater. In addition, striking “a coastal water” could be viewed as a substantive change and therefore is beyond this rulemaking’s scope.
20. In line 219, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
21. In line 220, after "309.183" add a comma.
Agree.
22. In line 227, after "under" strike "to".
Agree.

23. In line 256, strike "are inapplicable" and add "do not apply".
Agree.
24. In line 260, strike "the effective date of this Subpart A" and add "October 24, 1977".
Agree but add comma after "1977".
25. In line 262, strike "which" and add "that".
Agree.
26. In line 263, strike the commas.
Agree.
27. In line 266, strike "of".
Agree.
28. In line 270, strike "insure" and add "ensure".
Agree.
29. In line 270, strike "Section" and add "section".
Agree.
30. In line 271, delete "et seq." and reinstate "et seq."
Agree to delete "et seq." and restore "et seq". After "seq" add a period.
31. In line 271, strike ", or with" and add "and".
Agree.
32. In line 272, strike "and" and add "or".
Disagree. The disjunctive could be misconstrued as requiring only that the permit application be submitted in time to ensure compliance with either set of applicable standards rather than both sets of applicable standards. This change therefore could be viewed as a substantive change beyond this rulemaking's scope.
33. In line 277, after "president" strike the comma. **a. Agree.** Strike "his" and change "or her" to "a". **b. Agree.**
34. In line 278, strike ", if", change "the" to "who", and strike "representative".
a. Agree.
b. In line 280, strike "In the case of" and add "For".
c. In line 281, strike "shall" and add "must".
d. In lines 281-82, strike "In the case of" and add "For".
e. In line 282, strike "either".
35. In line 283, after "officer," add "a". **a. Agree.** Strike "other" and add "another". **b. Agree.**

36. In line 297, after "before" strike "to".
Agree.
37. In line 301, strike "submit the application" and add "apply".
Agree.
38. In line 303, strike "submits an application" and add "applies".
Agree.
39. In lines 306 and 307, strike "180 day" and add "180-day".
a. Agree.
b. In line 310, strike "will" and add "must".
40. In line 310, strike "submit the application" and add "apply".
Agree.
41. In line 316, change "receive" to "receives".
a. Agree.
b. In line 340, after "must" add "not". Strike "in any case in which" and add "if".
42. In line 342, after "chemical" add a comma.
Agree.
43. In line 354, strike "which" and add "that".
a. Agree.
b. In line 358, strike "which" and add "that".
44. In line 358, strike ", in" and change "compliance" to "as a condition of the permit under the Act and Agency and Board rules.".
Disagree. Strike ", in" and change "compliance" to "as a condition of the permit under the Act and Board rules.".
45. In line 359, delete "the" and strike all existing text.
a. Agree.
b. In line 368, restore "period" and strike "time".
46. In line 369, strike "on the basis of" and add "or denied based on".
Agree.
47. In line 370, strike "or be denied".
Agree.
48. In line 381, strike "his" and change "or her" to "an".
a. Agree.
b. In line 384, strike "will" and add "must".

49. In line 405, strike "Statement" and add "statement of".
Agree.
50. In line 409, strike "state" and add "State".
Agree.
51. In line 412, strike "A" and add "If the applicant is not in compliance with applicable requirements, a".
Agree.
52. In line 412, after "compliance" add "for meeting the proposed effluent limitations".
Agree.
53. In lines 412-413, strike "if the applicant is not in compliance with applicable requirements,".
a. Agree.
b. In line 414, after "regulations" strike the comma.
54. In lines 414-415, strike "for meeting the proposed effluent limitations".
a. Agree.
b. In line 417, strike "which" and add "that".
55. In lines 420-421, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
56. In line 427, after "permit" add a comma.
Agree.
57. In line 429, after "notice of" add "its".
Disagree. Confusing as "its" is already used in the sentence to refer to IEPA's intent; the added "its" would refer to the permit's issuance. Also, unnecessary as "notice of issuance" is unambiguous.
58. In line 430, delete "35 Ill. Adm. Code" and reinstate "Sections".
Agree.
59. In line 435, after "of" add "the". **a. Disagree. Unnecessary as "notice of denial" is unambiguous. Strike the comma.** **b. Agree.**
60. In lines 435-436, delete "35 Ill. Adm. Code" and reinstate "Sections".
a. Agree.
b. In line 436, strike "In the case of" and add "For a".
61. In line 440, strike "of".
Agree.

62. In line 450, strike "not earlier than" and add "within".
Disagree. This change would reverse the current requirement, which precludes public notice during the ten days. The change would require public notice during those ten days.
63. In line 451, delete "35 Ill. Adm. Code" and reinstate "Section".
a. Agree.
b. In line 459, after “applicant” add a semicolon.
64. In line 462, strike "such".
a. Agree.
b. In line 478, after the semicolon add “and”.
65. In line 485, strike "of not less than" and add "at least".
Agree.
66. In line 486, strike "during which" and add "for". **a. Agree.** Strike "may" and add "to".
b. Agree.
67. In line 487, strike "with respect to" and add "concerning".
Agree.
68. In line 488, after "and" strike "to".
Agree.
69. In line 490, change "forming" to "reaching".
Disagree. Change “forming” to “formulating”.
70. In line 491, strike "with respect to" and add "concerning".
Disagree. Strike “with respect to” and add “on”.
71. In line 493, delete "35 Ill. Adm. Code" and reinstate "Section".
Disagree. Delete “35 Ill. Adm. Code” and add “this”. Restore “Section” and strike “309.109”.
72. In line 499, after "contents of" add "the".
Agree.
73. In line 506, strike "which" and add "that".
Agree.
74. In line 511, strike "location of the discharge" and add "discharge's location".
Agree.
75. In line 517, after "for" strike "the" and change "forming" to "reaching".

Agree to strike “the” after “for”. Disagree with changing “forming” to “reaching”; instead, change “forming” to “formulating”.

76. In line 518, after "and" add "the".
a. Agree.
b. In line 530, strike “deals with” and add “concerns”.
77. In line 531, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
78. In line 536, strike "as".
Agree.
79. In lines 536-537, delete "35 Ill. Adm. Code" and reinstate "Sections".
Agree.
80. In line 538, strike "shall" and add "must". **a. Agree.** Strike "which" and add "that". **b. Agree.**
81. In line 546, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
82. In line 546, strike ", after the comment period provided, no" and add "the Agency does not hold a".
Agree.
83. In line 547, strike "is held with respect" and add "concerning".
Disagree. Strike “is held with respect to the permit”. Add “concerning the permit after the comment period”.
84. In line 547, strike "the Agency" and add "after the comment period it".
Disagree. Strike “, after” and delete “evaluating”. Add “evaluate”.
85. In line 548, strike "which may have been".
Agree. After “received” strike the comma and add “and”.
86. In line 554, strike "which has" and add "with".
a. Agree.
b. In line 556, delete “must”.
87. In lines 556-557, strike "with respect to" and add "concerning".
a. Agree.
b. In line 557, strike “such” and add “the”.
88. In line 564, strike "which" and add "that".
Agree.

89. In line 566, strike the semicolon and add "and".
Agree.
90. In lines 574 and 575, strike "which are".
a. Agree.
b. In lines 575-76, strike "applicable provisions of".
91. In line 579, delete "35 Ill. Adm. Code" and reinstate "Section".
a. Agree.
b. In line 586, strike "In the case of" and add "For".
92. In line 599, change "it" to "that hearing".
Agree.
93. In line 603, strike "of".
Agree.
94. In line 614, after "issues" add "a".
a. Agree.
b. In lines 614-15, delete "35 Ill. Adm. Code" and restore "Sections."
95. In line 620, strike "State" and add "state".
Agree.
96. In line 620, strike "afforded an opportunity" and add "allowed".
Agree.
97. In line 623, strike "Should" and add "If". **a. Agree.** Strike "decline" and add "declines".
b. Agree.
98. In line 624, strike "thus" and after "received" add "from other states".
Agree. Before "received" add "timely".
99. In line 625, strike each parenthesis.
Agree.
100. In line 626, strike "declining to accept" and add "not accepting".
Agree.
101. In line 631, strike "which" and add "that".
Agree.
102. In line 640, after "shellfish" add a comma.
Agree.

103. In line 641, capitalize "state".
Agree.
104. In line 642, change "States" to lower case.
Agree.
105. In line 643, strike "provide" and add "give".
Agree.
106. In lines 644-645, delete "35 Ill. Adm. Code" and reinstate "Sections". **a. Agree.** After "309.115" strike the hyphen and add "through". **b. Agree.**
107. In line 649, strike "pursuant to" and add "under".
Agree.
108. In line 649, strike "Section" and add "section".
Agree.
109. In line 651, strike "State" and add "state".
Agree. Strike "the preparation of" and add "preparing".
110. In line 652, strike "Section" and add "section".
Agree.
111. In line 657, change "the" to "those".
Agree.
112. In line 663, after subsection label "a)" add "Decision to Hold a Public Hearing".
Disagree. After subsection label "a)" add "Agency Determination on Whether to Hold a Public Hearing".
113. In line 668, strike "(instances of doubt".
Agree.
114. In line 669, delete "must" and strike "be resolved in favor of holding the hearing)".
a. Agree.
b. In line 670, strike "such".
115. In line 670, after the period add "Instances of doubt must be resolved in favor of holding the hearing.".
a. Agree.
b. In line 673, strike "such".
116. In line 674, strike "Any such request" and add "Requests". After "for" add "a".
a. Agree.
b. In line 675, strike "with" and add "within".

117. In line 681, strike "Hearing Board" and add "hearing board".
Agree.
118. In line 685, after "request for" add "a".
Agree.
119. In line 691, after "facilitating" add "the".
Agree.
120. In line 692, after "and to" add "the".
Agree.
121. In line 693, change "has" to "must" and strike "the duty to".
Agree.
122. In line 694, after "delay," strike "to". **a. Agree.** After "and" strike "to". **b. Agree.** After "ensure" add "the". **c. Agree.**
123. In line 701, strike "not less than" and add "at least".
Agree.
124. In line 702, delete "35 Ill. Adm. Code" and reinstate "Sections".
Agree.
125. In line 704, strike "had".
Agree.
126. In lines 704-705, change "35 Ill. Adm. Code" to "Sections".
Agree.
127. In line 713, after "Name of" add "the".
Agree.
128. In lines 730-731, delete "35 Ill. Adm. Code" and reinstate "Sections".
Agree.
129. In line 738, after "has" add "the".
Agree.
130. In line 739, strike the comma.
Agree.
131. In line 761, strike "to".
Agree.

132. In line 767, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
133. In line 767, strike "following" and add "after". **a. Agree.** After "hearing" strike the comma. **b. Disagree. Natural pause in sentence.**
c. After "309.120", strike the comma and add "and".
134. In line 769, strike "his" and delete "or her".
Agree.
135. In line 774, delete "35 Ill. Adm. Code" and reinstate "Sections".
Agree.
136. In line 775, strike "from" and add "to the". Strike "set forth" and add "outlined".
Disagree. Strike "any" and add "all". Strike "which were made from terms and conditions set forth in the draft permit" and add "made to the draft permit's terms and conditions".
137. In line 786, after "consider" add "whether any of". After "following" add "conditions exist".
Agree but replace "conditions" with "circumstances".
138. In line 788, strike "Whether the" and add "The".
Agree.
139. In line 791, strike "Whether a" and add "A".
Agree.
140. In line 794, strike "Whether the" and add "The".
Agree.
141. In line 798, strike "as to" and add "concerning".
Disagree. Strike "as to" and add "for".
142. In line 802, strike "purposes of".
a. Agree.
b. In line 803, delete "35 Ill. Adm. Code" and restore "Section".
143. In line 819, strike "limitation" and add "limitations".
Agree.
144. In line 823, strike the comma and add a semicolon.
Agree.
145. In line 825, strike the comma and add a semicolon.
Agree.

146. In line 839, after "306" add a comma.
Agree.
147. In line 839, after "CWA," add "any". **a. Agree.** Strike "as" and add "that". **b. Agree.**
148. In line 840, strike "the provisions of".
a. Agree.
b. In line 854, strike "will" and add "must".
149. In line 856, after "must" strike "s".
a. Agree.
b. In line 857, after "including" strike the comma.
150. In line 858, after "Quantification" add a comma.
Agree.
151. In line 863, after "by" add "the".
Agree.
152. In line 864, after "through" add "the".
Agree.
153. In line 872, strike "other" and add "another".
Agree.
154. In lines 873 and 874, strike "nonthreshold" and add "no-threshold".
Disagree. The referenced Section 302.590 uses the term "nonthreshold".
155. In line 873, strike "those".
Agree.
156. In line 874, after "substances" add a comma.
Agree.
157. In line 883, strike "Table" and add "table".
Agree.
158. In line 890, strike "nonthreshold" and add "no-threshold".
Disagree. See response 154.
159. In line 897, strike "potential to exceed." and add "Potential to Exceed".
a. Agree.
b. In lines 902 and 906, strike "will" and add "must".
160. In line 909, strike "in excess of" and add "with more than".

Agree.

161. In line 912, strike "percent" and add "%".
a. Agree.
b. In line 926, strike “will proceed to consideration of” and add “must proceed to consider”.
162. In line 927, strike "to".
Agree.
163. In line 929, strike "less" and add "fewer".
a. Agree.
b. In lines 940, 943, and 948, strike “will” and add “must”.
164. In line 949, strike the comma and "will".
Agree. Strike “pursuant to” and add “under”.
165. In line 960, after "health" add a comma.
Agree.
166. In line 979, strike "criteria" and add "criterion,".
a. Agree.
b. In lines 979, 986, and 990, strike “will” and add “must”.
167. In line 994, strike "chemicals of concern" and add "Chemicals of Concern". **a. Agree.**
 Strike the colon. **b. Agree.**
c. In line 998, strike “will” and add “must”.
168. In lines 1006 and 1007, after "criteria" add a comma.
Agree.
169. In line 1010, after "doubt" add a comma.
Agree.
170. In line 1019, strike "effluent limitations calculations." and add "Effluent Limitations Calculations".
Agree.
171. In the table after line 1028, strike "criteria" and add "criterion,".
Agree.
172. In line 1047, strike "1" and add "one".
Agree.
173. In line 1058, after the colon add a carriage return and a bullet.
Agree.

174. In line 1058, after the semicolon add a carriage return and a bullet.
Agree.
175. In line 1059, after "through" add "the".
Agree.
176. In line 1060, after "or" add a carriage return and a bullet.
Agree.
177. In line 1062, after the period add a carriage return and subsection label "iv".
Agree.
178. In line 1071, strike "quality based effluent limitations." and add "Quality Based Effluent Limitations (WQBELs)".
a. Agree.
b. In line 1073, strike "will" and add "must".
179. In line 1075, after "circumstances" add a comma.
a. Agree.
b. In lines 1075 and 1080, strike "will" and add "must".
180. In line 1082, after "values" strike the comma.
a. Agree.
b. In lines 1084 and 1088, strike "will" and add "must".
181. In line 1098, after "PEL" strike the comma.
a. Agree.
b. In lines 1098, 1101, 1106, and 1108, strike "will" and add "must".
182. In line 1109, strike "wildlife based" and add "wildlife-based".
Agree. Strike "will" and add "must".
183. In line 1113, strike "Best" and add "The Agency must require best".
Disagree. The change would be redundant given this Section's opening paragraph.
184. In line 1116, strike "Authorized" and add "BMPs are authorized".
Disagree. See response 183.
185. In lines 1116-1117, strike "storm water" and add "stormwater".
Agree.
186. In line 1121, strike "The practices" and add "BMPs".
a. Agree.
b. In line 1128, strike "In any case in which" and add "If".

187. In line 1129, delete "35 Ill. Adm. Code" and reinstate "Sections".
a. Agree.
b. In line 1132, strike "In any case in which" and add "If".
c. In line 1141, strike "either".
d. In lines 1142 and 1143, strike "which" and add "that".
188. In line 1146, after "cause" add a comma.
Agree.
189. In line 1148, strike "which" and add "that".
Agree.
190. In line 1151, strike "where" and add "when".
Agree.
191. In line 1154, after "standards" add a comma.
Agree (for the second "standards").
192. In line 1160, strike "specification of" and add "specifying".
Agree.
193. In line 1164, strike "Where" and add "When".
 Agree.
In line 1172, strike "Notwithstanding" and add "Regardless of".
194. In line 1172, strike "regulations" and add "rules".
Agree.
195. In lines 1172-1173, strike ", the construction of which is commenced after the date of enactment of the CWA and which" and add "whose construction began after October 18, 1972 and that".
a. Agree but after "1972" add a comma.
b. In line 1173, strike "so" and "as".
196. In line 1174, strike "Section" and add "section".
a. Agree.
b. In lines 1178 and 1180, strike "such" and add "the".
197. In line 1180, strike "the purposes of".
Agree.
198. In line 1181, strike "Section" and add "section".
Agree.
199. In line 1192, after "**Monitoring**" add a comma.
a. Agree.

- b. In line 1198, after “maintain” add a comma.**
c. In line 1203, after “use” add a comma.
200. In line 1204, strike "where" and add ", when". **a. Agree.** After "appropriate" add a comma. **b. Agree.**
c. In lines 1206 and 1223, strike “such” and add “the”.
d. In lines 1207 and 1224, strike the first two “such” and add “the”. Strike “such a” and add “the”.
e. In line 1216, after “maintain” add a comma.
f. In line 1220, after “use” add a comma.
g. In line 1221, strike "where" and add ", when". After "appropriate" add a comma.
h. In line 1229, strike “shall” and add “must”.
201. In line 1230, strike the comma.
a. Agree. Strike “shall” and add “must”.
b. In line 1233, strike “shall” and add “must”.
202. In line 1235, strike "of".
Agree.
203. In line 1236, strike the semicolon and add ", and".
Agree.
204. In line 1237, strike "which" and add "that".
a. Agree.
b. In line 1245, strike the comma. After “required” add a comma.
c. In line 1246, strike the comma.
205. In line 1248, strike "his" and change "or her" to "that representative's".
Agree.
206. In line 1251, strike "premises".
a. Agree.
b. In line 1258, strike “which” and add “that”.
c. In line 1264, after “photograph” add a comma.
207. In line 1265, strike "which" and add "that".
Agree.
208. In line 1266, strike "in order".
Agree.
209. In line 1267, after "regulations" add a comma.
Agree.

210. In line 1270, strike "(a)(1)through" and add "(a)(1) through".
Agree.
211. In line 1271, strike "thereof" and add "of those permits".
Agree.
212. In line 1280, strike "With respect to" and add "For".
Agree. Strike "which" and add "that".
213. In line 1282, after "standards" add a comma.
Agree.
214. In line 1283, reinstate "be required to".
Agree.
215. In line 1284, strike "period of".
Disagree. Strike "of time".
216. In line 1287, strike "where" and add "when". **a. Disagree. Strike "In any case where" and add "If".** Strike "period of". **b. Disagree. Strike "of time".**
c. In line 1289, restore "schedule of". See 40 CFR 122.2 (definition of "schedule of compliance"). Delete "schedule setting" and add "with".
d. In line 1290, strike "forth" and "in no event".
e. In line 1291, delete "must". After "months" add "must not".
217. In line 1292, strike "completions of" and add "completing". **a. Agree. Strike "the interim requirements" and add "any interim requirement". See 40 CFR 122.47(a)(3)(ii).** Strike "in" and add "is". **b. Agree. Strike "is".** **c. Agree (after "and").**
d. In line 1293, strike "divided" and add "divisible". See 40 CFR 122.47(a)(3)(ii).
218. In line 1297, strike "of the months".
a. Agree.
b. In line 1313, strike "which" and add "that".
219. In line 1314, strike "regulations of the Board" and add "Board rules".
a. Agree.
b. In lines 1314-15, strike ", provided that" and add "but".
c. In line 1316, strike "However" and add "Further".
220. In line 1319, strike "or who".
Disagree. After "with" strike the comma. Strike "who". Delete "standards" and add "standard".
221. In lines 1320-1321, strike "Water Pollution Regulations" and add "water pollution rules".
Agree.

222. In line 1321, strike "who".
Agree.
223. In line 1322, strike the comma.
Agree.
224. In line 1323, strike "the effective date of these NPDES Regulations" and add "October 24, 1977".
a. Agree.
b. In line 1325, strike "In any case in which" and add "If".
c. In line 1330, strike "Pollution Control".
225. In lines 1330-1331, delete "35 Ill. Adm. Code" and reinstate "Sections".
a. Agree.
b. In line 1343, strike "which" and add "that".
226. In line 1343, strike "Section" and add "section".
Agree.
227. In line 1346, strike "as to" and add "for".
a. Agree. Strike "which" and add "that".
b. In line 1347, strike "agency" and add "Agency".
228. In line 1348, strike "which" and add "that". **a. Agree.** Strike "Section" and add "section". **b. Agree.**
229. In line 1349, strike "such" and add "those".
Agree.
230. In line 1370, after "**307**" add a comma.
a. Agree.
b. In line 1373, strike "as". After "condition" add "requiring". Delete "must" and the second "that".
c. In line 1374, strike "will" and add "to".
231. In lines 1381 and 1383, strike "Section" and add "section".
Agree.
232. In line 1383, after "monitoring" add a comma.
Agree.
233. In line 1386, strike "As a means of ensuring such" and add "To ensure".
Agree.
234. In lines 1387 and 1390, strike "Section" and add "section".
a. Agree. Strike "the requirements of".

- b. In line 1406, strike “such” and add “the”.**
235. In line 1407, strike "Section" and add "section". **a. Agree.** Strike "which is". **b. Agree.**
236. In line 1408, strike "such" and add "that".
a. Agree.
b. In line 1409, strike “such” and add “the”.
237. In lines 1418 and 1420, after "well" add a comma.
a. Agree.
b. In line 1425, strike “Pollution Control”.
238. In line 1427, strike "which" and add "that". **a. Agree.** Strike the comma. **b. Agree.**
c. In line 1428, after “sign” add a comma.
239. In line 1432, change "receivess" to "receives".
Agree.
240. In line 1434, strike "which contains" and add "containing".
Agree.
241. In line 1439, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
242. In line 1439, strike "as".
a. Agree. Add “that”.
b. In line 1440, strike “which ensures” and add “ensuring”.
243. In line 1440, after "modification" add a comma and after "operation" add a colon.
Agree.
244. In line 1443, strike "which" and add "that".
Agree.
245. In line 1453, strike "Section" and add "section".
Agree.
246. In line 1461, change "the" to "this". **a. Agree.** Strike "is" and add "are". **b. Agree.**
247. In line 1465, delete "81)".
Agree.
248. In line 1475, change "Site specific" to "Site-specific".
a. Agree.
b. In line 1489, strike “will” and add “must”.
c. In line 1498, strike “Pollution Control”.

249. In line 1507, strike "any" and add "an".
Agree.
250. In line 1510, strike "Part" and add "35 Ill. Adm. Code".
a. Agree (for the first "Part"). Strike "(Note: Prior to codification, Part III of Procedural Rules.)".
b. In line 1512, strike "Pollution Control".
c. In line 1513, after "suspend" add a comma.
251. In line 1515, strike "regulations" and add "rules".
Disagree. Strike "regulations" and add "rules". After "requirements" strike the comma. After "cause" add a comma.
252. In line 1520, after "entry" add a comma.
Agree.
253. In line 1536, after "determines" add "a".
Agree.
254. In line 1537, after "shortage" add a comma. **a. Agree.** Strike "other" and add "another".
b. Agree.
255. In line 1538, after "if" add a comma.
a. Agree.
b. In line 1544, restore "90 days".
256. In line 1553, strike "Regulations" and add "rules".
Agree.
257. In lines 1556 and 1557, after "standard" add a comma.
Agree.
258. In line 1558, strike "Regulations" and add "regulations,".
Agree.
259. In line 1585, after "sources" add a comma.
a. Agree.
b. In line 1600, strike the commas.
260. In line 1601, strike "pursuant to" and add "under".
Agree.
261. In line 1607, strike "which" and add "that".
Agree.

262. In line 1612, after "sewer" add a comma.
Agree.
263. In line 1616, after "for" add "the".
a. Agree.
b. In line 1624, strike "be".
264. In line 1628, after "sewer" add a comma.
Agree.
265. In line 1630, strike "1/day" and add "L/day".
a. Agree.
b. In line 1631, strike "which" and add "that".
b. In line 1634, strike "pursuant to" and add "under".
266. In line 1637, after "sewer" add a comma.
Agree.
267. In line 1638, strike "the effective date of this Subpart B" and add "March 7, 1972".
Agree.
268. In line 1640, strike "provided" and "that".
Agree.
269. In line 1641, strike "from the effective date of this Subpart B" and add "after March 7, 1972".
Agree.
270. In line 1653, strike "permit exempt" and add "permit-exempt".
Agree.
271. In lines 1657-1658, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree to deletion. The r01 document does not show "Section" stricken; we agree it should remain.
272. In line 1661, strike "Section" and add "section".
Agree.
273. In line 1662, strike "which" and add "that".
Agree.
274. In line 1664, strike "Clean Water Act (" and ")".
Agree.
275. In line 1677, after "works" add a comma.
Agree.

276. In line 1678, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
277. In lines 1693 and 1694, strike the commas.
Agree.
278. In line 1701, after "works" add a comma.
Agree.
279. In line 1702, after "(c)" add a comma.
Agree.
280. In line 1720, strike "5". **a. Agree.** Strike "1/day" and add "L/day". **b. Agree.**
c. In line 1743, delete "When" and add "If".
281. In line 1744, after "sewer" add a comma.
Agree.
282. In line 1744, strike "so as".
Agree.
283. In line 1755, delete "35 Ill. Adm. Code" and reinstate "Section".
a. Agree. Strike ", provided that" and add "if".
b. In line 1756, after "cogent" add a comma.
284. In line 1765, strike "in lieu" and add "instead".
Agree.
285. In line 1780, strike "regulations" and add "rules".
Agree.
286. In line 1792, strike "which" and add "that". **a. Agree.** After "has" add "either". **b. Agree.**
287. In line 1793, strike the comma.
Agree.
288. In line 1798, strike "ha".
a. Agree.
b. In line 1808, strike "Notwithstanding" and add "Regardless of".
289. In line 1808, strike "(1) through (5) of paragraph (a)" and add "(a)(1) through (5)".
a. Agree.
b. In lines 1840-41, delete "35 Ill. Adm. Code" and restore "Section".

290. In line 1845, change "it" to "is". **a. Agree.** Strike "be". **b. Agree.**
291. In line 1847, strike "be" and the comma. **a. Agree.** After "for" add "denying a permit". Strike "for failure to approve" and add "nonapproval of". **b. Disagree.** Strike "for failure to approve" and add "disapproving".
292. In line 1848, strike the comma. **a. Agree.** After "that" add "the way". **b. Agree.**
293. In line 1849, after "transported" add a comma.
Agree.
294. In line 1849, strike "so as" and add "will". **a. Agree.** Strike "to". **b. Agree.**
295. In line 1857, strike "where" and add "when".
a. Agree.
b. In line 1860, after "treated" add a comma.
296. In line 1861, strike "as to" add "concerning the".
Agree.
297. In line 1867, strike "as to" and add "of".
a. Agree.
b. In line 1868, strike "which" and add "that".
298. In line 1872, after "sewer" add a comma.
a. Agree.
b. In line 1873, strike "which" and add "that". After "treat" add a comma.
299. In line 1880, after "function" add a comma.
a. Agree.
b. In line 1888, strike "such" and "is".
c. In line 1889, after "sewer" add a coma.
300. In line 1900, strike "his" and change "or her" to "a".
Agree.
301. In line 1901, strike ", if" and "representative" and change "the" to "who".
a. Agree.
b. In lines 1903 and 1904, strike "In the case of" and add "For".
302. In line 1905, strike "either".
Agree.
303. In line 1906, after "official" add a comma.
Agree.

304. In line 1906, strike "other" and add "another".
Agree.
305. In line 1929, strike "file an application" and add "apply".
Agree.
306. In line 1936, after "for" add "a".
Agree. Delete "must" and add "is". Strike the first "be".
307. In line 1938, after "documents" add a comma.
Agree.
308. In lines 1938-1939, delete "35 Ill. Adm. Code" and reinstate "Section".
Disagree. Delete "35 Ill. Adm. Code" and add "Sections". After "309.222" add a comma.
309. In line 1940, strike "provided," and "that".
a. Agree.
b. In line 1941, after "and" strike "of".
c. In line 1942, delete "will" and add "must".
310. In line 1949, strike "one year" and add "one-year".
Agree.
311. In line 1950, strike "commencing" and add "beginning".
Disagree. Strike "commencing" and add "starting".
312. In line 1958, reinstate "be".
Disagree. Delete "will" and add "is".
313. In line 1966, delete "35 Ill. Adm. Code" and reinstate "Section". **a. Agree.** Strike the comma. **b. Agree.**
314. In line 1969, strike the second "of".
Agree.
315. In lines 1971-1972, delete "35 Ill. Adm. Code" and reinstate "Section".
Disagree. Delete "35 Ill. Adm. Code" and add "Section".
316. In line 1972, strike "with regard to" and add "concerning".
a. Agree.
b. In line 1973, after "issuance" add a comma.
317. In line 1991, strike "of time".
Agree.

318. In line 1992, strike "to" twice.
Agree.
319. In line 1993, after "processes" add a comma. **a. Agree.** Strike "to". **b. Agree.**
320. In line 1996, delete "35 Ill. Adm. Code" and reinstate "Section".
a. Agree.
b. In line 2000, strike "Notwithstanding" and add "Regardless of".
321. In line 2010, after "upon" add "a".
Agree.
322. In line 2015, strike "to".
Agree.
323. In line 2030, delete "35 Ill. Adm. Code" and reinstate "Section".
Agree.
324. In line 2036, after "**Operation**" add a comma.
a. Agree.
b. In line 2040, strike "shall" and add "may". Strike "from time to time" and add "periodically".
325. In line 2043, delete "(".
Agree.
326. In line 2047, delete ")".
Agree. Around citation add parentheses.
327. In line 2067, after "address" strike the comma.
Agree.
328. In line 2071, strike "Regulation" and add "rule".
Agree.
329. In line 2088, after "cause" add a comma.
Agree.
330. In line 2089, delete "include" and reinstate "includes".
Agree.
331. In line 2091, delete "35 Ill. Adm. Code" and reinstate "Section".
a. Agree.
b. In line 2093, strike "which" and add "that".
332. In line 2094, strike "Section" and add "section".

a. Agree.

b. In line 2105, after “variance” delete the space.

333. In line 2097, strike "Part 103 of the Procedural Rules" and add "its procedural rules in 35 Ill. Adm. Code 103".

Agree.

334. In line 2106, after the first "standard" add a comma.

Agree. Strike “of”.

jce
5/25/22

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

PART 309
PERMITS

SUBPART A: NPDES PERMITS

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56 309.191 Effective Date (Repealed)

SUBPART B: OTHER PERMITS

57
58
59
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82 309.265 Approval of Federal Permits
83 309.266 Procedures (Repealed)
84 309.281 Effective Date (Repealed)
85 309.282 Severability (Repealed)
86
87 309.APPENDIX A References to Previous Rules (Repealed)
88

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89 AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the
90 Environmental Protection Act [415 ILCS 5/13, 13.3 and 27].

91
92 SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB
93 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB 509, December 20, 1977;
94 amended in R73-11, 12, at 29 PCB 477, at 2 Ill. Reg. 16, p. 20, effective April 20, 1978;
95 amended in R79-13, at 39 PCB 263, at 4 Ill. Reg. 34, p. 159, effective August 7, 1980; amended
96 in R77-12B, at 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R76-21, at
97 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818;
98 amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1612, effective January 18, 1984; amended
99 in R86-44 at 12 Ill. Reg. 2495, effective January 13, 1988; amended in R88-1 at 13 Ill. Reg.
100 5993, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2892, effective February
101 13, 1990; amended in R91-5 at 16 Ill. Reg. 7339, effective April 27, 1992; amended in R95-22 at
102 20 Ill. Reg. 5526, effective April 1, 1996; amended in R99-8 at 23 Ill. Reg. 11287, effective
103 August 26, 1999; amended in R02-11 at 27 Ill. Reg. 202, effective December 20, 2002; amended
104 in R03-19 at 28 Ill. Reg. 7310, effective May 7, 2004; amended in R07-9 at 32 Ill. Reg. 14995,
105 effective September 8, 2008; amended in R08-09(D) at 39 Ill. Reg. 9433, effective June 26,
106 2015; amended in R15-24 at 40 Ill. Reg. 8597, effective June 13, 2016; amended in R18-23 at 46
107 Ill. Reg. _____, effective _____.

SUBPART A: NPDES PERMITS

Section 309.101 Preamble

112
113 Permits may be required under either of two subparts – NPDES Permits, Subpart
114 A, which regulates discharges into navigable waters as defined in the CWA, as
115 defined at 35 Ill. Adm. Code 301.240, or Other Permits, Subpart B, which
116 regulates certain structures and discharges from them that are not required to have
117 an NPDES Permit.

118
119 (Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 309.102 NPDES Permit Required

- 120
121
122
- 123 a) Unless it complies with the Act, Board regulations, and the CWA, and the
124 provisions and conditions of the NPDES permit issued to the discharger, the
125 discharge of any contaminant or pollutant by any person into the waters of the
126 State from a point source or into a well is unlawful.
 - 127
128 b) Neither an NPDES permit nor a state permit is required for any discharge into a
129 well which is authorized by a UIC (Underground Injection Control) permit issued
130 by the Agency under 35 Ill. Adm. Code 702 and 704. For such wells, compliance
131 with the UIC permit requirements of Section 12(g) is deemed compliance with the
132 NPDES permit requirement of Section 12 (f) of the Act.

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

Section 309.103 Application – General

a) Application Forms

- 1) An applicant for a NPDES Permit must file an application under 35 Ill. Adm. Code 309.223, on forms provided by the Illinois Environmental Protection Agency (Agency). The forms must comprise the NPDES application forms promulgated by the U.S. Environmental Protection Agency for the type of discharge for which an NPDES Permit is sought and any additional information as the Agency may reasonably require in order to determine that the discharge or proposed discharge will comply with applicable state and federal requirements.
- 2) In addition to application forms, the Agency may require the submission of plans and specifications for treatment works and summaries of design criteria.
- 3) Effluent toxicity monitoring
 - A) In addition to the above application forms, the Agency may require, under Section 39 of the Act, installing, using, maintaining and reporting of results from monitoring equipment and methods, including biological monitoring. The Agency may require, under Section 39 of the Act, effluent toxicity testing to show compliance with 35 Ill. Adm. Code 302.621 and 302.630. If this toxicity testing shows the effluent to be toxic, the Agency may require under Section 39 of the Act, further testing and identification of the toxicants under 35 Ill. Adm. Code 302.210(a).
 - B) The following POTWs must provide the results of valid whole effluent biological toxicity testing to the Agency:
 - i) All POTWs with design influent flows equal to or greater than one million gallons per day;
 - ii) All POTWs with approved pretreatment programs or POTWs required to develop a pretreatment program under 35 Ill. Adm. Code 310.Subpart E;
 - C) In addition to the POTWs listed in subsection (a)(3)(B), the Agency may require other POTWs to submit the result of toxicity

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177 tests with their permit applications, based on consideration of the
178 following factors.
179
180 i) The variability of the pollutants or pollutant parameters in
181 the POTW effluent (based on chemical-specific
182 information, the type of treatment facility, and types of
183 industrial contributors);
184
185 ii) The dilution of the effluent in the receiving water (ratio of
186 effluent flow to receiving stream flow);
187
188 iii) Existing controls on point or nonpoint sources, including
189 total maximum daily load calculations for the waterbody
190 segment and the relative contribution of the POTW;
191
192 iv) Receiving stream characteristics, including possible or
193 known water quality impairment, and whether the POTW
194 discharges to a coastal water, one of the Great Lakes, or a
195 water designated as an outstanding natural resource; or
196
197 v) Other considerations (including the history of toxic impact
198 and compliance problems at the POTW), which the Agency
199 determines could cause or contribute to adverse water
200 quality impacts.

201
202 D) The POTWs required under subsection (a)(3)(B) or (a)(3)(C) to
203 conduct toxicity testing must use the methods prescribed at 35 Ill.
204 Adm. Code 302.Subpart F. Such testing must have been
205 conducted since the later of the last NPDES permit reissuance or
206 permit modification under 35 Ill. Adm. Code 309.182, 309.183 or
207 309.184 for any of the reasons listed at 40 CFR 122.62(a) (1994),
208 as amended at 60 Fed. Reg. 33926 effective June 29, 1995,
209 incorporated by reference in 35 Ill. Adm. Code 301.106 (including
210 no later amendments or editions).

211
212 4) All POTWs with approved pretreatment programs must provide the
213 following information to the Agency: a written technical evaluation of the
214 need to revise local limits under to 35 Ill. Adm. Code 310.210.
215

216 BOARD NOTE: Subsections (a)(3)(B) through (a)(4) are derived from 40
217 CFR 122.21(j) (1994).
218

219 b) Animal Waste Facilities
220 An applicant for an NPDES Permit in connection with the operation of an animal

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- 221 waste facility must complete, sign, and submit an NPDES application under 35
222 Ill. Adm. Code: Subtitle E, Chapter I.
223
- 224 c) Mining Activities
225
- 226 1) If, as defined by 35 Ill. Adm. Code 402.101, mining activities are to be
227 carried out on a facility for which an NPDES Permit is held or required,
228 the applicant must submit a permit application as required by 35 Ill. Adm.
229 Code 403.103, 403.104 and 405.104. If the facility will have a discharge
230 other than a mine discharge or non-point source mine discharge as defined
231 by 35 Ill. Adm. Code 402.101, the applicant must also submit an NPDES
232 Permit application under 35 Ill. Adm. Code 309.223 on forms supplied by
233 the Agency.
234
- 235 2) As provided by 35 Ill. Adm. Code 403.101, except to the extent
236 contradicted in 35 Ill. Adm. Code: Subtitle D, Chapter I, the rules in this
237 Subpart apply only to 35 Ill. Adm. Code: Subtitle D, Chapter I NPDES
238 Permits.
239
- 240 3) As provided by 35 Ill. Adm. Code 406.100, except to the extent provided
241 in 35 Ill. Adm. Code: Subtitle D, Chapter I, the effluent standards of 35
242 Ill. Adm. Code 304 are inapplicable to mine discharges and non-point
243 source mine discharges.
244
- 245 d) New Discharges
246 Any person whose discharge will begin after the effective date of this Subpart A
247 or any person having an NPDES Permit issued by the U.S. Environmental
248 Protection Agency for an existing discharge which will substantially change in
249 nature, or increase in volume or frequency, must apply for an NPDES Permit
250 either:
251
- 252 1) No later than 180 days before of the date on which the NPDES Permit will
253 be required; or
254
- 255 2) In sufficient time before the anticipated commencement of the discharge
256 to insure compliance with Section 306 of the Clean Water Act (CWA) (33
257 U.S.C. 1251 *et seq.*), or with any other applicable water quality standards
258 and applicable effluent standards and limitations.
259
- 260 e) Signatures
261 An application submitted by a corporation must be signed by a principal executive
262 officer of at least the level of vice president, or his or her duly authorized
263 representative, if the representative is responsible for the overall operation of the
264 facility from which the discharge described in the application form originates. In

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265 the case of a partnership or a sole proprietorship, the application shall be signed
266 by a general partner or the proprietor, respectively. In the case of a publicly
267 owned facility, the application must be signed by either the principal executive
268 officer, ranking elected official, or other duly authorized employee.
269

270 (Source: Amended at 46 Ill. Reg. _____, effective _____)
271

272 **Section 309.104 Renewal**

273
274 a) Any permittee who wishes to continue to discharge after the expiration date of the
275 NPDES Permit must timely apply for reissuance of the permit.
276

277 1) A permittee has submitted a timely application for a new permit when:
278

279 A) The permittee submits:
280

281 i) an application 180 days before to the expiration date of the
282 existing permit; or
283

284 ii) a request for a waiver in writing to the Agency, the Agency
285 grants a written waiver to submit the application less than
286 180 days before the expiration date of the existing permit,
287 and the applicant submits an application within the
288 timeframe listed in the waiver request. A waiver request
289 must include the permittee's reasonably justifiable causes
290 for not meeting the 180 day timeframe. A waiver of the
291 180 day submittal requirement must be filed a minimum of
292 60 days before the permit expires, and must include the
293 date by which the permittee will submit the application.
294

295 B) The Agency must not grant a waiver for applications to be
296 submitted later than the expiration date of the existing permit.
297

298 C) Any Agency decision to deny a waiver request must be made
299 within 21 days after the Agency receive the waiver request.
300

301 2) The terms and conditions of an expiring permit remain effective and
302 enforceable against the discharger until the Agency takes final action on
303 the pending permit application, only if:
304

305 A) the permittee has submitted a timely application under subsection
306 (a)(1); and
307

308 B) the Agency, through no fault of the permittee, does not issue a new

309 permit on or before the expiration date of the previous permit.

310

311 b) All permittees that timely apply for an NPDES permit renewal must pay an
312 annual NPDES discharge fee under Section 12.5 of the Act.

313

314 c) The Agency must circulate public notice and provide opportunity for public
315 hearing, as provided for in this Subpart A, in the same manner as for a new permit
316 application.

317

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

319

320 **Section 309.105 Authority to Deny NPDES Permits**

321

322 An NPDES Permit must be issued in any case in which:

323

324 a) The permit would authorize the discharge of a radiological, chemical or biological
325 warfare agent or high-level radioactive waste;

326

327 b) The discharge would, in the judgment of the Secretary of the Army acting through
328 the Chief of Engineers, result in the substantial impairment of anchorage and
329 navigation;

330

331 c) The Administrator of the U.S. Environmental Protection Agency objects in
332 writing to the proposed permit under any right to object given to the
333 Administrator under Section 402(d) of the CWA;

334

335 d) The permit would authorize a discharge from a point source which conflicts with
336 a plan approved under Section 208(b) of the CWA; or

337

338 e) The applicant has not provided proof to the Agency that the applicant will meet
339 any schedule of compliance which may be established, in compliance with the
340 Act and regulations, as a condition of the permit.

341

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

343

344 **Section 309.106 Access to Facilities and Further Information**

345

346 If the Agency determines that additional information or a site visit is necessary for the Agency to
347 evaluate an NPDES Permit application, it must notify the applicant and arrange to secure the
348 additional information or make the site visit. If the Agency does not receive adequate
349 information within the time specified by the Agency, the permit must either be issued on the
350 basis of the information currently before the Agency or be denied, and the applicant so notified.

351

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

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Section 309.107 Distribution of Applications

When the Agency determines that an application for an NPDES Permit is complete, it must:

- a) Unless otherwise agreed, send a copy of the application to the District Engineer of the appropriate district of the U.S. Corps of Engineers with a letter requesting that the District Engineer provide, within 30 days or as otherwise stated in the Agency's letter, his or her evaluation of the impact of the discharge on anchorage and navigation. If the District Engineer responds that anchorage and navigation of any of the navigable waters would be substantially impaired by the granting of a permit, the permit will be denied and the Agency must notify the applicant. If the District Engineer informs the Agency that imposing specified conditions upon the NPDES Permit is necessary to avoid any substantial impairment of any of the navigable waters, the Agency must include in the permit those conditions specified by the District Engineer.
- b) Send one copy of the application to the Regional Administrator of the U.S. Environmental Protection Agency with a letter stating that the application is complete.
- c) Notify the Illinois Department of Natural Resources (DNR), subject to any memorandum of agreement between the Agency and the DNR.

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

Section 309.108 Tentative Determination and Draft Permit

After receiving a complete application for an NPDES Permit, the Agency must prepare a tentative determination. The determination must include at least the following:

- a) A Statement whether an NPDES Permit is to be issued or denied; and
- b) If the determination is to issue the permit, a draft permit containing:
 - 1) Proposed effluent limitations, consistent with federal and state requirements;
 - 2) A proposed schedule of compliance, if the applicant is not in compliance with applicable requirements, including interim dates and requirements consistent with the CWA and applicable regulations, for meeting the proposed effluent limitations;
 - 3) A brief description of any other proposed special conditions which will

- 397 have a significant impact upon the discharge.
398
399 c) A brief description of the basis for each of the permit conditions listed in 35 Ill.
400 Adm. Code 309.108(b), including a brief description of any mixing zones, how
401 the conditions of the draft permit were derived, and the statutory or regulatory
402 provisions and appropriate supporting references.
403
404 d) Upon tentative determination to issue or deny an NPDES Permit:
405
406 1) If the determination is to issue the permit the Agency must notify the
407 applicant in writing of the content of the tentative determination and draft
408 permit and of its intent to circulate public notice of issuance in compliance
409 with 35 Ill. Adm. Code 309.108 through 309.112;
410
411 2) If the determination is to deny the permit, the Agency must notify the
412 applicant in writing of the tentative determination and of its intent to
413 circulate public notice of denial, in compliance with 35 Ill. Adm. Code
414 309.108 through 309.112. In the case of denial, notice to the applicant
415 must include a statement of the reasons for denial, as required by Section
416 39(a) of the Act.
417
418 e) For of Title X of the Act [415 ILCS 5/Title X], the documents supporting the
419 Agency's tentative decision to issue or deny an NPDES permit under this Section
420 must be either identified in or made part of the Agency record.
421
422 (Source: Amended at 46 Ill. Reg. _____, effective _____)
423

424 **Section 309.109 Public Notice**
425

- 426 a) Upon tentative determination to issue or deny an NPDES Permit, completion of
427 the draft permit, if any, and not earlier than 10 days after notice to the applicant
428 under 35 Ill. Adm. Code 309.108(d), the Agency must circulate public notice of
429 the completed application for an NPDES Permit in a manner designed to inform
430 interested and potentially interested persons of the discharge or proposed
431 discharge and of the proposed determination to issue or deny an NPDES Permit
432 for the discharge or proposed discharge. Procedures for the circulation of public
433 notice must include at least the following concurrent actions:
434
435 1) Notice must be mailed to the applicant
436
437 2) Notice must be circulated within the geographical area of the proposed
438 discharge; such circulation may include any or all of the following:
439
440 A) Posting in the post office and public places of the municipality

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- 441 nearest the premises of the applicant in which the effluent source is
442 located;
- 443
- 444 B) Posting near the entrance to the applicant's premises and in nearby
445 places;
- 446
- 447 C) Publishing in local newspapers and periodicals, or, if appropriate,
448 in a daily newspaper of general circulation; and
- 449
- 450 D) Any other notice requirements necessary to meet the requirements
451 of the Act and the CWA;
- 452
- 453 3) Notice must be mailed to any person or group upon request;
- 454
- 455 4) The Agency must add the name of any person or group upon request to a
456 mailing list to receive copies of notices for all NPDES applications within
457 the State of Illinois or within a certain geographical area.
- 458
- 459 b) The Agency must provide of not less than 30 days following the date of first
460 publication of the public notice during which interested persons may submit their
461 written views on the tentative determinations with respect to the NPDES
462 application. All comments must be submitted to the Agency and to the applicant.
463 All written comments submitted during the 30-day comment period must be
464 retained by the Agency and considered in forming its final determinations with
465 respect to the NPDES application. The period for comment may be extended at
466 the discretion of the Agency by publication as provided in 35 Ill. Adm. Code
467 309.109.

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

Section 309.110 Contents of Public Notice of Application

471

472

473 The contents of public notice of applications for NPDES Permits must include at least the
474 following:

- 475
- 476 a) Name, address, and telephone number of the Agency;
- 477
- 478 b) Name and address of the applicant;
- 479
- 480 c) Brief description of the applicant's activities or operations which result in the
481 discharge described in the NPDES application (e.g., municipal waste treatment
482 plant, steel manufacturing drainage from mine activities);
- 483
- 484 d) Name, if any, of the waterway to which the discharge is made and a short

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- 485 description of the location of the discharge indicating whether it is a new or an
486 existing discharge;
487
488 e) A statement of the tentative determination to issue or deny an NPDES Permit for
489 the discharge described in the application;
490
491 f) A brief description of the procedures for the forming final determinations,
492 including the procedures for submitting comments and expiration date of the
493 comment period; and
494
495 g) Address and telephone number of Agency premises at which interested persons
496 may obtain further information, request a copy of the fact sheet, and inspect and
497 copy NPDES forms and related documents.
498

499 (Source: Amended at 46 Ill. Reg. _____, effective _____)
500

Section 309.111 Combined Notices

- 501
502
503 a) The Agency may circulate public notice of application for more than one NPDES
504 Permit at a time. If a public notice deals with more than one NPDES Permit
505 application, the information required by 35 Ill. Adm. Code 309.109 must be
506 included in the notice for each application.
507
508 b) To expedite the administrative disposition of NPDES Permit applications, the
509 Agency may publish, for one or more NPDES Permit applications at a time,
510 combined public notices and notices of public hearing as required by 35 Ill. Adm.
511 Code 309.115 through 309.119. Any combined public notice and notice of
512 hearing shall contain all the information which would be required and must be
513 circulated to all the persons to whom each notice would be required to be sent if
514 the notices were published separately.
515

516 (Source: Amended at 46 Ill. Reg. _____, effective _____)
517

Section 309.112 Agency Action After Comment Period

518
519
520 Subject to 35 Ill. Adm. Code 309.120, if, after the comment period provided, no public hearing is
521 held with respect to the permit, the Agency must, after evaluating any comments which may
522 have been received, either issue or deny the permit.
523

524 (Source: Amended at 46 Ill. Reg. _____, effective _____)
525

Section 309.113 Fact Sheets

- 526
527
528 a) For every discharge which has a total volume of more than 500,000 gallons (1.9

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- 529 megaliters) on any day of the year, the Agency must prepare and, following
530 public notice, must send upon request to any person a fact sheet with respect to
531 the application described in the public notice. The contents of such fact sheets
532 must include at least the following information:
533
- 534 1) A sketch or detailed description of the location of the discharge described
535 in the application;
536
 - 537 2) A quantitative description of the proposed discharge described in the
538 application which includes at least the following:
539
 - 540 A) The rate or frequency of the proposed discharge; if the discharge is
541 continuous, the average daily flow;
542
 - 543 B) For thermal discharges subject to limitation under the Act, the
544 average monthly temperatures for the discharge;
545
 - 546 C) The average daily mass discharged and average concentration in
547 milligrams per liter, or other applicable units of measurement, of
548 any contaminants which are present in significant quantities or
549 which are subject to limitations or prohibitions under applicable
550 provisions of the CWA or the Act or regulations adopted under
551 them;
552
 - 553 3) The tentative determinations required under 35 Ill. Adm. Code 309.108;
554
 - 555 4) A brief citation, including an identification of the uses for which the
556 receiving waters have been classified, of the water quality standards and
557 effluent standards and limitations applicable to the proposed discharge;
558
 - 559 5) In the case of modified and reissued permits, a summary of changes
560 between the public noticed permit and the previous permit;
561
 - 562 6) Summary of the antidegradation analysis, including characterization of the
563 receiving waters and the existing uses of the receiving waters;
564
 - 565 7) A more detailed description of the procedures for formulating final
566 determinations than that given in the public notice, including:
567
 - 568 A) The beginning and ending dates of the comment period and
569 address where comments will be received;
570
 - 571 B) Procedures for requesting a public hearing and the nature of it and
572

- 573 C) Any other procedures by which the public may participate in
- 574 formulating of the final determination; and
- 575
- 576 8) Information on how to obtain the Agency record.
- 577
- 578 b) The Agency must add the name of any person or group, upon request, to a mailing
- 579 list to receive copies of fact sheets.
- 580

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

582

Section 309.114 Notice to Other Governmental Agencies

583

584

585 When it issues public notice under 35 Ill. Adm. Code 309.109 through 309.112, the Agency

586 must:

- 587
- 588 a) Send a fact sheet, if one has been prepared, to any other states whose waters may
- 589 be affected by issuing the proposed permit and, upon request, provide the states
- 590 with a copy of the application and a copy of the draft permit. Each affected State
- 591 must be afforded an opportunity to submit written recommendations within a
- 592 stated number of days to the Agency and to the Regional Administrator of the
- 593 U.S. Environmental Protection Agency, which the Agency may incorporate into
- 594 the permit if issued. Should the Agency decline to incorporate any written
- 595 recommendations thus received, it must provide to the affected state or states (and
- 596 to the Regional Administrator) a written explanation of its reasons for declining to
- 597 accept any of the written recommendations.
- 598
- 599 b) Following the procedure in subsection (a), notify and receive recommendations
- 600 from any interstate agency having water quality control authority over waters
- 601 which may be affected by the permit.
- 602
- 603 c) Unless otherwise waived, send a copy of the public notice and a copy of
- 604 the fact sheet for NPDES Permit applications to any other Federal and State
- 605 agencies with jurisdiction over fish, shellfish and wildlife resources, the Advisory
- 606 Council on Historic Preservation, state Historic Preservation Officers, and other
- 607 appropriate government authorities, including affected States, and provide the
- 608 agencies an opportunity to respond, comment, or request a public hearing under
- 609 35 Ill. Adm. Code 309.115-309.119. The agencies must include at least the
- 610 following:
- 611
- 612 1) The agency responsible for preparing an approved plan pursuant to
- 613 Section 208(b) of the CWA; and
- 614
- 615 2) The State or interstate agency responsible for the preparation of a plan
- 616 under an approved continuous planning process under Section 303(e) of

617 the CWA.

618

619 d) Send notice to, and coordinate with, appropriate public health agencies to assist
620 the applicant in integrating the relevant provisions of the CWA with any
621 applicable requirements of the public health agencies.

622

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

624

625 **Section 309.115 Public Hearings on NPDES Permit Applications**

626

627 a)

628

629 1) The Agency must hold a public hearing on issuing or denying an NPDES
630 Permit or group of permits whenever the Agency determines that there
631 exists a significant degree of public interest in the proposed permit or
632 group of permits (instances of doubt must be resolved in favor of holding
633 the hearing), to warrant holding such a hearing.

634

635 2) Any person, including the applicant, may submit to the Agency a request
636 for a public hearing or a request to be a party at such a hearing to consider
637 the proposed permit or group of permits. Any such request for public
638 hearing must be filed with the 30-day public comment period and must
639 indicate the interest of the party filing the request and the reasons why a
640 hearing is warranted.

641

642 b) When the Agency has determined under subsections (a) and (b) that a public
643 hearing is required, the Director must appoint one or more employees of the
644 Agency to serve as a Hearing Board and must designate one to serve as Chair.

645

646 c) The Chair of the hearing board must promptly schedule the matter for hearing to
647 be held within 60 days after the filing of the first request for public hearing, or as
648 may be otherwise agreed among the parties.

649

650 d) Hearings held under this Section must be held in the geographical area in which
651 the discharges or proposed discharges are located, or other appropriate location,
652 as determined by the Chair. Consideration must be given to facilitating
653 attendance of interested or affected persons and organizations and to accessibility
654 of hearing sites to public transportation. The Chair has the duty to conduct a fair
655 hearing, take all necessary action to avoid delay, to maintain order, and to ensure
656 development of a clear and complete hearing file.

657

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

659

660 **Section 309.116 Notice of Agency Hearing**

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661
662 The Agency must issue public notice of the hearing not less than 30 days before the date of the
663 hearing, in the manner described by 35 Ill. Adm. Code 309.109 through 309.112 for public
664 notice. The Agency must send notices of the hearing to all persons and governmental agencies
665 who had received notice of the application under 35 Ill. Adm. Code 309.109 through 309.112
666 and 309.114. The notice must include at least the following:

- 667
- 668 a) Name, address, and telephone number of the Agency;
 - 669
 - 670 b) Name and address of each applicant whose application will be considered at the
671 hearing;
 - 672
 - 673 c) Name of waterway to which each applicant's discharge is to be made and a short
674 description of the location of each such discharge on the waterway;
 - 675
 - 676 d) A brief reference to the public notice issued for the NPDES application, including
677 identification number (if any) and date of issuance;
 - 678
 - 679 e) Information regarding the time and location of the hearing;
 - 680
 - 681 f) The purpose of the hearing;
 - 682
 - 683 g) A concise statement of the issues to be considered at the hearing;
 - 684
 - 685 h) Address and telephone number of premises at which interested persons may
686 obtain further information, request a copy of the draft permit, request a copy of
687 the fact sheet, request a copy of the regulations governing the conduct of the
688 hearing, and inspect and copy NPDES forms and related documents; and
 - 689
 - 690 i) A statement that the hearing will be conducted under 35 Ill. Adm. Code 309.115
691 through 309.119.

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

693 **Section 309.117 Agency Hearing**

694
695 The applicant or any person must be permitted to submit oral or written statements and data
696 concerning the proposed permit or group of permits. The Chair has authority to fix reasonable
697 limits upon the time allowed for oral statements, and may require statements in writing.
698

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

700 **Section 309.118 Agency Hearing File**

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- 705 a) Following the public hearing, the Chair must prepare a hearing file, which must
706 include:
707
708 1) Copies of statements submitted in writing;
709
710 2) A summary of the statements submitted orally;
711
712 3) A report of the major issues raised at the hearing;
713
714 4) An estimate of the number of persons present; and
715
716 5) The Chair's recommendations concerning actions to be taken on the
717 proposed permit or permits as a result of the hearing.
718
719 b) The hearing file must be available upon request to any member of the public and
720 to representatives of the U.S. Environmental Protection Agency.

721
722 (Source: Amended at 46 Ill. Reg. _____, effective _____)
723

Section 309.119 Agency Action After Hearing

724
725
726 Subject to 35 Ill. Adm. Code 309.120, following the public hearing, the Agency may make
727 appropriate modifications in the terms and conditions of proposed permits and must transmit to
728 the Regional Administrator for his or her approval a copy of the permit proposed to be issued
729 unless the Regional Administrator has waived the right to receive and review permits of its class.
730 The Agency must provide a notice of this transmission to the applicant, to any person who
731 participates in the public hearing, to any person who requested a public hearing, and to
732 appropriate persons on the mailing list established under 35 Ill. Adm. Code 309.109 through
733 309.112. The notice must briefly indicate any significant changes which were made from terms
734 and conditions set forth in the draft permit. All permits become effective when issued unless a
735 different date is specified in the permit.

736
737 (Source: Amended at 46 Ill. Reg. _____, effective _____)
738

Section 309.120 Reopening the Record to Receive Additional Written Comment

- 739
740
741 a) The Agency must order the public comment period reopened to receive additional
742 written comments when the Agency significantly modifies the draft permit and
743 the final permit is not a logical outgrowth of the proposed draft permit. In
744 determining if the final permit is a logical outgrowth of the draft permit, the
745 Agency must consider the following:

- 746
747 1) Whether the interested parties could not have reasonably anticipated the
748 final permit from the draft permit;

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- 2) Whether a new round of notice and comment would provide interested parties the first opportunity to offer comments on the issue; or
 - 3) Whether the provisions in the final permit deviate sharply from the concepts included in the draft permit or suggested by the commenters.
- b) The public notice of any comment period extended under this Section must identify the issues as to which the public comment period is being reopened. Comments filed during the reopened period must be limited to the substantial new issues that caused its reopening.
- c) For purposes of the notification required by subsection (b), the Agency must follow the public notice requirements of 35 Ill. Adm. Code 309.109.

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

764
765
766 **Section 309.141 Terms and Conditions of NPDES Permits**
767

768 In establishing the terms and conditions of each issued NPDES Permit, the Agency must apply
769 and ensure compliance with all of the following, whenever applicable:

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792
- a) Effluent limitations under sections 301 and 302 of the CWA;
 - b) Standards of performance for new sources under section 306 of the CWA;
 - c) Effluent standards, effluent prohibitions, and pretreatment standards under section 307 of the CWA;
 - d) Any more stringent limitation, including those:
 - 1) necessary to meet water quality standards, treatment standards, or schedules of compliance, established under any Illinois statute or regulation (under authority preserved by section 510 of the CWA),
 - 2) necessary to meet any other federal law or regulation, or
 - 3) required to implement any applicable water quality standards, including any legally applicable requirements necessary to implement total maximum daily loads established under section 303(d) of the CWA and incorporated in the continuing planning process approved under section 303(e) of the CWA and any regulations or guidelines issued under that statute;

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- 793 e) Any more stringent legally applicable requirements necessary to comply with a
794 plan approved under section 208(b) of the CWA;
795
- 796 f) Before the Administrator of the U.S. Environmental Protection Agency
797 promulgates applicable effluent standards and limitations under sections 301, 302,
798 306 and 307 of the CWA, conditions as the Agency determines are necessary to
799 carry out the provisions of the CWA;
800
- 801 g) If the NPDES Permit is for the discharge of pollutants into navigable waters from
802 a vessel or other floating craft (except that no NPDES Permit must be issued for
803 the discharge of pollutants from a vessel or other floating craft into Lake
804 Michigan), any applicable regulations promulgated by the Secretary of the
805 Department in which the Coast Guard is operating, establishing specifications for
806 safe transportation, handling, carriage, storage and stowage of pollutants; and
807
- 808 h) If the NPDES Permit is for the discharge of pollutants from other than wet
809 weather point sources into the Lake Michigan Basin as defined at 35 Ill. Adm.
810 Code 303.443:
811
- 812 1) Total Maximum Daily Loads (TMDLs) and Waste Load Allocation
813 (WLA) will be established through either the LaMP or a RAP for an Area
814 of Concern. If a LaMP or RAP has not been completed and adopted,
815 effluent limits must be established consistent with the other provisions of
816 this Section, including, Additivity, Intake Pollutants, Loading Limits,
817 Level of Detection/Level of Quantification and Compliance Schedules.
818 When calculation of TMDLs or a WLA is incomplete and it is expected
819 that limits established through other provisions will be superseded upon
820 completion of the TMDL or WLA process, those limits must be identified
821 as interim and the permit must include a reopener clause triggered by
822 completion of a TMDL or WLA determination. Any new limits brought
823 about through exercise of the reopener clause must be eligible for delayed
824 compliance dates and compliance schedules consistent with Section 39(b)
825 of the Act [415 ILCS 5/39(b)], Section 309.148, and 35 Ill. Adm. Code
826 352.Subpart H.
827
- 828 2) 35 Ill. Adm. Code 302.590 establishes an acceptable additive risk level of
829 one in 100,000 (10^5) for establishing Tier I criteria and Tier II values for
830 combinations of substances exhibiting a carcinogenic or other
831 nonthreshold toxic mechanism. For those discharges containing multiple
832 nonthreshold substances application of this additive standard must be
833 consistent with this subsection (h).
834
- 835 A) For discharges in the Lake Michigan Basin containing one or more
836 2,3,7,8-substituted chlorinated dibenzo-p-dioxins or 2,3,7,8-

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837 substituted dibenzofurans, the tetrachloro dibenzo-p-dioxin
838 2,3,7,8-TCDD toxicity equivalence concentration (TEC_{TCDD}) must
839 be determined as outlined in subsection (h)(2)(B).
840

841 B) The values listed in the following Table must be used to determine
842 the 2,3,7,8-TCDD toxicity equivalence concentrations using the
843 following equation:
844

$$(TEC)_{TCDD} = \Sigma (C)_x (TEF)_x (BEF)_x$$

845

WHERE:

- (TEC)_{TCDD} = 2,3,7,8-TCDD toxicity equivalence concentration in effluent
- (C)_x = Concentration of total chemical x in effluent
- (TEF)_x = TCDD toxicity equivalency factor for x
- (BEF)_x = TCDD bioaccumulation equivalency factor for x

846

TABLE

Congener	TEF	BEF
2,3,7,8-TCDD	1.0	1.0
1,2,3,7,8-PeCDD	0.5	0.9
1,2,3,4,7,8-HxCDD	0.1	0.3
1,2,3,6,7,8-HxCDD	0.1	0.1
1,2,3,7,8,9-HxCDD	0.1	0.1
1,2,3,4,6,7,8-HpCDD	0.01	0.0
OCDD	0.001	0.0
2,3,7,8-TCDF	0.1	0.8
1,2,3,7,8-PeCDF	0.05	0.2
2,3,4,7,8-PeCDF	0.5	1.6
1,2,3,4,7,8-HxCDF	0.1	0.0
1,2,3,6,7,8-HxCDF	0.1	0.2
2,3,4,6,7,8-HxCDF	0.1	0.7
1,2,3,7,8,9-HxCDF	0.1	0.6
1,2,3,4,6,7,8-HpCDF	0.01	0.0
1,2,3,4,7,8,9-HpCDF	0.01	0.4
OCDF	0.001	0.0

847

848 C) Any combination of carcinogenic or otherwise nonthreshold toxic
849 substances must be assessed on a case-by-case basis. The Agency
850 must only consider such additivity for chemicals that exhibit the
851 same type of effect and the same mechanism of toxicity, based on

852 available scientific information that supports a reasonable
 853 assumption of additive effects.

854
 855 3) Reasonable potential to exceed.

856
 857 A) The first step in determining if a reasonable potential to exceed the
 858 water quality standard exists for any particular pollutant parameter
 859 is estimating the maximum expected effluent concentration for that
 860 substance. That estimation will be completed for both acute and
 861 chronic exposure periods and is termed the PEQ. The PEQ must
 862 be derived from representative facility-specific data to reflect a 95
 863 percent confidence level for the 95th percentile value. These data
 864 will be presumed to adhere to a lognormal distribution pattern
 865 unless the actual effluent data demonstrates a different distribution
 866 pattern. If facility-specific data in excess of 10 data values are
 867 available, the Agency must calculate a coefficient of variation that
 868 is the ratio of the standard deviation to the arithmetic average. The
 869 PEQ is derived as the upper bound of a 95 percent confidence
 870 bracket around the 95th percentile value through a multiplier from
 871 the following table applied to the maximum value in the data set
 872 that has its quality assured consistent with 35 Ill. Adm. Code
 873 352.410 as appropriate for acute and chronic data sets.

874
 875 PEQ = (maximum data point)(statistical multiplier)

876 Coefficient of Variation

No. Samples	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0	1.1	1.2	1.3
1	1.4	1.9	2.6	3.6	4.7	6.2	8.0	10.1	12.6	15.5	18.7	22.3	26.4
2	1.3	1.6	2.0	2.5	3.1	3.8	4.6	5.4	6.4	7.4	8.5	9.7	10.9
3	1.2	1.5	1.8	2.1	2.5	3.0	3.5	4.0	4.6	5.2	5.8	6.5	7.2
4	1.2	1.4	1.7	1.9	2.2	2.6	2.9	3.3	3.7	4.2	4.6	5.0	5.5
5	1.2	1.4	1.6	1.8	2.1	2.3	2.6	2.9	3.2	3.6	3.9	4.2	4.5
6	1.1	1.3	1.5	1.7	1.9	2.1	2.4	2.6	2.9	3.1	3.4	3.7	3.9
7	1.1	1.3	1.4	1.6	1.8	2.0	2.2	2.4	2.6	2.8	3.1	3.3	3.5
8	1.1	1.3	1.4	1.6	1.7	1.9	2.1	2.3	2.4	2.6	2.8	3.0	3.2
9	1.1	1.2	1.4	1.5	1.7	1.8	2.0	2.1	2.3	2.4	2.6	2.8	2.9
10	1.1	1.2	1.3	1.5	1.6	1.7	1.9	2.0	2.2	2.3	2.4	2.6	2.7
11	1.1	1.2	1.3	1.4	1.6	1.7	1.8	1.9	2.1	2.2	2.3	2.4	2.5
12	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.9	2.0	2.1	2.2	2.3	2.4
13	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3
14	1.1	1.2	1.3	1.4	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2
15	1.1	1.2	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.8	1.9	2.0	2.1

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16	1.1	1.1	1.2	1.3	1.4	1.5	1.6	1.6	1.7	1.8	1.9	1.9	2.0
17	1.1	1.1	1.2	1.3	1.4	1.4	1.5	1.6	1.7	1.7	1.8	1.9	1.9
18	1.1	1.1	1.2	1.3	1.3	1.4	1.5	1.6	1.6	1.7	1.7	1.8	1.9
19	1.1	1.1	1.2	1.3	1.3	1.4	1.5	1.5	1.6	1.6	1.7	1.8	1.8
20	1.1	1.1	1.2	1.2	1.3	1.4	1.4	1.5	1.5	1.6	1.6	1.7	1.7
30	1.0	1.1	1.1	1.1	1.2	1.2	1.2	1.3	1.3	1.3	1.3	1.4	1.4
40	1.0	1.0	1.1	1.1	1.1	1.1	1.1	1.1	1.2	1.2	1.2	1.2	1.2
50	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.1	1.1	1.1	1.1	1.1	1.1
60 or greater	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0

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i) If the PEQ is less than or equal to the water quality standard, there is no reasonable potential and no limit will be established in the permit.

ii) If the PEQ is more than the water quality standard, the Agency will proceed to consideration of dilution and mixing under to subsection (h)(4).

B) If facility-specific data of 10 or less data values are available, an alternative PEQ must be derived using the table in subsection (h)(3)(A) assuming a coefficient of variation of 0.6, applied to the maximum value in the data set that has its quality assured consistent with 35 Ill. Adm. Code 352.410.

i) If the PEQ is less than or equal to the water quality standard, there is no reasonable potential and no limit will be established in the permit.

ii) If the PEQ exceeds the water quality standard, an alternative PEQ will be calculated using the maximum value in the data set and a multiplier of 1.4. If the alternative PEQ also exceeds the water quality standard, the Agency will proceed to consider dilution and mixing under subsection (h)(4).

iii) If the PEQ exceeds the water quality standard but the alternative PEQ is less than or equal to the standard, the Agency will either proceed to consider dilution and mixing pursuant to subsection (h)(4), or will incorporate a monitoring requirement and reopener clause to reassess the potential to exceed within a specified time schedule, not to exceed one year. In determining which of these options to use in any individual application, the Agency must consider

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911 the operational and economic impacts on the permittee and
912 the effect, if any, deferral of a final decision would have on
913 an ultimate compliance schedule if a permit limit were
914 subsequently determined to be necessary.

915
916 C) The Agency must compare monthly average effluent data values,
917 when available, with chronic aquatic life, human health and
918 wildlife standards to evaluate the need for monthly average water
919 quality based effluent limitations (WQBELs). The Agency must
920 use daily effluent data values to determine whether a potential
921 exists to exceed acute aquatic life water quality standards.

922
923 D) The Agency may apply other scientifically defensible statistical
924 methods for calculating PEQ for use in the reasonable potential
925 analysis as provided for in Procedure 5.b.2 of appendix F to 40
926 CFR 132, incorporated by reference at 35 Ill. Adm. Code 301.106.

927
928 E) Regardless of the statistical procedure used, if the PEQ for the
929 parameter is less than or equal to the water quality standard for that
930 parameter, the Agency must deem the discharge not to have a
931 reasonable potential to exceed, and a WQBEL must not be
932 required unless otherwise required under 35 Ill. Adm. Code
933 352.430.

934
935 4) If the PEQ for a parameter is greater than the particular water quality
936 standard, criteria or value for that parameter, the Agency will assess the
937 level of treatment being provided by the discharger. If the discharger is
938 providing (or will be providing) a level of treatment consistent with the
939 best degree of treatment required by 35 Ill. Adm. Code 304.102(a), the
940 PEQ derived under subsection (h)(3) must be compared to a preliminary
941 effluent limitation (PEL) determined by applying an appropriate mixing
942 zone or a default mixing zone to the discharge. Mixing opportunity and
943 dilution credit will be considered as follows:

944
945 A) Discharges to tributaries of the Lake Michigan Basin must be
946 considered to have no available dilution for either acute or chronic
947 exposures, and the PEL will be set equivalent to the water quality
948 standard unless dilution is documented through a mixing zone
949 study.

950
951 B) Bioaccumulative chemicals of concern (BCCs):

952
953 i) Mixing must not be allowed for new discharges of BCCs
954 commencing on or after December 24, 1997. The PEL will

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955 be set equivalent to the water quality standard.
956
957 ii) Mixing must not be allowed for discharges of BCCs that
958 existed as of December 24, 1997 under 35 Ill. Adm. Code
959 302.530.
960

961 C) Direct discharges to the Open Waters of Lake Michigan must have
962 a default mixing allowance of 2:1 for acute standards, criteria or
963 values and 10:1 for chronic standards, criteria or values if the
964 discharge configuration indicates that the effluent readily and
965 rapidly mixes with the receiving waters. If ready and rapid mixing
966 is in doubt the Agency must deny any default dilution or mixing
967 allowance and require a mixing or dispersion study to determine
968 the proper dilution allowance. If the discharger applies for more
969 than the default dilution or mixing allowance, it must submit a
970 mixing or dispersion study to justify its request. Whenever a
971 mixing or dispersion study is available, it must be used to
972 determine dilution or mixing allowance in lieu of the default
973 allowance.
974

975 5) Preliminary effluent limitations calculations.
976

977 A) The preliminary effluent limitation (PEL) is calculated in a simple
978 mass balance approach reflecting the dilution allowance
979 established in subsection (h)(4):
980

$$WQS = [(Q_e)(PEL) + (Q_d)(C_d)] / [Q_e + Q_d]$$

981 or
982

$$PEL = [WQS(Q_e + Q_d) - (Q_d)(C_d)] / Q_e$$

983
984 WHERE:

- 985 WQS = applicable water quality standard, criteria or value
- 986 Q_e = effluent flowrate
- 987 Q_d = allowable dilution flowrate
- 988 C_d = background pollutant concentration in dilution
989 water

985 B) The representative background concentration of pollutants to
986 develop TMDLs and WLAs calculated in the absence of a TMDL
987 must be established as follows:
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- i) "Background" represents all pollutant loadings, specifically loadings that flow from upstream waters into the specified watershed, water body, or water body segment for which a TMDL or WLA in the absence of a TMDL is being developed and enter the specified watershed, water body, or water body segment through atmospheric deposition, chemical reaction, or sediment release or resuspension.
 - ii) When determining what available data are acceptable for use in calculating background, the Agency must use its best professional judgment, including consideration of the sampling location and the reliability of the data through comparison, in part, to detection and quantification levels. When data in more than 1 of the data sets or categories described in subsection (h)(5)(B)(iii) exists, best professional judgment must be used to select the data that most accurately reflects or estimates background concentrations. Pollutant degradation and transport information may be considered when using pollutant loading data to estimate a water column concentration.
 - iii) The representative background concentration for a pollutant in the specified watershed, water body, or water body segment must be established on a case-by-case basis as the geometric mean of: acceptable water column data; water column concentrations estimated through use of acceptable caged or resident fish tissue data; or water column concentrations estimated through the use of acceptable or projected pollutant loading data. When determining the geometric mean of the data for a pollutant that includes values both above and below the detection level, commonly accepted statistical techniques must be used to evaluate the data. If all of the acceptable data in a data set are below the detection level for a pollutant, then all the data for the pollutant in that data set must be assumed to be zero.
- 6) Water quality based effluent limitations.
- A) If the PEQ is less than or equal to the PEL, it will be concluded that there is no reasonable potential to exceed. Under these circumstances a permit limit for that contaminant will not be set unless otherwise justified under one or more provisions of 35 Ill. Adm. Code 352.430.

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- B) If the PEQ is equal to or greater than the PEL, and the PEQ was calculated using a data set of more than 10 values, a WQBEL will be included in the permit. If the PEQ was calculated using a data set of less than or equal to 10 values, and the alternative PEQ calculated under subsection (h)(3)(B) also exceeds the PEL, a WQBEL will be included in the permit.
 - C) If the PEQ was calculated using a data set of less than or equal to 10 values, and the PEQ is greater than the PEL but the alternative PEQ is less than the PEL, the Agency will either establish a WQBEL in the permit or incorporate a monitoring requirement and reopener clause to reassess potential to exceed within a specified time schedule, not to exceed one year. In determining which of these options to use in any individual application, the Agency must consider the operational and economic impacts on the permittee and the effect, if any, deferral of a final decision would have on an ultimate compliance schedule if a permit limit were subsequently determined to be necessary.
 - D) The WQBEL will be set at the PEL, unless the PEL is appropriately modified to reflect credit for intake pollutants when the discharged water originates in the same water body to which it is being discharged. Consideration of intake credit will be limited to the provisions of 35 Ill. Adm. Code 352.425.
 - E) The reasonable potential analysis must be completed separately for acute and chronic aquatic life effects. When WQBELs are based on acute impacts, the limit will be expressed as a daily maximum. When the WQBEL is based on chronic effects, the limit will be expressed as a monthly average. Human health and wildlife based WQBELs will be expressed as monthly averages. If circumstances warrant, the Agency must consider alternatives to daily and monthly limits.
- i) Best management practices (BMPs) to control or abate the discharge of chloride when:
- 1) Authorized under section 402(p) of the CWA for the control of storm water discharges;
 - 2) Numeric effluent limitations are infeasible; or
 - 3) The practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA.

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

Section 309.142 Water Quality Standards and Waste Load Allocation

In any case in which an NPDES Permit includes as conditions the effluent standards and limitations described in 35 Ill. Adm. Code 309.141, 309.142, and 309.143, the Agency must determine and verify that the discharge authorized by the permit will not violate applicable water quality standards or a schedule of compliance to achieve applicable water quality standards contained in the NPDES Permit. In any case in which an NPDES Permit applies any more stringent effluent limitation based on applicable water quality standards, a waste load allocation must be prepared to ensure that the discharge authorized by the permit is consistent with applicable water quality standards.

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

Section 309.143 Effluent Limitations

- a) Effluent limitations must control all pollutant or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Agency determines are, or may be, discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality. When determining whether a discharge causes, has the reasonable potential to cause or contributes to an in-stream excursion above a narrative or numeric criteria within a State water quality standard, the Agency must use procedures which account for existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity), and, where appropriate, the dilution of the effluent in the receiving water.

- b) In the application of effluent standards and limitations, water quality standards and other applicable requirements, the Agency must, for each permit, specify average and maximum daily quantitative limitations for the level of pollutants in the authorized discharge in terms of weight (except pH, temperature, radiation, and any other pollutants not appropriately expressed by weight, and except for discharges whose constituents cannot be appropriately expressed by weight). The Agency may, in its discretion, in addition to specification of daily quantitative limitations by weight, specify other limitations, such as average or maximum concentration limits, for the level of pollutants in the authorized discharge. Effluent limitations for multiproduct operations must provide for appropriate waste variations from such plants. Where a schedule of compliance is included as a condition in a permit, effluent limitations must be included for the interim period as well as for the period following the final compliance date.

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

Section 309.144 Federal New Source Standards of Performance

Notwithstanding any other provisions of these regulations, any point source, the construction of which is commenced after the date of enactment of the CWA and which is so constructed as to meet all applicable federal standards of performance as defined in Section 306 of the CWA and 35 Ill. Adm. Code 301.400, must not be subject to any more stringent federal standard of performance during:

- a) A 10-year period beginning on the date of completion of such construction, or
- b) The period of depreciation or amortization of such facility for the purposes of Section 167 or 169 (or both) of the Internal Revenue Code of 1954 (26 U.S.C. 167 and 169), whichever period ends first.

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

Section 309.145 Duration of Permits

All NPDES Permits must be issued for fixed terms not to exceed five years.

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

Section 309.146 Authority to Establish Recording, Reporting, Monitoring and Sampling Requirements

- a) The Agency must require every holder of an NPDES Permit, as a condition of the NPDES Permit issued to the holder, to:
 - 1) Establish, maintain and retain records;
 - 2) Make reports adequate to determine the compliance or lack of compliance with all effluent limits and special conditions in the permit;
 - 3) Install, calibrate, use and maintain monitoring equipment or methods (including where appropriate biological monitoring methods);
 - 4) Take samples of effluents (according to such methods, at such locations, at such intervals, and in such a manner as may be prescribed); and
 - 5) Provide other information as may reasonably be required.

- 1166 b) The Agency may require every holder of an NPDES Permit for a publicly owned
1167 and publicly regulated treatment works, as a condition of the NPDES Permit, to
1168 require industrial users of such a treatment works to:
1169
 - 1170 1) Establish, maintain and retain records;
 - 1171 2) Make reports;
 - 1172 3) Install, calibrate, use and maintain monitoring equipment or methods
1173 (including where appropriate biological monitoring methods);
 - 1174 4) Take samples of effluents (according to such methods, at such locations, at
1175 such intervals, and in such a manner as may be prescribed); and
 - 1176 5) Provide other information as may reasonably be required.
- 1177 c) All these requirements shall be included as conditions of the NPDES Permit
1178 issued to the discharger, and shall be at least as stringent as those required by
1179 applicable federal regulations when these become effective.
- 1180 d) All permits shall specify requirements for properly using, maintaining, and
1181 installing, when appropriate, of monitoring equipment or methods (including
1182 biological monitoring methods, when appropriate); required monitoring including
1183 type, interval, and frequency sufficient to yield data which are representative of
1184 the monitored activity including, when appropriate, continuous monitoring.

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1192 (Source: Amended at 46 Ill. Reg. _____, effective _____)
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1194 **Section 309.147 Authority to Apply Entry and Inspection Requirements**
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- 1196 a) Any holder of an NPDES Permit and any industrial user of a publicly owned or
1197 publicly regulated sewage treatment plant, must be required as a condition of the
1198 NPDES Permit issued to the holder, and in compliance with constitutional
1199 limitations, to allow any authorized representative of the Agency, upon
1200 presentation of his or her credentials, to:
1201
 - 1202 1) Enter any premises of a permittee or an industrial user of a publicly owned
1203 or publicly regulated treatment works in which premises an effluent source
1204 is located or in which any applicable records are located that are required
1205 to be maintained;
 - 1206 2) At reasonable times have access to and copy any records required to be
1207 maintained;

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- 1210 3) Inspect any monitoring equipment or method which is required;
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1212 4) Have access to and sample any discharge of contaminants to State waters
1213 or to publicly owned or publicly regulated treatment works resulting from
1214 the activities or operations of the permittee or industrial user; and
1215
1216 5) Inspect, sample, photograph or otherwise investigate any part of the
1217 facilities or equipment of the permit holder or industrial user which the
1218 Agency may deem necessary in order to determine the possibility of a
1219 present or future violation of the Act, applicable regulations or any
1220 NPDES Permit conditions.
1221
1222 b) The requirements in subsections (a)(1)through (a)(5) must be in all NPDES
1223 Permits as terms and conditions thereof.
1224

1225 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1226

Section 309.148 Schedules of Compliance

1227 The Agency must establish schedules of compliance in NPDES Permits in the following manner:
1228

- 1229
1230
1231 a) With respect to any discharge which is not in compliance with applicable effluent
1232 standards and limitations, applicable water quality standards and limitations,
1233 applicable water quality standards or other legally applicable requirements, the
1234 permittee must take specific steps to achieve compliance in the shortest
1235 reasonable period of time consistent with the guidelines and requirements of
1236 CWA and the Act.
1237
1238 b) In any case where the period of time for compliance specified in subsection (a)
1239 exceeds 9 months, the permit must specify a compliance schedule setting forth
1240 interim requirements and the dates for their achievement; in no event must more
1241 than 9 months elapse between interim dates. If the time necessary for
1242 completions of the interim requirements in more than 9 months and is not readily
1243 divided into stages for completion, the permit must specify interim dates to
1244 submit progress reports on completing the interim requirement. For each NPDES
1245 Permit schedule of compliance, interim dates and the final date for compliance
1246 must, to the extent practicable, fall on the last day of the months of March, June,
1247 September, and December.
1248
1249 c) Not later than 14 days after each interim date and the final date of compliance, the
1250 permittee must provide the Agency with written notice of the permittee's
1251 compliance or noncompliance with the interim or final requirement.
1252
1253 d) Interim and final compliance dates in NPDES permits must be enforceable

1254 without otherwise showing a violation of an effluent limitation or injury to water
1255 quality.
1256

1257 e) The Agency may establish schedules of compliance in NPDES permits
1258 under applicable federal requirements which may be earlier or later than deadlines
1259 established by otherwise applicable regulations of the Board, provided that all
1260 schedules of compliance must require compliance at the earliest reasonable date.
1261 However, the Agency must not issue an NPDES Permit containing a schedule of
1262 compliance beyond July 1, 1977, or any other compliance date established by
1263 federal law, to any applicant who is not in compliance with, or who has not
1264 obtained a variance, adjusted standards, or time-limited water quality standard
1265 from applicable Illinois Water Pollution Regulations, or who has not been ordered
1266 to apply for and obtain all necessary permits in an appropriate Board enforcement
1267 action, for which the deadline for compliance occurred before the effective date of
1268 these NPDES Regulations.
1269

1270 f) In any case in which an NPDES permit includes a schedule of compliance, the
1271 Agency must include in its final determination a statement of the factual basis for
1272 such schedule.
1273

1274 g) Schedules of compliance established by the Agency in NPDES Permits must be
1275 subject to review by the Pollution Control Board under 35 Ill. Adm. Code 309.181
1276 and 309.182.
1277

1278 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1279

1280 **Section 309.149 Authority to Require Notice of Introduction of Pollutants into Publicly**
1281 **Owned Treatment Works**
1282

1283 The Agency must include in all NPDES Permits issued to publicly owned or publicly regulated
1284 treatment works conditions requiring the permittee to give notice to the Agency of the following:
1285

1286 a) Any new introduction of pollutants into the treatment works from a source which
1287 would be a new source as defined in Section 306 of the CWA if the source were
1288 discharging pollutants directly to the waters of the State;
1289

1290 b) Except as to categories and classes of point sources or discharges which may be
1291 specified by the agency, any new introduction of pollutants into the treatment
1292 works from a source which would be a point source subject to Section 301 of the
1293 CWA if it were discharging such pollutants directly to the waters of the State;
1294

1295 c) Any substantial change in volume or character of pollutants being introduced into
1296 the treatment works by a source introducing pollutants into the works at the time
1297 the permit is issued; and

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- d) All notices required of publicly owned or publicly regulated treatment works under this section must be in the form and content required by the Agency, and must include information on:
 - 1) The quality and quantity of wastewater to be introduced into such treatment works, and
 - 2) Any anticipated impact of such change in the quantity or quality of effluent to be discharged from the publicly owned or publicly regulated treatment works.

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

Section 309.150 Authority to Ensure Compliance by Industrial Users with Sections 204(b), 307 and 308 of the Clean Water Act

- a) Any NPDES Permit issued to a publicly owned or publicly regulated treatment works must include as a condition that the permittee must require that any industrial user of the treatment works will comply with federal requirements concerning:
 - 1) User charges and recovery of construction costs under section 204(b) of the CWA and applicable regulations in 40 CFR 35;
 - 2) Toxic pollutant effluent standards and pretreatment standards and pretreatment standards under Section 307 of the CWA; and
 - 3) Inspection, monitoring and entry under Section 308 of the CWA.
- b) As a means of ensuring such compliance, the permittee must require each industrial user subject to the requirements of Section 307 of the CWA to comply with this Section. The permittee must send to the Agency periodic notice (over intervals not to exceed 9 months) of progress toward full compliance with the requirements of Section 307 of the CWA.

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

Section 309.151 Maintenance and Equipment

Any NPDES Permit issued must include as a condition that the permittee must maintain in good working order and operate as efficiently as possible any facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the permit.

1342 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1343

1344 **Section 309.152 Toxic Pollutants**
1345

1346 Any NPDES Permit issued must include as a condition that if a toxic effluent standard or
1347 prohibition (including any schedule of compliance specified in such effluent standard or
1348 prohibition) is established under Section 307(a) of the CWA for a toxic pollutant which is
1349 present in the permittee's discharge and such standard or prohibition is more stringent than any
1350 limitation upon such pollutant in the NPDES Permit, the Agency must revise or modify the
1351 permit according to the more stringent standard or prohibition and must notify the permittee.
1352

1353 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1354

1355 **Section 309.154 Authorization to Construct**
1356

1357 a) A person must not cause or allow the construction of any new treatment works,
1358 disposal well or wastewater source for which an NPDES Permit is required or
1359 cause or allow the modification of any existing treatment works, disposal well or
1360 wastewater source for which an NPDES Permit is required unless the NPDES
1361 Permit contains an authorization to construct as a condition of the permit.
1362

1363 b) Any holder of a valid NPDES Permit who proposes or is required as a condition
1364 of the NPDES Permit or of any order of the Pollution Control Board to construct
1365 or modify any treatment works, disposal well, wastewater source, or process
1366 modification which results in new or increased discharges of pollutants, must
1367 complete, sign and submit an NPDES application for the construction or
1368 modification, according to the instructions provided with the form, no later than
1369 180 days before the date on which construction or modification is to begin. A
1370 person must not commence construction until the holder of the NPDES Permit
1371 receives a modification to the NPDES Permit, or a new NPDES Permit if
1372 required, which contains an authorization to construct as a condition of the permit.
1373

1374 c) The Agency must not issue any authorization to construct unless the applicant
1375 submits adequate proof, including any of the information or documents listed in
1376 35 Ill. Adm. Code 309.221 as the Agency may require, which ensures that the
1377 proposed construction, modification or operation
1378

1379 1) Either conforms to the criteria promulgated by the Agency under Section
1380 309.221 or is based on other criteria which the applicant proves will
1381 produce consistently satisfactory results; and
1382

1383 2) Will not cause a violation of the conditions of the NPDES Permit.
1384

1385 (Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 309.155 Sewage Sludge Disposal

In establishing the terms and conditions of each issued NPDES Permit, the Agency must apply and ensure compliance with applicable regulations promulgated under Section 405 of the CWA governing the disposal of sewage sludge from treatment works.

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

Section 309.156 Total Dissolved Solids Reporting and Monitoring

The Agency must by permit condition require monitoring and reporting levels of total dissolved solids in effluents unless it finds that the reporting and monitoring is not required to accomplish the purposes of the Act. Monitoring of total dissolved solids levels must be by any reasonably reliable method.

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

Section 309.157 Permit Limits for Total Metals

- a) The NPDES permit limits for metals must be expressed in total metals form even though the water quality standards for metals specified in 35 Ill. Adm. Code 302.208(e), 302.504(a), and 304.105 are in their dissolved form. The total metals permit limit is determined by multiplying the dissolved metals concentration and the appropriate metals translator.
- b) Site specific metals translators must be determined according to "The Metals Translator: Guidance for Calculating a Total Recoverable Permit Limit from a Dissolved Criterion," incorporated by reference at 35 Ill. Adm. Code 301.106.
- c) Except as otherwise specified in subsection (d), the reciprocal of the conversion factor multiplier used for obtaining the dissolved metals standards at 35 Ill. Adm. Code 302.208(e) and 302.504(a) becomes the metals translator and the resulting total metals value becomes the NPDES permit limit.
- d) A permittee may request the Agency to calculate a total metals permit limit based on a site-specific metals translator. Upon review and approval of the information submitted by the permittee, the Agency will calculate a total metals permit limit that is protective of the dissolved metals water quality standard.

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

Section 309.181 Appeal of Final Agency Action on a Permit Application

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1430 a) If any NPDES Permit has been issued or denied by the Agency, any appeal of the
1431 issuance or denial of the permit, or of any of its terms or conditions, must be to
1432 the Pollution Control Board according to its Procedural Rules.

1433
1434 b) The appeal must be filed within 35 days after final Agency action.

1435
1436 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1437

Section 309.182 Authority to Modify, Suspend or Revoke Permits

1439

1440 a) Any person, whether or not a party to or participant at any earlier proceeding
1441 before the Agency or the Board, may file a complaint for modification,
1442 suspension, or revocation of an NPDES Permit in accordance with this Section
1443 and Part 103. (Note: Prior to codification, Part III of Procedural Rules.)

1444

1445 b) The Pollution Control Board, after complaint and hearing according to the Act
1446 and its Procedural Rules, may modify, suspend or revoke any NPDES permit in
1447 whole or in part in any manner consistent with the Act, applicable Board
1448 regulations and federal requirements, upon proof of cause including the
1449 following:

1450

1451 1) Violation of any terms or conditions of the permit (including schedules of
1452 compliance and conditions concerning monitoring, entry and inspection);

1453

1454 2) Obtaining a permit by misrepresentation or failure to disclose fully all
1455 relevant facts; or

1456

1457 3) A change in any circumstance that mandates either a temporary or
1458 permanent reduction or elimination of the permitted discharge.

1459

1460 c) The provisions of this Section must be included as terms and conditions of each
1461 issued NPDES Permit.

1462

1463 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1464

Section 309.183 Revision of Schedule of Compliance

1466

1467 a) The Agency may, upon request of the applicant, revise or modify a schedule of
1468 compliance in an issued NPDES Permit if it determines good and valid cause
1469 (such as an Act of God, strike, flood, materials shortage or other event over which
1470 the permittee has little or no control) exists for the revision and if within 30 days
1471 following receipt of notice from the Agency, the Regional Administrator of the
1472 U.S. Environmental Protection Agency does not object in writing.

1473

1518 federal law.

1519

1520 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1521

1522 **Section 309.202 Construction Permits**

1523

1524 Except for treatment works or wastewater sources which have or will have discharges for which
1525 NPDES Permits are required, and for which NPDES Permits have been issued by the Agency:

1526

1527 a) A person must not cause or allow the construction of any new treatment works,
1528 sewer or wastewater source or cause or allow the modification of any existing
1529 treatment works, sewer or wastewater source without a construction permit issued
1530 by the Agency, except as provided in subsections (c) and (d).

1531

1532 b) For groundwater remediation systems, with or without pretreatment, a permit is
1533 required for construction of:

1534

1535 1) a new sewer to a publicly owned or publicly regulated sanitary or
1536 combined sewer; or

1537

1538 2) a wastewater source that discharges to a publicly owned or publicly
1539 regulated sanitary or combined sewer.

1540

1541 c) Construction permits are not be required for the following:

1542

1543 1) storm sewers that transport only land runoff;

1544

1545 2) any treatment works, sewer or wastewater source designed and intended to
1546 serve a single building and eventually treat or discharge less than an
1547 average of 1500 gallons per day (5700 l/day) of domestic sewage and
1548 which will discharge, if at all, directly to a publicly owned or publicly
1549 regulated sanitary or combined sewer;

1550

1551 3) any sewer required by statute to secure a permit pursuant to Section 3 of
1552 the Mobile Home Park Act [210 ILCS 115];

1553

1554 4) any treatment works, pretreatment works, sewer or wastewater source that,
1555 on the effective date of this Subpart B, is being constructed or will be
1556 constructed under the authorization of a permit already issued by the
1557 Agency or its predecessors; provided however, that all construction must
1558 be completed within four years from the effective date of this Subpart B;

1559

1560 5) privately owned sewers tributary to industrial treatment works owned by
1561 the same person if the additional waste load does not exceed the permitted

- 1562 design capacity of the industrial treatment works; or
- 1563
- 1564 6) cooling towers, oil/water separators, pH adjustment facilities without
- 1565 additional pretreatment, groundwater remediation system pretreatment,
- 1566 reverse osmosis treatment for industrial source water, multi-media
- 1567 filtration for industrial source water, disposable cartridge type (or similar)
- 1568 filtration systems, ion-exchange systems for industrial source waters, and
- 1569 all associated pipes, pumps, and appurtenances necessary for the
- 1570 installation and operation of these permit exempt treatment systems.
- 1571
- 1572 d) A person must not cause or allow the construction of any pretreatment works or
- 1573 cause or allow the modification of any existing pretreatment works without a
- 1574 construction permit issued by the Agency, unless exempt under 35 Ill. Adm. Code
- 1575 Section 309.202(c) if those pretreatment works, after construction or
- 1576 modification, will:
- 1577
- 1578 1) discharge toxic pollutants, as defined in Section 502(13) of the CWA, or
- 1579 pollutants which may interfere with the treatment process into the
- 1580 receiving treatment works or be subject to regulations promulgated under
- 1581 section 307 of the Clean Water Act (CWA); or
- 1582
- 1583 2) discharge 15% or more of the total hydraulic flow received by the
- 1584 treatment works; or
- 1585
- 1586 3) discharge 15% or more of the total biological loading received by the
- 1587 treatment works as measured by the 5-day biochemical oxygen demand.
- 1588

1589 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1590

1591 **Section 309.203 Operating Permits; New or Modified Sources**

1592

- 1593 a) A person must not cause or allow the use or operation of any treatment works,
- 1594 sewer, pretreatment works or wastewater source for which a construction permit
- 1595 is required under 35 Ill. Adm. Code 309.202 without an operating permit issued
- 1596 by the Agency, except as may be authorized by the construction permit.
- 1597
- 1598 b) No operating permit is required under this Section for any discharge:
- 1599
- 1600 1) for which an NPDES permit is required;
- 1601
- 1602 2) for which a pretreatment permit has been issued by the Agency, under 35
- 1603 Ill. Adm. Code 310;
- 1604
- 1605 3) for which a pretreatment permit has been issued by USEPA under federal

1606 law; or

1607

1608 4) for which an authorization to discharge has been issued by a POTW with a
1609 pretreatment program approved by the Agency, under 35 Ill. Adm. Code
1610 310, or approved by USEPA under federal law.

1611

1612 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1613

1614 **Section 309.204 Operating Permits; Existing Sources**

1615

1616 a) A person must not cause or allow the use or operation of any treatment works,
1617 pretreatment works or wastewater source without an operating permit issued by
1618 the Agency, except as provided in subsections (b), (c) and (d).

1619

1620 b) No operating permit is required under this Section for any discharge:

1621

1622 1) for which an NPDES permit is required;

1623

1624 2) for which a pretreatment permit has been issued by the Agency under 35
1625 Ill. Adm. Code 310;

1626

1627 3) for which a pretreatment permit has been issued by USEPA under federal
1628 law; or

1629

1630 4) for which an authorization to discharge has been issued by a POTW with a
1631 pretreatment program approved by the Agency, under 35 Ill. Adm. Code
1632 310, or approved by USEPA under federal law.

1633

1634 c) Operating permits are not required for treatment works and wastewater sources
1635 that are designed and intended to serve a single building and eventually treat or
1636 discharge less than an average of 1500 gallons per day 5 (5700 l/day) of domestic
1637 sewage and that will discharge, if at all, directly to a publicly owned or publicly
1638 regulated sanitary or combined sewer.

1639

1640 d) Operating permits are not required for those pretreatment works or wastewater
1641 sources discharging to a sewer tributary to a treatment works, or directly to a
1642 treatment works, that will not:

1643

1644 1) discharge toxic pollutants, as defined in section 502(13) of the CWA, or
1645 pollutants that may interfere with the treatment process into the receiving
1646 treatment works or be subject to regulations promulgated under section
1647 307 of the CWA;

1648

1649 2) discharge 15% or more of the total hydraulic flow received by the

1650 treatment works; or

1651

1652 3) discharge 15% or more of the total biological loading received by the
1653 treatment works as measured by the 5-day biochemical oxygen demand.

1654

1655 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1656

1657 **Section 309.205 Joint Construction and Operating Permits**

1658

1659 When the Agency determines that a proposed treatment works, pretreatment works, sewer or
1660 wastewater source is sufficiently standard so as to obviate the need for separate construction and
1661 operating permits, the Agency may issue a joint construction and operating permit.

1662

1663 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1664

1665 **Section 309.206 Experimental Permits**

1666

1667 a) To promote developing water pollution control technology, the Agency may issue
1668 experimental permits for treatment processes or techniques that do not satisfy the
1669 standards for issuance in 35 Ill. Adm. Code 309.241, provided that the applicant
1670 submits clear, cogent and convincing proof that the process or technique has a
1671 reasonable and substantial chance for success.

1672

1673 b) The existence of a valid experimental permit constitutes a prima facie defense to
1674 any action brought against the permittee for a violation of this Chapter, but only
1675 to the extent that such action is based on the failure of the process or techniques,
1676 during the period of validity of the permit, to meet the effluent limitations of
1677 water quality standards of this Chapter.

1678

1679 c) An experimental permit may not be issued in lieu of an NPDES Permit when an
1680 NPDES Permit is required.

1681

1682 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1683

1684 **Section 309.208 Permits for Sites Receiving Sludge or Land Application**

1685

1686 a) A construction and an operating permit are required under this Chapter for any
1687 site receiving sludge for land application unless:

1688

1689 1) The site receives only livestock wastes; or

1690

1691 2) The site receives only septic tank sludges generated from domestic
1692 sources; or

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- 1694 3) The site is regulated under the Board's regulations; or
1695
1696 4) The site is specifically identified in an approved sludge management
1697 scheme of an operating or NPDES permit issued by the Agency and
1698 receives sludge exclusively from the permittee; or
1699
1700 5) All of the following conditions are satisfied:
1701
1702 A) The site is not specifically identified in an NPDES or operating
1703 permit of any treatment works or pretreatment works but receives
1704 sludge from a treatment works or pretreatment works which has a
1705 valid operating permit issued by the Agency, or an NPDES Permit
1706 with a sludge management scheme approved by the Agency. The
1707 sludge generator must inform the user that this requirement has
1708 been met; and
1709
1710 B) The sludge user applies the sludge to less than 121 hectares ha
1711 (300 acres) under common ownership or control in any year; and
1712
1713 C) The sludge is transported, stored and applied by the user in
1714 compliance with the approved sludge management scheme of the
1715 generator from which the user receives the sludge. Any person
1716 who intends to transport, store or apply sludge in any manner other
1717 than that described in the approved sludge management scheme
1718 must apply for a permit.
1719
1720 b) Notwithstanding subsections (1) through (5) of paragraph (a), the Agency may
1721 require a user receiving sludge for land application to obtain a permit under this
1722 Section when the Agency determines that special circumstances require a permit
1723 to protect the environment or the public health. In making its determination, the
1724 Agency must consider the following factors:
1725
1726 1) Where the sludge will be stored;
1727
1728 2) The proposed rate and method of application of the sludge to the receiving
1729 site;
1730
1731 3) The quality (constituents and concentrations) of the sludge to be applied to
1732 the receiving site; and,
1733
1734 4) The geological and hydrological characteristics of the receiving site,
1735 including proximity to waters of the State.
1736
1737 c) No permit may be required under subsection (b) for a user receiving sludge for

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1738 land application unless the owner or operator is notified in writing of the
1739 requirement to apply for a permit. That notification must include a statement of
1740 the special circumstances requiring the site to be permitted. The requirement of a
1741 permit is reviewable only in a permit appeal proceeding.

1742
1743 d) Generators and haulers of municipal water or wastewater treatment plant sludge,
1744 which is to be applied to land and which is regulated under this Chapter, need not
1745 obtain a special waste hauling permit or prepare, carry and complete a manifest
1746 under 35 Ill. Adm. Code 706.

1747
1748 e) The Agency may establish and revise criteria according to 35 Ill. Adm. Code
1749 309.262 for designing, operating, and maintaining facilities regulated under this
1750 Section.

1751
1752 f) For purposes of permit issuance and approval of a sludge management scheme,
1753 proof of conformity with Agency criteria it be prima facie evidence of no
1754 violation of the Act or this Chapter. However, nonconformity with Agency
1755 criteria is not be grounds for permit denial, or for failure to approve a sludge
1756 management scheme, if the applicant submits adequate information showing that
1757 the sludge will be stored, transported and applied so as not to cause a violation of
1758 the Act or this Chapter.

1759
1760 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1761 1762 **Section 309.221 Applications -- Contents**

1763
1764 a) All applications for any permit required under Subpart B must contain, where
1765 appropriate, the following information and documents:

1766
1767 1) A complete description of the volume and nature of the wastewater
1768 influent and effluent to be transported, treated or discharged, including a
1769 statement as to presence or absence of all contaminants for which effluent
1770 or water quality standards are set by this chapter; and

1771
1772 2) A description of the present condition of the receiving body of water and
1773 the effect of the wastewater on such receiving body of water; and

1774
1775 3) A statement as to any projected changes in the volume or nature of the
1776 wastewater which the applicant desires to have included within the terms
1777 of the permit; and

1778
1779 4) A description of the geographic location of the facility or source, and its
1780 interrelation with any existing or proposed treatment works, sewer or
1781 wastewater source which will transport, treat or discharge the same

- 1782 wastewater; and
1783
1784 5) Plans and specifications, prepared by an Illinois Registered Professional
1785 Engineer when required by the Professional Engineering Practice Act of
1786 1989 [225 ILCS 325], fully describing the design, nature, function and
1787 interrelationship of each individual component of the facility or source,
1788 except that the Agency may waive this requirement for plans and
1789 specifications when the application is for a routine renewal; and
1790
1791 6) A statement identifying and justifying any departure from current design
1792 criteria promulgated by the Agency.
1793
1794 b) The Agency may adopt procedures requiring such additional information as is
1795 necessary to determine whether the treatment works, pretreatment works, sewer or
1796 wastewater source will meet the requirements of the Act and this Part.
1797
1798 c) The Agency may prescribe the form in which all information required under this
1799 Section must be submitted.

1800
1801 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1802

1803 **Section 309.222 Applications – Signatures and Authorizations**
1804

- 1805 a) An application submitted by a corporation must be signed by a principal executive
1806 officer of at least the level of vice president, or his or her duly authorized
1807 representative, if the representative is responsible for the overall operation of the
1808 facility from which the discharge described in the application form originates. In
1809 the case of a partnership or a sole proprietorship, the application must be signed
1810 by a general partner or the proprietor respectively. In the case of a publicly owned
1811 facility, the application must be signed by either a principal executive officer,
1812 ranking elected official or other duly authorized employee.
1813
1814 b) Permit applications for sewer construction or modification must be accompanied
1815 by signed statements from the owners of all intermediate receiving sewers and the
1816 receiving treatment works certifying that their facilities have adequate capacity to
1817 transport, treat, or transport and treat, as applicable, the wastewater that will be
1818 added through the proposed sewer without violating any provisions of the Act and
1819 this Chapter.

1820
1821 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1822

1823 **Section 309.223 Applications – Delivery**
1824

1825 All permit applications must be mailed or delivered to the appropriate address designated by the

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1826 Agency.

1827

1828 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1829

Section 309.224 Applications – Time to Apply

1831

1832 Any person required under Subpart B to have a permit must file an application with the Agency
1833 at least 90 days before the date on which the permit is required.

1834

1835 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1836

Section 309.225 Applications – Filing and Final Action By Agency

1837

1838

1839 a) An application for permit under Subpart B must not be deemed to be filed until
1840 the Agency has received, at the designated address, all information, documents
1841 and authorizations in the form and with the content required by 35 Ill. Adm. Code
1842 309.221, 309.222 and 309.223 and related Agency procedures; provided,
1843 however, that if the Agency fails to notify the applicant within 30 days after the
1844 filing of a purported application that the application is incomplete and of the
1845 reason the Agency deems it incomplete, the application will be deemed to have
1846 been filed on the date of the purported filing. The applicant may treat the
1847 Agency's notification that an application is incomplete as a denial of the
1848 application for purposes of review.

1849

1850 b) If the Agency fails to take final action, by granting or denying the permit as
1851 requested or with conditions, within 90 days after the filing of the application, the
1852 applicant may deem the permit granted for a one year period commencing on the
1853 91st day after the application under Subpart B was filed.

1854

1855 c) Any applicant for a permit under Subpart B may waive the requirement that the
1856 Agency must take final action within 90 days after the filing of the application.

1857

1858 d) The Agency must send written notice of final action taken.

1859

1860 e) The Agency will deemed to have taken final action on the date that the notice is
1861 mailed.

1862

1863 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1864

Section 309.241 Standards for Issuance

1865

1866

1867 a) The Agency must not grant any permit required by this Subpart B, except an
1868 experimental permit under 35 Ill. Adm. Code 309.206, unless the applicant
1869 submits adequate proof that the treatment works, pretreatment works, sewer, or

1870 wastewater source will be constructed, modified, or operated so as not to cause a
1871 violation of the Act or of this Subtitle.

1872
1873 b) If the Agency has promulgated criteria under 35 Ill. Adm. Code 309.262 with
1874 regard to any part or condition of a permit, then for purposes of permit issuance
1875 proof of conformity with the criteria is prima facie evidence of no violation.
1876 However, non-conformity with the criteria is not grounds to deny the permit
1877 application if the applicant meets the condition of subsection (a).

1878
1879 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1880

1881 **Section 309.242 Duration and Termination of Permits Issued Under Subpart B**
1882

1883 a) Construction permits for sewers and wastewater sources must require that
1884 construction be completed within two years. Construction permits for treatment
1885 works and pretreatment works must require that construction be completed within
1886 three years. In situations in which the magnitude and complexity of the project
1887 require it, the Agency may issue a construction permit, requiring completion
1888 within a period not to exceed five years.

1889
1890 b) Except under subsection (c), an operating permit must not have a duration in
1891 excess of five years. The Agency may issue operating permits for as short a
1892 period of time as may be necessary to facilitate basin planning, to coordinate
1893 operating permits with future compliance deadlines, to maintain intensive control
1894 over new or experimental processes and to provide for emergency situations.

1895
1896 c) The Agency may issue operating permits under 35 Ill. Adm. Code 309.203 for
1897 sewers, wastewater sources, and pretreatment works for the lifetime of the sewer
1898 or the pretreatment works.

1899
1900 d) Notwithstanding subsections (b) and (c), any operating permit subject to this
1901 Subpart must expire when the Agency issues a modified or renewed permit.

1902
1903 e) A permittee may request termination of a permit by submitting the request in
1904 writing to the Agency in a format prescribed by the Agency. The Agency must
1905 send written confirmation of the termination to the permittee by certified or
1906 registered mail. Termination is effective on the date of written confirmation from
1907 the Agency.

1908
1909 f) A permit may be terminated by the Agency upon determination that a facility no
1910 longer operates or exists. The Agency must send written notice by certified or
1911 registered mail to the last known address on the permit stating that the permitted
1912 system appears no longer in operation or existence. The permit must terminate 60

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1913 days after the date of notification unless the permittee requests that the permit to
1914 stay in effect.

1915
1916 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1917

Section 309.244 Appeals from Conditions in Permits

1918
1919
1920 An applicant may consider any condition imposed by the Agency in a permit issued under
1921 Subpart B as a refusal by the Agency to grant the permit, which entitles the applicant to appeal
1922 the Agency's decision to the Board under Section 40 of the Act.

1923
1924 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1925

Section 309.261 Permit No Defense

1926
1927
1928 Except as provided in 35 Ill. Adm. Code 309.206, the issuance and possession of a permit under
1929 this Subpart B does not constitute a defense to a violation of the Act or this Chapter, except for
1930 construction or operation without a permit.

1931
1932 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1933

Section 309.262 Design, Operation and Maintenance Criteria

1934
1935
1936 a) The Agency may adopt criteria for the design, operation, and maintenance of
1937 treatment works, pretreatment works, sewers, and wastewater sources. These
1938 criteria shall be revised from time to time to reflect current engineering judgment
1939 and advances in the state of the art.

1940
1941 (BOARD NOTE: The Agency has adopted "Design Criteria for Pressure Sewage
1942 Systems" (35 Ill. Adm. Code 374), "Illinois Recommended Standards for Sewage
1943 Works" (35 Ill. Adm. Code 370), and "Requirements for Plans of Operation and
1944 Operation and Maintenance Manuals" 35 Ill. Adm. Code 371.)
1945

1946 b) The Agency must adopt such procedures as are necessary to issue permits under
1947 this Subpart.
1948

1949 (Source: Amended at 46 Ill. Reg. _____, effective _____)
1950

Section 309.263 Modification or Renewal of Permits

1951
1952
1953 a) Any permit issued by the Agency under Subpart B may be modified or renewed to
1954 make its provisions compatible with any new regulation adopted by the Board.

1955
1956 b) Persons with operating permits for pretreatment works subject to this Subpart

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1957 must obtain a modified permit before any of the following changes at the facility:

- 1958
- 1959 1) a modification of permitted wastewater characteristics, quantity, or
- 1960 quality;
- 1961
- 1962 2) a change in facility ownership, name, or address, so that the application or
- 1963 existing permit is no longer accurate; or
- 1964
- 1965 3) a change in operations that will result in the permittee's noncompliance
- 1966 with the Act, a Board Regulation, or an existing permit condition.
- 1967

1968 c) The Agency may require modifying or renewing any operating permit subject to

1969 this Subpart for reasons including:

1970

- 1971 1) a change in the requirements applicable to the permittee;
- 1972
- 1973 2) the information on the permittee's application is inaccurate; or
- 1974
- 1975 3) information that the permittee may not be in compliance with the Act, a
- 1976 Board regulation, or an existing permit condition.
- 1977

1978 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1979

1980 **Section 309.264 Permit Revocation**

1981

1982 a) A permit issued under Subpart B may be revoked for cause which include the

1983 following:

1984

- 1985 1) Cause as set forth in 35 Ill. Adm. Code 309.182(b); or
- 1986
- 1987 2) Delinquency in payment of any charges which may be required to be paid
- 1988 under Section 204(b) of the Clean Water Act.
- 1989

1990 b) Revocation may be sought by filing a complaint with the Board under Part 103 of

1991 the Procedural Rules.

1992

1993 (Source: Amended at 46 Ill. Reg. _____, effective _____)

1994

1995 **Section 309.265 Approval of Federal Permits**

1996

1997 The Agency must not approve any effluent discharge for the purpose of any federal permit (other

1998 than an NPDES Permit issued by the Administrator), unless the discharge complies with all

1999 provisions of the Act and this Chapter, has been granted a variance, adjusted standard or time-

2000 limited water quality standard under of the Act, or complies with all terms and conditions of an

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2001 NPDES Permit.

2002

2003 (Source: Amended at 46 Ill. Reg. _____, effective _____)

2004

2005 **Section 309.266 Procedures (Repealed)**

2006

2007 (Source: Repealed at 46 Ill. Reg. _____, effective _____)

2008

2009 **Section 309.281 Effective Date (Repealed)**

2010

2011 (Source: Repealed at 46 Ill. Reg. _____, effective _____)

2012

2013 **Section 309.282 Severability (Repealed)**

2014

2015 (Source: Repealed at 46 Ill. Reg. _____, effective _____)

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2017 **Section 309.APPENDIX A REFERENCES TO PREVIOUS RULES (Repealed)**

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