

**From:** [McGill, Richard](#)  
**To:** [Brown, Don](#)  
**Cc:** [Fox, Tim](#)  
**Subject:** FW: R18-23 (Register issue 20)  
**Date:** Tuesday, January 17, 2023 10:30:49 AM  
**Attachments:** [35-310 JCAR Sugg Chgs.pdf](#)  
[image001.png](#)  
[35-310RG-P r01 \(46-22\).pdf](#)

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



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**From:** McGill, Richard  
**Sent:** Tuesday, January 17, 2023 10:21 AM  
**To:** Eastvold, Jonathan C. <[JonathanE@ilga.gov](mailto: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 310 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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60 E. Van Buren St., Suite 630  
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**From:** Eastvold, Jonathan C. <[JonathanE@ilga.gov](mailto:JonathanE@ilga.gov)>  
**Sent:** Thursday, May 26, 2022 1:36 PM  
**To:** McGill, Richard <[Richard.McGill@illinois.gov](mailto: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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Joint Committee on Administrative Rules  
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217-524-9010

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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 –

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- 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.
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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

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

## **SUGGESTED FIRST NOTICE CHANGES**

**Agency:** Pollution Control Board

**Rulemaking:** Pretreatment Programs (35 Ill. Adm. Code 310; 46 Ill. Reg. 8482)

### **Changes:**

1. In line 204, strike "the rules" and add "this Subtitle C".  
**a. Disagree. Strike "the rules" and add "this Part".**  
**b. In line 203, strike "these rules" and add "this Part 310".**
2. In line 230, strike "et seq" and add "through 471".  
**Agree.**
3. In line 236, after "authorization" add a comma.  
**Agree.**
4. In line 237, strike "et seq." and add "through 471".  
**Agree.**
5. In line 252, strike the comma.  
**Agree. Strike "will be" and add "are".**
6. In line 261, delete "35 Ill. Adm. Code" and strike "310.501 et seq" and add "Subpart E".  
**Agree.**
7. In line 265, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
8. In line 300, strike "With respect to" and add "For". **a. Agree.** Strike "must be" and add "is". **b. Agree.**
9. In lines 304-305, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
10. In line 322, strike "the" and add "an". **a. Agree.** Strike "State," and add "state". **b. Agree.**
11. In line 326, after "require" add "the".

**Agree.**

12. In line 348, strike "for which" and add "that".  
**Agree.**
13. In lines 348-349, strike "granted approval" and add "approved".  
**a. Agree.**  
**b. In line 349, strike "so long as" and add "if".**
14. In line 368, strike "Upon" and add "When". **a. Agree.** Strike "conferring" and add "grants". **b. Agree.**
15. In line 377, strike "In the event of written cessation of" and add "If".  
**Agree.**
16. In line 378, after "USEPA" add "revokes its approval in writing".  
**Disagree. After "USEPA" add "in writing revokes its".**
17. In line 380, strike "cause publication of" and add "publish".  
**Agree.**
18. In line 386, strike "will".  
**Agree. Strike "the purposes of".**
19. In line 387, after "attributed" add "to".  
**Agree.**
20. In lines 387-388 and 398, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree.**  
**b. In line 395, strike "provided" and add "if".**
21. In line 462, strike "The Electronic Commerce Security Act [5 ILCS 175" and add "The Uniform Electronic Transactions Act [815 ILCS 333]".  
**Agree except for adding the end bracket, which is in existing rule text.**
22. In line 469, after "to" add "the".  
**Disagree. Strike "protection of" and add "protecting".**
23. In line 472, strike the second "in".  
**a. Agree.**  
**b. In line 473, strike "will create" and add "creates".**
24. In line 519, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
25. In line 527, strike "USC" and add "U.S.C.".

**Agree.**

26. In line 539, delete "35 Ill. Adm. Code" and reinstate "Section".
  - a. **Agree.**
  - b. **In line 545, strike "the purposes of".**
27. In line 555, after "as" add "the".  
**Agree.**
28. In lines 560 and 570, delete "35 Ill. Adm. Code" and reinstate "Section".
  - a. **Agree.**
  - b. **In lines 562-63 and 576, strike "the purposes of".**
29. In line 579, strike "USC" and add "U.S.C.".  
**Agree.**
30. In lines 599-600, delete "35 Ill. Adm. Code" and reinstate "Section".
  - a. **Agree (change is not in line 600).**
  - b. **In lines 602-03, strike "the purposes of".**
31. In lines 635-636, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
32. In lines 674 and 679-680, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
33. In lines 739 and 754, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
34. In line 781, after "for" add "the".  
**Agree.**
35. In line 849, after "facility" add a comma.  
**Agree.**
36. In line 885, after "address" add a comma.  
**Agree.**
37. In line 904, strike "other" and add "another".  
**Agree.**
38. In lines 904-905, strike "make the determination of" and add "determine".  
**Agree.**
39. In lines 910-911, strike "make the determination" and add "determine".  
**Agree.**

40. In line 921, after "for" add "a".  
**Agree.**
41. In line 939, after "facility" add a comma.  
**Agree.**
42. In lines 951-952, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
43. In line 963, strike "This" and add "this".  
**Agree.**
44. In line 966, strike "with the exception of" and add "except".  
**Agree.**
45. In the table after line 971, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
46. In the table after line 971, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree.**
47. In lines 979-980, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (change is not in line 979).**
48. In line 989, strike the second "by".  
**Agree.**
49. In line 995, after "as" add "the".  
**a. Agree.**  
**b. In line 1021, strike "the purposes of".**
50. In line 1029, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
51. In lines 1037-1038, strike "5285 Port Royal Road, Springfield, Virginia 22161" and add "5301 Shawnee Road, Alexandria, VA 22312".  
**Agree.**
52. In lines 1039-1040, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
53. In line 1047, after "announced" add "the".  
**a. Agree.**  
**b. In line 1055, strike "the purposes of".**



54. In lines 1058-1059, 1062, 1065, 1068, 1072, and 1076, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
55. In lines 1088-1089, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree.**
56. In line 1097, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree.**
57. In lines 1103-1104, 1107, 1109-1110, 1114, 1117, 1120, and 1125, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (change is not in line 1104).**
58. In line 1128, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree.**
59. In lines 1131 and 1134, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
60. In lines 1137, 1141, 1144, 1147, 1150, and 1153-1154, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree.**  
**b. In lines 1158 and 1159, strike “the purposes of”.**  
**c. In line 1170, strike “for the purposes of” and add “to”.**
61. In line 1182, strike "prior to" and add "before".  
**Agree.**
62. In lines 1188-1189, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree.**
63. In line 1194, strike "other" and add "another". **a. Agree.** Strike "as". **b. Agree.**
64. In line 1201, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**a. Agree.**  
**b. In lines 1207-08, strike “the purpose of”.**
65. In line 1216, change "that" to "for which".  
**Agree.**
66. In lines 1225-1226, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**a. Disagree. Delete “35 Ill. Adm. Code” and add “Sections”.**  
**b. In line 1235, after “pollutants” add a comma.**
67. In line 1236, strike "prior to" and add "before".

**Agree.**

68. In lines 1237-1238 and 1246, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree.**  
**b. In line 1244, delete “35 Ill. Adm. Code” and add “section”.**
69. In line 1249, after "of" add "an".  
**Agree.**
70. In line 1258, strike "is" and add "are".  
**a. Agree.**  
**b. In line 1285, delete “35 Ill. Adm. Code” and restore “Section.”**
71. In line 1299, strike the comma.  
**Agree.**
72. In line 1302, strike "Pass through" and add "Pass-through".  
**a. Disagree. The term defined in 40 CFR 403.3(p) lacks a hyphen.**  
**b. In line 1316, strike “but not limited to”.**
73. In lines 1341 and 1347-1348, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
74. In line 1344, strike "where" and add "when".  
**Disagree. Strike “where” and add “if”.**
75. In line 1364, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree.**
76. In lines 1368-1369, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
77. In lines 1400 and 1416, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in line 1399-1400 and 1416).**  
**b. In line 1440, strike “provided that” and add “if”.**
78. In line 1468, strike "onsite" and add "on-site".  
**a. Agree.**  
**b. In line 1470, after “placement” and after “assembly” add commas.**
79. In line 1473, after "work" and after "excavation" add commas.  
**Agree.**
80. In line 1474, after "facilities" add a comma.  
**Agree.**

81. In line 1485, strike ""start-up"" and add "start up".  
**Agree.**
82. In lines 1501 and 1515, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree.**
83. In line 1512, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
84. In line 1523, strike "prior to" and add "before".  
**a. Disagree. Strike "That, prior" and add "Prior". The word "before" here would risk confusing the reader by potentially suggesting, at least initially, the Control Authority's consideration of the matter "before" it, instead of "before" in the temporal sense.**  
**b. In line 1527, strike "That the" and add "The".**
85. In line 1528, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
86. In line 1538, strike "received".  
**Agree.**
87. In lines 1538-1539, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
88. In lines 1551-1552 and 1561, strike "pass through" and add "pass-through".  
**a. Disagree. The term defined in 40 CFR 403.3(p) lacks a hyphen.**  
**b. In lines 1559 and 1565, strike "That the" and add "The".**
89. In lines 1565-1566, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
90. In lines 1567, 1568, and 1570, strike "pass through" and add "pass-through".  
**Disagree. The term defined in 40 CFR 403.3(p) lacks a hyphen.**
91. In line 1570, strike "prior to" and add "before".  
**Agree.**
92. In lines 1573-1574, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
93. In lines 1574-1575, 1575-1576, and 1577, strike "pass through" and add "pass-through".  
**a. Disagree. The term defined in 40 CFR 403.3(p) lacks a hyphen.**  
**b. In line 1576, strike "that".**
94. In line 1577, strike "prior to" and add "before".

**Disagree. Strike “prior” and add “before”.**

95. In lines 1583-1584, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree.**
96. In line 1596, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Disagree. Delete “35 Ill. Adm. Code: and restore “Sections”.**
97. In line 1598, strike "to". **a. Agree.** Strike "such" and add "these". **b. Disagree. Strike “such limits” and add “them”.**
98. In line 1601, strike "where" and add "when".  
**Disagree. In lines 1600-01, strike “in cases where” and add “if”.**
99. In line 1602, strike "pass through" and add "pass-through".  
**a. Disagree. The term defined in 40 CFR 403.3(p) lacks a hyphen.**  
**b. In line 1612, strike “for the purposes of” and add “under”.**
100. In line 1622, after "for" add "the".  
**Disagree. Strike “development of” and “developing”.**
101. In line 1628, strike "deadline." and add "Deadline".  
**Agree.**
102. In line 1635, strike "prior to" and add "before".  
**Agree.**
103. In line 1656, strike "application" and add "Application".  
**a. Agree.**  
**b. In line 1672, after “system” add a comma.**
104. In line 1676, after "of" add "a".  
**Disagree. USEPA requires that this certification be made. See 40 CFR 403.6(a)(2)(ii).**
105. In line 1679, strike the first "requests" and add "Requests".  
**Agree.**
106. In line 1687, strike "determination." and add "Determination".  
**a. Agree.**  
**b. In line 1689, strike “shall” and add “must”.**
107. In line 1692, after "requested" add a comma.  
**Agree.**
108. In line 1707, strike "hearing or legal decision." and add "Hearing or Legal Decision".

- a. Agree.**  
**b. In line 1733, strike “purposes of”.**
109. In lines 1784-1785, strike "prior to the industrial user's request for" and add "before the industrial user requested".  
**a. Agree.**  
**b. In line 1808, strike “so long as” and add “if”.**  
**c. In line 1842, strike “purposes of”.**
110. In lines 1843-1844, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 1847).**
111. In line 1855, strike "Where" and add "When".  
**Disagree. In line 1859, strike “Where” and add “If”.**
112. In line 1860, strike "production based" and add "production-based".  
**Agree.**
113. In line 1865, strike "long term" and add "long-term".  
**Agree.**
114. In lines 1875 and 1887, strike "Where" and add "When".  
**Disagree. In lines 1879 and 1891, strike “Where” and add “If”.**
115. In line 1890, strike "limit calculation" and add "Limit Calculation".  
**a. Agree (in line 1894).**  
**b. In line 1894, strike “purposes of”.**
116. In line 1896, strike "concentration limit." and add "Concentration Limit".  
**Agree (in line 1900).**
117. In line 1903, after the first "streams" add a comma.  
**Agree (in line 1907).**
118. In line 1906, strike "where" and add "when".  
**Disagree. In line 1910, strike “where” and add “if”.**
119. In line 1913, strike "mass limit." and add "Mass Limit".  
**Disagree. In line 1917, strike “mass limit” and add “Mass Limit”. (The period is already stricken in the r01 document.)**
120. In line 1920, after the first "streams" add a comma.  
**Agree (in line 1924).**
121. In line 1923, strike "where" and add "when".  
**Disagree. In line 1927, strike “where” and add “if”.**

122. In line 1930, strike "limits below detection" and add "Limits Below Detection".  
**Agree (in line 1934).**
123. In line 1934, strike "insure" and add "ensure".  
**Agree (in line 1938).**
124. In lines 1941 and 1944, strike "Where" and add "When".  
**Disagree. In lines 1945 and 1948, strike “Where” and add “If”.**
125. In line 1948, strike "subsections" and add "Subsections". **a. Agree (in line 1952).** Strike "Where" and add "when". **b. Disagree. In line 1952, strike “Where” and add “If”.**
126. In lines 1956-1957, strike "and such other information so the Control Authority can make its determination". [This should be specified in rule, at the very least by providing examples.]  
**Disagree. No examples of “such other information” were provided in the record of this non-substantive rulemaking. But none are necessary for the rule. Section 310.233(d) provides standards. The phrase “such other information”—which necessarily excludes “engineering, production, sampling, and analysis”—is tied to “so the Control Authority can make its determination”. And that determination is “whether such waste streams should be classified as diluted or unregulated.”**
- This text has been in the Board’s pretreatment rules since the 1980s. It is taken essentially verbatim from 40 CFR 403.6(e)(1)(i) and (ii).**
- To address any remaining JCAR concern, and consistent with existing Section 310.221(d)(1), we propose the following: In line 1960, after “other” add “relevant”.**
127. In line 1959, strike "categorical pretreatment standards" and add "Categorical Pretreatment Standards".  
**Agree (in line 1963).**
128. In lines 1962 and 1963-1964, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 1966 and 1967-68).**
129. In line 1978, strike "Where" and add "When".  
**Disagree. In line 1982, strike “Where” and add “If”.**
130. In line 1981, strike "for the purpose of determining" and add "to determine".  
**Agree.**
131. In lines 2004 and 2005-2006, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in lines 2008 and 2009-10).**  
**b. In line 2005, strike “purposes of”.**

132. In line 2010, strike "Where" and add "When".  
**Disagree. In line 2014, strike "Where" and add "If".**
133. In line 2031, after "to" add "the treatment system's". **a. Agree (in line 2035).** Strike "of the treatment system". **b. Agree (in line 2035).**
134. In lines 2035 and 2049-2050, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 2039 and 2053).**
135. In line 2064, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**a. Agree (in line 2068).**  
**b. In line 2074, strike "provided, however, that" and add "but".**
136. In lines 2072-2073, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 2076).**
137. In lines 2077, 2086, 2088, and 2092, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 2081, 2090, 2092, and 2096).**
138. In line 2098, after "disposes" add "of".  
**a. Agree (in line 2102).**  
**b. In line 2121, strike "In order to" and add "To".**
139. In lines 2123 and 2127, strike the first "data" and add "Data".  
**Agree (in lines 2127 and 2131).**
140. In line 2132, strike "procedures" and add "Procedures".  
**Agree (in line 2136).**
141. In line 2145, strike "samples" and add "Samples".  
**Agree (in line 2149).**
142. In lines 2155 and 2157, strike "data base" and add "database".  
**a. Agree (in lines 2159 and 2161).**  
**b. In line 2160, strike ", provided that such" and add "if the".**
143. In line 2157, strike "In order" and add "For".  
**Disagree. In line 2161, strike "In order for" and add "For".**
144. In line 2173, strike "procedures" and add "Procedures". **a. Agree (in line 2177).** Strike "Where" and add "When". **b. Disagree. In line 2177, strike "Where" and add "If".**
145. In line 2186, strike "methods" and add "Methods".  
**Agree (in line 2190).**
146. In lines 2189-2190, delete "35 Ill. Adm. Code" and reinstate "Section".

**Agree (in lines 2193-94).**

147. In line 2195, strike "removal" and add "Removal".  
**Agree (in line 2199).**
148. In line 2199, strike "When such" and add "When this".  
**Disagree. In line 2203, strike "When such" and add "If these".**
149. In line 2219, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 2223).**
150. In line 2233, strike "where" and add "when".  
**Disagree. In line 2237, strike "where" and add "if".**
151. In lines 2253 and 2257, strike "insure" and add "ensure".  
**Agree (in lines 2257 and 2261).**
152. In line 2269, strike "removal." and add "Removal".  
**Agree (in line 2273).**
153. In line 2279, strike "where" and add "when".  
**Disagree. In line 2283, strike "where" and add "if".**
154. In lines 2285, 2301, 2303, and 2318, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 2289-90, 2305, 2307, and 2322).**
155. In line 2322, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 2326).**
156. In line 2348, strike "Section" and add "Sections".  
**Agree (in line 2352).**
157. In line 2349, strike "Section".  
**Agree (in line 2353).**
158. In lines 2372, 2375, 2379-2380, 2384-2385, and 2389, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 2376, 2379, 2383-84, 2388-89, and 2393).**
159. In line 2398, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**a. Disagree. In line 2402, delete "35 Ill. Adm. Code" and add "Sections".**  
**b. In line 2411, strike "permit" and add "Permit".**
160. In lines 2412, 2413 and 2422, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in lines 2415-16, 2417, and 2426).**  
**b. In line 2425, strike ", provided" and add "if".**



**c. In line 2429, strike “withdrawal of removal credits” and add “Withdrawal of Removal Credits”.**

161. In line 2427, strike "such" and "as are".  
**Agree (in line 2431).**
162. In lines 2450-2451, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in line 2454-55).**  
**b. In line 2497, strike “No” and add “An”. Strike “shall” and add “must not”.**
163. In line 2501, strike "pass through" and add "pass-through".  
**Disagree (in line 2505). The term defined in 40 CFR 403.3(p) lacks a hyphen.**
164. In line 2552, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 2556).**
165. In lines 2594-2595, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 2598-99).**
166. In line 2606, strike "pass through" and add "pass-through".  
**Disagree (in line 2610). The term defined in 40 CFR 403.3(p) lacks a hyphen.**
167. In lines 2617 and 2619-2620, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 2621 and 2624).**
168. In lines 2624 and 2654, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in lines 2628 and 2658).**  
**b. In line 2681, delete “do” and add “may”.**
169. In line 2725, strike "pass through" and add "pass-through".  
**a. Disagree (in line 2729). The term defined in 40 CFR 403.3(p) lacks a hyphen.**  
**b. In line 2729, strike “in order”.**  
**c. In line 2731, strike “Subsections” and add “Regardless of subsections”. Strike “notwithstanding”.**
170. In lines 2743 and 2746, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 2747 and 2750).**
171. In line 2757, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 2761).**
172. In line 2760, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree (in line 2764).**
173. In lines 2761 and 2772, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 2765 and 2776).**

174. In line 2781, strike ", or alternatively,".  
**a. Disagree. In line 2785, strike “, alternatively,”.**  
**b. In line 2785, strike “in order”.**
175. In line 2785, strike "where" and add "when".  
**Disagree. In line 2789, strike “where” and add “if”.**
176. In line 2790, strike "approve" and add "approved".  
**Agree (in line 2794).**
177. In line 2808, strike the first "authority" and add "Authority".  
**Agree (in line 2812).**
178. In line 2810, strike "to".  
**Agree (in line 2814).**
179. In line 2817, strike "where such" and add "when those".  
**Disagree. In line 2821, strike “where such” and add “if those”.**
180. In line 2819, strike "where such" and add "when the".  
**Disagree. In line 2823, strike “where such contributions”.**
181. In line 2828, strike "users" and add "user".  
**Agree (in line 2832).**
182. In line 2828, strike "35 Ill. Adm. Code" and add "Section".  
**a. Agree (in line 2832).**  
**b. In lines 2831-32, strike “in the case of” and add “for”.**
183. In line 2833, after "include" add "the".  
**Disagree. In line 2837, after “include” strike “use of” and add “using”.**
184. In line 2866, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in line 2870).**  
**b. In line 2867, strike the comma. Before “including” add “(“. See 40 CFR 403.8(f)(1)(iii)(B)(4).**
185. In line 2889, strike "as are".  
**a. Agree (in line 2893).**  
**b. In line 2895, strike “, but not limited, to”.**
186. In lines 2900 and 2903-2904, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 2904 and 2907-08).**
187. In line 2903, strike "USC" and add "U.S.C.".

**Agree (in line 2908).**

188. In line 2911, after "have" add "the".  
**Agree (in line 2915).**
189. In lines 2936-2937 and 2957, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 2940-41 and 2961).**
190. In lines 2954 and 2956, strike "USC" and add "U.S.C.".  
**a. Agree (in lines 2958 and 2960).**  
**b. In line 2971, strike "in order".**
191. In lines 2974 and 2987, strike "Where" and add "When".  
**Disagree. In lines 2978 and 2991, strike "Where" and add "If".**
192. In lines 2977, 2991, 2994, and 2998, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in lines 2981, 2995, 2998, and 3002).**  
**b. In line 2983, strike "In the event that" and add "If".**
193. In line 3010, strike "pass through" and add "pass-through".  
**a. Disagree (in line 3014). The term defined in 40 CFR 403.3(p) lacks a hyphen.**  
**b. In line 3011, strike "purposes of".**  
**c. In lines 3012-13, strike ", but not limited to,".**  
**d. In lines 3016 and 3020, strike "shall" and add "must".**
194. In lines 3026 and 3046, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in lines 3030 and 3050).**  
**b. In line 3056, strike "the purposes of".**
195. In lines 3061 and 3068, strike the second comma and "such".  
**Disagree. In lines 3065 and 3072, strike the second comma and "such are".**
196. In lines 3062, 3069, and 3074, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 3066, 3073, and 3078).**
197. In line 3073, strike the comma.  
**Agree (in line 3077).**
198. In line 3074, strike "such".  
**a. Disagree. In line 3078, strike "such are".**  
**b. In line 3078, strike the comma.**
199. In line 3077, strike "pass through" and add "pass-through".  
**Disagree (in line 3081). The term defined in 40 CFR 403.3(p) lacks a hyphen.**
200. In line 3107, strike the first "limits" and add "Limits".

- a. Agree (in line 3111).**  
**b. In line 3116, strike “shall” and add “must”.**
201. In lines 3129 and 3130-3131, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 3132-33 and 3134-35).**
202. In line 3131, strike "where" and add "when".  
**Disagree. In line 3135, strike “where” and add “if”.**
203. In line 3132, strike "made a determination" and add "decided".  
**Disagree. In line 3136, strike "made a determination" and add "determined".**
204. In line 3133, strike "such" and add "the".  
**Agree (in line 3137).**
205. In line 3135, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree (in line 3139).**
206. In lines 3136-3137 and 3138, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 3140-41 and 3142).**
207. In line 3140, strike "general control mechanisms." and add "General Control Mechanisms".  
**Disagree. In line 3144, strike “use of general control mechanisms.” and “Use of General Control Mechanisms”.**
208. In lines 3167-3168 and 3174, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 3171 and 3178).**
209. In lines 3185-3186, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree (in lines 3189-90).**
210. In lines 3201-3202 and 3212, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 3205-06 and 3216).**
211. In lines 3214-3215, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree (in lines 3218-19).**
212. In line 3227, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Disagree. In line 3231, delete “35 Ill. Adm. Code” and add “Sections”.**
213. In line 3230, strike "provision of the".  
**Disagree (in line 3234). The existing text, which is based on 40 CFR 403.9(b)(1)(i), appears to require identifying a specific provision within the legal authority, not merely the legal authority. JCAR’s suggested change therefore would risk being a substantive one beyond this rulemaking’s scope.**

214. In lines 3230-3231 and 3232, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 3234-35 and 3236).**
215. In line 3234, strike "the manner in which" and add "how".  
**Agree (in line 3238).**
216. In lines 3235-3236, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree (in line 3239).**
217. In line 3236, strike "the means by which" and add "how".  
**Agree (in line 3240).**
218. In line 3241, strike the comma.  
**a. Agree (in line 3245).**  
**b. In lines 3245-46, strike “in the event of noncompliance by” and add “if”.**  
**c. In line 3246, after “users” add “fail to comply”.**
219. In line 3252, strike "administration of" and add "administering".  
**Agree (in line 3256).**
220. In line 3252, after "program" add a comma.  
**Agree (in line 3256).**
221. In line 3252, strike "should" and add "must".  
**Disagree (in line 3256). The existing text is based on 40 CFR 403.9(b)(3). The change would be substantive and therefore beyond this rulemaking’s scope.**
222. In lines 3266, 3275, 3275-3276, 3277-3278, and 3278, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in lines 3270, 3279, 3279-80, 3281-82, and 3282).**  
**b. In line 3284, strike “shall” and add “must”.**
223. In lines 3284-3285, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Disagree. In lines 3288-89, delete "35 Ill. Adm. Code" and add "Sections".**
224. In line 3293, strike "review of" and add "reviewing".  
**Agree (in line 3297).**
225. In line 3293, strike "as provided for" and add "pursuant to".  
**Disagree. In line 3297, strike “as provided for in” and add “under”.**
226. In lines 3293, 3294-3295, 3295, 3299, and 3299-3300, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 3297, 3298-99, 3299, 3303, and 3303-04).**

227. In line 3297, strike the comma.  
**Disagree (in line 3301). See response 228.**
228. In line 3298, strike ", of the means by which" and add "how".  
**Disagree. In lines 3301-02, strike "the POTW, and each person who has requested individual notice, of the means by which" and add "how". The notice recipients are already identified in the prior sentence.**
229. In line 3309, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 3313).**
230. In line 3309, strike "where" and add "when".  
**Disagree. In line 3313, strike "where" and add "if".**
231. In lines 3310 and 3311-3312, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree (in lines 3314 and 3315-16).**
232. In line 3312, strike "where" and add "when".  
**Disagree. In line 3316, strike "where" and add "if".**
233. In lines 3314-3315, 3316, and 3318, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in lines 3318-19, 3320, and 3322).  
b. In lines 3320-21, strike "must" and add "may".**
234. In line 3319, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**a. Agree (in line 3323).  
b. In line 3331, strike "receipt of" and add "receiving".**
235. In line 3327, after "submission" add a comma.  
**Agree (in line 3331).**
236. In line 3328, strike "making a determination" and add "determining".  
**Agree (in line 3332).**
237. In lines 3328-3329, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 3332).**
238. In line 3329, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree (in line 3333).**
239. In line 3356, strike "a period of not less than" and add "at least".  
**a. Agree.  
b. In line 3361, strike "time".**
240. In lines 3366-3377, strike "with respect to" and add "on".  
**Agree.**

241. In line 3369, strike "30 day" and add "30-day".  
**Agree (in line 3373).**
242. In line 3377, strike "should" and add "must".  
**Disagree (in line 3381). The existing text is based on 40 CFR 403.11(b)(2)(ii). The change would be substantive and therefore beyond this rulemaking's scope.**
243. In lines 3393 and 3394, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 3397 and 3398).**
244. In line 3396, strike "Where" and add "when".  
**a. Disagree. In line 3400, strike "Where" and add "If".**  
**b. In lines 3398-99, strike "taking into consideration" and add "considering".**  
**c. In line 3400, strike "Where" and add "If".**
245. In line 3396, strike "makes a determination" and add "determines".  
**Disagree. In line 3400, strike "makes a determination" and add "decides".**
246. In line 3413, strike "removal of" and add "removing".  
**Disagree (in line 3417). The term "removal" for pollutants is used in 40 CFR 403 and elsewhere in Part 310, including in the definition "consistent removal".**
247. In line 3426, strike the comma.  
**Disagree (in line 3430). The comma, which also appears in 40 CFR 403.12(b), helps the reader see immediately that the "that become industrial users" phrase modifies "sources" but not "new sources".**
248. In line 3427, strike "subsequent to the promulgation of" and add "after". **a. Agree (in line 3431).** After "standard" add "is promulgated". **b. Agree (in line 3431).**
249. In line 3429, strike "Where" and add "when".  
**Disagree. In line 3433, strike "Where" and add "If".**
250. In line 3436, strike "information" and add "Information".  
**Agree (in line 3440).**
251. In line 3442, strike "operations" and add "Operations".  
**Agree (in line 3446).**
252. In lines 3445-3446, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 3449-50).**
253. In line 3450, strike "measurement" and add "Measurement".  
**Agree (in line 3454).**

254. In line 3457, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 3461).**
255. In line 3460, strike "pollutants." and add "Pollutants".  
**Agree (in line 3464).**
256. In lines 3466, 3469, and 3470, strike "where" and add "when".  
**a. Disagree. In lines 3470 and 3473, strike “where” and add “if”. In line 3474, strike “In cases where” and add “If”.  
b. In line 3476, strike “shall” and add “must”.**
257. In line 3478, strike "that" and add "the".  
**Agree (in line 3482).**
258. In line 3483, strike "prior to" and add "before". **a. Agree (in line 3487).** After "pretreatment" add a comma. **b. Agree (in line 3487).**
259. In line 3485, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 3489).**
260. In lines 3485-3486, strike "in order".  
**Agree (in lines 3489-90).**
261. In line 3486, strike "Where" and add "When".  
**Disagree. In line 3490, strike “Where” and add “If”.**
262. In line 3488, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 3492).**
263. In line 3491, strike "methods" and add "Methods".  
**Agree (in line 3495).**
264. In line 3494, strike "where" and add "when".  
**Disagree. In line 3497, strike “When” and add “If”. In line 3498, strike “where”.**
265. In lines 3496-3497, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in lines 3500-01).  
b. In line 3507, strike “so long as” and add “if”.**
266. In line 3507, strike "such" and add "the".  
**Agree (in line 3511).**
267. In line 3508, strike "is" and add "are".  
**Agree (in line 3512).**
268. In line 3512, delete "35 Ill. Adm. Code" and reinstate "Section".



- Agree (in line 3516).**
269. In line 3514, strike "on a consistent basis," and add "consistently".  
**Agree (in line 3518).**
270. In line 3518, strike "schedule" and add "Schedule".  
**Agree (in line 3522).**
271. In line 3524, strike "Where" and add "When".  
**Disagree. In line 3528, strike "Where" and add "If".**
272. In lines 3526 and 3534, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 3530 and 3538).**
273. In line 3541, strike "baseline reports" and add "Baseline Reports".  
**Disagree. In line 3545, strike "baseline reports." and add "Baseline Reports".**
274. In lines 3553-3554, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in lines 3557-58).**  
**b. In line 3560, after "New sources" add a comma. See 40 CFR 403.12(b); see also response 247.**
275. In lines 3556-3557, strike "subsequent to the promulgation of" and add "after".  
**Agree (in lines 3560-61).**
276. In line 3557, after "standard" add "is promulgated".  
**Disagree. In line 3561, after "standard" add "is promulgated,". See 40 CFR 403.12(b); see also response 247.**
277. In lines 3564-3565, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in lines 3568-69).**  
**b. In line 3571, strike "the purposes of".**
278. In lines 3576-3577, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 3580).**
279. In line 3583, after "executing" add "a".  
**a. Agree (in line 3587).**  
**b. In line 3590, strike "must" and add "may".**
280. In line 3593, after "delay" add a comma.  
**a. Agree (in line 3597).**  
**b. In line 3609, after "source" add a comma.**
281. In line 3608, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Disagree. In line 3612, delete "35 Ill. Adm. Code" and add "Sections".**

282. In line 3610, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 3614).**
283. In line 3612, strike "other" and add "another".  
**Agree (in line 3616).**
284. In line 3625, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in line 3629).**  
**b. In line 3626, strike the first comma.**
285. In line 3627, strike "are" and add "is".  
**Disagree (in line 3631). It is the plural "pollutants" that "are" limited by the standards. See 40 CFR 403.12(e)(1).**
286. In line 3628, strike "during the months of" and add "in". **a. Agree (in line 3632).** Strike the comma. **b. Agree (in line 3632).**
287. In lines 3631-3632, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 3635-36).**
288. In line 3637, strike "those". After "factors" add "such".  
**Disagree. In line 3641, strike "those" and add "such".**
289. In lines 3644 and 3645, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in lines 3648 and 3649).**  
**b. In line 3662, strike "provided that".**
290. In lines 3672-3673, 3673-3674, and 3677, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 3676-77, 3677-78, and 3681).**
291. In line 3684, after "after" add "the".  
**Agree (in line 3688).**
292. In lines 3694-3695, strike the brackets and add parentheses.  
**Disagree (in lines 3698-99). USEPA uses brackets for instructions within the certification. See 40 CFR 403.12(e)(2)(v). Brackets more clearly set off those instructions than would parentheses, which would risk misleadingly suggesting that the instructions are part of the certification.**
293. In line 3697, strike the brackets and add parentheses.  
**Disagree (in line 3701). See response 292.**
294. In line 3698, after "since" add "the".  
**Disagree (in line 3702). USEPA requires that this certification be made. See 40**

**CFR 403.12(e)(2)(v).**

295. In lines 3698-3699, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Disagree (in lines 3702-03). The certification, which the industrial user provides, must stand alone, requiring the full citation.**
296. In line 3701, strike "In the event that" and add "If".  
**Agree (in line 3705).**
297. In lines 3713 and 3718-3719, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 3717 and 3722-23).**
298. In line 3722, strike "other" and add "another".  
**Agree (in line 3726).**
299. In line 3734, delete "35 Ill. Adm. Code" and reinstate "Section". **a. Agree (in line 3738).**  
Reinstate the second "35 Ill. Adm. Code". **b. Agree (in line 3738).**
300. In lines 3742-3743, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**a. Agree (in lines 3746-47).**  
**b. In line 3749, after "concentration" add a comma. See 40 CFR 403.12(g)(1).**
301. In line 3745, strike "where" and add "when".  
**a. Disagree. In line 3749, strike "where" and add "if".**  
**b. In line 3750, after "Authority" add a comma. See 40 CFR 403.12(g)(1).**
302. In line 3746, strike "are" and add "is".  
**Disagree (in line 3750). It is the plural "pollutants" that "are" limited by the standards. See 40 CFR 403.12(g)(1).**
303. In line 3748, strike "Where" and add "When".  
**Disagree. In line 3752, strike "Where" and add "If".**
304. In lines 3750-3751, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree (in lines 3754-55).**
305. In line 3751, strike "where" and add "when".  
**Disagree. In line 3755, strike "where" and add "if".**
306. In line 3756, strike "with" and add "within".  
**Agree (in line 3760).**
307. In line 3759, strike "Where" and add "When".  
**Disagree. In line 3763, strike "Where" and add "If".**
308. In line 3772, delete "35 Ill. Adm. Code" and reinstate "Sections".

**Agree (in line 3776).**

309. In line 3776, strike "that" and add "the".  
**Agree (in line 3780).**
310. In line 3782, strike "Where" and add "When".  
**Disagree. In line 3786, strike “Where” and add “If”.**
311. In line 3787, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 3791).**
312. In lines 3797 and 3802, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree (in lines 3801 and 3806).**
313. In line 3810, strike "Where" and add "When".  
**Disagree. In line 3814, strike “Where” and add “If”.**
314. In line 3811, strike "where" and add "when".  
**Disagree. In line 3815, strike the comma and “where”.**
315. In lines 3812 and 3818-3819, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 3816 and 3822-23).**
316. In lines 3840, 3846, 3846-3847, 3861, 3866-3867, and 3867-3868, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in lines 3844, 3849-50, 3850-51, 3864-65, 3870-71, and 3871-720).**  
**b. In line 3844, strike “the purposes of”.**
317. In line 3879, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in line 3883).**
318. In line 3888, after "for" add "the".  
**Agree (in line 3892).**
319. In lines 3889-3990, change "35 Ill. Adm. Code" to "Sections".  
**Agree (in lines 3893-94).**
320. In line 3897, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Disagree. In line 3901, delete "35 Ill. Adm. Code". Strike “310.621(a)” and add “subsection (a)”.**  
**b. In line 3901, strike “must” and add “may”.**
321. In line 3904, after "for" add "the".  
**a. Agree (in line 3908).**  
**b. In line 3909, strike “must” and add “may”.**

322. In lines 3915 and 3920, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**a. Agree (in lines 3919 and 3924).**  
**b. In line 3925, strike "the purposes of".**
323. In line 3916, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in line 3920).**  
**b. In line 3933, strike " , provided" and add "if".**
324. In line 3936, strike "where" and add "when".  
**Disagree. In line 3940, strike "where".**
325. In line 3941, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree (in line 3945).**
326. In lines 3973-3974, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 3977-78).**
327. In line 3974, strike "other" and add "another".  
**Agree (in line 3978).**
328. In lines 3988 and 3990, strike "the provisions of".  
**a. Agree (in lines 3992 and 3994).**  
**b. In line 3997, strike "the provisions of".**  
**c. In line 3999, strike "to the provisions of".**
329. In lines 3989-3990, 3991, and 3994, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 3993-94, 3995, and 3998).**
330. In line 4026, strike "the course of".  
**Agree (in line 4030).**
331. In lines 4029-4030, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree (in lines 4033-34).**
332. In line 4033, strike "the course of".  
**a. Agree (in line 4037).**  
**b. In line 4048, strike "notification." and add "Notification".**  
**c. In line 4074, strike "notification" and add "Notification".**
333. In lines 4071-4072, strike "of the effective date of this rule" and add "after April 27, 1992".  
**Disagree. In lines 4075-76, strike "of the effective date of this rule" and add "after April 27, 1992".**
334. In lines 4072-4073, strike "the effective date of this rule" and add "April 27, 1992".  
**a. Disagree. In lines 4076-77, strike "the effective date of this rule" and add "April".**

- 27, 1992,**"  
**b. In line 4080, strike the first “notification” and add “Notification”.**
335. In line 4079, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in line 4083).**  
**b. In line 4085, strike “notification under other provisions” and add “Notification Under Other Provisions”.**
336. In lines 4083-4084, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**a. Agree (in lines 4087-88).**  
**b. In line 4090, strike “reporting requirement” and add “Reporting Requirement”. Strike “Discharges are” and add “An industrial user is”.**
337. In line 4088, strike "they discharge" and add "the industrial user discharges".  
**a. Agree (in line 4092).**  
**b. In line 4100, strike “Newly-listed hazardous wastes” and add “Newly Listed Hazardous Wastes”.**
338. In line 4102, strike "such" and add "those".  
**a. Agree (in line 4106).**  
**b. In line 4108, strike “certification” and add “Certification”.**  
**c. In lines 4119 and 4121, delete “35 Ill. Adm. Code” and restore “Section”.**
339. In lines 4121, 4122, 4123, and 4124, strike the brackets and add parentheses.  
**Disagree (in lines 4125-26 and 4127-28). Brackets more clearly set off the certification’s instructions than would parentheses, which would risk misleadingly suggesting that the instructions are part of the certification.**
340. In lines 4126 and 4136, strike the brackets and add parentheses.  
**Disagree (in lines 4130 and 4140-41). See response 339.**
341. In lines 4127 and 4147, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Disagree for line 4131. The certification, which the industrial user provides, must stand alone, requiring the full citation.**  
**b. Agree for line 4151.**
342. In line 4158, strike "criteria" and add "Criteria".  
**Agree (in line 4162).**
343. In line 4168, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree (in lines 4172).**
344. In line 4171, strike "applicable to less stringent limits" and add "Applicable to Less Stringent Limits".  
**Agree (in line 4175).**

345. In line 4179, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Disagree. In line 4183, delete "35 Ill. Adm. Code" and add "Sections".**
346. In lines 4184 and 4191, after "during" add "the".  
**Agree (in lines 4188 and 4195).**
347. In line 4192, strike "applicable to more stringent limits" and add "Applicable to More Stringent Limits".  
**Agree (in line 4197).**
348. In line 4211, strike "A" and add "An".  
**Agree (in line 4215).**
349. In lines 4216 and 4219-4220, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 4220 and 4223-24).**
350. In line 4219, strike "such" and add "that".  
**Agree (in line 4223).**
351. In line 4237, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**a. Agree (in line 4241).**  
**b. In line 4253, strike "In order to" and add "To".**
352. In lines 4259, 4261-4262, and 4265-4266, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 4263, 4265-66, and 4269-70).**
353. In line 4301, strike the second comma and add "(".  
**Agree (in line 4305).**
354. In line 4303, after "standard" add ")".  
**Agree (in line 4307).**
355. In lines 4315 and 4327, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 4319 and 4331).**
356. In line 4341, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree (in line 4345).**
357. In line 4358, strike "back-up" and add "backup".  
**Agree (in line 4362).**
358. In lines 4363-4364, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 4367-68).**
359. In line 4366, strike the comma.

**Agree (in line 4370).**

360. In line 4367, strike "affects" and add "effects".  
**Agree (in line 4371).**
361. In line 4382, change "35 Ill. Adm. Code" to "Sections".  
**Agree (in line 4386).**
362. In lines 4393-4394, 4395-4396, 4401, 4404-4405, and 4408, delete "35 Ill. Adm. Code" and reinstate "Section".  
**a. Agree (in lines 4397-98, 4399-4400, 4405, 4408-09, and 4412).**  
**b. In line 4405, strike “the purposes of”.**
363. In lines 4438-4439 and 4443, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 4442-43 and 4447).**
364. In lines 4443-4444, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**Agree (in lines 4447-48).**
365. In line 4448, after "of" add "the".  
**a. Agree (in line 4452).**  
**b. In line 4453, strike “provided” and add “if”.**
366. In lines 4448-4449 and 4451, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 4452 and 4455).**
367. In lines 4459 and 4461, delete "35 Ill. Adm. Code" and reinstate "Sections".  
**a. Agree (in lines 4463 and 4465).**  
**b. In line 4464, strike “, provided that” and add “if”.**
368. In line 4471, strike "prior to" and add "before".  
**Agree (in line 4475).**
369. In lines 4472 and 4479-4480, delete "35 Ill. Adm. Code" and reinstate "Section".  
**Agree (in lines 4476 and 4483-84).**



1 TITLE 35: ENVIRONMENTAL PROTECTION  
2 SUBTITLE C: WATER POLLUTION  
3 CHAPTER I: POLLUTION CONTROL BOARD  
4

5 PART 310  
6 PRETREATMENT PROGRAMS  
7

8 SUBPART A: GENERAL PROVISIONS  
9

10	Section	
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12	310.102	Objectives
13	310.103	Federal Law
14	310.104	State Law
15	310.105	Confidentiality
16	310.106	Electronic Reporting
17	310.107	Incorporations by Reference
18	310.110	Definitions
19	310.111	New Source
20	310.112	Significant Industrial User

21  
22 SUBPART B: PRETREATMENT STANDARDS  
23

24	Section	
25	310.201	General Prohibitions
26	310.202	Specific Prohibitions
27	310.210	Local Limits Developed by POTW
28	310.211	Status of Local Limits
29	310.220	Categorical Standards
30	310.221	Source Category Determination Request
31	310.222	Deadline for Compliance with Categorical Standards
32	310.230	Concentration and Mass Limits
33	310.232	Dilution Prohibited as a Substitute for Treatment
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35  
36 SUBPART C: REMOVAL CREDITS  
37

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41	310.303	Conditions for Authorization to Grant Removal Credits
42	310.310	Calculation of Revised Discharge Limits
43	310.311	Demonstration of Consistent Removal
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45	310.320	Compensation for Overflow
46	310.330	Exception to POTW Pretreatment Program
47	310.340	Application for Removal Credits Authorization
48	310.341	Agency Review
49	310.343	Assistance of POTW
50	310.350	Continuation of Authorization
51	310.351	Modification or Withdrawal of Removal Credits

52

53

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54

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56	310.400	Preamble
57	310.401	Pretreatment Permits
58	310.402	Time to Apply
59	310.403	Imminent Endangerment
60	310.410	Application
61	310.411	Certification of Capacity
62	310.412	Signatures
63	310.413	Site Visit
64	310.414	Completeness
65	310.415	Time Limits
66	310.420	Standard for Issuance
67	310.421	Final Action
68	310.430	Conditions
69	310.431	Duration of Permits
70	310.432	Schedules of Compliance
71	310.441	Effect of a Permit
72	310.442	Modification
73	310.443	Revocation
74	310.444	Appeal

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76

### SUBPART E: POTW PRETREATMENT PROGRAMS

77

78 Section

79	310.501	Pretreatment Programs Required
80	310.502	Deadline for Program Approval
81	310.503	Incorporation of Approved Programs in Permits
82	310.504	Incorporation of Compliance Schedules in Permits
83	310.505	Reissuance or Modification of Permits
84	310.510	Pretreatment Program Requirements
85	310.511	Receiving Electronic Documents
86	310.521	Program Approval
87	310.522	Contents of Program Submission
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89	310.531	Agency Action
90	310.532	Defective Submission
91	310.533	Water Quality Management
92	310.541	Deadline for Review
93	310.542	Public Notice and Hearing
94	310.543	Agency Decision
95	310.544	USEPA Objection
96	310.545	Notice of Decision
97	310.546	Public Access to Submission
98	310.547	Appeal

99

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102	310.601	Definition of Control Authority (Repealed)
103	310.602	Baseline Report
104	310.603	Compliance Schedule
105	310.604	Report on Compliance with Deadline
106	310.605	Periodic Reports on Compliance
107	310.606	Notice of Potential Problems
108	310.610	Monitoring and Analysis
109	310.611	Requirements for Non-Categorical Standard Users
110	310.612	Annual POTW Reports
111	310.613	Notification of Changed Discharge
112	310.621	Compliance Schedule for POTWs
113	310.631	Signatory Requirements for Industrial User Reports
114	310.632	Signatory Requirements for POTW Reports
115	310.633	Fraud and False Statements
116	310.634	Recordkeeping Requirements
117	310.635	Notification of Discharge of Hazardous Waste
118	310.636	Annual Certification by Non-Significant Categorical Users
119	310.637	Receiving Electronic Documents

120

### 121 SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

122

123 Section

124	310.701	Definition of Requester
125	310.702	Purpose and Scope
126	310.703	Criteria
127	310.704	Fundamentally Different Factors
128	310.705	Factors that are Not Fundamentally Different
129	310.706	More Stringent State Law
130	310.711	Application Deadline
131	310.712	Contents of FDF Request
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133	310.714	Public Notice
134	310.721	Agency Review of FDF Requests
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136		
137		SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE
138		
139	Section	
140	310.801	Net/Gross Calculation
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143		
144	Section	
145	310.901	Definition
146	310.902	Effect of an Upset
147	310.903	Conditions Necessary for an Upset
148	310.904	Burden of Proof
149	310.905	Reviewability of Claims of Upset
150	310.906	User Responsibility in Case of Upset
151		
152		SUBPART J: BYPASS
153		
154	Section	
155	310.910	Definitions
156	310.911	Bypass Not Violating Applicable Pretreatment Standards or Requirements
157	310.912	Notice
158	310.913	Prohibition of Bypass
159		
160		SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS
161		
162	Section	
163	310.920	General
164	310.921	Substantial Modifications Defined
165	310.922	Approval Procedures for Substantial Modifications
166	310.923	Approval Procedures for Non-Substantial Modifications
167	310.924	Incorporation of Modifications into the Permit
168		
169		SUBPART L: FEDERAL PROJECT XL AGREEMENTS
170		
171	Section	
172	310.930	Federally Approved Pretreatment Program Reinvention Pilot Projects Under Project XL (Repealed)
173		
174		
175		AUTHORITY: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the
176		Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

177  
178 SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-  
179 18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243,  
180 effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990;  
181 amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill.  
182 Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24,  
183 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22  
184 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July  
185 12, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15  
186 at 24 Ill. Reg. 11633, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1322, effective  
187 January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10860, effective August 14, 2001; amended  
188 in R02-3 at 26 Ill. Reg. 4008, effective February 28, 2002; amended in R02-9 at 26 Ill. Reg.  
189 4653, effective March 18, 2002; amended in R03-13 at 27 Ill. Reg. 15137, effective September  
190 10, 2003; amended in R04-1 at 28 Ill. Reg. 3390, effective February 6, 2004; amended in R04-18  
191 at 28 Ill. Reg. 10684, effective July 13, 2004; amended in R06-13 at 30 Ill. Reg. 17847, effective  
192 October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 19008, effective November  
193 26, 2008; amended in R13-7 at 37 Ill. Reg. 1962, effective February 4, 2013; amended in R15-13  
194 at 39 Ill. Reg. 12357, effective August 24, 2015; amended in R16-9 at 41 Ill. Reg. 1155, effective  
195 January 23, 2017; amended in R21-8 at 44 Ill. Reg. 19486, effective December 3, 2020; amended  
196 in R21-15 at 45 Ill. Reg. 8061, effective June 21, 2021; amended in R18-23 at 46 Ill. Reg.  
197 \_\_\_\_\_, effective \_\_\_\_\_.

198  
199 **SUBPART A: GENERAL PROVISIONS**

200  
201 **Section 310.101 Applicability**

- 202  
203 a) This Section is intended as a general guide to persons using these rules and does  
204 not supersede more specific requirements in the rules.  
205  
206 b) This Part includes the following:  
207  
208 1) Requirements for submission to the Agency of pretreatment programs by  
209 publicly owned treatment works (POTWs). (Subpart E)  
210  
211 2) Requirements with which persons discharging to sewers must comply.  
212 (Subpart B)  
213  
214 3) Requirements for prior approval by the Control Authority of certain  
215 discharges to a sewer. The Control Authority may be either of the  
216 following:  
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218 A) The POTW under an approved program; or  
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220 B) The Agency in the absence of an approved program. (Subpart D)

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

**Section 310.103 Federal Law**

- a) The Board intends that this Part be identical in substance with the pretreatment requirements of the federal Clean Water Act (33 U.S.C. 1251 et seq.) and United States Environmental Protection Agency (USEPA) regulations at 40 CFR 401 et seq.
- b) This Part will allow the Agency to issue pretreatment permits, review POTW pretreatment plans and authorize POTWs to issue authorizations to discharge to industrial users when and to the extent USEPA authorizes the Illinois pretreatment program under the federal Clean Water Act (33 U.S.C. 1251 et seq.). After authorization the requirements of the Clean Water Act and 40 CFR 401 et seq. will continue to apply in Illinois. In particular, USEPA has stated that it will do the following:
  - 1) Retain the right to request information under 40 CFR 403.8(f); and
  - 2) Retain the right to inspect and take samples under 40 CFR 403.12(i).
- c) This Part must not be construed as exempting any person from compliance, prior to authorization of the Illinois pretreatment program, with the pretreatment requirements of the Clean Water Act, USEPA regulations, and NPDES permit conditions.
- d) POTW pretreatment programs that have been approved by USEPA under 40 CFR 403 will be deemed approved under this Part, unless the Agency determines that it is necessary to modify the POTW pretreatment program to be consistent with State law.
  - 1) The Agency must notify the POTW of any such determination within 60 days after approval of the program by USEPA, or within 60 days after USEPA authorizes the Illinois pretreatment program, whichever is later.
  - 2) If the Agency so notifies the POTW, the POTW will apply for program approval under 35 Ill. Adm. Code 310.501 et seq.
- e) USEPA's access to Agency records and information in possession of the Agency will be governed by the memorandum of agreement between USEPA and the Agency, subject to confidentiality requirements in 35 Ill. Adm. Code 310.105.

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

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**Section 310.104 State Law**

- a) 35 Ill. Adm. Code 307 includes three types of prohibitions and pretreatment standards:
  - 1) Prohibitions, including prohibitions adopted by USEPA at 40 CFR 403.5 and more stringent prohibitions adopted by the Board (e.g., 35 Ill. Adm. Code 307.1101);
  - 2) National pretreatment standards adopted by USEPA at 40 CFR 405 et seq., and incorporated by reference by the Board (e.g., Subparts F through CT of 35 Ill. Adm. Code 307); and
  - 3) More stringent concentration-based standards adopted by the Board (e.g., 35 Ill. Adm. Code 307.1102 and 307.1103).
- b) For subcategories for which there are both categorical pretreatment standards and concentration-based standards adopted by the Board for a pollutant, the Control Authority must apply the standard that is more stringent as applied to the particular discharge.

BOARD NOTE: Derived from 40 CFR 403.4 (2003).

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

**Section 310.105 Confidentiality**

- a) Information and data provided to the Control Authority under this Part that is effluent data must be available to the public without restriction.
- b) With respect to the Board and Agency, confidentiality must be governed by 35 Ill. Adm. Code 130 and 161.
- c) The Agency and POTWs must make information available to the public at least to the extent provided by 40 CFR 2.302 (2003), incorporated by reference in 35 Ill. Adm. Code 310.107.

BOARD NOTE: Derived from 40 CFR 403.14 (2003).

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

**Section 310.106 Electronic Reporting**

## 1<sup>st</sup> Notice

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309 The submission of any document under any provision of this Part is subject to this Section.

310

311 a) General Federal Requirements for Electronic Reporting

312

313 1) Scope and Applicability

314

315 A) USEPA has established standards for the submission of electronic  
316 documents under federally authorized programs. USEPA requires  
317 adherence to these standards for all electronic submissions to  
318 USEPA and the authorized State, if electronic submissions are  
319 authorized by USEPA. USEPA, the Board, the Agency, or the  
320 Control Authority may allow for the submission of electronic  
321 documents in lieu of paper documents. This subsection (a) does  
322 not require submission of electronic documents in lieu of paper  
323 documents. This subsection (a) sets forth the requirements for the  
324 optional electronic submission of any document that must be  
325 submitted to the appropriate of the following:

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327 i) To USEPA directly, under 40 CFR 127; or

328

329 ii) To the Board, the Agency, or the Control Authority, under  
330 any provision of this Part or 35 Ill. Adm. Code 307.

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332 B) Electronic document submission under this subsection (a) can  
333 occur only as follows:

334

335 i) For submissions of documents to USEPA, submissions  
336 may occur only after USEPA has published a notice in the  
337 Federal Register announcing that USEPA is prepared to  
338 receive, in an electronic format, documents required or  
339 permitted by the identified part or subpart of Title 40 of the  
340 Code of Federal Regulations; or

341

342 ii) For submissions of documents to the State or the Control  
343 Authority, submissions may occur only into an electronic  
344 document receiving system for which USEPA has granted  
345 approval under 40 CFR 3.1000, so long as the system  
346 complies with 40 CFR 3.2000, incorporated by reference in  
347 Section 310.107, and USEPA has not withdrawn its  
348 approval of the system in writing.

349

350 C) This subsection (a) does not apply to any of the following  
351 documents, whether or not the document is a document submitted  
352 to satisfy the requirements cited in subsection (a)(1)(A):



# 1<sup>st</sup> Notice

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- i) Any document submitted via facsimile;
  - ii) Any document submitted via magnetic or optical media, like diskette, compact disc, digital video disc, or tape; or
  - iii) Any data transfer between USEPA, any state, or any local government and any of the Board, the Agency, or the Control Authority as part of administrative arrangements between the parties to the transfer to share data.
- D) Upon USEPA conferring written approval for the submission of any types of documents as electronic documents in lieu of paper documents, as described in subsection (a)(1)(B)(ii), the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and, as applicable, the date on which the Board or the Agency will begin to receive those submissions. In the event of written cessation of USEPA approval for receiving any type of document as an electronic document in lieu of a paper document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

379 BOARD NOTE: Subsection (a)(1) is derived from 40 CFR 3.1, 3.2, 3.10,  
380 3.20, and 3.1000.

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395
- 2) Definitions. For the purposes of this subsection (a), terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 310.107.
  - 3) Procedures for Submission of Electronic Documents in Lieu of Paper Documents to USEPA. Except as provided in subsection (a)(1)(C), any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:
    - A) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in 35 Ill. Adm. Code 310.107; and

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- B) USEPA has first published a notice in the Federal Register as described in subsection (a)(1)(B)(i).
- BOARD NOTE: Subsection (a)(3) is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3.
- 4) Procedures for Submission of Electronic Documents in Lieu of Paper Documents to the Board, the Agency, or the Control Authority
- A) The Board, the Agency, or the Control Authority may, but is not required to, establish procedural rules for the electronic submission of documents. The Board or the Agency must establish any such procedural rules under the Administrative Procedure Act [5 ILCS 100/5]. The Control Authority must establish such procedures under applicable State and local laws.
- B) The Board, the Agency, or the Control Authority may accept electronic documents under this subsection (a) only as provided in subsection (a)(1)(B)(ii).
- BOARD NOTE: Subsection (a)(4) is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3.
- 5) Effects of Submission of an Electronic Document in Lieu of a Paper Document
- A) If a person who submits a document as an electronic document fails to comply with the requirements of this subsection (a), that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.
- B) If a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.
- C) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.

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440 D) Nothing in this subsection (a) limits the use of electronic  
441 documents or information derived from electronic documents as  
442 evidence in enforcement or other proceedings.  
443

444 BOARD NOTE: Subsection (a)(5) is derived from 40 CFR 3.4 and  
445 3.2000(c).  
446

447 6) Public Document Subject to State Laws. Any electronic document filed  
448 with the Board is a public document. The document, its submission, its  
449 retention by the Board, and its availability for public inspection and  
450 copying are subject to various State laws, including the following:  
451

452 A) The Illinois Administrative Procedure Act [5 ILCS 100];  
453

454 B) The Freedom of Information Act (FOIA) [5 ILCS 140];  
455

456 C) The State Records Act [5 ILCS 160];  
457

458 D) The Electronic Commerce Security Act [5 ILCS 175];  
459

460 E) The Environmental Protection Act [415 ILCS 5];  
461

462 F) Regulations relating to public access to Board records (2 Ill. Adm.  
463 Code 2175); and  
464

465 G) Board procedural rules relating to protection of trade secrets and  
466 confidential information (35 Ill. Adm. Code 130).  
467

468 7) Nothing in this subsection (a) or in any provisions adopted under  
469 subsection (a)(4)(A) will create any right or privilege to submit any  
470 document as an electronic document.  
471

472 BOARD NOTE: Subsection (a)(7) is derived from 40 CFR 3.2(c).  
473

474 BOARD NOTE: Subsection (a) is derived from 40 CFR 3 and 403.8(g).  
475

476 b) NPDES Electronic Reporting  
477

478 1) Purpose and Scope  
479

480 A) This subsection (b), in conjunction with the NPDES reporting  
481 requirements specified elsewhere in this Part, specifies the  
482 requirements for:  
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- i) Electronic reporting of information by NPDES permittees;
  - ii) Facilities or entities seeking coverage under NPDES general permits;
  - iii) Facilities or entities submitting waivers from NPDES permit requirements;
  - iv) Industrial users located in municipalities without approved local pretreatment programs;
  - v) Approved pretreatment programs; and
  - vi) (The Board omitted a provision derived from 40 CFR 127.1(a)(6), as subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the corresponding federal provisions.)
  - vii) USEPA and the Agency, to the extent the Agency has received authorization from USEPA to implement the NPDES program. This subsection (b), in conjunction with other segments of this Part, also specifies the requirements for electronic reporting of NPDES information to USEPA by the states, tribes, or territories that have received authorization from USEPA to implement the NPDES program.
- B) To the extent the Agency is authorized to implement a segment of the NPDES program, the Agency must ensure that the required minimum set of NPDES data (appendix A to 40 CFR 127, incorporated by reference in 35 Ill. Adm.Code 310.107) is electronically transferred to USEPA in a timely, accurate, complete, and nationally-consistent manner fully compatible with USEPA's national NPDES data system.
- C) To the extent that the Secretary of Defense has exempted Department of Defense "critical infrastructure security information" from disclosure under the federal Freedom of Information Act under 10 USC 130e, the exempted NPDES program data will be withheld from the public (see also section 7(1)(k) of the FOIA). If an NPDES program data element for a particular facility is designated as critical infrastructure security information in response to a FOIA request, a separate filtered set of

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528 data without the redacted information will be shared with the  
529 public; however, all NPDES program data will continue to be  
530 provided to USEPA and the Agency under the authorized State  
531 NPDES program.

532  
533 D) Proper collection, management, and sharing of the data and  
534 information listed in appendix A to 40 CFR 127, incorporated by  
535 reference in 35 Ill. Adm. Code 310.107, ensures that there is a  
536 timely, complete, accurate, and nationally consistent set of data  
537 about the NPDES program.

538  
539 BOARD NOTE: Subsection (b)(1) is derived from 40 CFR 127.1.

540  
541 2) Definitions. For the purposes of this subsection (b), the following terms  
542 have the following meanings.

543  
544 "Initial recipient of electronic NPDES information from NPDES-  
545 regulated facilities" or "initial recipient" means the entity (USEPA  
546 or, after Illinois is authorized by USEPA to implement the NPDES  
547 program, the Agency) that is the designated entity for receiving  
548 electronic NPDES data.

549 BOARD NOTE: Derived from 40 CFR 127.2(b). USEPA is the  
550 initial recipient for a specific NPDES data group and NPDES  
551 program area until USEPA authorizes the State to act as initial  
552 recipient for that NPDES data group and NPDES program area.

553  
554 "Minimum set of NPDES data" means the data and information  
555 listed in table 1 in appendix A to 40 CFR 127, incorporated by  
556 reference in 35 Ill. Adm. Code 310.107.

557  
558 BOARD NOTE: Derived from 40 CFR 127.2(e). For the  
559 purposes of this Part, the only data and information intended are  
560 those associated with NPDES data groups 1 (core NPDES data), 2  
561 (general permit reports), 7 (pretreatment program reports), and 8  
562 (significant industrial user reports).

563  
564 "NPDES data group" means the group of related data elements  
565 identified in table 1 in appendix A to 40 CFR 127, incorporated by  
566 reference in 35 Ill. Adm. Code 310.107. These NPDES data  
567 groups have similar regulatory reporting requirements and have  
568 similar data sources.

569  
570 BOARD NOTE: Derived from 40 CFR 127.2(c).

571

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572 "NPDES program", for the purposes of this subsection (b), means  
573 the federal pretreatment program adopted by the Board under  
574 Section 13.3 of the Act to implement section 307(b) of the Clean  
575 Water Act (33 USC 1317(b)). USEPA can implement the NPDES  
576 program or authorize the State to implement the NPDES program  
577 ("authorized NPDES program"). Identifying the relevant authority  
578 must be done for each NPDES subprogram (e.g., NPDES core  
579 program, federal facilities, general permits, and pretreatment).

580  
581 BOARD NOTE: Derived from 40 CFR 127.2(d). This definition  
582 is limited to wastewater pretreatment. The corresponding federal  
583 definition includes all other aspects of the NPDES program.  
584

585 "NPDES-regulated entity" means any entity regulated by the  
586 NPDES program that has a role in the NPDES program, as defined  
587 in this subsection (b)(2).  
588

589 BOARD NOTE: Derived from 40 CFR 127.2(h). This definition  
590 is limited to wastewater pretreatment. The corresponding federal  
591 definition includes all other aspects of the NPDES program.  
592

593 "Program reports" means the information reported by NPDES-  
594 regulated entities and listed in table 1 in appendix A to 40 CFR  
595 127, incorporated by reference in 35 Ill. Adm. Code 310.107  
596 (except NPDES data groups 1 and 2).  
597

598 BOARD NOTE: Derived from 40 CFR 127.2(f). For the purposes  
599 of this subsection (b), the only information intended is that  
600 associated with NPDES data groups 7 (pretreatment program  
601 reports) and 8 (significant industrial user reports).  
602

603 BOARD NOTE: Subsection (b)(2) is derived from 40 CFR 127.2.  
604

### 605 3) Data to Be Reported Electronically 606

607 A) An NPDES-regulated entity must electronically submit the  
608 minimum set of NPDES data for these NPDES reports, as  
609 applicable. The following NPDES reports are the source of the  
610 minimum set of NPDES data from NPDES-regulated entities:  
611

- 612 i) Discharge monitoring reports (as required by USEPA under  
613 40 CFR 122.41(l)(4)).  
614

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- ii) This subsection (b)(3)(A)(ii) corresponds with 40 CFR 127.11(a)(2), which pertains to sewage sludge/biosolids annual reports, a subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the federal rules.
  - iii) Concentrated animal feeding operation annual program reports (as required by USEPA under 40 CFR 122.42(e)(4)).
  - iv) This subsection (b)(3)(A)(iv) corresponds with 40 CFR 127.11(a)(4), which pertains to municipal separate storm sewer system program reports, a subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the federal rules.
  - v) Pretreatment program annual reports (see 35 Ill. Adm. Code 310.612).
  - vi) Sewer overflow and bypass incident event reports (as required by USEPA under 40 CFR 122.41(l)(6) and (l)(7)).
  - vii) This subsection (b)(3)(A)(vii) corresponds with 40 CFR 127.11(a)(7), which pertains to cooling water intake structure reports, a subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the federal rules.
- B) A facility or entity seeking coverage under or termination from an NPDES general permit must electronically submit the minimum set of NPDES data for the following notices, certifications, and waivers (if those reporting requirements are applicable):
- i) Notice of intent (NOI) to discharge by facilities seeking coverage under a general NPDES permit (rather than an individual NPDES permit), as described in 40 CFR 122.28(b)(2); and
  - ii) Notice of termination (NOT), as described in 40 CFR 122.64.
- C) An industrial user located in a municipality without an approved local pretreatment program must electronically submit the

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658 minimum set of NPDES data for the following self-monitoring  
659 reports (if those reporting requirements are applicable):  
660

- 661 i) Periodic reports on continued compliance, as described in  
662 Section 310.605; and  
663  
664 ii) Reporting requirements for industrial users not subject to  
665 categorical pretreatment standards, as described in Section  
666 310.611.  
667

668 D) The minimum set of NPDES data for NPDES-regulated facilities is  
669 identified in appendix A to 40 CFR 127, incorporated by reference  
670 in 35 Ill. Adm. Code 310.107.  
671

672 BOARD NOTE: Subsection (b)(3) is derived from 40 CFR 127.11.  
673

674 4) Signature and Certification Standards for Electronic Reporting. The  
675 signatory and certification requirements identified in subsection (a) and 35  
676 Ill. Adm. Code 310.631 also apply to electronic submissions of NPDES  
677 information (see subsection (b)(2)) by NPDES permittees, facilities, and  
678 entities subject to this subsection (b).  
679

680 BOARD NOTE: Subsection (b)(4) is derived from 40 CFR 127.12.  
681

682 5) Requirements Regarding Quality Assurance and Quality Control  
683

684 A) Responsibility for the quality of the information provided  
685 electronically in compliance with this subsection (b) by the  
686 NPDES permittees, facilities, and entities subject to this subsection  
687 (b) rests with the owners and operators of those facilities or  
688 entities. NPDES permittees, facilities, and entities subject to this  
689 subsection (b) must use quality assurance and quality control  
690 procedures to ensure the quality of the NPDES information  
691 submitted in compliance with this subsection (b).  
692

693 B) NPDES permittees, facilities, and entities subject to this subsection  
694 (b) must electronically submit their NPDES information in  
695 compliance with the data quality requirements specified in  
696 subsection (b)(6). NPDES permittees, facilities, and entities  
697 subject to this subsection (b) must electronically submit their  
698 NPDES information unless a waiver is granted in compliance with  
699 this subsection (b) (see subsections (b)(7) and (b)(7)(G)).  
700



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- 701 BOARD NOTE: Subsection (b)(5) is derived from 40 CFR  
702 127.13.  
703
- 704 6) Requirements Regarding Timeliness, Accuracy, Completeness, and  
705 National Consistency. NPDES permittees, facilities, and entities subject  
706 to this subsection (b) must comply with all requirements in this subsection  
707 (b) and electronically submit the minimum set of NPDES data in the  
708 following nationally-consistent manner:  
709
- 710 A) Timely. Electronic submissions of the minimum set of NPDES  
711 data to the appropriate initial recipient, as defined in subsection  
712 (b)(2), must be timely.  
713
- 714 i) Measurement Data (including information from discharge  
715 monitoring reports, self-monitoring data from industrial  
716 users located outside of approved local pretreatment  
717 programs, and similar self-monitoring data). The electronic  
718 submission of these data is due when that monitoring  
719 information is required to be reported in compliance with  
720 statutes, regulations, the NPDES permit, another control  
721 mechanism, or an enforcement order.  
722
- 723 ii) Program Report Data. The electronic submission of this  
724 data is due when that program report data is required to be  
725 reported in compliance with statutes, regulations, the  
726 NPDES permit, another control mechanism, or an  
727 enforcement order.  
728
- 729 B) Accurate. Electronic submissions of the minimum set of NPDES  
730 data must be identical to the actual measurements taken by the  
731 owner or operator, or their duly authorized representative;  
732
- 733 C) Complete. Electronic submission of the minimum set of NPDES  
734 data must include all required data (see appendix A to 40 CFR 127,  
735 incorporated by reference in 35 Ill. Adm. Code 310.107) and these  
736 electronic submissions must be sent to the NPDES data system of  
737 the initial recipient, as defined in subsection (b)(2); and  
738
- 739 D) Consistent. Electronic submissions of the minimum set of NPDES  
740 data must be compliant with USEPA data standards as set forth in  
741 this subsection (b) and in a form (including measurement units)  
742 fully compatible with USEPA's national NPDES data system.  
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744 BOARD NOTE: Subsection (b)(6) is derived from 40 CFR 127.14.

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- 7) Waivers from Electronic Reporting
  - A) NPDES permittees, facilities, and entities subject to this subsection (b) must electronically submit the minimum set of NPDES data in compliance with this Section and 35 Ill. Adm. Code 310.631 unless a waiver is granted in compliance with this subsection (b)(7) and the procedures of subsection (b)(7)(G).
  - B) USEPA or the Board, by an adjusted standard or variance issued under Section 28.1 or Sections 35 through 37 of the Act and Subpart D or B of 35 Ill. Adm. Code 104, to the extent that the State is authorized to administer a segment of the NPDES program, may grant to an NPDES permittee, facility, or entity subject to this subsection (b) a temporary waiver from electronic reporting in compliance with this subsection (b)(7) and the procedures of subsection (b)(7)(G).
    - i) Each temporary waiver must not extend beyond five years. However, NPDES-regulated entities may re-apply for a temporary waiver. It is the duty of the owner, operator, or duly authorized representative of the NPDES permittee, facility, and entity subject to this subsection (b) to re-apply for a new temporary waiver. The Board cannot grant a temporary waiver to an NPDES-regulated entity without first receiving a temporary waiver request from the NPDES-regulated entity.
    - ii) To apply for a temporary waiver, the owner, operator, or duly authorized representative of the NPDES permittee, facility, and entity subject to this subsection (b) must submit the information listed in subsection (b)(7)(E) in the petition for temporary waiver.

BOARD NOTE: The Board moved the text of 40 CFR 127.15(b)(2)(i) through (b)(2)(vi) to appear as 35 Ill. Adm. Code 310.106(b)(7)(E)(i) through (b)(7)(E)(vi) to comport with codification requirements.
    - iii) The Board will determine whether to grant a temporary waiver to the extent Illinois is authorized to administer the pertinent NPDES program area. The Board will provide notice to the owner, operator, or duly authorized facility

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- 788 representative submitting a temporary waiver request, in  
789 compliance with the requirements of subsection (b)(7)(G).  
790
- 791 iv) An NPDES permittee, facility, or entity subject to this  
792 subsection (b) that has received a temporary waiver must  
793 continue to provide the minimum set of NPDES data (as  
794 well as other required information in compliance with  
795 statutes, regulations, the NPDES permit, another control  
796 mechanism, or an enforcement order) in hard-copy format  
797 to the authorized NPDES program. The Agency must  
798 electronically transfer these data to USEPA in accordance  
799 with subsection (b)(7)(G).  
800
- 801 v) An approved temporary waiver is not transferrable.  
802
- 803 C) USEPA or the Board, by an adjusted standard under Section 28.1  
804 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code  
805 104, to the extent that the State is authorized to administer a  
806 segment of the NPDES program, may grant to an NPDES  
807 permittee, facility, or entity subject to this subsection (b) a  
808 permanent waiver from electronic reporting in compliance with  
809 this subsection (b)(7) and the procedures of subsection (b)(7)(G).  
810
- 811 i) A permanent waiver is only available to a facility or entity  
812 that is owned or operated by members of a religious  
813 community that chooses not to use certain modern  
814 technologies (e.g., computers, electricity). The Board  
815 cannot grant a permanent waiver to an NPDES-regulated  
816 entity without first receiving a permanent waiver request  
817 from the NPDES-regulated entity.  
818
- 819 ii) To apply for a permanent waiver, the owner, operator, or  
820 duly authorized representative of the NPDES permittee,  
821 facility, and entity subject to this subsection (b) must  
822 submit the information listed in subsection (b)(7)(E) in the  
823 petition for permanent waiver.  
824
- 825 iii) An approved permanent waiver is not transferrable.  
826
- 827 iv) An NPDES permittee, facility, or entity subject to this  
828 subsection (b) that has received a permanent waiver must  
829 continue to provide the minimum set of NPDES data (as  
830 well as other required information in compliance with  
831 statutes, regulations, the NPDES permit, another control

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832 mechanism, or an enforcement order) in hard-copy format  
833 to the authorized NPDES program. The Agency must  
834 electronically transfer these data to USEPA in accordance  
835 with subsection (b)(7)(G).  
836

837 D) The Agency, by a provisional variance under Sections 35 through  
838 37 of the Act and Subpart C of 35 Ill. Adm. Code 104, to the extent  
839 that the State is authorized to administer a segment of the NPDES  
840 program, may grant to an NPDES permittee, facility, or entity  
841 subject to this subsection (b) an episodic waiver from electronic  
842 reporting in compliance with subsections (b)(7)(G) and (b)(9). The  
843 following conditions apply to an episodic waiver:  
844

845 i) No waiver request from the NPDES permittee, facility or  
846 entity is required to obtain an episodic waiver from  
847 electronic reporting.  
848

849 ii) An episodic waiver is not transferrable.  
850

851 iii) An episodic waiver cannot last more than 60 days.  
852

853 BOARD NOTE: Section 36(c) of the Act provides a  
854 maximum duration of 45 days for a provisional variance,  
855 allowing a single extension of up to 45 days. No  
856 combination of a provisional variance and an extension can  
857 exceed 60 days in total duration under this subsection  
858 (b)(7)(D)(iii).  
859

860 iv) The Agency will decide if the episodic waiver provision  
861 allows facilities and entities to delay their electronic  
862 submissions or to send hardcopy (paper) submissions. An  
863 episodic waiver is only available to a facility or entity in  
864 the circumstances listed in subsection (b)(7)(F).  
865

866 BOARD NOTE: The Board moved the text of 40 CFR  
867 127.15(d)(4)(i) and (d)(4)(ii) to appear as 35 Ill. Adm.  
868 Code 310.106(b)(7)(F)(i) and (b)(7)(E)(ii) to comport with  
869 codification requirements.  
870

871 E) The following information items must be included in any petition  
872 for a temporary or permanent waiver issued under subsection  
873 (b)(7)(B) or (b)(7)(C):  
874

875 i) The facility name;

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- ii) The NPDES permit number (if applicable);
  - iii) The facility address;
  - iv) The name, address and contact information for the owner, operator, or duly authorized facility representative;
  - v) A brief written statement regarding the basis for claiming such a temporary waiver; and
  - vi) Any other information required by the Act or Board regulations (35 Ill. Adm. Code: Subtitle C, Chapter I).

BOARD NOTE: The Board moved the text of 40 CFR 127.15(b)(2)(i) through (b)(2)(vi) to appear as 35 Ill. Adm. Code 310.106(b)(7)(E)(i) through (b)(7)(E)(vi) to comport with codification requirements.

- F) A temporary waiver is limited to the following circumstances:
  - i) A large-scale emergency involving catastrophic circumstances beyond the control of the facility, like a force of nature (e.g., a hurricane, flood, fire, or earthquake) or other national disaster. The Agency must make the determination of whether an episodic waiver is warranted in this case and must receive the hardcopy (paper) submissions.
  - ii) A prolonged electronic reporting system outage (i.e., an outage longer than 96 hours). The Agency must make the determination if an episodic waiver is warranted in this case and must receive the hardcopy (paper) submissions.

BOARD NOTE: The Board moved the text of 40 CFR 127.15(d)(4)(i) and (d)(4)(ii) to appear as 35 Ill. Adm. Code 310.106(b)(7)(F)(i) and (b)(7)(F)(ii) to comport with codification requirements.

- G) Procedural Requirements for Waivers
  - i) USEPA requires that the Board grant or deny a request for temporary or permanent waiver from electronic reporting in writing within 120 days after receiving the request.

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920  
921 BOARD NOTE: Subsection (b)(7)(G)(i) is derived from  
922 40 CFR 127.24(a) and (b).  
923  
924 ii) The Agency must provide notice of an episodic waiver  
925 individually or through means of mass communication if an  
926 episodic waiver is available. The notice must state the  
927 facilities and entities that may use the episodic waiver, the  
928 likely duration of the episodic waiver, and any other  
929 directions regarding how facilities and entities should  
930 provide the minimum set of NPDES data (as well as other  
931 required information in compliance with statutes,  
932 regulations, the NPDES permit, another control  
933 mechanism, or an enforcement order) to the initial  
934 recipient, as defined in subsection (b)(2). No waiver  
935 request from the NPDES permittee, facility or entity is  
936 required to obtain an episodic waiver from electronic  
937 reporting. The Agency, when granting the episodic waiver,  
938 must determine whether to allow facilities and entities to  
939 delay their electronic submissions for a short time (i.e., no  
940 more than 40 days) or to have the facilities and entities  
941 send hardcopy (paper) submissions.

942  
943 BOARD NOTE: Subsection (b)(7)(G)(ii) is derived from  
944 40 CFR 127.24(d).

945  
946 iii) The Agency must electronically transfer to USEPA the  
947 minimum set of NPDES data (as defined in 35 Ill. Adm.  
948 Code 310.106(b)(2)) that it receives from a permittee,  
949 facility, or entity that has received a waiver under this  
950 subsection (b)(7).

951  
952 BOARD NOTE: Subsection (b)(7)(G)(iii) is derived from  
953 40 CFR 127.24(c).

954  
955 BOARD NOTE: Subsections (b)(7)(A) through (b)(7)(F) are derived  
956 from 40 CFR 127.15.

957  
958 8) Implementation of Electronic Reporting Requirements for NPDES  
959 Permittees, Facilities, and Entities Subject to This Subsection (b)

960  
961 A) Scope and Schedule. An NPDES permittee, facility, or entity  
962 subject to this subsection (b), with the exception of those covered  
963 by waivers under subsection (b)(7), must electronically submit the

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964  
965  
966  
967

following NPDES information (reports, notices, waivers, and certifications) after the compliance deadlines listed in the following table.

NPDES Information	Compliance Deadlines for Electronic Submissions
General Permit Reports Notices of Intent to Discharge, Notices of Termination, and Other Waivers	December 21, 2025
Discharge Monitoring Reports	December 21, 2016
POTW Pretreatment Program Annual Reports (see 35 Ill. Adm. Code 310.612)	December 21, 2025
Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs (see 35 Ill. Adm. Code 310.605 and 310.611)	December 21, 2025

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BOARD NOTE: EPA may approve an alternative compliance deadline for general permit reports and program reports in accordance with 40 CFR 127.24(e) and (f).

- B) Electronic Reporting Standards. An NPDES permittee, facility, or entity subject to this subsection (b) must electronically submit the information listed in the table in subsection (b)(8)(A) in compliance with this Section and 35 Ill. Adm. Code 310.631.
- C) Initial Recipient. An NPDES permittee, facility, or entity subject to this subsection (b) must electronically submit the information listed in the table in subsection (b)(8)(A) to USEPA Region 5, the Control Authority, the Approval Authority, or the initial recipient (as identified under 40 CFR 127.27 and defined in subsection (b)(2)). USEPA was to identify and publish the initial recipient on a USEPA website and in the Federal Register, by state and by NPDES data group (see subsection (b)(7)).

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987 BOARD NOTE: The procedure by which USEPA determines the  
988 initial recipient is 40 CFR 127.27. That procedure provides that  
989 USEPA is the initial recipient if the State is not approved by  
990 USEPA to act as initial recipient.

991  
992 D) Standards for NPDES-Regulated Entities with Electronic  
993 Reporting Waivers. An NPDES permittee, facility, or entity  
994 subject to this subsection (b) that has received a waiver from  
995 electronic reporting must continue to provide the minimum set of  
996 NPDES data (as well as other required information in compliance  
997 with statutes, regulations, the NPDES permit, another control  
998 mechanism, or an enforcement order) to the Agency or initial  
999 recipient (see subsection (b)(7)).

1000  
1001 BOARD NOTE: Subsection (b)(8) is derived from 40 CFR 127.16.

1002  
1003 9) Inclusion of Electronic Reporting Requirements in NPDES Permits. All  
1004 permits issued by the Agency must contain permit conditions requiring  
1005 compliance with the electronic reporting requirements in this Section. An  
1006 NPDES-regulated facility already having an electronic reporting  
1007 requirement in its permit that meets the requirements in this Section must  
1008 continue its electronic reporting to the initial recipient.

1009  
1010 BOARD NOTE: Subsection (b)(9) is derived from 40 CFR 127.26(f).

1011  
1012 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 1013 1014 **Section 310.107 Incorporations by Reference**

1015  
1016 a) The following publications are incorporated by reference for the purposes of this  
1017 Part and 35 Ill. Adm. Code 307:

1018  
1019 Combined Sewer Overflow (CSO) Control Policy (April 1994) (USEPA  
1020 document number EPA-830-B-94-001), available from National Service  
1021 Center for Environmental Publications (NSCEP), P.O. Box 42419,  
1022 Cincinnati, OH 45242-0419, 800-490-9198 or online for download in an  
1023 electronic format at <http://nepis.epa.gov/EPA/html/pubindex.html>,  
1024 referenced in 35 Ill. Adm. Code 310.320.

1025  
1026 BOARD NOTE: USEPA published the Combined Sewer Overflow  
1027 (CSO) Control Policy in the Federal Register at 59 Fed. Reg. 18688 (Apr.  
1028 19, 1994).

1029



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1030 Standard Industrial Classification Manual (1987) (document no.  
1031 PB87-100012) (referred to as "1987 SIC Manual"), available from the  
1032 National Technical Information Service, 5285 Port Royal Road,  
1033 Springfield, Virginia 22161, referenced in 35 Ill. Adm. Code 307.2201,  
1034 307.2400, 307.2402 through 307.2407, and 307.3901 and 35 Ill. Adm.  
1035 Code 310.602.

1036

1037 BOARD NOTE: The 1987 SIC Manual is available for online search  
1038 through the U.S. Department of Labor, at [http://www.osha.gov/pls/imis/sic\\_manual.html](http://www.osha.gov/pls/imis/sic_manual.html). In 1997, the federal Office of Management and Budget  
1039 (OMB) announced that the North American Industry Classification  
1040 System (NAICS) was replacing the SIC (62 Fed. Reg. 17288 (Apr. 9,  
1041 1997)) for statistical purposes. OMB announced adoption of a 2012  
1042 edition of NAICS (76 Fed. Reg. 51240 (Aug. 17, 2011)). The 1997  
1043 NAICS Manual is available for online search or purchase (as electronic or  
1044 hard copy) at <http://www.naics.com>. Until USEPA amends its regulations  
1045 to change references to SIC codes to references to NAICS codes, the  
1046 Board will continue to use the 1987 SIC codes.

1047

1048

1049 b) The following provisions of the Code of Federal Regulations are incorporated by  
1050 reference for the purposes of this Part and 35 Ill. Adm. Code 307:

1051

1052 40 CFR 2.302 (2020) (Special Rules Governing Certain Information  
1053 Obtained Under the Clean Water Act), referenced in 35 Ill. Adm. Code  
1054 310.105.

1055

1056 40 CFR 3.2 (2020) (How Does This Part Provide for Electronic  
1057 Reporting?), referenced in 35 Ill. Adm. Code 310.106.

1058

1059 40 CFR 3.3 (2020) (What Definitions Are Applicable to This Part?),  
1060 referenced in 35 Ill. Adm. Code 310.106.

1061

1062 40 CFR 3.10 (2020) (What Are the Requirements for Electronic Reporting  
1063 to EPA?), referenced in 35 Ill. Adm. Code 310.106.

1064

1065 40 CFR 3.2000 (2020) (What Are the Requirements Authorized State,  
1066 Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in  
1067 35 Ill. Adm. Code 310.106.

1068

1069 40 CFR 25 (2020) (Public Participation in Programs Under the Resource  
1070 Conservation and Recovery Act, the Safe Drinking Water Act, and the  
1071 Clean Water Act), referenced in 35 Ill. Adm. Code 310.510.

1072

1073 Tables II (Organic Toxic Pollutants in Each of Four Fractions in Analysis

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1074 by Gas Chromatography/Mass Spectroscopy (GS/MS)) and III (Other  
1075 Toxic Pollutants (Metals and Cyanide) and Total Phenols) in appendix D  
1076 to 40 CFR 122 (2020) (NPDES Permit Application Testing  
1077 Requirements), referenced in 35 Ill. Adm. Code 307.1005.  
1078  
1079 40 CFR 122.23(b) and (c) (2020) (Concentrated Animal Feeding  
1080 Operations), referenced in 35 Ill. Adm. Code 307.2201.  
1081  
1082 Appendix A to 40 CFR 127 (2020), as amended at 85 Fed. Reg. 69189  
1083 (Nov. 2, 2020) (Minimum Set of NPDES Data), referenced in 35 Ill. Adm.  
1084 Code 310.106 and 310.612.  
1085  
1086 BOARD NOTE: Only those segments relevant to electronic reporting  
1087 under the wastewater pretreatment program (NPDES data groups 1, 2, 3,  
1088 7, and 8) are intended.  
1089  
1090 40 CFR 136 (2020) (Guidelines Establishing Test Procedures for the  
1091 Analysis of Pollutants), referenced in 35 Ill. Adm. Code 307.1003 and  
1092 307.6500 and 35 Ill. Adm. Code 310.605, 310.610, and 310.611.  
1093  
1094 40 CFR 401.15 (2020) (Toxic Pollutants), referenced in 35 Ill. Adm. Code  
1095 307.1005.  
1096  
1097 40 CFR 403 (2020) (General Pretreatment Regulations for Existing and  
1098 New Sources of Pollution), referenced in 35 Ill. Adm. Code 310.432.  
1099  
1100 40 CFR 403.12(b) (2020) (Reporting Requirements for POTWs and  
1101 Industrial Users), referenced in 35 Ill. Adm. Code 310.602.  
1102  
1103 40 CFR 403.15 (2020) (Net/Gross Calculation), referenced in 35 Ill. Adm.  
1104 Code 310.801.  
1105  
1106 Appendix D to 40 CFR 403 (2020) (Selected Industrial Subcategories  
1107 Considered Dilute for Purposes of the Combined Wastestream Formula),  
1108 referenced in 35 Ill. Adm. Code 310.233.  
1109  
1110 Appendix G to 40 CFR 403 (2020) (Pollutants Eligible for a Removal  
1111 Credit), referenced in 35 Ill. Adm. Code 310.303.  
1112  
1113 40 CFR 503 (2020) (Standards for the Use or Disposal of Sewage Sludge),  
1114 referenced in 35 Ill. Adm. Code 310.303.  
1115  
1116 c) The following federal statutes are incorporated by reference:  
1117

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1118 Section 1001 of federal Crimes and Criminal Procedure (18 U.S.C. 1001  
1119 (2019)), referenced in 35 Ill. Adm. Code 310.633.  
1120  
1121 The federal Clean Water Act (CWA) (33 U.S.C. 1251 et seq. (2019)),  
1122 referenced in 35 Ill. Adm. Code 310.110 and 310.705.  
1123  
1124 Section 204(b) of the federal Clean Water Act (33 U.S.C. 1284(b) (2019)),  
1125 referenced in 35 Ill. Adm. Code 310.510.  
1126  
1127 Section 212(2) of the federal Clean Water Act (33 U.S.C. 1292(2) (2019)),  
1128 referenced in 35 Ill. Adm. Code 310.110.  
1129  
1130 Section 307(b), (c), and (d) of the federal Clean Water Act (33 U.S.C.  
1131 1317(b), (c), and (d) (2019)), referenced in 35 Ill. Adm. Code 310.110.  
1132  
1133 Section 308 of the federal Clean Water Act (33 U.S.C. 1318 (2019)),  
1134 referenced in 35 Ill. Adm. Code 310.510.  
1135  
1136 Section 309(c)(4) of the federal Clean Water Act (33 U.S.C. 1319(c)(4)  
1137 (2019)), referenced in 35 Ill. Adm. Code 310.633.  
1138  
1139 Section 309(c)(6) of the federal Clean Water Act (33 U.S.C. 1319(c)(6)  
1140 (2019)), referenced in 35 Ill. Adm. Code 310.633.  
1141  
1142 Section 405 of the federal Clean Water Act (33 U.S.C. 1345 (2019)),  
1143 referenced in 35 Ill. Adm. Code 310.510.  
1144  
1145 Subtitles C and D of the federal Resource Conservation and Recovery Act  
1146 (42 USC 6921-6939g and 6941-6949a) (2019)), referenced in 35 Ill. Adm.  
1147 Code 310.510.  
1148

1149 d) This Part incorporates no future editions or amendments.  
1150

1151 BOARD NOTE: The Board has located the incorporations by reference for the purposes of this  
1152 Part and the more general incorporations by reference for the purposes of 35 Ill. Adm. Code 307  
1153 in this Section to aid future review and updates. The Board has located the incorporations by  
1154 reference of the federal categorical standards scattered throughout 35 Ill. Adm. Code 307 at the  
1155 segments appropriate to each individual categorical standard. This aids future review and  
1156 updates of the categorical standards.  
1157

1158 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1159

### 1160 **Section 310.110 Definitions** 1161

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1162 The following definitions, derived from the general definitions of 40 CFR 401.11 and the  
1163 pretreatment-specific definitions of 40 CFR 403.3, apply for the purposes of this Part and 35 Ill.  
1164 Adm. Code 307:

1165  
1166 "Act" means the Environmental Protection Act [415 ILCS 5].  
1167

1168 "Agency" means the Illinois Environmental Protection Agency.  
1169 BOARD NOTE: The Board has consistently rendered "Director", as defined in  
1170 corresponding 40 CFR 403.3(g), as "Agency" for all functions within the  
1171 Agency's statutory authority and that USEPA has not clearly reserved the function  
1172 to itself.  
1173

1174 "Approval Authority" means the Agency after USEPA has approved the Illinois  
1175 wastewater pretreatment program. "Approval Authority" means USEPA prior to  
1176 USEPA approval of the Illinois wastewater pretreatment program.  
1177 BOARD NOTE: Derived from 40 CFR 403.3(c) (2016).  
1178

1179 "Approved POTW pretreatment program" or "program" or "POTW pretreatment  
1180 program" means a program administered by a POTW that has been approved by  
1181 USEPA, under 40 CFR 403.11, or the Agency, in accordance with 35 Ill. Adm.  
1182 Code 310.541 through 310.546.  
1183 BOARD NOTE: Derived from 40 CFR 403.3(d) (2016).  
1184

1185 "Authorization to discharge" means an authorization issued to an industrial user  
1186 by a POTW that has an approved pretreatment program. The authorization may  
1187 consist of a permit, license, ordinance, or other mechanism as specified in the  
1188 approved pretreatment program.  
1189 BOARD NOTE: The Board added this term to distinguish a "pretreatment  
1190 permit," which is a control mechanism issued by the Agency.  
1191

1192 "Best management practices" or "BMPs" means schedules of activities,  
1193 prohibitions of practices, maintenance procedures, and other management  
1194 practices to implement the prohibitions listed in 35 Ill. Adm. Code 310.201(a)  
1195 and (c) and 310.202. BMPs also include treatment requirements, operating  
1196 procedures, and practices to control plant site runoff, spillage or leaks, sludge  
1197 or waste disposal, or drainage from raw materials storage.  
1198 BOARD NOTE: Derived from 40 CFR 403.3(e) (2016).  
1199

1200 "Blowdown" means the minimum discharge of recirculating water for the purpose  
1201 of discharging materials contained in the water, the further buildup of which  
1202 would cause concentration in amounts exceeding limits established by best  
1203 engineering practice.  
1204 BOARD NOTE: Derived from 40 CFR 401.11(p) (2016).  
1205

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1206 "Board" means the Illinois Pollution Control Board.  
1207 BOARD NOTE: The Board has consistently rendered "Director," as defined in  
1208 corresponding 40 CFR 403.3(g), as "Board" for all functions within the Board's  
1209 statutory authority and that USEPA has not clearly reserved the function to itself.  
1210  
1211 "CWA" means Federal Water Pollution Control Act, also known as the Clean  
1212 Water Act, as amended (33 U.S.C. 1251 et seq.).  
1213 BOARD NOTE: Derived from 40 CFR 403.3(b) (2016).  
1214  
1215 "Control Authority" refers to the appropriate of the following:  
1216  
1217 The POTW, if the POTW's pretreatment program submission has been  
1218 approved by the Agency, in accordance with the requirements of 35 Ill.  
1219 Adm. Code 310.541 through 310.546 or by USEPA in accordance with 40  
1220 CFR 403.11; or  
1221  
1222 The Approval Authority, if no pretreatment program submission has yet  
1223 been approved.  
1224  
1225 BOARD NOTE: Derived from 40 CFR 403.3(f) (2016).  
1226  
1227 "Existing source" means any building, structure, facility, or installation from  
1228 which there is or may be a discharge of pollutants the construction of which  
1229 occurred prior to the date that would qualify the building, structure, facility, or  
1230 installation for definition as a "new source", as defined in 35 Ill. Adm. Code  
1231 310.111.  
1232 BOARD NOTE: The Board added this definition of a fundamental term that is  
1233 used throughout the categorical standards to determine the applicability of those  
1234 standards.  
1235  
1236 "Indirect discharge" or "discharge" means the introduction of pollutants into a  
1237 POTW from any non-domestic source regulated under 35 Ill. Adm. Code 307(b),  
1238 (c), or (d) of the CWA (33 U.S.C. 1317 (b), (c), or (d)), incorporated by reference  
1239 in 35 Ill. Adm. Code 310.107.  
1240 BOARD NOTE: Derived from 40 CFR 403.3(i) (2016).  
1241  
1242 "Industrial user" or "user" means a source of indirect discharge.  
1243 BOARD NOTE: Derived from 40 CFR 403.3(j) (2016).  
1244  
1245 "Industrial wastewater" means the spent or used water containing dissolved or  
1246 suspended matter discharged by an industrial user to a sewer tributary to a POTW.  
1247  
1248 "Interference" means a discharge, alone or in conjunction with a discharge or  
1249 discharges from other sources, for which both of the following is true:

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1250  
1251 The discharge inhibits or disrupts the POTW, its treatment processes or  
1252 operations, or its sludge processes, use, or disposal; and  
1253  
1254 As a result of the inhibition or disruption, the discharge is a cause of a  
1255 violation of any requirement of the POTW's NPDES permit (including an  
1256 increase in the magnitude or duration of a violation) or the prevention of  
1257 sewage sludge use or disposal in compliance with applicable laws and  
1258 permits issued under those laws, including 33 U.S.C. 405 and 40 CFR 503  
1259 (federal standards for sewage sludge use and disposal) and State standards  
1260 relating to sludge use and disposal (such as 415 ILCS 5/21 and 22.56a and  
1261 35 Ill. Adm. Code 309.155, 309.208, and 391), 42 U.S.C. 6901 et seq. (the  
1262 federal Resource Conservation and Recovery Act (hazardous waste and  
1263 municipal solid waste disposal requirements)) and 35 Ill. Adm. Code:  
1264 Subtitle G derived from the federal solid waste and hazardous waste  
1265 management standards, 42 U.S.C. 7401 et seq. (the federal Clean Air Act)  
1266 and 35 Ill. Adm. Code: Subtitle B derived from the federal Clean Air Act  
1267 standards, 53 U.S.C. 2601 et seq. (the federal Toxic Substances Control  
1268 Act) or any Illinois requirements relating to toxic substances (such as 415  
1269 ILCS 5/21 and 35 Ill. Adm. Code 742, 807, and 810), and 33 U.S.C. 1401  
1270 et seq. (the federal Marine Protection, Research, and Sanctuaries Act).  
1271 BOARD NOTE: Derived from 40 CFR 403.3(k) (2016).  
1272  
1273 "Municipality". See "unit of local government".  
1274  
1275 "New source" means a new source as defined in 35 Ill. Adm. Code 310.111.  
1276 BOARD NOTE: Derived from 40 CFR 401.11(e) and 403.3(m) (2016).  
1277  
1278 "Noncontact cooling water" means water used for cooling that does not come into  
1279 direct contact with any raw material, intermediate product, waste product, or  
1280 finished product.  
1281 BOARD NOTE: Derived from 40 CFR 401.11(n) (2016).  
1282  
1283 "Noncontact cooling water pollutants" means pollutants present in noncontact  
1284 cooling waters.  
1285 BOARD NOTE: Derived from 40 CFR 401.11(o) (2016).  
1286  
1287 "NPDES permit" means a permit issued to a POTW under Section 402 of the  
1288 CWA, or Section 12(f) of the Act and Subpart A of 35 Ill. Adm. Code 309.  
1289 BOARD NOTE: Derived from 40 CFR 403.3(n) (2016).  
1290  
1291 "Pass through" means a discharge of pollutants that exits the POTW into waters  
1292 of the State in quantities or concentrations which, alone or in conjunction with a  
1293 discharge or discharges from other sources, is a cause of a violation of any

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1294 requirement of the POTW's NPDES permit (including an increase in the  
1295 magnitude or duration of a violation).

1296 BOARD NOTE: Derived from 40 CFR 403.3(p) (2016).

1297

1298 "Person" means an individual, corporation, partnership, association, State, unit of  
1299 local government, commission, or any interstate body. This term includes the  
1300 United States government, the State of Illinois, and their political subdivisions.

1301 BOARD NOTE: Derived from 40 CFR 401.11(m) (2016) and 33 U.S.C. 1362(5)  
1302 (2014).

1303

1304 "Point source" means any discernible, confined, and discrete conveyance,  
1305 including but not limited to any pipe, ditch, channel, tunnel, conduit, well,  
1306 discrete fissure, container, rolling stock, concentrated animal feeding operation, or  
1307 vessel or other floating craft, from which pollutants are or may be discharged.

1308 BOARD NOTE: Derived from 40 CFR 401.11(d) (2016).

1309

1310 "Pollutant" means dredged spoil; solid waste; incinerator residue; sewage;  
1311 garbage; sewage sludge; munitions; chemical wastes; biological materials;  
1312 radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar  
1313 dirt; and industrial, municipal, and agricultural waste discharged into a sewer.

1314 BOARD NOTE: Derived from 40 CFR 401.11(f) (2016).

1315

1316 "Pollution" means the man-made or man-induced alteration of the chemical,  
1317 physical, biological, and radiological integrity of water.

1318 BOARD NOTE: Derived from 40 CFR 401.11(g) (2015).

1319

1320 "POTW treatment plant" means that portion of the POTW that is designed to  
1321 provide treatment (including recycling and reclamation) of municipal sewage and  
1322 industrial wastewater.

1323 BOARD NOTE: Derived from 40 CFR 403.3(r) (2016).

1324

1325 "Pretreatment" means the reduction of the amount of pollutants, the elimination of  
1326 pollutants, or the alteration of the nature of pollutant properties in wastewater  
1327 prior to or in lieu of discharging or otherwise introducing such pollutants into a  
1328 POTW. The reduction or alteration may be obtained by physical, chemical, or  
1329 biological processes; process changes; or by other means, except as prohibited by  
1330 35 Ill. Adm. Code 310.232. Appropriate pretreatment technology includes control  
1331 equipment, such as equalization tanks or facilities, for protection against surges or  
1332 slug loadings that might interfere with or otherwise be incompatible with the  
1333 POTW. However, where wastewater from a regulated process is mixed in an  
1334 equalization facility with unregulated wastewater or with wastewater from  
1335 another regulated process, the effluent from the equalization facility must meet an  
1336 adjusted pretreatment limit calculated in accordance with 35 Ill. Adm. Code  
1337 310.233.



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1338 BOARD NOTE: Derived from 40 CFR 403.3(s) (2016).  
1339  
1340 "Pretreatment permit" means a permit to discharge to a sewer that is issued by the  
1341 Agency as the Control Authority.  
1342 BOARD NOTE: The Board added this term to distinguish an "authorization to  
1343 discharge," which is a control mechanism issued by a POTW.  
1344  
1345 "Pretreatment requirement" means any substantive or procedural requirement  
1346 related to pretreatment imposed on an industrial user by a pretreatment permit or  
1347 lawful order, other than a pretreatment standard.  
1348 BOARD NOTE: Derived from 40 CFR 403.3(t) (2016).  
1349  
1350 "Pretreatment standard" or "standard" means any regulation containing pollutant  
1351 discharge limits promulgated by USEPA, and incorporated by reference in 35 Ill.  
1352 Adm. Code 307. This term includes prohibitive discharge limits established  
1353 under 35 Ill. Adm. Code 310.201 through 310.213 or 35 Ill. Adm. Code 307.1101.  
1354 This term also includes more stringent prohibitions and standards adopted by the  
1355 Board in this Part or 35 Ill. Adm. Code 307, including 35 Ill. Adm. Code  
1356 307.1101, 307.1102, and 307.1103. The term also includes local limits that are a  
1357 part of an approved pretreatment program, as provided in 35 Ill. Adm. Code  
1358 310.211.  
1359 BOARD NOTE: Derived from 40 CFR 403.3(l) (2016).  
1360  
1361 "Process wastewater" means any water that, during manufacturing or processing,  
1362 comes into direct contact with or results from the production or use of any raw  
1363 material, intermediate product, finished product, by-product, or waste product.  
1364 BOARD NOTE: Derived from 40 CFR 401.11(q) (2016).  
1365  
1366 "Process wastewater pollutants" means pollutants present in process wastewater.  
1367 BOARD NOTE: Derived from 40 CFR 401.11(r) (2016).  
1368  
1369 "Publicly owned treatment works" or "POTW" means a "treatment works" that is  
1370 owned by the State of Illinois or a "unit of local government." This definition  
1371 includes any devices and systems used in the storage, treatment, recycling, and  
1372 reclamation of municipal sewage or industrial wastewater. It also includes  
1373 sewers, pipes, and other conveyances only if they convey wastewater to a POTW  
1374 treatment plant. The term also means the "unit of local government" that has  
1375 jurisdiction over the indirect discharges to and the discharges from such a  
1376 treatment works.  
1377 BOARD NOTE: Derived from 40 CFR 403.3(q) (2016).  
1378  
1379 "Schedule of compliance" means a schedule of remedial measures included in an  
1380 authorization to discharge or a pretreatment permit, or an NPDES permit,  
1381 including an enforceable sequence of interim requirements (for example, actions,



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1382 operations, or milestone events) leading to compliance with this Part and 35 Ill.  
1383 Adm. Code 307. A schedule of compliance does not protect an industrial user or  
1384 POTW from enforcement.

1385 BOARD NOTE: Derived from 40 CFR 401.11(m) (2016) and 33 U.S.C.  
1386 1362(17).

1387  
1388 "Significant industrial user" means significant industrial user as defined in 35 Ill.  
1389 Adm. Code 310.112.

1390 BOARD NOTE: Derived from 40 CFR 403.3(v) (2016).

1391  
1392 "Sludge requirements" means any of the following permits or regulations: 35 Ill.  
1393 Adm. Code 309.155 (NPDES Permits), 309.208 (Permits for Sites Receiving  
1394 Sludge for Land Application), 703.121 (RCRA Permits), 807.202 (Solid Waste  
1395 Permits); Section 39(b) of the Act (NPDES Permits); Section 405(b) of the federal  
1396 Clean Water Act (federally-imposed sludge use and management requirements);  
1397 and 40 CFR 501 and 503.

1398 BOARD NOTE: Derived from 40 CFR 403.3(k)(2) and 403.7(a) (2016).

1399  
1400 "Submission" means a request to the Agency by a POTW for approval of a  
1401 pretreatment program, or for authorization to grant removal credits.

1402 BOARD NOTE: Derived from 40 CFR 403.3(w) (2016).

1403  
1404 "Treatment works" is as defined in 33 U.S.C. 1292(2), incorporated by reference  
1405 in 35 Ill. Adm. Code 310.107. It includes any devices and systems used in the  
1406 storage, treatment, recycling, and reclamation of municipal or industrial  
1407 wastewater to implement 33 U.S.C. 1281, or necessary to recycle or reuse water  
1408 at the most economical cost over the estimated life of the works, including  
1409 intercepting sewers, outfall sewers, sewage collection systems, pumping, power,  
1410 and other equipment.

1411 BOARD NOTE: Derived from 40 CFR 403.3(q) (2016) and 33 U.S.C. 1292(2).

1412  
1413 "Unit of local government" means a unit of local government, as defined by Art.  
1414 7, Sec. 1 of the Illinois Constitution. Unit of local government includes  
1415 municipalities and sanitary districts.

1416 BOARD NOTE: Derived from 40 CFR 401.11(m) (2016) and 33 U.S.C. 1362(4).

1417  
1418 "USEPA" means the United States Environmental Protection Agency.

1419  
1420 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 1421 1422 **Section 310.111 New Source**

1423  
1424 a) "New source" means any building, structure, facility, or installation from which  
1425 there is or may be a discharge of pollutants, the construction of which commenced

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- 1426 after the date specified in 35 Ill. Adm. Code 307 for the particular source category  
1427 or subcategory applicable to the source, provided that one of the following is true:  
1428
- 1429 1) The building, structure, facility, or installation is constructed at a site at  
1430 which no other source is located;  
1431
  - 1432 2) The building, structure, facility, or installation totally replaces the process  
1433 or production equipment that causes the discharge of pollutants at an  
1434 existing source; or  
1435
  - 1436 3) The production or wastewater generating processes of the building,  
1437 structure, facility, or installation are substantially independent of an  
1438 existing source at the same site. In determining whether these are  
1439 substantially independent, factors such as the extent to which the new  
1440 facility is integrated with the existing plant and the extent to which the  
1441 new facility is engaged in the same general type of activity as the existing  
1442 source should be considered.  
1443
- 1444 b) Construction on a site at which an existing source is located results in a  
1445 modification, rather than a new source, if the construction does not create a new  
1446 building, structure, facility, or installation that meets the criteria of subsection  
1447 (a)(2) or (a)(3), but which otherwise alters, replaces, or adds to existing process or  
1448 production equipment.  
1449
- 1450 c) Construction of a new source, as defined in this Section, has commenced if the  
1451 owner or operator has done either of the following:  
1452
- 1453 1) It has begun or caused either of the following to begin as part of a  
1454 continuous onsite construction program:  
1455
    - 1456 A) Any placement assembly or installation of facilities or equipment;  
1457 or  
1458
    - 1459 B) Significant site preparation work including clearing, excavation or  
1460 removal of existing buildings, structures, or facilities that is  
1461 necessary for the placement, assembly, or installation of new  
1462 source facilities or equipment; or  
1463
  - 1464 2) It has entered into a binding contractual obligation for the purchases of  
1465 facilities or equipment that are intended to be used in its operation within a  
1466 reasonable time. An option to purchase or a contract that can be  
1467 terminated or modified without substantial loss and contracts for  
1468 feasibility, engineering, and design studies does not constitute a  
1469 contractual obligation under this subsection (c)(2).

- 1470  
1471 d) A new source must install and have in operating condition and must "start-up" all  
1472 pollution control equipment required to meet applicable pretreatment standards  
1473 before beginning to discharge. Within the shortest feasible time (not to exceed 90  
1474 days), a new source must meet all applicable pretreatment standards.  
1475

1476 BOARD NOTE: Derived from 40 CFR 403.3(m) (2005), as renumbered and amended at  
1477 70 Fed. Reg. 60134 (Oct. 14, 2005).

1478  
1479 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1480

1481 **Section 310.112 Significant Industrial User**  
1482

- 1483 a) Except as provided in subsections (b) and (c), the term "significant industrial  
1484 user" means the following:  
1485
- 1486 1) An industrial user subject to any of the categorical pretreatment standards  
1487 under 35 Ill. Adm. Code 310.220 through 310.222, 310.230, 310.232, and  
1488 310.233 and 35 Ill. Adm. Code 307; and  
1489
  - 1490 2) Any other industrial user that: discharges an average of 25,000 gallons per  
1491 day or more of process wastewater to the POTW (excluding sanitary,  
1492 noncontact cooling, and boiler blowdown wastewater); contributes a  
1493 process wastestream which makes up five percent or more of the average  
1494 dry weather hydraulic or organic capacity of the POTW treatment plant; or  
1495 is designated as such by the Control Authority on the basis that the  
1496 industrial user has a reasonable potential for adversely affecting the  
1497 POTW's operation or for violating any pretreatment standard or  
1498 requirement (in accordance with 35 Ill. Adm. Code 310.510(f)).  
1499
- 1500 b) The Control Authority may determine that an industrial user subject to categorical  
1501 pretreatment standards under 35 Ill. Adm. Code 310.220 through 310.222,  
1502 310.230, 310.232, and 310.233 and 35 Ill. Adm. Code 307 is a non-significant  
1503 categorical industrial user, rather than a significant industrial user, on a finding  
1504 that the industrial user never discharges more than 100 gallons per day (gpd) of  
1505 total categorical wastewater (excluding sanitary, noncontact cooling, and boiler  
1506 blowdown wastewater, unless specifically included in the pretreatment standard),  
1507 and the industrial user meets the following conditions:  
1508
- 1509 1) That, prior to the Control Authority's finding, the industrial user has  
1510 consistently complied with all applicable categorical pretreatment  
1511 standards and requirements;  
1512

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- 1513                    2)     That the industrial user annually submits the certification statement  
1514                    required in 35 Ill. Adm. Code 310.636 together with any additional  
1515                    information necessary to support the certification statement; and  
1516  
1517                    3)     The industrial user never discharges any untreated concentrated  
1518                    wastewater.  
1519  
1520                    c)     Upon a finding that an industrial user meeting the criteria in subsection (a)(2) has  
1521                    no reasonable potential for adversely affecting the POTW's operation or for  
1522                    violating any pretreatment standards or requirement, the Control Authority may at  
1523                    any time, on its own initiative or in response to a petition received from an  
1524                    industrial user or POTW, and in accordance with 35 Ill. Adm. Code 310.510(f),  
1525                    determine that such industrial user is not a significant industrial user.  
1526

1527                    BOARD NOTE: Derived from 40 CFR 403.3(v) (2005), as renumbered and amended at  
1528                    70 Fed. Reg. 60134 (Oct. 14, 2005).

1529  
1530                    (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1531

### SUBPART B: PRETREATMENT STANDARDS

#### Section 310.201 General Prohibitions

- 1532  
1533  
1534                    a)     No industrial user may introduce into a POTW any pollutant that causes pass  
1535                    through or interference.  
1536  
1537                    b)     Affirmative defenses. An industrial user has an affirmative defense in any action  
1538                    brought against it alleging a violation of subsection (a) or 35 Ill. Adm. Code  
1539                    307.1101(b)(6) through (b)(9) or (b)(11) through (b)(12) if the industrial user  
1540                    demonstrates the following:  
1541                    1)     That the industrial user did not know or have reason to know that its  
1542                    discharge, alone or in conjunction with a discharge or discharges from  
1543                    other sources, would cause pass through or interference; and  
1544                    2)     Either of the following:  
1545                    A)     That the POTW developed in accordance with 35 Ill. Adm. Code  
1546                    310.210 a local limit that was designed to prevent pass through or  
1547                    interference for each pollutant in the industrial user's discharge that  
1548                    caused pass through or interference, and the industrial user was in  
1549                    compliance with each such local limit immediately prior to and  
1550                    during the pass through or interference; or  
1551  
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1556

1557 B) If the POTW has not developed local limits in accordance with 35  
1558 Ill. Adm. Code 310.210 that are designed to prevent pass through  
1559 or interference for the pollutants that caused the pass through or  
1560 interference, that the industrial user's discharge immediately prior  
1561 and during the pass through or interference did not change  
1562 substantially in nature or constituents from the industrial user's  
1563 prior discharge activity during which the POTW was regularly in  
1564 compliance with the POTW's NPDES permit requirements and, in  
1565 the case of interference, sludge requirements.  
1566

1567 c) These general prohibitions and the specific prohibitions in 35 Ill. Adm. Code  
1568 310.202 apply to each industrial user introducing pollutants into a POTW whether  
1569 or not the industrial user is subject to other pretreatment standards or any national,  
1570 State, or local pretreatment requirements.  
1571

1572 BOARD NOTE: Derived from 40 CFR 403.5(a) (2003).

1573  
1574 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1575

1576 **Section 310.210 Local Limits Developed by POTW**  
1577

1578 a) Each POTW that is required to develop a pretreatment program must develop and  
1579 enforce, as part of the program, local limits to implement the prohibitions listed in  
1580 35 Ill. Adm. Code 310.201(a) and 310.202. Each POTW with an approved  
1581 pretreatment program must continue to develop these local limits as necessary and  
1582 to effectively enforce such limits.  
1583

1584 b) A POTW that is not required to develop a pretreatment program must, in cases  
1585 where pollutants contributed by one or more industrial users result in interference  
1586 or pass through, and such violation is likely to recur, develop and enforce local  
1587 limits for industrial users, which, together with appropriate changes in the POTW  
1588 treatment plant's facilities or operation, are necessary to ensure renewed and  
1589 continued compliance with the POTW's NPDES permit, and sludge requirements.  
1590

1591 c) Before developing local limits, a POTW must give individual notice and an  
1592 opportunity to respond to persons or groups that have requested notice.  
1593

1594 d) A POTW may develop best management practices (BMPs) to implement  
1595 subsections (a) and (b). Such BMPs are to be considered local limits and  
1596 pretreatment standards for the purposes of this Part.  
1597

1598 e) The POTW must base limitations developed pursuant to this Section on the  
1599 characteristics and treatability of the wastewater by the POTW, effluent  
1600 limitations that the POTW must meet, sludge requirements, water quality

1601 standards in the receiving stream, and the pretreatment standards and  
1602 requirements of this Part and 35 Ill. Adm. Code 307.

1603  
1604 BOARD NOTE: Subsections (a) through (d) are derived from 40 CFR 403.5(c)  
1605 (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005). The Board added  
1606 subsection (e) to provide standards for development of local limits.

1607  
1608 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1609

1610 **Section 310.221 Source Category Determination Request**

1611  
1612 a) Application deadline.

1613  
1614 1) The industrial user or POTW may request that the Agency provide written  
1615 certification as to whether the industrial user falls within that particular  
1616 source category or subcategory. If an existing industrial user adds or  
1617 changes a process or operation that may be included in a source category  
1618 or subcategory, the existing industrial user must request this certification  
1619 prior to commencing discharge from the added or changed processes or  
1620 operation. With respect to new standards, the following apply:

1621  
1622 A) The POTW or industrial user must direct to USEPA any source  
1623 category determination requests for pretreatment standards adopted  
1624 by USEPA prior to authorization of the Illinois program.

1625  
1626 B) After authorization of the Illinois program, the POTW or industrial  
1627 user must direct to the Agency any source category determination  
1628 requests within 60 days after the Board adopts or incorporates by  
1629 reference a pretreatment standard for a source category or  
1630 subcategory under which an industrial user may be included.

1631  
1632 2) A new source must request this certification prior to commencing  
1633 discharge.

1634  
1635 3) If a request for certification is submitted by a POTW, the POTW must  
1636 notify any affected industrial user of such applications. The industrial user  
1637 may provide written comments on the POTW submissions to the Agency  
1638 within 30 days of notification.

1639  
1640 b) Contents of application. Each request must contain a statement that includes the  
1641 following information:

1642  
1643 1) Describing which source category or subcategories might be applicable;  
1644 and

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- 2) Citing evidence and reasons why a particular source category or subcategory is applicable and why others are not applicable. Any person signing the application statement submitted pursuant to this Section must make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- c) Deficient requests. The Agency must act only on written requests for determinations that contain all of the information required. The Agency must notify persons who have made incomplete submissions that their requests are deficient and that, unless the time period is extended, they have 30 days to correct the deficiency. If the deficiency is not corrected within 30 days, or within an extended period allowed by the Agency, the Agency must deny the request for a determination.

- d) Final determination.

- 1) When the Agency receives a submission, the Agency shall, if it determines that the submission contains all of the information required by subsection (b), consider the submission, any additional evidence that may have been requested and any other available information relevant to the request. The Agency must then make a written determination of the applicable source category or subcategory and state the reasons for the determination.
- 2) The Agency must forward the determination described in subsection (d)(1) to USEPA. If USEPA does not modify the Agency's decision within 60 days after its receipt, the Agency's decision is final.
- 3) If USEPA modifies the Agency's decision, USEPA's decision will be final.
- 4) The Agency must send a copy of the determination to the affected industrial user and the POTW. If the final determination is made by USEPA, the Agency must send a copy of the determination to the user.



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- e) Requests for hearing or legal decision.
  - 1) Within 30 days following the date of receipt of notice of the final determination as provided for by subsection (d)(4), the requester may submit a petition to reconsider or contest the decision to USEPA, which will act pursuant to 40 CFR 403.6(a)(5).
  - 2) Within 35 days following the date of receipt of notice of the final determination as provided for by subsection (c), (d)(2), or (d)(4), the requester may appeal a final decision made by the Agency to the Board.

BOARD NOTE: Derived from 40 CFR 403.6(a) (2005).

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

**Section 310.230 Concentration and Mass Limits**

- a) Pollutant discharge limits in categorical pretreatment standards will be expressed either as concentration or mass limits. Limits in categorical pretreatment standards must apply to the discharge from the process regulated by the standard or as otherwise specified by the standard.
- b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
- c) A Control Authority calculating equivalent mass-per-day limitations under subsection (b) must calculate such limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production must be based not upon the designed production capacity, but rather upon a reasonable measure of the industrial user's actual long-term daily production during a representative year. For new sources, actual production must be estimated using projected production.
- d) A Control Authority calculating equivalent concentration limitations under subsection (b) must calculate such limitations by dividing the mass limitations derived under subsection (c) by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate must be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during the representative year.



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- 1733 e) When the limits in a categorical pretreatment standard are expressed only in  
1734 terms of pollutant concentrations, an industrial user may request that the  
1735 Control Authority convert the limits to equivalent mass limits. The  
1736 determination to convert concentration limits to mass limits is within the  
1737 discretion of the Control Authority. The Control Authority may establish  
1738 equivalent mass limits only if the industrial user meets all the following  
1739 conditions in subsections (e)(1)(A) through (e)(1)(E).  
1740
- 1741 1) To be eligible for equivalent mass limits, the industrial user must  
1742 undertake the following actions:  
1743
- 1744 A) It must employ or demonstrate that it will employ water  
1745 conservation methods and technologies that substantially reduce  
1746 water use during the term of its control mechanism;  
1747
- 1748 B) It must currently use control and treatment technologies adequate  
1749 to achieve compliance with the applicable categorical  
1750 pretreatment standard, and it must not have used dilution as a  
1751 substitute for treatment;  
1752
- 1753 C) It must provide sufficient information to establish the facility's  
1754 actual average daily flow rate for all wastestreams, based on data  
1755 from a continuous effluent flow monitoring device, as well as the  
1756 facility's long-term average production rate. Both the actual  
1757 average daily flow rate and long-term average production rate must  
1758 be representative of current operating conditions;  
1759
- 1760 D) It must not have daily flow rates, production levels, or pollutant  
1761 levels that vary so significantly that equivalent mass limits are not  
1762 appropriate to control the discharge; and  
1763
- 1764 E) It must have consistently complied with all applicable categorical  
1765 pretreatment standards during the period prior to the industrial  
1766 user's request for equivalent mass limits.  
1767
- 1768 2) An industrial user subject to equivalent mass limits must undertake the  
1769 following actions:  
1770
- 1771 A) It must maintain and effectively operate control and treatment  
1772 technologies adequate to achieve compliance with the  
1773 equivalent mass limits;  
1774

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- B) It must continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - C) It must continue to record the facility's production rates and notify the Control Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in subsection (e)(1)(C). Upon notification of a revised production rate, the Control Authority must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - D) It must continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection (e)(1)(A) so long as it discharges under an equivalent mass limit.
- 3) A Control Authority that chooses to establish equivalent mass limits must undertake the following actions:
- A) It must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated processes of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;
  - B) Upon notification of a revised production rate, it must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - C) It may retain the same equivalent mass limit in subsequent control mechanism terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 310.232. The industrial user must also be in compliance with Subpart J of this Part (regarding the prohibition of bypass).

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- 1816 4) The Control Authority may not express limits in terms of mass for  
1817 pollutants such as pH, temperature, radiation, or other pollutants that  
1818 cannot appropriately be expressed as mass.  
1819
- 1820 f) The Control Authority may convert the mass limits of the categorical  
1821 pretreatment standards of Subparts O, T, and CD of 35 Ill. Adm. Code 307 to  
1822 concentration limits for purposes of calculating limitations applicable to  
1823 individual industrial users under the following conditions. When converting  
1824 such limits to concentration limits, the Control Authority must use the  
1825 concentrations listed in the applicable provisions of Subparts O, T, and CD of  
1826 35 Ill. Adm. Code 307 and document that dilution is not being substituted for  
1827 treatment as prohibited by 35 Ill. Adm. Code 310.232.  
1828
- 1829 g) Equivalent limitations calculated in accordance with subsections (c) through (f)  
1830 are deemed pretreatment standards. The Control Authority must document  
1831 how the equivalent limits were derived and make this information publicly  
1832 available. Once incorporated into its control mechanism, the industrial users  
1833 must comply with the equivalent limitations instead of the promulgated  
1834 categorical standards from which the equivalent limitations were derived.  
1835
- 1836 h) Many categorical pretreatment standards specify one limit for calculating  
1837 maximum daily discharge limitations and a second limit for calculating maximum  
1838 monthly average or four-day average limitations. Where such standards are being  
1839 applied, the same production or flow figure must be used in calculating both the  
1840 average and the maximum equivalent limitation.  
1841
- 1842 i) Any industrial user operating under a control mechanism incorporating equivalent  
1843 mass or concentration limits calculated from a production based standard must  
1844 notify the Control Authority within two business days after the user has a  
1845 reasonable basis to know that the production level will significantly change within  
1846 the next calendar month. Any user not notifying the Control Authority of such  
1847 anticipated change will be required to meet the mass or concentration limits in its  
1848 control mechanism that were based on the original estimate of the long term  
1849 average production rate.  
1850

1851 BOARD NOTE: Derived from 40 CFR 403.6(c) (2005), as amended at 70 Fed. Reg.  
1852 60134 (Oct. 14, 2005).

1853  
1854 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1855

### **Section 310.233 Combined Waste Stream Formula**

1856  
1857  
1858 Where process wastewater is mixed prior to treatment with wastewaters other than those  
1859 generated by the regulated process, the Control Authority (or the industrial user with the written

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1860 concurrence of the Control Authority) must derive fixed alternative discharge limits. When it is  
1861 deriving alternative categorical limits, the Control Authority must calculate both an alternative  
1862 daily maximum value using the daily maximum values specified in the appropriate categorical  
1863 pretreatment standards and an alternative consecutive sampling day average value using the  
1864 average monthly values specified in the appropriate categorical pretreatment standards. The  
1865 industrial user must comply with the alternative daily maximum and average monthly limits  
1866 fixed by the Control Authority until the Control Authority modifies the limits or approves an  
1867 industrial user modification request. Modification is authorized whenever there is a material or  
1868 significant change in the values used in the calculation to fix alternative limits for the regulated  
1869 pollutant. An industrial user must immediately report any such material or significant change to  
1870 the Control Authority. Where appropriate, the Control Authority must calculate new alternative  
1871 categorical limits within 30 days.

1872  
1873 a) Alternative limit calculation. For purposes of these formulas, the "average daily  
1874 flow" means a reasonable measure of the average daily flow for a 30-day period.  
1875 For new sources, flows must be estimated using projected values. The Control  
1876 Authority must derive the alternative limit for a specified pollutant by the use of  
1877 either of the following formulas:

1878  
1879 1) Alternative concentration limit.

1880

$$C = \frac{(T - D)\sum C_i F_i}{(T)\sum F_i}$$

1881

1882 where

1883

C = The alternative concentration limit for the combined waste stream.

C<sub>i</sub> = The categorical pretreatment standard concentration limit for a pollutant in the regulated stream i.

F<sub>i</sub> = The average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

"ΣG<sub>i</sub>" = The sum of the results of calculation G for streams i = 1 to i = N.

N = The total number of regulated streams.

T = The average daily flow (at least a 30-day average) through the combined pretreatment facility (includes F<sub>i</sub>, D and unregulated streams).

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- 1884 D = The average daily flow (at least a 30-day average) from:  
1885  
1886 A) Boiler blowdown streams, non-contact cooling streams,  
1887 stormwater streams and demineralizer backwash streams, subject  
1888 to the proviso of subsection (d);  
1889 B) Sanitary waste streams where such waste streams are not regulated  
1890 by a categorical pretreatment standard; and  
1891  
1892 C) From any process waste streams that were or could have been  
1893 entirely exempted from categorical pretreatment standards as  
1894 specified in subsection (e).  
1895  
1896 2) Alternative mass limit  
1897

$$M = \frac{(T - D)\sum M_i}{\sum F_i}$$

1898 where  
1899  
1900

- M = The alternative mass limit for a pollutant in the combined waste stream.
- $M_i$  = The categorical pretreatment standard mass limit for a pollutant in the regulated stream  $i$  (the categorical pretreatment mass limit multiplied by the appropriate measure of production).
- $F_i$  = The average daily flow (at least a 30-day average) of stream  $i$  to the extent that it is regulated for such pollutant.
- " $\sum G_i$ " means the sum of the results of calculation  $G$  for streams  $i = 1$  to  $i = N$ .
- N = The total number of regulated streams.
- T = The average daily flow (at least a 30-day average) through the combined pretreatment facility (includes  $F_i$ , D and unregulated streams).
- D = The average daily flow (at least a 30-day average)

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1943
- A) Boiler blowdown streams, non-contact cooling streams, stormwater streams and demineralizer backwash streams subject to the proviso of subsection (d);
  - B) Sanitary waste streams where such waste streams are not regulated by a categorical pretreatment standard; and
  - C) From any process waste streams that were or could have been entirely exempted from categorical pretreatment standards, as specified in subsection (e).
- b) Alternative limits below detection. An alternative pretreatment limit must not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.
- c) Self-monitoring. Self-monitoring required to insure compliance with the alternative categorical limit must be as follows:
- 1) The type and frequency of sampling, analysis, and flow measurement must be determined by reference to the self-monitoring requirements of the appropriate categorical pretreatment standards.
  - 2) Where the self-monitoring schedules for the appropriate standards differ, monitoring must be done according to the most frequent schedule.
  - 3) Where flow determines the frequency of self-monitoring in a categorical pretreatment standard, the sum of all regulated flows ( $F_i$ ) is the flow that must be used to determine self-monitoring frequency.
- d) Proviso to subsections (a)(1) and (a)(2). Where boiler blowdown, non-contact cooling streams, stormwater streams, and demineralizer backwash streams contain a significant amount of a pollutant, and the combination of such streams, prior to pretreatment, with the industrial user's regulated process waste streams will result in a substantial reduction of that pollutant, the Control Authority, upon application of the industrial user, must determine whether such waste streams should be classified as diluted or unregulated. In its application to the Control Authority, the industrial user must provide engineering, production, sampling, and analysis and such other information so the Control Authority can make its determination.
- e) Exemptions from categorical pretreatment standards. Process waste streams were or could have been entirely exempted from categorical pretreatment standards

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1944 pursuant to paragraph 8 of the NRDC v. Costle consent decree, incorporated by  
1945 reference in 35 Ill. Adm. Code 310.107, for one or more of the following reasons  
1946 (see appendix D to 40 CFR 403, incorporated by reference in 35 Ill. Adm. Code  
1947 310.107):

- 1948
- 1949 1) The pollutants of concern are not detectable in the discharge from the  
1950 industrial user;
- 1951
- 1952 2) The pollutants of concern are present only in trace amounts and are neither  
1953 causing nor are likely to cause toxic effects;
- 1954
- 1955 3) The pollutants of concern are present in amounts too small to be  
1956 effectively reduced by technologies known to USEPA;
- 1957
- 1958 4) The waste stream contains only pollutants that are compatible with the  
1959 POTW.

1960

1961 f) Where a treated regulated process waste stream is combined prior to treatment  
1962 with wastewaters other than those generated by the regulated process, the  
1963 industrial user may monitor either the segregated process waste stream or the  
1964 combined waste stream for the purpose of determining compliance with  
1965 applicable pretreatment standards. If the industrial user chooses to monitor the  
1966 segregated process waste stream, it must apply the applicable categorical  
1967 pretreatment standard. If the user chooses to monitor the combined waste stream,  
1968 it must apply an alternative discharge limit calculated using the combined waste  
1969 stream formula as provided in this Section. The industrial user may change  
1970 monitoring points only after receiving approval from the Control Authority. The  
1971 Control Authority must ensure that any change in an industrial user's monitoring  
1972 point or points will not allow the user to substitute dilution for adequate treatment  
1973 to achieve compliance with applicable standards.

1974

1975 BOARD NOTE: Derived from 40 CFR 403.6(e) (2005), as amended at 70 Fed. Reg. 60134  
1976 (Oct. 14, 2005).

1977

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

1979

1980 SUBPART C: REMOVAL CREDITS

1981

### 1982 Section 310.301 Special Definitions

1983

1984 For purposes of Subpart C, the following definitions apply:

1985

1986 "Consistent removal" means the average of the lowest 50% of the removals  
1987 measured according to 35 Ill. Adm. Code 310.311. All sample data obtained for

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1988 the measured pollutant during the time period prescribed in 35 Ill. Adm. Code  
1989 310.311 must be reported and used in computing consistent removal. If a  
1990 substance is measurable in the influent but not in the effluent, the effluent level  
1991 may be assumed to be the limit of measurement, and those data may be used by  
1992 the POTW at its discretion and subject to approval by the Agency. If the  
1993 substance is not measurable in the influent, the data may not be used. Where the  
1994 number of samples with concentrations equal to or above the limit of  
1995 measurement is between eight and twelve, the average of the lowest six removals  
1996 must be used. If there are less than eight samples with concentrations equal to or  
1997 less than the limit of measurement, the Agency may approve alternate means of  
1998 demonstrating consistent removal. "Measurement" refers to the ability of the  
1999 analytical method or protocol to quantify as well as identify the presence of the  
2000 substance in question.  
2001 BOARD NOTE: Derived from 40 CFR 403.7 (2005).  
2002  
2003 "Industrial user" means industrial user or users, as is appropriate from the context.  
2004  
2005 "Overflow" means the intentional or unintentional diversion of flow from the  
2006 POTW before the POTW treatment plant.  
2007 BOARD NOTE: Derived from 40 CFR 403.7 (2005), as amended at 70 Fed. Reg.  
2008 60134 (Oct. 14, 2005).  
2009  
2010 "Removal" means a reduction in the amount of a pollutant in the POTW's effluent  
2011 or alteration of the nature of a pollutant during treatment at the POTW. The  
2012 reduction or alteration can be obtained by physical, chemical, or biological means  
2013 and may be the result of specifically designed POTW capabilities, or may be  
2014 incidental to operation of the treatment system. Removal does not mean dilution  
2015 of a pollutant in a POTW.  
2016 BOARD NOTE: Derived from 40 CFR 403.7(a) (2005).  
2017  
2018 "Sludge requirements" is as defined in 35 Ill. Adm. Code 310.110.  
2019 BOARD NOTE: Derived from 40 CFR 403.7(a) (2005).  
2020  
2021 "Standard" means standard or standards as is appropriate from the context.  
2022  
2023 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2024

### **Section 310.302 Authority**

2025 Any POTW receiving wastes from an industrial user to which a categorical pretreatment  
2026 standard applies may, at its discretion and subject to the conditions of Subpart C, grant removal  
2027 credits to reflect removal by the POTW of pollutants specified in the categorical pretreatment  
2028 standard. The POTW may grant a removal credit equal to, or at its discretion, less than its  
2029 consistent removal rate. Upon being granted a removal credit, each affected industrial user must  
2030  
2031



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2032 calculate its revised discharge limits in accordance with 35 Ill. Adm. Code 310.310. Removal  
2033 credits must be given for indicator or surrogate pollutants regulated in a categorical pretreatment  
2034 standard only if the categorical pretreatment standard so specifies.

2035  
2036 BOARD NOTE: Derived from 40 CFR 403.7(a)(2) (2003).

2037  
2038 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 2039 2040 **Section 310.303 Conditions for Authorization to Grant Removal Credits**

2041  
2042 The Agency must authorize a POTW to grant removal credits only if the following conditions  
2043 are met:

- 2044
- 2045 a) The POTW applies for and receives authorization from the Agency to grant a  
2046 removal credit in accordance with the requirements and procedures specified in  
2047 35 Ill. Adm. Code 310.330 and 310.340.
  - 2048  
2049 b) The POTW demonstrates and continues to achieve consistent removal of the  
2050 pollutant.
  - 2051  
2052 c) The POTW has an approved pretreatment program in accordance with and to the  
2053 extent required by this Part; provided, however, that a POTW that does not have  
2054 an approved pretreatment program may, pending approval of such a program,  
2055 give removal credits conditionally as provided in 35 Ill. Adm. Code 310.330.
  - 2056  
2057 d) The granting of removal credits will not cause the POTW to violate sludge  
2058 requirements that apply to the sludge management method chosen by the POTW.  
2059 ("Sludge requirements" is defined in 35 Ill. Adm. Code 310.110.) Alternatively,  
2060 the POTW demonstrates to the Agency that even though it is not presently in  
2061 compliance with applicable sludge requirements, it will be in compliance when  
2062 each industrial user to whom the removal credit would apply is required to meet  
2063 its categorical pretreatment standard as modified by the removal credit. Removal  
2064 credits may be made available for any of the following pollutants:
  - 2065  
2066 1) For any pollutant listed in appendix G, section I of 40 CFR 403,  
2067 incorporated by reference in 35 Ill. Adm. Code 310.107, for the use or  
2068 disposal practice employed by the POTW, when the requirements in 40  
2069 CFR 503, incorporated by reference in 35 Ill. Adm. Code 310.107, for that  
2070 practice are met;
  - 2071  
2072 2) For any pollutant listed in appendix G, section II of 40 CFR 403,  
2073 incorporated by reference in 35 Ill. Adm. Code 310.107, for the use or  
2074 disposal practice employed by the POTW when the concentration for a  
2075 pollutant listed in appendix G, section II of 40 CFR 403 in the sewage

2076 sludge that is used or disposed of does not exceed the concentration for the  
2077 pollutant in appendix G, section II of 40 CFR 403; or

2078  
2079 3) For any pollutant in sewage sludge when the POTW disposes all of its  
2080 sewage sludge in a municipal solid waste landfill unit that meets the  
2081 criteria in 35 Ill. Adm. Code 810 through 813 that are derived from 40  
2082 CFR 258.

2083  
2084 e) The granting of removal credits will not cause a violation of the POTW's NPDES  
2085 permit limitations or conditions. Alternatively, the POTW demonstrates to the  
2086 Agency that even though it is not presently in compliance with applicable  
2087 limitations and conditions in its NPDES permit, it will be in compliance when  
2088 each industrial user to whom the removal credit would apply is required to meet  
2089 its categorical pretreatment standard, as modified by the removal credit.

2090  
2091 BOARD NOTE: Derived from 40 CFR 403.7(a)(3) (2005).

2092  
2093 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2094  
2095 **Section 310.311 Demonstration of Consistent Removal**

2096  
2097 The Agency must authorize a POTW to grant a removal credit that does not exceed the POTW's  
2098 consistent removal rate. In order to demonstrate consistent removal, the POTW must, for each  
2099 pollutant with respect to which removal credit authorization is sought, collect influent and  
2100 effluent data, and calculate consistent removal in accordance with the following requirements.  
2101 As a condition of retaining removal credits authorization, the POTW's consistent removal must  
2102 continue to be equal or greater than the removal credit.

2103  
2104 a) Representative data. Seasonal. The data must be representative of yearly and  
2105 seasonal conditions to which the POTW is subjected for each pollutant for which  
2106 a discharge limit revision is proposed.

2107  
2108 b) Representative data. Quality and quantity. The data must be representative of the  
2109 quality and quantity of normal effluent and influent flow if such data can be  
2110 obtained. If such data are unobtainable, alternate data or information may be  
2111 presented for approval to demonstrate consistent removal.

2112  
2113 c) Sampling procedures

2114  
2115 1) Composite. The influent and effluent operational data must be obtained  
2116 through 24-hour flow-proportional composite samples. Sampling may be  
2117 done manually or automatically, and discretely or continuously. For  
2118 discrete sampling, at least 12 aliquots must be composited. Discrete  
2119 sampling may be flow-proportioned either by varying the time interval

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- 2120 between each aliquot or the volume of each aliquot. All composites must  
2121 be flow-proportional to either stream flow at time of collection of influent  
2122 aliquot or to the total influent flow since the previous influent aliquot.  
2123 Volatile pollutant aliquots must be combined in the laboratory  
2124 immediately before analysis.  
2125
- 2126 2) Number of samples  
2127
- 2128 A) Twelve samples must be taken at approximately equal intervals  
2129 throughout the full year. Sampling must be evenly distributed over  
2130 the days of the week so as to include non-workdays. If the Agency  
2131 determines that this schedule will not be most representative of the  
2132 actual operation of the POTW treatment plant, the Agency must  
2133 approve an alternative sampling schedule.  
2134
- 2135 B) Upon concurrence of the Agency, a POTW may utilize a historical  
2136 data base amassed during the three years immediately preceding  
2137 the application, provided that such data otherwise meet the  
2138 requirements of this Section. In order for the historical data base  
2139 to be approved, it must present a statistically valid description of  
2140 daily, weekly, and seasonal sewage treatment plant loadings and  
2141 performance for at least one year.  
2142
- 2143 3) Effluent sample collection need not be delayed to compensate for  
2144 hydraulic detention time unless the POTW elects to include detention time  
2145 compensation or unless the Agency requires detention time compensation.  
2146 The Agency must require that each effluent sample be taken  
2147 approximately one detention time later than the corresponding influent  
2148 sample when failure to do so would result in an unrepresentative portrayal  
2149 of actual POTW operation. The detention period must be based on a 24-  
2150 hour average daily flow value. The average daily flow used must be based  
2151 upon the average of the daily flows during the same month of the previous  
2152 year.  
2153
- 2154 d) Sampling procedures. Grab. Where composite sampling is not an appropriate  
2155 sampling technique, one or more grab samples must be taken to obtain influent  
2156 and effluent operational data. Collection of influent grab samples must precede  
2157 collection of effluent samples by approximately one detention period. A  
2158 detention period is to be based on a 24-hour average daily flow value. The  
2159 average daily flow used must be based upon the average of the daily flows during  
2160 the same month of the previous year. Grab samples are required, for example,  
2161 where the parameters being evaluated are those such as cyanide and phenol,  
2162 which may not be held for any extended period because of biological, chemical,  
2163 or physical interactions that take place after sample collection and affect the

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2164 results. A grab sample is an individual sample collected over a period of time not  
2165 exceeding 15 minutes.

2166  
2167 e) Analytical methods. The POTW must analyze the samples for pollutants in  
2168 accordance with the analytical techniques prescribed in 35 Ill. Adm. Code  
2169 307.1003. If 35 Ill. Adm. Code 307.1003 does not reference analytical techniques  
2170 for the pollutant in question, or if USEPA determines, as provided in 35 Ill. Adm.  
2171 Code 310.602, that the 35 Ill. Adm. Code 307.1003 analytical techniques are  
2172 inappropriate, the analysis must be performed using validated analytical methods  
2173 or any other applicable analytical procedures approved by USEPA, including  
2174 procedures suggested by the POTW.

2175  
2176 f) Calculation of removal. All data acquired under provisions of this Subpart must  
2177 be submitted to the Agency. Removal for the specific pollutant must be  
2178 determined for each sample by measuring the difference between the  
2179 concentrations of the pollutant in the influent and effluent of the POTW and  
2180 expressing the difference as a percent of the influent concentration. Where such  
2181 data cannot be obtained, the POTW may demonstrate removal using other data or  
2182 procedures subject to concurrence by the Agency.

2183  
2184 BOARD NOTE: Derived from 40 CFR 403.7(b) (2003), as modified to reflect NRDC v.  
2185 USEPA, 790 F.2d 289 (3d Cir. 1986)

2186  
2187 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 2188 2189 **Section 310.312 Provisional Credits**

2190  
2191 For pollutants that are not currently being discharged (new or modified facilities, or production  
2192 changes) the POTW may apply for provisional authorization to revise the applicable categorical  
2193 pretreatment standard prior to initial discharge of the pollutant. Consistent removal may be  
2194 based provisionally on data from treatability studies or demonstrative removal at other treatment  
2195 facilities where the quality and quantity of influent are similar. In calculating and applying for  
2196 provisional removal allowances, the POTW must comply with provisions of this Subpart. The  
2197 POTW must demonstrate consistent removal within 18 months after the commencement of  
2198 discharge of the pollutants in question. If, within 18 months after the commencement of the  
2199 discharge of the pollutant in question, the POTW cannot demonstrate consistent removal  
2200 pursuant to 35 Ill. Adm. Code 310.311, the Agency must terminate the authority to grant removal  
2201 credits, and all industrial users to whom the revised discharge limits had been applied must  
2202 achieve compliance with the applicable categorical pretreatment standards within a reasonable  
2203 time, not to exceed the period of time prescribed in the standards, as the Agency must specify.

2204  
2205 BOARD NOTE: Derived from 40 CFR 403.7(c) (2003).

2206  
2207 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 310.320 Compensation for Overflow**

A POTW that overflows untreated wastewater to receiving waters one or more times in a year may claim consistent removal of a pollutant only by complying with subsection (a) or (b). However, this Section will not apply where an industrial user demonstrates that overflow does not occur between the industrial user and the POTW treatment plant.

- a) The industrial user provides containment or otherwise ceases or reduces discharges from the regulated processes that contain the pollutant for which an allowance is requested during all circumstances in which an overflow event can reasonably be expected to occur at the POTW or at a sewer to which the industrial user is connected. Discharges must cease or be reduced, or pretreatment must be increased, to the extent necessary to compensate for the removal not being provided by the POTW. The Agency must allow allowances under this subsection only if the POTW demonstrates the following to the Agency:
  - 1) That all industrial users to which the POTW proposes to apply this subsection (a) have demonstrated the ability to contain or otherwise cease or reduce, during circumstances in which an overflow event can reasonably be expected to occur, discharges from the regulated processes that contain pollutants for which an allowance is requested;
  - 2) That the POTW has identified circumstances in which an overflow event can reasonably be expected to occur, and has a notification or other viable plan to insure that industrial users will learn of an impending overflow in sufficient time to contain, cease, or reduce discharging to prevent untreated overflows from occurring. The POTW must also demonstrate that it will monitor and verify the data required in subsection (a)(3) to insure that industrial users are containing, ceasing, or reducing operations during POTW system overflow; and
  - 3) That all industrial users to which the POTW proposes to apply this subsection have demonstrated the ability and commitment to collect and make available upon request by the POTW or the Agency daily flow reports or other data sufficient to demonstrate that all discharges from regulated processes containing the pollutant for which the allowance is requested were contained, reduced, or otherwise stopped as appropriate during all circumstances in which an overflow event was reasonably expected to occur; or
- b) Reduction in removal.
  - 1) The consistent removal claimed is reduced pursuant to the following

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2252 equation:  
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2254

$$r_c = \frac{(8760 - Z)r_m}{8760}$$

2255 where:  
2256  
2257

$r_m$  = POTW's consistent removal rate for that pollutant as established under this Subpart.

$r_c$  = Removal corrected by the overflow factor.

$Z$  = Hours per year that overflow occurred between the industrial user and the POTW treatment plant, the hours either to be shown in the POTW's current NPDES permit application or the hours, as demonstrated by verifiable techniques, that a particular industrial user's discharge overflows between the industrial user and the POTW treatment plan.

2258  
2259 2) The industrial user can claim consistent removal only where the POTW is  
2260 complying with all NPDES permit requirements and any additional  
2261 requirements in any order or decree that affects combined sewer  
2262 overflows. These requirements include any combined sewer overflow  
2263 requirements that conform to the "Combined Sewer Overflow (CSO)  
2264 Control Policy," USEPA document number EPA-830/Z-94-001,  
2265 incorporated by reference in 35 Ill. Adm. Code 310.107.  
2266

2267 BOARD NOTE: Derived from 40 CFR 403.7(h) (2005), as amended at 70 Fed. Reg. 60134  
2268 (Oct. 14, 2005).

2269 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2270

## 2271 2272 **Section 310.330 Exception to POTW Pretreatment Requirement**

2273  
2274 A POTW required to develop a local pretreatment program under Subpart E may grant removal  
2275 credits conditionally pending approval of such a program in accordance with the following terms  
2276 and conditions:  
2277

2278 a) All industrial users who are currently subject to a categorical pretreatment  
2279 standard and who wish to receive conditionally a removal credit must submit to  
2280 the POTW the information required by 35 Ill. Adm. Code 310.602(a) through (g)  
2281 (except new or modified industrial users must only submit the information  
2282 required by 35 Ill. Adm. Code 310.602(a) through (f)), pertaining to the

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- 2283 categorical pretreatment standard as modified by the removal credit. The  
2284 industrial users must indicate what additional technology, if any, will be needed to  
2285 comply with the categorical pretreatment standard as modified by the removal  
2286 credit;
- 2287
- 2288 b) The POTW must have submitted to the Agency an application for pretreatment  
2289 program approval meeting the requirements of Subpart E in a timely manner, not  
2290 to exceed the time limitations set forth in a compliance schedule for development  
2291 of a pretreatment program included in the POTW's NPDES permit.
- 2292
- 2293 c) The POTW must do the following:
- 2294
- 2295 1) Compile and submit data demonstrating its consistent removal;
- 2296
- 2297 2) Comply with the conditions specified in 35 Ill. Adm. Code 310.303; and
- 2298
- 2299 3) Submit a complete application for removal credit authority in accordance  
2300 with 35 Ill. Adm. Code 310.340.
- 2301
- 2302 d) If a POTW receives authority to grant conditional removal credits and the Agency  
2303 subsequently makes a final determination, after appropriate notice, that the POTW  
2304 failed to comply with the conditions in subsections (b) and (c), the Agency must  
2305 terminate the authority to grant conditional removal credits and all industrial users  
2306 to whom the revised discharge limits had been applied must achieve compliance  
2307 with the applicable categorical pretreatment standards within a reasonable time,  
2308 not to exceed the period of time prescribed in the applicable categorical  
2309 pretreatment standard.
- 2310
- 2311 e) If a POTW grants conditional removal credits and the POTW or the Agency  
2312 subsequently makes a final determination, after appropriate notice, that the  
2313 industrial user failed to comply with the conditions in subsection (a), the POTW  
2314 or Agency must terminate the conditional credit for the non-complying industrial  
2315 user and the industrial user to whom the revised discharge limits had been applied  
2316 must achieve compliance with the applicable categorical pretreatment standard  
2317 within a reasonable time, not to exceed the period of time prescribed in the  
2318 applicable categorical pretreatment standard. The conditional credit must not be  
2319 terminated where a violation of the provisions of this Section results from causes  
2320 entirely outside of the control of the industrial user or the industrial user has  
2321 demonstrated substantial compliance.
- 2322
- 2323 f) The Agency may elect not to review an application for conditional removal credit  
2324 authority upon receipt of such application, in which case the conditionally revised  
2325 discharge limits remain in effect until reviewed by the Agency. This review may  
2326 occur at any time in accordance with the procedures of Section 310.541 through



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2327 Section 310.547, but in any event no later than the time of any pretreatment  
2328 program approval or any NPDES permit reissuance.  
2329

2330 BOARD NOTE: Derived from 40 CFR 403.7(d)(2003).

2331  
2332 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2333

### 2334 **Section 310.340 Application for Removal Credits Authorization** 2335

2336 a) Any POTW that wants to grant a removal credit may apply for authorization from  
2337 the Agency.  
2338

2339 b) The POTW must submit to the Agency an application for authorization to grant  
2340 removal credits (or modify existing ones).  
2341

2342 c) A POTW may apply for authorization to grant or modify removal credits at any  
2343 time.  
2344

2345 d) An application for authorization to grant removal credits must be supported by the  
2346 following information:  
2347

2348 1) A list of pollutants for which removal credits are proposed.  
2349

2350 2) The data required pursuant to 35 Ill. Adm. Code 310.311.  
2351

2352 3) Proposed revised discharge limits for each affected subcategory of  
2353 industrial users calculated in accordance with 35 Ill. Adm. Code 310.310.  
2354

2355 4) A certification that the POTW has an approved local pretreatment program  
2356 or qualifies for the exception to this requirement under 35 Ill. Adm. Code  
2357 310.330.  
2358

2359 5) A specific description of the POTW's current method of using or disposing  
2360 of its sludge and a certification that the granting of removal credits will  
2361 not cause a violation of the sludge requirements identified in 35 Ill. Adm.  
2362 Code 310.303(d).  
2363

2364 6) A certification that the granting of removal credits will not cause a  
2365 violation of the POTW's NPDES permit limits and conditions as required  
2366 in 35 Ill. Adm. Code 310.303(e).  
2367

2368 BOARD NOTE: Derived from 40 CFR 403.7(e)(1) – through (e)(4) (2003).

2369  
2370 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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**Section 310.341 Agency Review**

The Agency must review the POTW's application for authorization to grant or modify removal credits in accordance with the procedures of 35 Ill. Adm. Code 310.541 through 310.547.

BOARD NOTE: Derived from 40 CFR 403.7(e)(5) (2003).

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

**Section 310.350 Continuation of Authorization**

- a) Inclusion in POTW permit. Once a POTW has received authorization to grant removal credits for a particular pollutant regulated in a categorical pretreatment standard it may automatically extend that removal credit to the same pollutant when it is regulated in other categorical standards, unless granting the removal credit will cause the POTW to violate the sludge requirements identified in 35 Ill. Adm. Code 310.303(d) or its NPDES permit limitations and conditions as required by 35 Ill. Adm. Code 310.303(e). If a POTW elects at a later time to extend removal credits to a certain categorical pretreatment standard, industrial subcategory, or one or more industrial users that initially were not granted removal credits, it must notify the Agency.
- b) Compliance Monitoring. Once authority is granted, the removal credits must be included in the POTW's NPDES permit as soon as possible and must become an enforceable requirement of the POTW's NPDES permit. The removal credits will remain in effect for the term of the POTW's NPDES permit, provided the POTW maintains compliance with the conditions specified in 35 Ill. Adm. Code 310.351.
- c) Modification or withdrawal of removal credits. Following authorization to grant removal credits, a POTW must continue to monitor and report the POTW's removal capabilities at such intervals as are specified by the Agency in the pretreatment program and NPDES permit, but in no case less than once per year. The Agency must require a minimum of one representative sample per month during the reporting period. The POTW must include all sampling data in the POTW's compliance report.

BOARD NOTE: Derived from 40 CFR 403.7(f)(1) through (f)(3) (2003).

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

**Section 310.351 Modification or Withdrawal of Removal Credits**

- a) Notice to POTW. The Agency must notify the POTW if, on the basis of pollutant

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- 2415 removal capability reports received pursuant to Section 310.350(c) or other  
2416 information available to it, the Agency determines:  
2417  
2418 1) That one or more of the discharge limits revisions made by the POTW, or  
2419 the POTW itself, no longer meets the requirements of this Subpart; or  
2420  
2421 2) That such discharge limit revisions are causing or significantly  
2422 contributing to a violation of any conditions or limits contained in the  
2423 POTW's NPDES permit. A revised discharge limit is significantly  
2424 contributing to a violation of the POTW's permit if it satisfies the  
2425 definition of pass through or interference as defined in 35 Ill. Adm. Code  
2426 310.110.  
2427
- 2428 b) Corrective action. If appropriate corrective action is not taken within a reasonable  
2429 time, not to exceed 60 days unless the POTW or an affected industrial user  
2430 demonstrates that a longer time period is reasonably necessary to undertake the  
2431 appropriate corrective action, the Agency must either withdraw such discharge  
2432 limits or require modifications in the revised discharge limits.  
2433
- 2434 c) Public notice of withdrawal or modification. The Agency must not withdraw,  
2435 modify, or revise discharge limits unless it first notifies the POTW and all  
2436 industrial users to whom revised discharge limits have been applied, and made  
2437 public in writing the reasons for such withdrawal or modification and provided an  
2438 opportunity for public hearing. Following such notice and withdrawal or  
2439 modification, all industrial users to whom revised discharge limits had been  
2440 applied must be subject to the modified discharge limits or the discharge limits  
2441 prescribed in the applicable categorical pretreatment standards as appropriate and  
2442 must achieve compliance with such limits within a reasonable time, not to exceed  
2443 the period of time prescribed in the applicable categorical pretreatment standard.  
2444

2445 BOARD NOTE: Derived from 40 CFR 403.7(f)(4) (2003), as modified to reflect NRDC  
2446 v. USEPA, 790 F.2d 289 (3d Cir. 1986).

2447  
2448 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2449

### SUBPART D: PRETREATMENT PERMITS

#### Section 310.400 Preamble

- 2451  
2452  
2453
- 2454 a) Subpart D contains rules for the issuance of pretreatment permits by the Agency  
2455 when the Agency is acting as the Control Authority. Subpart D does not apply if  
2456 the POTW is the Control Authority.  
2457
- 2458 b) Industrial users with pretreatment permits are not required to have operating

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2459 permits under Subpart B of 35 Ill. Adm. Code 309. However, sources may be  
2460 required to have construction permits under Subpart B of 35 Ill. Adm. Code 309.

2461  
2462 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2463

### 2464 **Section 310.401 Pretreatment Permits**

2465  
2466 a) No industrial user shall, without a pretreatment permit, discharge to a POTW,  
2467 unless the discharge is to a POTW with a pretreatment program approved under  
2468 Subpart E.

2469  
2470 b) An industrial user that does not have a pretreatment permit must apply for a  
2471 pretreatment permit within 30 days after the Agency notifies the user that the user  
2472 meets any of the following criteria:

2473  
2474 1) The user has caused pass through or interference.

2475  
2476 2) The user's discharge presents an imminent endangerment to the health or  
2477 welfare of persons.

2478  
2479 c) No person may cause or allow any discharge for which a pretreatment permit has  
2480 been issued unless the discharge is in compliance with the conditions of the  
2481 pretreatment permit.

2482  
2483 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2484

### 2485 **Section 310.402 Time to Apply**

2486  
2487 a) Any person required to have a pretreatment permit must file an application with  
2488 the Agency at least 90 days before the date on which the permit is required.

2489  
2490 b) Any permittee who wishes to continue to discharge after the expiration date of a  
2491 pretreatment permit must apply for reissuance of the permit at least 90 days  
2492 before the expiration date of the permit.

2493  
2494 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2495

### 2496 **Section 310.403 Imminent Endangerment**

2497  
2498 Under Section 34 of the Act [415 ILCS 5/34] the Agency must declare an emergency and seal  
2499 any wastewater source or discharge if it determines that the discharge presents an imminent  
2500 endangerment to the health or welfare of persons.

2501  
2502 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 310.410 Application**

- a) Applications for pretreatment permits must include the following information:
  - 1) The location of the wastewater source and discharge;
  - 2) The location of the sewer to which the industrial user will discharge;
  - 3) The POTW and treatment works that will receive the discharge;
  - 4) The volume discharged;
  - 5) A description of the wastewater before any pretreatment and before discharge, including a statement as to the presence or absence of all contaminants for which pretreatment requirements have been established in 35 Ill. Adm. Code 307;
  - 6) Any projected changes in the volume or description of the wastewater that the industrial user desires to have included in the terms of the permit;
  - 7) A certification of capacity to transport and treat the wastewater as specified in 35 Ill. Adm. Code 310.411; and
  - 8) Such additional information as the Agency determines is necessary to determine whether the industrial user will meet the requirements of this Part and 35 Ill. Adm. Code 307.
- b) The Agency must promulgate application forms for pretreatment permits.

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

**Section 310.413 Site Visit**

If the Agency determines that a site visit is necessary for the Agency to evaluate the application, it must notify the applicant within 30 days after receiving the application and arrange to visit the site. Failure to allow a site visit renders the application incomplete.

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

**Section 310.415 Time Limits**

- a) If a permittee files a timely application for renewal of an existing pretreatment permit, the existing permit must continue until the Agency takes final action on

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2547 the new application.

2548

2549 b) If the Agency fails to take action on an application for a new permit within 90  
2550 days after it receives the application, the applicant may deem the permit issued for  
2551 a period of one year from the end of the 90 day period. This excuses the applicant  
2552 only from the requirement to obtain a permit.

2553

2554 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2555

### 2556 **Section 310.420 Standard for Issuance**

2557

2558 The Agency must issue a pretreatment permit to the industrial user in either of the following  
2559 circumstances:

2560

2561 a) If the industrial user demonstrates that the discharge will meet the requirements  
2562 and standards of this Part and 35 Ill. Adm. Code 307; or

2563

2564 b) If the Agency imposes in the pretreatment permit conditions sufficient to assure  
2565 future compliance with the requirements and standards of this Part and 35 Ill.  
2566 Adm. Code 307, including a schedule of compliance under 35 Ill. Adm. Code  
2567 310.432.

2568

2569 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

2570

### 2571 **Section 310.430 Conditions**

2572

2573 The Agency must impose the following conditions in each permit:

2574

2575 a) Discharge limitations based on 35 Ill. Adm. Code 307.

2576

2577 b) More stringent discharge limitations based the ability of the POTW to treat the  
2578 discharge without interference or pass through.

2579

2580 c) Requirements that the industrial user collect and analyze samples of the discharge.

2581

2582 d) Requirements that the industrial user report the results of sample analysis to the  
2583 Agency.

2584

2585 e) Requirements that the industrial user allow authorized representatives of the  
2586 Agency, at reasonable times, upon presentation of credentials, to inspect its  
2587 premises and collect samples of the discharge.

2588

2589 f) An expiration date, as specified in 35 Ill. Adm. Code 310.431.

2590

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- 2591 g) If the applicant does not demonstrate compliance with this Part and 35 Ill. Adm.  
2592 Code 307, a schedule of compliance as specified in 35 Ill. Adm. Code 310.432.  
2593  
2594 h) A requirement that the applicant file an application to modify the permit when  
2595 notified under 35 Ill. Adm. Code 310.442.  
2596  
2597 i) Such additional conditions as the Agency determines are necessary to assure that  
2598 the discharge complies with the requirements of this Part and 35 Ill. Adm. Code  
2599 307.

2600  
2601 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2602

### 2603 **Section 310.431 Duration of Permits**

2604  
2605 No pretreatment permit may have a duration longer than five years. In establishing earlier  
2606 expiration dates, the Agency must consider the following:

- 2607  
2608 a) Coordination with future compliance deadlines;  
2609  
2610 b) Maintenance of intensive control over new or experimental processes; and  
2611  
2612 c) Whether the permit addresses an emergency situation.

2613  
2614 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2615

### 2616 **Section 310.432 Schedules of Compliance**

- 2617  
2618 a) The Agency must establish a schedule of compliance in any pretreatment permit  
2619 unless the industrial user demonstrates compliance with this Part and 35 Ill. Adm.  
2620 Code 307.  
2621  
2622 b) Schedules of compliance must require the permittee to take specific steps to  
2623 achieve compliance within the shortest practicable period of time, and must be  
2624 consistent with requirements in the Clean Water Act and 40 CFR 403,  
2625 incorporated by reference in 35 Ill. Adm. Code 310.107.  
2626  
2627 c) The schedule of compliance must contain the following:
- 2628  
2629 1) Increments of progress in the form of dates to commence and complete  
2630 major events leading to the construction and operation of additional  
2631 pretreatment required to meet the standards of 35 Ill. Adm. Code 307. No  
2632 increment of progress may exceed nine months.

- 2633  
2634 2) A requirement that the industrial user submit progress reports no later than

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- 2635 14 days following each date in the schedule, including the final date for  
2636 compliance. The progress report must include, at a minimum, the  
2637 following:  
2638
- 2639 A) Whether or not the industrial user met the date specified in the  
2640 schedule of compliance; and
  - 2641
  - 2642 B) If the industrial user did not meet the dates, the date on which the  
2643 user expects to accomplish this increment of progress, the reason  
2644 for the delay and steps being taken to return construction to the  
2645 schedule of compliance.
  - 2646
  - 2647 3) A requirement that in no event do more than nine months elapse between  
2648 progress reports.
  - 2649
  - 2650 4) A statement that the schedule of compliance does not protect the industrial  
2651 user from enforcement.
  - 2652
  - 2653 d) The schedule of compliance does not protect the industrial user from enforcement.  
2654 It is not necessary to show a violation of a pretreatment standard or requirement to  
2655 enforce interim and final compliance dates.
  - 2656

2657 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2658

### **Section 310.443 Revocation**

2659 The Board may revoke a pretreatment permit under Section 33 of the Act [415 ILCS 5/33] and  
2660 35 Ill. Adm. Code 103. Causes for revocation of a permit include:

- 2661 a) Violating permit conditions, including schedules of compliance, monitoring, and  
2662 inspection;
- 2663
- 2664 b) Obtaining a permit by misrepresentation or failure to disclose fully all relevant  
2665 facts; or
- 2666
- 2667 c) A change in circumstances that mandates either a temporary or permanent  
2668 reduction or elimination of the discharge.
- 2669

2670 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2671

### **SUBPART E: POTW PRETREATMENT PROGRAMS**

### **Section 310.501 Pretreatment Programs Required**

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2673  
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- 2679 a) The Agency must require any POTW (or combination of POTWs operated by the  
2680 same authority) with a total design flow greater than five million gallons per day  
2681 (mgd) that receives discharges that fulfill either of the following conditions to  
2682 establish a pretreatment program:  
2683
- 2684 1) The POTW receives discharges from industrial users that pass through or  
2685 interfere with the operation of the POTW; or  
2686
  - 2687 2) The POTW receives discharges from industrial users that are otherwise  
2688 subject to categorical standards in 35 Ill. Adm. Code 307.  
2689
- 2690 b) The Agency must require that a POTW with a design flow of five mgd or less  
2691 develop a POTW pretreatment program if the Agency finds that the nature or  
2692 volume of the industrial influent, treatment process upsets, violations of POTW  
2693 effluent limitations, contamination of municipal sludge, or other circumstances  
2694 require a pretreatment program in order to prevent interference or pass through.  
2695
- 2696 c) Subsections (a) and (b) notwithstanding, the Agency may, in its discretion, waive  
2697 the requirement that any POTW develop a pretreatment program.  
2698
- 2699 1) Waivers must be in writing.  
2700
  - 2701 2) The Agency may, in its discretion, rescind any waiver by giving written  
2702 notice to the POTW, giving sufficient time for the POTW to develop the  
2703 program.  
2704

2705 BOARD NOTE: Derived from 40 CFR 403.8(a) (2003).

2706 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2707  
2708

### **Section 310.502 Deadline for Program Approval**

2709 A POTW that meets the criteria of 35 Ill. Adm. Code 310.501 must receive approval of a POTW  
2710 pretreatment program no later than one year after the issuance, reissuance, or renewal of the  
2711 POTW's NPDES permit to require development of a pretreatment program. The POTW  
2712 pretreatment program must meet the criteria set forth in 35 Ill. Adm. Code 310.510 and must be  
2713 administered by the POTW to ensure compliance by industrial users with applicable pretreatment  
2714 standards and requirements.  
2715  
2716

2717 BOARD NOTE: Derived from 40 CFR 403.8(b) (2003).

2718 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2719  
2720

### **Section 310.503 Incorporation of Approved Programs in Permits**



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2723  
2724 A POTW may develop an appropriate POTW pretreatment program any time before the time  
2725 limit set forth in 35 Ill. Adm. Code 310.502. The approved POTW pretreatment program must  
2726 be incorporated into the POTW's NPDES permit. The modification of a POTW's NPDES permit  
2727 for the purposes of incorporating a POTW pretreatment program approved in accordance with  
2728 the procedure in 35 Ill. Adm. Code 310.541 through 310.547 must be deemed a minor permit  
2729 modification subject to 35 Ill. Adm. Code 310.442.

2730  
2731 BOARD NOTE: Derived from 40 CFR 403.8(c) (2003).

2732  
2733 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 2734 2735 **Section 310.504 Incorporation of Compliance Schedules in Permits**

2736  
2737 If the POTW does not have an approved pretreatment program at the time the POTW's existing  
2738 NPDES permit is reissued or modified, the reissued or modified permit must contain the shortest  
2739 reasonable compliance schedule, not to exceed one year, for the approval of the legal authority,  
2740 procedures, and funding required by 35 Ill. Adm. Code 310.510. The schedule of compliance  
2741 does not protect the POTW from enforcement.

2742  
2743 BOARD NOTE: Derived from 40 CFR 403.8(d) (2003).

2744  
2745 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 2746 2747 **Section 310.505 Reissuance or Modification of Permits**

2748  
2749 The Agency must modify or, alternatively, reissue a POTW's NPDES permit in order to  
2750 accomplish any of the following:

- 2751
- 2752 a) Put the POTW on a compliance schedule for the development of a POTW  
2753 pretreatment program where the addition of pollutants into a POTW by an  
2754 industrial user or combination of industrial users presents a substantial hazard to  
2755 the functioning of the treatment works, quality of the receiving waters, human  
2756 health, or the environment;
  - 2757
  - 2758 b) Incorporate an approve POTW pretreatment program in the POTW permit;
  - 2759
  - 2760 c) Incorporate a compliance schedule for the development of a POTW pretreatment  
2761 program in the POTW permit; or
  - 2762
  - 2763 d) Incorporate the removal credits established under Subpart C in the POTW permit.

2764  
2765 BOARD NOTE: Derived from 40 CFR 403.8(e) (2003).

2766

2767 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
2768

2769 **Section 310.510 Pretreatment Program Requirements**  
2770

2771 A POTW pretreatment program must be based on the following legal authority and include the  
2772 following procedures, and these authorities and procedures must at all times be fully and  
2773 effectively exercised and implemented:  
2774

2775 a) Legal authority. The POTW must operate pursuant to legal authority enforceable  
2776 in federal, State, or local courts, which authorizes or enables the POTW to apply  
2777 and to enforce the requirements of this Part and 35 Ill. Adm. Code 307. Such  
2778 authority may be contained in a statute, ordinance, or series of joint powers  
2779 agreements that the POTW is authorized to enact, enter into or implement, and  
2780 which are authorized by State law. At a minimum, this legal authority must enable  
2781 the POTW to:

2782  
2783 1) Deny or condition new or increased contributions of pollutants, or changes  
2784 in the nature of pollutants, to the POTW by industrial users where such  
2785 contributions do not meet applicable pretreatment standards and  
2786 requirements or where such contributions would cause the POTW to  
2787 violate its NPDES permit;

2788  
2789 2) Require compliance with applicable pretreatment standards and  
2790 requirements by industrial users;

2791  
2792 3) Control, through ordinance, permit, order, or similar means, the  
2793 contribution to the POTW by each industrial user to ensure compliance  
2794 with applicable pretreatment standards and requirements, and in the case  
2795 of each significant industrial users, as defined at 35 Ill. Adm. Code  
2796 310.110, this control must be achieved through individual permits or  
2797 equivalent individual control mechanisms issued to each such user except  
2798 as follows:  
2799

2800 A) At the discretion of the POTW, this control may include use of  
2801 general control mechanisms if the conditions of subsection (g) are  
2802 met.  
2803

2804 BOARD NOTE: Subsection (g) is derived from 40 CFR  
2805 403.8(f)(1)(iii)(A)(1)(i) through (f)(1)(iii)(A)(2), as added at 70  
2806 Fed. Reg. 60134 (Oct. 14, 2005), which would normally appear at  
2807 this subsection (a)(3)(A), but which the Board moved to subsection  
2808 (g) to comply with Illinois Administrative Code codification  
2809 requirements.  
2810

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- B) All individual control mechanisms and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:
    - i) A statement of duration (in no case more than five years);
    - ii) A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
    - iii) Effluent limits, including best management practices, based on applicable general pretreatment standards in this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law;
    - iv) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored, including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with 35 Ill. Adm. Code 310.605(b), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards of this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law;
    - v) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule; however, such schedules may not extend the compliance date beyond applicable federal deadlines; and
    - vi) Requirements to control slug discharges, if such are determined by the POTW to be necessary;
  - 4) Require the following:
    - A) The development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements; and
    - B) The submission of all notices and self-monitoring reports from

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- 2855 industrial users as are necessary to assess and assure compliance  
2856 by industrial users with pretreatment standards and requirements,  
2857 including, but not limited, to the reports required in Subpart F;  
2858
- 2859 5) Carry out all inspection, surveillance, and monitoring procedures  
2860 necessary to determine, independent of information supplied by industrial  
2861 users, compliance or noncompliance with applicable pretreatment  
2862 standards and requirements by industrial users. Representatives of the  
2863 POTW must be authorized to enter any premises of any industrial user in  
2864 which a discharge source or treatment system is located or in which  
2865 records are required to be kept under 35 Ill. Adm. Code 310.634 to assure  
2866 compliance with pretreatment standards. Such authority must be at least  
2867 as extensive as the authority provided under section 308 of the federal  
2868 CWA (33 USC 1318), incorporated by reference in 35 Ill. Adm. Code  
2869 310.107(c);  
2870
- 2871 6) Obtain remedies for noncompliance by any industrial user with any  
2872 pretreatment standard or requirement.  
2873
- 2874 A) All POTWs must be able to seek injunctive relief for  
2875 noncompliance by industrial users with pretreatment standards or  
2876 requirements. All POTWs must also have authority to seek or  
2877 assess civil or criminal penalties in at least the amount of \$1,000 a  
2878 day for each violation by industrial users of pretreatment standards  
2879 and requirements.  
2880
- 2881 B) Pretreatment requirements that will be enforced through the  
2882 remedies set forth in subsection (a)(6)(A) will include but not be  
2883 limited to: the duty to allow or carry out inspections, entry, or  
2884 monitoring activities; any rules, regulations, or orders issued by the  
2885 POTW; any requirements set forth in control mechanisms issued  
2886 by the POTW; or any reporting requirements imposed by the  
2887 POTW, this Part or 35 Ill. Adm. Code 307. The POTW must have  
2888 authority and procedures (after notice to the industrial user)  
2889 immediately and effectively to halt or prevent any discharge of  
2890 pollutants to the POTW that reasonably appears to present an  
2891 imminent endangerment to the health or welfare of persons. The  
2892 POTW must also have authority and procedures (which must  
2893 include notice to the affected industrial users and an opportunity to  
2894 respond) to halt or prevent any discharge to the POTW that  
2895 presents or may present an endangerment to the environment or  
2896 which threatens to interfere with the operation of the POTW. The  
2897 Agency must have authority to seek judicial relief when the POTW  
2898 has sought a monetary penalty that the Agency finds to be



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- 2943 waived pollutants at least once during the term of the categorical  
2944 industrial user's control mechanism. In the event that the POTW  
2945 subsequently determines that a waived pollutant is present or is  
2946 expected to be present in the industrial user's wastewater based on  
2947 changes that occur in the industrial user's operations, the POTW  
2948 must immediately begin at least annual effluent monitoring of the  
2949 industrial user's discharge and inspection.  
2950
- 2951 B) Where the POTW has determined that an industrial user meets the  
2952 criteria for classification as a non-significant categorical industrial  
2953 user, the POTW must evaluate at least once per year whether an  
2954 industrial user continues to meet the definition of significant  
2955 industrial user in 35 Ill. Adm. Code 310.110.  
2956
- 2957 C) In the case of industrial users subject to reduced reporting  
2958 requirements under 35 Ill. Adm. Code 310.605(c), the POTW must  
2959 randomly sample and analyze the effluent from the industrial user  
2960 and conduct inspections at least once every two years. If the  
2961 industrial user no longer meets the conditions for reduced reporting  
2962 in 35 Ill. Adm. Code 310.605(c), the POTW must immediately  
2963 begin sampling and inspecting the industrial user at least once a  
2964 year.  
2965
- 2966 6) Evaluate whether each such significant industrial user needs a plan or  
2967 other action to control slug discharges. For industrial users identified as  
2968 significant prior to November 14, 2005, this evaluation must have been  
2969 conducted at least once by October 14, 2006; an additional significant  
2970 industrial user must be evaluated within one year after being designated a  
2971 significant industrial user. For purposes of this subsection (b)(6), a slug  
2972 discharge is any discharge of a non-routine, episodic nature, including, but  
2973 not limited to, an accidental spill or a non-customary batch discharge,  
2974 which has a reasonable potential to cause interference or pass through, or  
2975 in any other way violate the POTW's regulations, local limits or permit  
2976 conditions. The results of such activities shall be available to the  
2977 Approval Authority upon request. Significant industrial users are required  
2978 to notify the POTW immediately of any changes at its facility affecting  
2979 potential for a slug discharge. If the POTW decides that a slug control  
2980 plan is needed, the plan shall contain, at a minimum, the following  
2981 elements:  
2982
- 2983 A) Description of discharge practices, including non-routine batch  
2984 discharges;  
2985
- 2986 B) Description of stored chemicals;

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- C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 35 Ill. Adm. Code 310.202 with procedures for follow-up written notification within five days;
  
- D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response;
  
- 7) Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required under Subpart D or as indicated by analysis, inspection, and surveillance activities described in subsection (b)(5). Sample taking and analysis, and the collection of other information, must be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and
  
- 8) Comply with the public participation requirements of 40 CFR 25, incorporated by reference in 35 Ill. Adm. Code 310.107, in the enforcement of pretreatment standards. These procedures must include provision for providing, at least annually, public notification, in a newspaper of general circulation in the jurisdictions served by the POTW of industrial users that, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, a significant industrial user (or any industrial user that violates subsection (b)(8)(C), (b)(8)(D), or (b)(8)(H) is in significant noncompliance if its violation meets one or more of the following criteria:
  - A) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as such are defined in 35 Ill. Adm. Code 310.110;
  
  - B) "Technical review criteria" (TRC) violations, which mean those violations in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period



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- 3031 equal or exceed the product of the numeric pretreatment standard  
3032 or requirement, including instantaneous limits, as such are defined  
3033 in 35 Ill. Adm. Code 310.110, multiplied by the applicable TRC  
3034 (TRC = 1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all  
3035 other pollutants, except pH);  
3036
- 3037 C) Any other violation of a pretreatment standard or requirement, as  
3038 such are defined in 35 Ill. Adm. Code 310.110, (daily maximum,  
3039 long-term average, instantaneous limit, or narrative standard) that  
3040 the POTW determines has caused, alone or in combination with  
3041 other discharges, interference, or pass through (including  
3042 endangering the health of POTW personnel or the general public);  
3043
- 3044 D) Any discharge of a pollutant that has caused imminent  
3045 endangerment to human health, welfare, or the environment or has  
3046 resulted in the POTW's exercise of its emergency authority under  
3047 subsection (a)(6)(B) to halt or prevent such a discharge;  
3048
- 3049 E) Failure to meet, within 90 days after the schedule date, a  
3050 compliance schedule milestone contained in a local control  
3051 mechanism or enforcement order for starting construction,  
3052 completing construction, or attaining final compliance;  
3053
- 3054 F) Failure to provide, within 45 days after the due date, required  
3055 reports, such as baseline monitoring reports, 90-day compliance  
3056 reports, periodic self-monitoring reports, and reports on  
3057 compliance with compliance schedules;  
3058
- 3059 G) Failure to accurately report noncompliance; or  
3060
- 3061 H) Any other violation or group of violations, which may include a  
3062 violation of best management practices, that the POTW determines  
3063 will adversely affect the operation or implementation of the local  
3064 pretreatment program.  
3065
- 3066 c) The POTW must have sufficient resources and qualified personnel to carry the  
3067 authorities and procedures described in subsections (a) and (b).  
3068
- 3069 d) Local limits. The POTW must develop local limits as required in 35 Ill. Adm.  
3070 Code 310.210 or demonstrate that they are not necessary.  
3071
- 3072 e) The POTW must develop and implement an enforcement response plan. This  
3073 plan must contain detailed procedures indicating how a POTW will investigate  
3074 and respond to instances of industrial user noncompliance. The plan shall, at a



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- 3075 minimum, do the following:  
3076  
3077 1) Describe how the POTW will investigate instances of noncompliance;  
3078  
3079 2) Describe the types of escalating enforcement responses the POTW will  
3080 take in response to all anticipated types of industrial user violations and  
3081 the time periods within which responses will take place;  
3082  
3083 3) Identify (by title) the officials responsible for each type of response; and  
3084  
3085 4) Adequately reflect the POTW's primary responsibility to enforce all  
3086 applicable pretreatment requirements and standards, as detailed in  
3087 subsections (a) and (b).  
3088
- 3089 f) The POTW must prepare and maintain a list of its industrial users meeting the  
3090 criteria in the first paragraph of the definition of "significant industrial user" at 35  
3091 Ill. Adm. Code 310.110. The list must identify the criteria in the first paragraph  
3092 of the definition of "significant industrial user" at 35 Ill. Adm. Code 310.110  
3093 applicable to each industrial user and, where applicable, must also indicate  
3094 whether the POTW has made a determination pursuant to the second paragraph of  
3095 that definition that such industrial user should not be considered a significant  
3096 industrial user. The initial list must be submitted to the Approval Authority  
3097 pursuant to 35 Ill. Adm. Code 310.521 through 310.533 as a non-substantial  
3098 program modification pursuant to 35 Ill. Adm. Code 310.923. Any modification  
3099 to the list must be submitted to the Approval Authority pursuant to 35 Ill. Adm.  
3100 Code 310.612(a).  
3101
- 3102 g) Alternative use of general control mechanisms.  
3103
- 3104 1) A POTW may use a single general control mechanism that applies to  
3105 several facilities in place of several individual control mechanisms  
3106 applicable to individual facilities. To use a general control mechanism,  
3107 the following must be true of all of the facilities to be covered by the  
3108 general control mechanism:  
3109
- 3110 A) The covered facilities must all involve the same or substantially  
3111 similar types of operations;  
3112
- 3113 B) The covered facilities must all discharge the same types of wastes;  
3114
- 3115 C) The covered facilities must all require the same effluent  
3116 limitations;  
3117

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- 3118 D) The covered facilities must all require the same or similar
- 3119 monitoring; and
- 3120
- 3121 E) In the opinion of the POTW, the covered facilities are more
- 3122 appropriately controlled under a general control mechanism than
- 3123 under individual control mechanisms.
- 3124
- 3125 2) To be covered by the general control mechanism, the significant industrial
- 3126 user must file a written request for coverage that identifies its contact
- 3127 information, production processes, the types of wastes generated, the
- 3128 location for monitoring all wastes covered by the general control
- 3129 mechanism, any requests in accordance with 35 Ill. Adm. Code 310.605(b)
- 3130 for a monitoring waiver for a pollutant neither present nor expected to be
- 3131 present in the discharge, and any other information the POTW deems
- 3132 appropriate. A monitoring waiver for a pollutant neither present nor
- 3133 expected to be present in the discharge is not effective in the general
- 3134 control mechanism until after the POTW has provided written notice to
- 3135 the significant industrial user that such a waiver request has been granted
- 3136 in accordance with 35 Ill. Adm. Code 310.605(b). The POTW must retain
- 3137 a copy of the general control mechanism, documentation to support the
- 3138 POTW's determination that a specific significant industrial user meets the
- 3139 criteria in subsections (a)(3)(i)(A) through (a)(3)(i)(E), and a copy of the
- 3140 significant industrial user's written request for coverage for three years
- 3141 after the expiration of the general control mechanism. A POTW may not
- 3142 control a significant industrial user through a general control mechanism
- 3143 where the facility is subject to production-based categorical pretreatment
- 3144 standards or categorical pretreatment standards expressed as mass of
- 3145 pollutant discharged per day or for a significant industrial user whose
- 3146 limits are based on the combined wastestream formula or net/gross
- 3147 calculations (35 Ill. Adm. Code 310.233 and 310.801).
- 3148

BOARD NOTE: Subsection (g) is derived from 40 CFR 403.8(f)(1)(iii)(A)(1)(i) through (f)(1)(iii)(A)(2), as added at 70 Fed. Reg. 60134 (Oct. 14, 2005). The Board moved the text of these subsections, which would normally appear at subsection (a)(3)(A), to this subsection (g) to comply with Illinois Administrative Code codification requirements.

BOARD NOTE: Derived from 40 CFR 403.8(f) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

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

**Section 310.511 Receiving Electronic Documents**

3161

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3162 A POTW that chooses to receive electronic documents must satisfy the requirements of 35 Ill.  
3163 Adm. Code 310.106.

3164  
3165 BOARD NOTE: Derived from 40 CFR 403.8(g), as added at 70 Fed. Reg. 59848 (Oct. 13,  
3166 2005).

3167  
3168 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
3169

### 3170 **Section 310.521 Program Approval**

3171  
3172 A POTW requesting approval of a POTW pretreatment program must develop a program  
3173 description that includes the information set forth in 35 Ill. Adm. Code 310.522(a) through (d).  
3174 This description must be submitted to the Agency, which will make a determination on the  
3175 request for program approval in accordance with the procedures described in 35 Ill. Adm. Code  
3176 310.540 through 310.546.

3177  
3178 BOARD NOTE: Derived from 40 CFR 403.9(a) (2003).

3179  
3180 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
3181

### 3182 **Section 310.522 Contents of Program Submission**

3183  
3184 The program description must contain the following information:  
3185

3186 a) A statement from the attorney or other official acting in a comparable capacity for  
3187 the unit of local government that the POTW has authority adequate to carry out  
3188 the programs described in 35 Ill. Adm. Code 310.501 through 310.510. This  
3189 statement must do the following:

3190  
3191 1) Identify the provision of the legal authority under 35 Ill. Adm. Code  
3192 310.510(a) that provides the basis for each procedure under 35 Ill. Adm.  
3193 Code 310.510(b);  
3194

3195 2) Identify the manner in which the POTW will implement the program  
3196 requirements set forth in 35 Ill. Adm. Code 310.501 through 310.510,  
3197 including the means by which pretreatment standards will be applied to  
3198 individual industrial users (e.g., by order, permit, ordinance, etc.); and  
3199

3200 3) Identify how the POTW intends to ensure compliance with pretreatment  
3201 standards and requirements, and to enforce them in the event of  
3202 noncompliance by industrial users;  
3203

3204 b) A copy of any statutes, ordinances, regulations, agreements, or other authorities  
3205 relied upon by the POTW for its administration of the program. This submission

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3206 must include a statement reflecting the endorsement or approval of the local  
3207 boards or bodies responsible for supervising or funding the POTW pretreatment  
3208 program if approved;

3209  
3210 c) A brief description (including organization charts) of the POTW organization that  
3211 will administer the pretreatment program. If more than one agency is responsible  
3212 for administration of the program the responsible agencies should be identified,  
3213 their respective responsibilities delineated, and their procedures for coordination  
3214 set forth; and

3215  
3216 d) A description of the funding levels and full- and part-time manpower available to  
3217 implement the program.

3218  
3219 BOARD NOTE: Derived from 40 CFR 403.9(b) (2003).

3220  
3221 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 3222 **Section 310.524 Content of Removal Allowance Submission**

3224  
3225 The request for authority to revise categorical pretreatment standards must contain the  
3226 information required in 35 Ill. Adm. Code 310.340.

3227  
3228 BOARD NOTE: Derived from 40 CFR 403.9(d) (2003).

3229  
3230 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 3231 **Section 310.531 Agency Action**

3232  
3233 Any POTW requesting POTW pretreatment program approval must submit to the Agency three  
3234 copies of the submission described in 35 Ill. Adm. Code 310.522, and, if appropriate, 35 Ill.  
3235 Adm. Code 310.524. Within 60 days after receiving the submission, the Agency must make a  
3236 preliminary determination of whether the submission meets the requirements of 35 Ill. Adm.  
3237 Code 310.522 and, if appropriate, 35 Ill. Adm. Code 310.524. If the Agency makes the  
3238 preliminary determination that the submission meets these requirements, the Agency shall do the  
3239 following:

3240  
3241 a) Notify the POTW that the submission has been received and is under review; and

3242  
3243 b) Commence the public notice and evaluation activities set forth in 35 Ill. Adm.  
3244 Code 310.540 through 310.546.

3245  
3246  
3247 BOARD NOTE: Derived from 40 CFR 403.9(e) (2003).

3248  
3249 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

3250

3251 **Section 310.532 Defective Submission**

3252

3253 If, after review of the submission as provided for in 35 Ill. Adm. Code 310.531, the Agency  
3254 determines that the submission does not comply with the requirements of 35 Ill. Adm. Code  
3255 310.522, or, if appropriate, 35 Ill. Adm. Code 310.524, the Agency must provide notice in  
3256 writing to the applying POTW and each person who has requested individual notice. This  
3257 notification must identify any defects in the submission and advise the POTW, and each person  
3258 who has requested individual notice, of the means by which the POTW can comply with the  
3259 applicable requirements of 35 Ill. Adm. Code 310.522 and, if appropriate, 35 Ill. Adm. Code  
3260 310.524.

3261

3262 BOARD NOTE: Derived from 40 CFR 403.9(f) (2003).

3263

3264 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

3265

3266 **Section 310.541 Deadline for Review**

3267

3268 The Agency has 90 days from the date of public notice of any submission complying with the  
3269 requirements of 35 Ill. Adm. Code 310.522, and, where removal credit authorization is sought,  
3270 with 35 Ill. Adm. Code 310.340 and 310.524, to review the submission. The Agency must  
3271 review the submission to determine compliance with the requirements of 35 Ill. Adm. Code  
3272 310.502 and 310.510, and, where removal credit authorization is sought, with Subpart C. The  
3273 Agency may have up to an additional 90 days to complete the evaluation of the submission if the  
3274 public comment period provided for in 35 Ill. Adm. Code 310.542(a)(2) is extended beyond 30  
3275 days or if a public hearing is held as provided for in 35 Ill. Adm. Code 310.542(b). In no event,  
3276 however, must the time for evaluation of the submission exceed a total of 180 days from the date  
3277 of public notice of a submission meeting the requirements of 35 Ill. Adm. Code 310.522 and, in  
3278 the case of a removal credit application, 35 Ill. Adm. Code 310.522 and 310.524.

3279

3280 BOARD NOTE: Derived from 40 CFR 403.11(a) (2003).

3281

3282 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

3283

3284 **Section 310.542 Public Notice and Hearing**

3285

3286 Upon receipt of a submission the Agency must commence its review. Within 20 work days after  
3287 making a determination that a submission meets the requirements of 35 Ill. Adm. Code 310.522,  
3288 and, where removal allowance approval is sought, 35 Ill. Adm. Code 310.340 and 310.524, the  
3289 Agency must perform the following actions:

3290

3291 a) Issue a public notice of request for approval of the submission.

3292

3293 1) This public notice must be circulated in a manner designed to inform

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- 3294 interested and potentially interested persons of the submission.  
3295 Procedures for the circulation of public notice must include the following  
3296 actions:  
3297
- 3298 A) Mailing notices of the request for approval of the submission to the  
3299 following entities:  
3300
- 3301 i) Federal agencies as designated by USEPA;  
3302  
3303 ii) Regional planning agencies that participate in development  
3304 of water quality management plans (unless such agencies  
3305 have specifically requested not to receive such notices); and  
3306  
3307 iii) Any other person or group who has requested individual  
3308 notice, including those on appropriate mailing lists; and  
3309
- 3310 B) Publication of a notice of request for approval of the submission in  
3311 a newspaper or newspapers of general circulation within the  
3312 jurisdiction or jurisdictions served by the POTW that would  
3313 provide meaningful public notice.  
3314
- 3315 2) The public notice must provide a period of not less than 30 days following  
3316 the date of the public notice during which time interested persons may  
3317 submit their written views on the submission.  
3318
- 3319 3) All written comments submitted during the 30-day comment period must  
3320 be retained by the Agency and considered in the decision on whether or  
3321 not to approve the submission. The period for comment may be extended  
3322 at the discretion of the Agency.  
3323
- 3324 b) Provide an opportunity for the applicant, any affected state, any interested State or  
3325 federal agency, person, or group of persons to request a public hearing with  
3326 respect to the submission.  
3327
- 3328 1) This request for public hearing must be filed within the 30 day (or  
3329 extended) comment period described in subsection (a)(2) and must  
3330 indicate the interest of the person filing such request and the reasons why  
3331 a hearing is warranted.  
3332
- 3333 2) The Agency must hold a hearing if the POTW so requests. In addition, a  
3334 hearing will be held if there is a significant public interest in issues  
3335 relating to whether or not the submission should be approved. Instances  
3336 of doubt should be resolved in favor of holding the hearing.  
3337

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- 3338                    3)     Public notice of a hearing to consider a submission and sufficient to  
3339                    inform interested parties of the nature of the hearing and the right to  
3340                    participate must be published in the same newspaper as the notice of the  
3341                    original request for approval of the submission under subsection (a)(1)(B).  
3342                    In addition, notice of the hearing must be sent to those persons requesting  
3343                    individual notice.

3344

3345     BOARD NOTE: Derived from 40 CFR 403.11(b) (2003).

3346

3347                    (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

3348

### 3349     **Section 310.543 Agency Decision**

3350

3351     At the end of the 30-day (or extended) comment period and within the 90-day (or extended)  
3352     period provided for in 35 Ill. Adm. Code 310.541, the Agency must approve or deny the  
3353     submission based upon the evaluation in 35 Ill. Adm. Code 310.541 and taking into  
3354     consideration comments submitted during the comment period and the record of the public  
3355     hearing, if held. Where the Agency makes a determination to deny the request, the Agency must  
3356     so notify the POTW and each person who has requested individual notice. This notification must  
3357     include suggested modifications and the Agency may allow the requestor additional time to bring  
3358     the submission into compliance with applicable requirements.

3359

3360     BOARD NOTE: Derived from 40 CFR 403.11(c) (2003).

3361

3362                    (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

3363

### 3364     **Section 310.545 Notice of Decision**

3365

3366     The Agency must notify those persons who submitted comments and participated in the public  
3367     hearings, if held, of the approval or disapproval of the submission. In addition, the Agency must  
3368     cause to be published a notice of approval or disapproval in the same newspaper as the original  
3369     notice of request for approval of the submission was published. The Agency must identify, in  
3370     any notice of POTW pretreatment program approval, any authorization to modify categorical  
3371     pretreatment standards that the POTW may make in accordance with Subpart C for removal of  
3372     pollutants subject to pretreatment standards.

3373

3374     BOARD NOTE: Derived from 40 CFR 403.11(e) (2003).

3375

3376                    (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

3377

3378

## SUBPART F: REPORTING REQUIREMENTS

3379

### 3380     **Section 310.602 Baseline Report**

3381



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3382 Within the time limits specified in subsection (h), existing industrial users subject to such  
3383 categorical pretreatment standards and currently discharging to or scheduled to discharge to a  
3384 POTW must submit to the Control Authority a report that contains the information listed in  
3385 subsections (a) through (g). New sources, and sources that become industrial users subsequent to  
3386 the promulgation of an applicable categorical standard, must submit to the Control Authority a  
3387 report that contains the information listed in subsections (a) through (e). Where reports  
3388 containing this information already have been submitted to the USEPA in compliance with 40  
3389 CFR 128.140(b) (1977), the industrial user must not be required to submit this information again.  
3390 New sources must also include in the report information on the method of pretreatment the  
3391 source intended to use to meet applicable pretreatment standards. New sources must give  
3392 estimates of the information requested in subsections (d) and (e).

3393  
3394 a) Identifying information. The industrial user must submit the name and address of  
3395 the facility including the name of the operator and owners.

3396  
3397 b) Permits. The industrial user must submit a list of any environmental control  
3398 permits held by or for the facility.

3399  
3400 c) Description of operations. The industrial user must submit a brief description of  
3401 the nature, average rate of production, and standard industrial classification (SIC  
3402 Code) of the operations carried out by such industrial user, as determined using  
3403 the Standard Industrial Classification Manual, incorporated by reference in 35 Ill.  
3404 Adm. Code 310.107(a). This description should include a schematic process  
3405 diagram that indicates points of discharge to the POTW from the regulated  
3406 processes.

3407  
3408 d) Flow measurement. The industrial user must submit information that shows the  
3409 measured average daily and maximum daily flow, in gallons per day, to the  
3410 POTW from each of the following:

3411  
3412 1) Regulated process streams; and

3413  
3414 2) Other streams as necessary to allow use of the combined waste stream  
3415 formula of 35 Ill. Adm. Code 310.233. (See subsection (e)(4).)

3416  
3417 e) Measurement of pollutants.

3418  
3419 1) The industrial user must identify the pretreatment standards applicable to  
3420 each regulated process.

3421  
3422 2) In addition, the industrial user must submit the results of sampling and  
3423 analysis identifying the nature and concentration (or mass, where required  
3424 by the standard or Control Authority) of regulated pollutants in the  
3425 discharge from each regulated process. Both daily maximum and average



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- 3426 concentration (or mass, where required) must be reported. The sample  
3427 must be representative of daily operations. In cases where the categorical  
3428 standard requires compliance with a best management practice or  
3429 pollution prevention alternative, the industrial user shall submit  
3430 documentation as required by the Control Authority or the applicable  
3431 categorical standards to determine compliance with the categorical  
3432 standard.  
3433
- 3434 3) The user must take a minimum of one representative sample to compile  
3435 that data necessary to comply with the requirements of this subsection.  
3436
- 3437 4) Samples must be taken immediately downstream from pretreatment  
3438 facilities if such exist or immediately downstream from the regulated  
3439 process if no pretreatment exists. If other wastewaters are mixed with the  
3440 regulated wastewater prior to pretreatment the industrial user must  
3441 measure the flows and concentrations necessary to allow use of the  
3442 combined waste stream formula of 35 Ill. Adm. Code 310.233 in order to  
3443 evaluate compliance with the pretreatment standards. Where an alternate  
3444 concentration or mass limit has been calculated in accordance with 35 Ill.  
3445 Adm. Code 310.233, this adjusted limit along with supporting data must  
3446 be submitted to the Control Authority.  
3447
- 3448 5) Analytical methods. Sampling and analysis must be performed in  
3449 accordance with the techniques prescribed in 35 Ill. Adm. Code 307.1003.  
3450 When 35 Ill. Adm. Code 307.1003 does not reference sampling or  
3451 analytical techniques for the pollutant in question or where USEPA has  
3452 determined that sampling and analysis techniques are inappropriate  
3453 pursuant to 40 CFR 403.12(b), incorporated by reference in 35 Ill. Adm.  
3454 Code 310.107(c), sampling and analysis must be performed by using  
3455 validated analytical methods or any other applicable sampling and  
3456 analytical procedures approved by the Agency, including procedures  
3457 suggested by the POTW or other parties.  
3458
- 3459 6) The Control Authority may allow the submission of a baseline report that  
3460 utilizes only historical data so long as the data provides information  
3461 sufficient to determine the need for industrial pretreatment measures.  
3462
- 3463 7) The baseline report must indicate the time, date, and place of sampling,  
3464 and methods of analysis, and must certify that such sampling and analysis  
3465 is representative of normal work cycles and expected pollutant discharges  
3466 to the POTW.  
3467
- 3468 f) Certification. A statement, reviewed by an authorized representative of the  
3469 industrial user (as defined in 35 Ill. Adm. Code 310.633) and certified to by a

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3470 qualified professional, indicating whether pretreatment standards are being met on  
3471 a consistent basis, and, if not, whether additional operation and maintenance (O  
3472 and M) or additional pretreatment is required for the industrial user to meet the  
3473 pretreatment standards and requirements.  
3474

3475 g) Compliance schedule. If additional pretreatment or O and M will be required to  
3476 meet the pretreatment standards; the shortest schedule by which the industrial user  
3477 will provide such additional pretreatment or O and M. The completion date in this  
3478 schedule must not be later than the compliance date established for the applicable  
3479 pretreatment standard.  
3480

3481 1) Where the industrial user's categorical pretreatment standard has been  
3482 modified by a removal allowance (Subpart C), by the combined waste  
3483 stream formula (35 Ill. Adm. Code 310.233) or a fundamentally different  
3484 factors determination (Subpart E) at the time the user submits the report  
3485 required by this Section, the information required by subsections (f) and  
3486 (g) must pertain to the modified limits.  
3487

3488 2) If the categorical pretreatment standard is modified by a removal  
3489 allowance (Subpart C), by the combined waste stream formula (35 Ill.  
3490 Adm. Code 310.233) or a fundamentally different factors determination  
3491 (Subpart E) after the user submits the report required by this Section, any  
3492 necessary amendments to the information requested by subsections (f) and  
3493 (g) must be submitted by the user to the Control Authority within 60 days  
3494 after the modified limit is approved.  
3495

3496 h) Deadlines for baseline reports.  
3497

3498 1) For standards adopted by USEPA prior to authorization of the Illinois  
3499 pretreatment program, baseline reports must be submitted pursuant to 40  
3500 CFR 403.12(b).  
3501

3502 2) For standards adopted by USEPA after authorization of the Illinois  
3503 pretreatment program:  
3504

3505 A) Baseline reports for existing sources are due within 180 days after  
3506 the Board adopts or incorporates a categorical pretreatment  
3507 standard or 180 days after the final administrative decision made  
3508 upon a category determination submission under 35 Ill. Adm. Code  
3509 310.221(d), whichever is later.  
3510

3511 B) New sources and sources that become industrial users subsequent  
3512 to the promulgation of an applicable categorical standard must  
3513 submit the baseline report within 90 days before beginning

3514 discharge.

3515

3516 C) New sources already in existence and discharging on the date the  
3517 Board adopts or incorporates a categorical pretreatment standard or  
3518 180 days after the final administrative decision made upon a  
3519 category determination submission under 35 Ill. Adm. Code  
3520 310.221(d), as described for existing sources under subsection  
3521 (h)(1)(A), are considered existing sources for the purposes of the  
3522 due date provisions of this subsection.

3523

3524 BOARD NOTE: Derived from 40 CFR 403.12(b) (2012).

3525

3526 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

3527

3528 **Section 310.603 Compliance Schedule**

3529

3530 The following conditions apply to the schedule required by 35 Ill. Adm. Code 310.602(g):

3531

3532 a) The schedule must contain increments of progress in the form of dates for the  
3533 commencement and completion of major events leading to the construction and  
3534 operation of additional pretreatment required for the industrial user to meet the  
3535 applicable categorical pretreatment standards (e.g., hiring an engineer, completing  
3536 preliminary plans, completing final plans, executing contract for major  
3537 components, commencing construction, completing construction, etc.).

3538

3539 b) No increment referred to in subsection (a) must exceed nine months.

3540

3541 c) Not later than 14 days following each date in the schedule and the final date for  
3542 compliance, the industrial user must submit a progress report to the Control  
3543 Authority including, at a minimum, whether or not it complied with the increment  
3544 of progress to be met on such date and, if not, the date on which it expects to  
3545 comply with this increment of progress, the reasons for delay and the steps being  
3546 taken by the industrial user to return the construction to the schedule established.  
3547 In no event may more than nine months elapse between such progress reports to  
3548 the Control Authority.

3549

3550 BOARD NOTE: Derived from 40 CFR 403.12(c) (2003).

3551

3552 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

3553

3554 **Section 310.604 Report on Compliance with Deadline**

3555

3556 Within 90 days following the date for final compliance with applicable categorical pretreatment  
3557 standards or, in the case of a new source following commencement of the introduction of

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3558 wastewater into the POTW, any industrial user subject to pretreatment standards and  
3559 requirements must submit to the Control Authority a report containing the information described  
3560 in 35 Ill. Adm. Code 310.602(d) through (f). For industrial users subject to equivalent mass or  
3561 concentration limits established by the Control Authority in accordance with procedures in 35 Ill.  
3562 Adm. Code 310.230, this report must contain a reasonable measure of the user's long-term  
3563 production rate. For all other industrial users subject to categorical pretreatment standards  
3564 expressed in terms of allowable pollutant discharge per unit of production (or other measure of  
3565 operation), this report must include the user's actual production during the appropriate sampling  
3566 period.

3567  
3568 BOARD NOTE: Derived from 40 CFR 403.12(d) (2003).

3569  
3570 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

3571

### 3572 **Section 310.605 Periodic Reports on Compliance**

3573

3574 a) After the compliance date of a pretreatment standard, or, in the case of a new  
3575 source, after commencement of the discharge into the POTW, any industrial user  
3576 subject to a categorical pretreatment standard (except a non-significant categorical  
3577 user, as defined in 35 Ill. Adm. Code 310.110) must submit to the Control  
3578 Authority a report indicating the nature and concentration of pollutants in the  
3579 effluent that are limited by the categorical pretreatment standards. The industrial  
3580 user must submit the report during the months of June and December, unless the  
3581 Control Authority or the pretreatment standard requires more frequent reporting.  
3582 In addition, this report must include a record of measured or estimated average  
3583 and maximum daily flows for the reporting period for the discharge reported in 35  
3584 Ill. Adm. Code 310.602(d), except that the Control Authority may require more  
3585 detailed reporting of flows. If the pretreatment standard requires compliance with  
3586 a best management practice (or pollution prevention alternative), the industrial  
3587 user must submit documentation required by the Control Authority or the  
3588 pretreatment standard necessary to determine the compliance status of the  
3589 industrial user. In consideration of those factors as local high or low flow rates,  
3590 holidays, budget cycles, etc., the Control Authority may alter the months during  
3591 which the reports required by this subsection (a) are to be submitted. For an  
3592 industrial user for which USEPA or the Agency is the Control Authority, as of  
3593 December 21, 2025 or a USEPA-approved alternative date (see 40 CFR 127.24(e)  
3594 or (f)), all reports submitted in compliance with this Subpart F must be submitted  
3595 electronically by the industrial user to the Control Authority or initial recipient, as  
3596 defined in 35 Ill. Adm. Code 310.106(b)(2), in compliance with this Subpart F  
3597 and 35 Ill. Adm. Code 310.106.

3598

3599 b) The Control Authority must authorize the industrial user subject to a categorical  
3600 pretreatment standard to forego sampling of a pollutant regulated by a categorical  
3601 pretreatment standard if it determines that the industrial user has demonstrated

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3602 through sampling and other technical factors that the pollutant is neither present  
3603 nor expected to be present in the discharge or that the pollutant is present only at  
3604 background levels from intake water and without any increase in the pollutant due  
3605 to activities of the industrial user. This authorization is subject to the following  
3606 conditions:

- 3607
- 3608 1) The Control Authority may authorize a waiver only if it determines that a  
3609 pollutant is present solely due to sanitary wastewater discharged from the  
3610 facility, provided that the sanitary wastewater is not regulated by an  
3611 applicable categorical standard, and the sanitary wastewater otherwise  
3612 includes no process wastewater;  
3613
  - 3614 2) The monitoring waiver is valid only for the duration of the effective period  
3615 of the permit or other equivalent individual control mechanism, but in no  
3616 case longer than five years. The industrial user must submit a new request  
3617 for the waiver before the waiver can be granted for each subsequent  
3618 control mechanism;  
3619
  - 3620 3) In making a demonstration that a pollutant is not present, the industrial  
3621 user must provide data from at least one sampling of the facility's process  
3622 wastewater prior to any treatment present at the facility that is  
3623 representative of all wastewater from all processes. The request for a  
3624 monitoring waiver must be signed in accordance with 35 Ill. Adm. Code  
3625 310.631 and include the certification statement in 35 Ill. Adm. Code  
3626 310.221(b)(2). Non-detectable sample results may only be used as a  
3627 demonstration that a pollutant is not present only if the USEPA-approved  
3628 method from 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code  
3629 310.107, with the lowest minimum detection level for that pollutant was  
3630 used in the analysis;  
3631
  - 3632 4) Any grant of a monitoring waiver by the Control Authority must be  
3633 included as a condition in the industrial user's control mechanism. The  
3634 reasons supporting the waiver and any information submitted by the  
3635 industrial user in its request for the waiver must be maintained by the  
3636 Control Authority for three years after expiration of the waiver;  
3637
  - 3638 5) Upon approval of the monitoring waiver and revision of the industrial  
3639 user's control mechanism by the Control Authority, the industrial user  
3640 must certify on each report with the statement below, that there has been  
3641 no increase in the pollutant in its wastestream due to activities of the  
3642 industrial user:  
3643

3644 Based on my inquiry of the person or persons directly responsible  
3645 for managing compliance with the pretreatment standard for

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3646 Subpart [Subpart number of the applicable national pretreatment  
3647 standard] of 35 Ill. Adm. Code 307, I certify that, to the best of my  
3648 knowledge and belief, there has been no increase in the level of  
3649 [list pollutants] in the wastewaters due to the activities at the  
3650 facility since filing of the last periodic report under 35 Ill. Adm.  
3651 Code 310.605(a);

3652  
3653 6) In the event that a waived pollutant is found to be present or is expected to  
3654 be present based on changes that occur in the industrial user's operations,  
3655 the industrial user must immediately comply with the monitoring  
3656 requirements of subsection (a) or other more frequent monitoring  
3657 requirements imposed by the Control Authority, and the industrial user  
3658 must notify the Control Authority; and

3659  
3660 7) This subsection (b) does not supersede certification processes and  
3661 requirements established in categorical pretreatment standards, except as  
3662 otherwise specified in the categorical pretreatment standard.

3663  
3664 c) If the Control Authority has imposed mass limitations on industrial users as  
3665 provided by 35 Ill. Adm. Code 310.232, the report required by subsection (a)  
3666 must indicate the mass of pollutants regulated by pretreatment standards in the  
3667 discharge from the industrial user.

3668  
3669 d) For industrial users subject to equivalent mass or concentration limits established  
3670 by the Control Authority in accordance with the procedures in 35 Ill. Adm. Code  
3671 310.230, the report required by subsection (a) must contain a reasonable measure  
3672 of the user's long-term production rate. For all other industrial users subject to  
3673 categorical pretreatment standards expressed only in terms of allowable pollutant  
3674 discharge per unit of production (or other measure of operation), the report  
3675 required by subsection (a) must include the user's actual average production rate  
3676 for the reporting period.

3677  
3678 BOARD NOTE: Derived from 40 CFR 403.12(e).

3679  
3680 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 3681 3682 **Section 310.606 Notice of Potential Problems**

3683  
3684 All categorical and non-categorical industrial users must notify the POTW immediately of all  
3685 discharges that could cause problems to the POTW, including any slug loadings, as defined by  
3686 35 Ill. Adm. Code 310.202 and 307.1101, by the industrial user.

3687  
3688 BOARD NOTE: Derived from 40 CFR 403.12(f) (2003).

3689



3690 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
3691

3692 **Section 310.610 Monitoring and Analysis**  
3693

- 3694 a) Except in the case of a non-significant categorical user, the reports required in 35  
3695 Ill. Adm. Code 310.602(e), 310.604, 310.605, and 310.611 must contain the  
3696 results of sampling and analysis of the discharge, including the flow and the  
3697 nature and concentration or production and mass where requested by the Control  
3698 Authority of pollutants contained in the discharge that are limited by the  
3699 applicable pretreatment standards. This sampling and analysis may be performed  
3700 by the Control Authority instead of the industrial user. Where the POTW  
3701 performs the required sampling and analysis instead of the industrial user, the user  
3702 is not required to submit the compliance certification required under 35 Ill. Adm.  
3703 Code 310.602(f) and 310.604. In addition, where the POTW itself collects all the  
3704 information required for the report, including flow data, the industrial user is not  
3705 required to submit the report.  
3706
- 3707 b) If sampling performed by an industrial user indicates a violation, the user must  
3708 notify the Control Authority with 24 hours after becoming aware of the violation.  
3709 The user must also repeat the sampling and analysis and submit the results of the  
3710 repeat analysis to the Control Authority within 30 days after becoming aware of  
3711 the violation. Where the Control Authority has performed the sampling and  
3712 analysis in lieu of the industrial user, the Control Authority must perform the  
3713 repeat sampling and analysis, unless it notifies the industrial user of the violation  
3714 and requires the industrial user to perform the repeat analysis. Resampling is not  
3715 required if the following conditions are fulfilled:  
3716
- 3717 1) The Control Authority performs sampling at the industrial user at a  
3718 frequency of at least once per month; or  
3719
  - 3720 2) The Control Authority performs sampling at the user between the time  
3721 when the initial sampling was conducted and the time when the industrial  
3722 user or the Control Authority receives the results of this sampling.  
3723
- 3724 c) The reports required in 35 Ill. Adm. Code 310.602, 310.604, 310.605, and  
3725 310.611 must be based upon data obtained through appropriate sampling and  
3726 analysis performed during the period covered by the report, which data are  
3727 representative of conditions occurring during the reporting period. The Control  
3728 Authority must require that frequency of monitoring necessary to assess and  
3729 assure compliance by industrial users with applicable pretreatment standards and  
3730 requirements. Grab samples must be used for pH, cyanide, total phenols, oil and  
3731 grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour  
3732 composite samples must be obtained through flow-proportional composite  
3733 sampling techniques, unless time-proportional composite sampling or grab

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3734 sampling is authorized by the Control Authority. Where time-proportional  
3735 composite sampling or grab sampling is authorized by the Control Authority, the  
3736 samples must be representative of the discharge and the decision to allow the  
3737 alternative sampling must be documented in the industrial user file for that facility  
3738 or facilities. Using protocols (including appropriate preservation) specified in 40  
3739 CFR 136, incorporated by reference in 35 Ill. Adm. Code 310.107(b), and  
3740 appropriate USEPA guidance, multiple grab samples collected during a 24-hour  
3741 period may be composited prior to the analysis as follows: for cyanide, total  
3742 phenols, and sulfides, the samples may be composited in the laboratory or in the  
3743 field; for volatile organics and oil and grease, the samples may be composited in  
3744 the laboratory. Composite samples for other parameters unaffected by the  
3745 compositing procedures as documented in USEPA-approved methodologies may  
3746 be authorized by the Control Authority, as appropriate.

3747  
3748 d) For sampling required in support of baseline monitoring and 90-day compliance  
3749 reports required in 35 Ill. Adm. Code 310.602 and 310.604, a minimum of four  
3750 grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide,  
3751 and volatile organic compounds for facilities for which historical sampling data  
3752 do not exist; for facilities for which historical sampling data are available, the  
3753 Control Authority may authorize a lower minimum. For the reports required by  
3754 35 Ill. Adm. Code 310.605 and 310.611, the Control Authority must require the  
3755 number of grab samples necessary to assess and assure compliance by industrial  
3756 users with applicable pretreatment standards and requirements.

3757  
3758 e) All analyses must be performed in accordance with procedures referenced in 35  
3759 Ill. Adm. Code 307.1003, or with any other test procedure approved by the  
3760 Agency. Sampling must be performed in accordance with the techniques  
3761 approved by the Agency. Where 35 Ill. Adm. Code 307.1003 does not reference  
3762 sampling or analytical techniques for the pollutants in question, or where USEPA  
3763 has determined as provided in 35 Ill. Adm. Code 310.602 that sampling and  
3764 analytical techniques are inappropriate, sampling and analyses must be performed  
3765 using validated analytical methods or any other sampling and analytical  
3766 procedures including procedures approved by the POTW or other persons.

3767  
3768 f) If an industrial user subject to the reporting requirement in 35 Ill. Adm. Code  
3769 310.605 monitors any regulated pollutant at the appropriate sampling location  
3770 more frequently than required by the Control Authority, using the procedures  
3771 prescribed in subsection (e), the results of this monitoring must be included in the  
3772 report.

3773  
3774 BOARD NOTE: Derived from 40 CFR 403.12(g) (2005), as amended at 70 Fed. Reg.  
3775 60134 (Oct. 14, 2005).

3776  
3777 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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**Section 310.611 Requirements for Non-Categorical Users**

The Control Authority must require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant non-categorical industrial users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. If a local limit requires compliance with a best management practice or pollution prevention alternative, the industrial user must submit documentation required by the Control Authority to determine the compliance status of the industrial user. These reports must be based on sampling and analysis performed in the period covered by the report and in accordance with the techniques described in 40 CFR 136, incorporated by reference at 35 Ill. Adm. Code 310.107. For the purposes of this Section, "significant non-categorical industrial user" means a significant industrial user that is not subject to categorical pretreatment standards. For an industrial user for which USEPA or the Agency is the Control Authority, as of December 21, 2025 or a USEPA-approved alternative date (see 40 CFR 127.24(e) or (f)), all reports submitted in compliance with this Subpart F must be submitted electronically by the industrial user to the Control Authority or initial recipient, as defined in 35 Ill. Adm. Code 310.106(b)(2), in compliance with this Subpart F and 35 Ill. Adm. Code 310.106.

BOARD NOTE: Derived from 40 CFR 403.12(h).

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

**Section 310.612 Annual POTW Reports**

POTWs with approved pretreatment programs must provide the Approval Authority with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this Section must be submitted no later than one year after approval of the POTW's pretreatment program and at least annually thereafter. The report must include, at a minimum, the applicable required data in appendix A to 40 CFR 127, incorporated by reference in 35 Ill. Adm. Code 310.107. The report required by this Subpart F must also include a summary of changes to the POTW's pretreatment program that have not been previously reported to the Approval Authority and any other relevant information requested by the Approval Authority. As of December 21, 2025 or a USEPA-approved alternative date (see 40 CFR 127.24(e) or (f)), all annual reports submitted in compliance with this Subpart F must be submitted electronically by the POTW pretreatment program to the Approval Authority or initial recipient, as defined in 35 Ill. Adm. Code 310.106(b)(2), in compliance with this Subpart F and 35 Ill. Adm. Code 310.106.

BOARD NOTE: Derived from 40 CFR 403.12(i).

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

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### **3822 Section 310.613 Notification of Changed Discharge**

3823  
3824 An industrial user must promptly notify the Control Authority (and the POTW if the POTW is  
3825 not the Control Authority) in advance of any substantial change in the volume or character of  
3826 pollutants in its discharge, including the listed or characteristic hazardous wastes for which the  
3827 industrial user has submitted initial notification under 35 Ill. Adm. Code 310.635.

3828  
3829 BOARD NOTE: Derived from 40 CFR 403.12(j) (2005), as amended at 70 Fed. Reg. 60134  
3830 (Oct. 14, 2005).

3831  
3832 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **3833 Section 310.621 Compliance Schedule for POTWs**

3834  
3835 The following conditions and reporting requirements must apply to the compliance schedule for  
3836 development of an approvable POTW pretreatment program required by 35 Ill. Adm. Code  
3837 310.501 through 310.510.

- 3838  
3839
- 3840 a) The schedule must contain increments of progress in the form of dates for the  
3841 commencement and completion of major events leading to the development and  
3842 implementation of a POTW pretreatment program (e.g., acquiring required  
3843 authorities, developing funding mechanisms, acquiring equipment);
  - 3844  
3845 b) No increment referred to in 35 Ill. Adm. Code 310.621(a) must exceed nine  
3846 months;
  - 3847  
3848 c) Not later than 14 days following each date in the schedule and the final date for  
3849 compliance, the POTW must submit a progress report to the Agency including as  
3850 a minimum, whether or not it complied with the increment of progress to be met  
3851 on such date and, if not, the date on which it expects to comply with this  
3852 increment of progress, the reason for delay, and the steps taken by the POTW to  
3853 return to the schedule established. In no event must more than nine months elapse  
3854 between such progress reports to the Agency.

3855  
3856 BOARD NOTE: Derived from 40 CFR 403.12(k) (2005), as amended at 70 Fed. Reg. 60134  
3857 (Oct. 14, 2005).

3858  
3859 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **3860 Section 310.631 Signatory Requirements for Industrial User Reports**

3861  
3862 The reports required by 35 Ill. Adm. Code 310.602, 310.604, and 310.605 must include the  
3863 certification statement as set forth in 35 Ill. Adm. Code 310.221(b)(2) and must be signed as  
3864 follows:  
3865

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- a) By a responsible corporate officer, if the industrial user submitting the reports required in 35 Ill. Adm. Code 310.602, 310.604, and 310.605 is a corporation. For the purposes of this Section, a responsible corporate officer means one of the following:
    - 1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or
    - 2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b) A general partner or proprietor, if the industrial user submitting the report required by 35 Ill. Adm. Code 310.602, 310.604, and 310.605 is a partnership or sole proprietorship, respectively.
  - c) A duly authorized representative of the individual designated in subsection (a) or (b), if:
    - 1) The authorization is made in writing by the individual described in subsection (a) or (b);
    - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, well field superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and
    - 3) The written authorization is submitted to the Control Authority.
  - d) If an authorization under subsection (c) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new

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3910 authorization satisfying the requirements of subsection (c) must be submitted to  
3911 the Control Authority prior to or together with any reports to be signed by an  
3912 authorized representative.  
3913

3914 BOARD NOTE: Derived from 40 CFR 403.12(l) (2005), as amended at 70 Fed. Reg. 60134  
3915 (Oct. 14, 2005).  
3916

3917 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
3918

### 3919 **Section 310.632 Signatory Requirements for POTW Reports**

3920  
3921 Reports submitted to the Agency by the POTW in accordance with 35 Ill. Adm. Code 310.612  
3922 must be signed by a principal executive officer, ranking elected official, or other duly authorized  
3923 employee. The duly authorized employee must be an individual or position having responsibility  
3924 for the overall operation of the facility or the pretreatment program. This authorization must be  
3925 made in writing by the principal executive officer or ranking elected official and submitted to the  
3926 Approval Authority prior to or together with the report being submitted.  
3927

3928 BOARD NOTE: Derived from 40 CFR 403.12(m) (2005), as amended at 70 Fed. Reg. 60134  
3929 (Oct. 14, 2005).  
3930

3931 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
3932

### 3933 **Section 310.633 Fraud and False Statements**

3934  
3935 The reports required by this Subpart are subject to the provisions of Section 1001 of Crimes and  
3936 Criminal Procedure (18 U.S.C. 1001), incorporated by reference in 35 Ill. Adm. Code 310.107,  
3937 relating to fraud and false statements; the provisions of section 309(c)(4) of the CWA (33 U.S.C.  
3938 1319(c)(4)), incorporated by reference in 35 Ill. Adm. Code 310.107(c), governing false  
3939 statements, representations, or certifications in reports required under the CWA; the provisions  
3940 of section 309(c)(6) of the CWA (33 U.S.C. 1319(c)(6)), incorporated by reference in 35 Ill.  
3941 Adm. Code 310.107(c), regarding responsible corporate officers; and to the provisions of Title  
3942 XII of the Act.  
3943

3944 BOARD NOTE: Derived from 40 CFR 403.12(n) (2005).  
3945

3946 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
3947

### 3948 **Section 310.634 Recordkeeping Requirements**

3949  
3950 a) Any industrial user and POTW subject to the reporting requirements established  
3951 in this Subpart must maintain records of all information resulting from any  
3952 monitoring activities required by this Subpart F, including documentation  
3953 associated with best management practices. Such records must include the

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3954 following information for all samples:

- 3955
- 3956 1) The date, exact place, method, and time of sampling, and the names of the
- 3957 person or persons taking the samples;
- 3958
- 3959 2) The dates analyses were performed;
- 3960
- 3961 3) Who performed the analyses;
- 3962
- 3963 4) The analytical techniques/methods use; and
- 3964
- 3965 5) The results of such analyses.
- 3966

3967 b) Any industrial user or POTW subject to the reporting requirements established in

3968 this Subpart F (including documentation associated with best management

3969 practices) must be required to retain for a minimum of three years any records of

3970 monitoring activities and results (whether or not such monitoring activities are

3971 required by this Section) and must make such records available for inspection and

3972 copying by the Agency (and POTW in the case of an industrial user). This period

3973 of retention is extended during the course of any unresolved litigation regarding

3974 the industrial user or POTW or when requested by the Agency.

3975

3976 c) Any POTW to which reports are submitted by an industrial user pursuant to 35 Ill.

3977 Adm. Code 310.602, 310.604, 310.605, and 310.611 must retain such reports for a

3978 minimum of three years and must make such reports available for inspection and

3979 copying by the Agency. This period of retention must be extended during the

3980 course of any unresolved litigation regarding the discharge of pollutants by the

3981 industrial user or the operation of the POTW pretreatment program or when

3982 requested by the Agency.

3983

3984 BOARD NOTE: Derived from 40 CFR 403.12(o) (2005), as amended at 70 Fed. Reg.

3985 60134 (Oct. 14, 2005).

3986

3987 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

3988

### 3989 **Section 310.635 Notification of Discharge of Hazardous Waste**

3990

3991 a) Requirement for notification.

3992

- 3993 1) The industrial user must notify the POTW; the Director, Waste
- 3994 Management Division, USEPA Region 5, 230 South Dearborn Street,
- 3995 Chicago, Illinois 60604; and the Manager, Division of Land Pollution
- 3996 Control, Illinois Environmental Protection Agency, 1021 North Grand
- 3997 Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276, in writing

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3998 of any discharge into the POTW of a substance, which, if otherwise  
3999 disposed of, would be a hazardous waste under 35 Ill. Adm. Code 721.  
4000 Such notification must include the name of the hazardous waste as set  
4001 forth in 35 Ill. Adm. Code 721, the USEPA hazardous waste number, and  
4002 the type of discharge (continuous, batch, or other). If the industrial user  
4003 discharges more than 100 kilograms of such waste per calendar month to  
4004 the POTW, the notification must also contain the following information to  
4005 the extent such information is known and readily available to the industrial  
4006 user:  
4007  
4008 A) An identification of the hazardous constituents contained in the  
4009 wastes;  
4010  
4011 B) An estimation of the mass and concentration of such constituents  
4012 in the waste stream discharged during that calendar month; and  
4013  
4014 C) An estimation of the mass of constituents in the waste stream  
4015 expected to be discharged during the following 12 months.  
4016  
4017 2) Time for notification. All notifications required under subsection (a)(1)  
4018 must take place within 180 days of the effective date of this rule.  
4019 Industrial users who commence discharging after the effective date of this  
4020 rule must provide the notification no later than 180 days after the  
4021 discharge of the listed or characteristic hazardous waste.  
4022  
4023 3) Frequency for notification. Any notification required under subsection  
4024 (a)(1) need be submitted only once for each hazardous waste discharged.  
4025 However, notifications of changed discharges must be submitted under 35  
4026 Ill. Adm. Code 310.613.  
4027  
4028 4) Exception for notification under other provisions. The notification  
4029 requirement of subsection (a)(1) does not apply to pollutants already  
4030 reported under the self-monitoring requirements of 35 Ill. Adm. Code  
4031 310.602, 310.604, and 310.605.  
4032  
4033 b) Exemption to reporting requirement. Discharges are exempt from the  
4034 requirements of subsection (a)(1) during a calendar month in which they  
4035 discharge no more than 15 kilograms of hazardous wastes, unless the wastes are  
4036 acute hazardous wastes specified in 35 Ill. Adm. Code 721.130(d) and 721.133(e).  
4037 Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar  
4038 month, or of any quantity of acute hazardous wastes, as specified in 35 Ill. Adm.  
4039 Code 721.130(d) and 721.133(e), requires a one-time notification. Subsequent  
4040 months during which the industrial user discharges more than such quantities of  
4041 any hazardous waste do not require additional notification.

- 4042
- 4043
- 4044 c) Newly-listed hazardous wastes. In the case of any new regulations under section
- 4045 of hazardous waste or listing any additional substance as a hazardous waste, the
- 4046 industrial user must notify the POTW; USEPA Region 5, Waste Management
- 4047 Division; and the Agency, Division of Land Pollution Control of the discharge of
- 4048 such substance, pursuant to subsection (a)(1), within 90 days of the effective date
- 4049 of such regulations.
- 4050
- 4051 d) Required certification. In the case of any notification made under this Section,
- 4052 the industrial user must certify that it has a program in place to reduce the volume
- 4053 and toxicity of hazardous wastes generated to the degree it has determined to be
- 4054 economically practical.
- 4055

4056 BOARD NOTE: Derived from 40 CFR 403.12(p) (2003).

4057 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

4058

4059

4060 **Section 310.636 Annual Certification by Non-Significant Categorical Users**

4061

4062 A facility defined as a non-significant categorical industrial user in 35 Ill. Adm. Code 310.110

4063 must annually submit the following certification statement, signed in accordance with the

4064 signatory requirements in 35 Ill. Adm. Code 310.631. The following certification must

4065 accompany any alternative report required by the Control Authority:

4066

4067 Based on my inquiry of the person or persons directly responsible for managing

4068 compliance with the categorical pretreatment standards under Subpart [Subpart number

4069 of the applicable national pretreatment standard] of 35 Ill. Adm. Code 307, I certify that,

4070 to the best of my knowledge and belief that during the period from [insert beginning

4071 month, day, year], to [insert ending month, day, year]:

4072

- 4073 a) The facility described as [insert facility name] met the definition of a non-
- 4074 significant categorical industrial user, as such is defined in 35 Ill. Adm. Code
- 4075 310.110;
- 4076
- 4077 b) The facility complied with all applicable pretreatment standards and requirements
- 4078 during this reporting period; and
- 4079
- 4080 c) The facility never discharged more than 100 gallons of total categorical
- 4081 wastewater on any given day during this reporting period.
- 4082

4083 This compliance certification is based upon the following information: [insert the

4084 information]

4085



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4086 BOARD NOTE: Derived from 40 CFR 403.12(q), as added at 70 Fed. Reg. 60134 (Oct. 14,  
4087 2005).

4088

4089 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
4090

### 4091 **Section 310.637 Receiving Electronic Documents**

4092

4093 A Control Authority that chooses to receive electronic documents must satisfy the requirements  
4094 of 35 Ill. Adm. Code 310.106.

4095

4096 BOARD NOTE: Derived from 40 CFR 403.12(r), as added at 70 Fed. Reg. 59848 (Oct. 13,  
4097 2005).

4098

4099 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
4100

4101

## 4102 SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

4103

### 4104 **Section 310.703 Criteria**

4105

4106 a) General criteria. A request for an FDF determination may be approved only if the  
4107 following are true:

4108

- 4109 1) There is an applicable categorical pretreatment standard that specifically  
4110 controls the pollutant for which alternative limits have been requested;
- 4111 2) Factors relating to the discharge controlled by the categorical pretreatment  
4112 standard are fundamentally different from the factors considered by  
4113 USEPA in establishing the standards; and

4114

- 4115 3) The request for an FDF determination is made in accordance with the  
4116 procedural requirements in 35 Ill. Adm. Code 310.711 and 310.712.

4117

4118 b) Criteria applicable to less stringent limits. An FDF determination request for the  
4119 establishment of limits less stringent than required by the standard may be  
4120 approved only if the following are true:

4121

- 4122 1) The alternative limit requested is no less stringent than justified by the  
4123 fundamental difference;
- 4124 2) The alternative limit will not result in a violation of prohibitive discharge  
4125 standards prescribed by or established under 35 Ill. Adm. Code 310.201  
4126 through 310.213, or 35 Ill. Adm. Code 307;

4127

- 4128 3) The alternative limit will not result in a non-water quality environmental  
4129 impact (including energy requirements) fundamentally more adverse than



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- 4130 the impact considered during development of the pretreatment standards;  
4131 and  
4132  
4133 4) Compliance with the standards (either by using the technologies upon  
4134 which the standards are based or by using other control alternatives)  
4135 would result in a non-water quality environmental impact (including  
4136 energy requirements) fundamentally more adverse than the impact  
4137 considered during development of the standards.  
4138  
4139 c) Criteria applicable to more stringent limits. An FDF determination request for the  
4140 establishment of limits more stringent than required by the standards may be  
4141 approved only if the following are true:  
4142  
4143 1) The alternative limit request is no more stringent than justified by the  
4144 fundamental difference; and  
4145  
4146 2) Compliance with the alternative limit would not result in a non-water  
4147 quality environmental impact (including energy requirements)  
4148 fundamentally more adverse than the impact considered during  
4149 development of the standards.  
4150

4151 BOARD NOTE: Derived from 40 CFR 403.13(c) (2003).

4152  
4153 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
4154

### 4155 **Section 310.705 Factors that are Not Fundamentally Different**

4156  
4157 A FDF request or portion of such a request under this Subpart G must not be granted on any of  
4158 the following grounds:  
4159

- 4160 a) The feasibility of installing the required waste treatment equipment within the  
4161 time the federal CWA (33 U.S.C. 1251 et seq.), incorporated by reference in 35  
4162 Ill. Adm. Code 310.107(c), allows;  
4163  
4164 b) The assertion that the standards cannot be achieved with the appropriate waste  
4165 treatment facilities installed, if such assertion is not based on factors listed in 35  
4166 Ill. Adm. Code 310.704;  
4167  
4168 c) The industrial user's ability to pay for the required waste treatment; or  
4169  
4170 d) The impact of a discharge on the quality of the POTW's receiving waters.  
4171

4172 BOARD NOTE: Derived from 40 CFR 403.13(e) (2005).  
4173

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4174 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
4175

### 4176 **Section 310.706 More Stringent State Law** 4177

- 4178 a) The Agency may not grant FDF determinations with respect to more stringent  
4179 pretreatment standards adopted pursuant to independent Board authority (35 Ill.  
4180 Adm. Code 307.1102 and 307.1103).  
4181  
4182 b) Nothing in this Subpart G may be construed to impair the right of any POTW to  
4183 impose more stringent limitations pursuant to 35 Ill. Adm. Code 310.210 and  
4184 310.211.  
4185

4186 BOARD NOTE: Derived from 40 CFR 403.13(f) (2003).  
4187

4188 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
4189

### 4190 **Section 310.711 Application Deadline** 4191

- 4192 a) Request for an FDF determination and supporting information must be submitted  
4193 in writing to the Agency.  
4194  
4195 b) In order to be considered, requests for FDF determinations must be submitted  
4196 within the following time limits:  
4197  
4198 1) Prior to authorization of the Illinois program, FDF requests must be  
4199 directed to USEPA pursuant to 40 CFR 403.13.  
4200  
4201 2) For standards adopted by USEPA after authorization of the Illinois  
4202 pretreatment program, the industrial user must request an FDF  
4203 determination within 180 days after the Board adopts or incorporates the  
4204 standard by reference unless the user has requested a category  
4205 determination pursuant to 35 Ill. Adm. Code 310.221.  
4206  
4207 c) Where the industrial user has requested a category determination pursuant to 35  
4208 Ill. Adm. Code 310.221, the user may elect to await the results of the category  
4209 determination before submitting a request for an FDF determination. Where the  
4210 user so elects, the user must submit the request within 30 days after a final  
4211 decision has been made on the categorical determination pursuant to 35 Ill. Adm.  
4212 Code 310.221(d).  
4213

4214 BOARD NOTE: Derived from 40 CFR 403.13(g) (2005), as amended at 70 Fed. Reg.  
4215 60134 (Oct. 14, 2005).  
4216

4217 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 310.712 Contents of FDF Request**

Written requests for an FDF determination must include:

- a) The name and address of the person making the request;
- b) Identification of the interest of the requester that is affected by the categorical pretreatment standard for which the FDF determination is requested;
- c) Identification of the POTW currently receiving the waste from the industrial user for which alternative discharge limits are requested;
- d) Identification of the categorical pretreatment standards that are applicable to the industrial user;
- e) A list of each pollutant or pollutant parameter for which an alternative discharge limit is sought;
- f) The alternative discharge limits proposed by the requester for each pollutant or pollutant parameter identified in subsection (e);
- g) A description of the industrial user's existing water pollution control facilities;
- h) A schematic flow representation of the industrial user's water system including water supply, process wastewater systems, and points of discharge; and
- i) A statement of facts clearly establishing why the request for an FDF determination should be approved, including detailed support data, documentation, and evidence necessary to fully evaluate the merits of the request, e.g., technical and economic data collected by USEPA and used in developing each pollutant discharge limit in the pretreatment standard.

BOARD NOTE: Derived from 40 CFR 403.13(h) (2003).

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

**SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE**

**Section 310.801 Net/Gross Calculation**

The Control Authority may adjust categorical pretreatment standards to reflect the presence of pollutants in the industrial user's intake water as provided in 40 CFR 403.15, incorporated by reference in 35 Ill. Adm. Code 310.107(b).

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4262  
4263 BOARD NOTE: Derived from 40 CFR 403.15 (2005), as amended at 70 Fed. Reg. 60134 (Oct.  
4264 14, 2005).

4265  
4266 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

4267  
4268 SUBPART I: UPSETS

4269  
4270 **Section 310.902 Effect of an Upset**

4271  
4272 An upset may constitute an affirmative defense to an action brought for noncompliance with  
4273 categorical pretreatment standards if the requirements of 35 Ill. Adm. Code 310.903 are met.

4274  
4275 BOARD NOTE: Derived from 40 CFR 403.16(b) (2003).

4276  
4277 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

4278  
4279 SUBPART J: BYPASS

4280  
4281 **Section 310.911 Bypass Not Violating Applicable Pretreatment Standards or**  
4282 **Requirements**

4283  
4284 An industrial user may allow any bypass to occur that does not cause pretreatment standards or  
4285 requirements to be violated, but only if it also is for essential maintenance to assure efficient  
4286 operation. These bypasses are not subject to the provisions of 35 Ill. Adm. Code 310.912 and  
4287 310.913.

4288  
4289 BOARD NOTE: Derived from 40 FCR 403.17(b) (2003).

4290  
4291 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

4292  
4293 **Section 310.913 Prohibition of Bypass**

- 4294  
4295 a) Bypass is prohibited unless the following are true:
- 4296  
4297 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe  
4298 property damage;
  - 4299  
4300 2) There were no feasible alternatives to the bypass, such as the use of  
4301 auxiliary treatment facilities, retention of untreated wastes, or maintenance  
4302 during normal periods of equipment downtime. This condition is not  
4303 satisfied if adequate back-up equipment should have been installed in the  
4304 exercise of reasonable engineering judgment to prevent a bypass that  
4305 occurred during normal periods of equipment downtime or preventative

4306 maintenance; and

4307

4308 3) The industrial user submitted notices as required under 35 Ill. Adm. Code  
4309 310.912.

4310

4311 b) The Control Authority may approve an anticipated bypass, after considering its  
4312 adverse affects, if the Control Authority determines that the bypass will meet the  
4313 requirements of subsection (a).

4314

4315 BOARD NOTE: Derived from 40 CFR 403.17(d) (2003).

4316

4317 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

4318

4319 SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

4320

4321 **Section 310.920 General**

4322

4323 Either the Agency or a POTW with an approved POTW pretreatment program may initiate  
4324 program modification at any time to reflect changing conditions at the POTW. Program  
4325 modification is necessary whenever there is a significant change in the operation of a POTW  
4326 pretreatment program that differs from the information in the POTW's submission, as approved  
4327 under 35 Ill. Adm. Code 310.541 through 310.546.

4328

4329 BOARD NOTE: Derived from 40 CFR 403.18(a), as added at 53 Fed. Reg. 40615, October 17,  
4330 1988.

4331

4332 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

4333

4334 **Section 310.921 Substantial Modifications Defined**

4335

4336 Substantial modifications include the following types of modifications:

4337

4338 a) Modifications that relax POTW legal authorities (as described in 35 Ill. Adm.  
4339 Code 310.510(a)), except for modifications that directly reflect a revision to this  
4340 Part or to 35 Ill. Adm. Code: Subtitle C, and are reported pursuant to 35 Ill. Adm.  
4341 Code 310.923;

4342

4343 b) Modifications that relax local limits, except for the modifications to local limits  
4344 for pH and reallocations of the maximum allowable industrial loading of a  
4345 pollutant that do not increase the total industrial loadings for the pollutant, which  
4346 are reported pursuant to 35 Ill. Adm. Code 310.923. For the purposes of this  
4347 Section, "maximum allowable industrial loading" means the total mass of a  
4348 pollutant that all industrial users of a POTW (or a subgroup of industrial users  
4349 identified by the POTW) may discharge pursuant to limits developed under 35 Ill.

- 4350 Adm. Code 310.210;
- 4351
- 4352 c) Changes to the POTW's control mechanism, as the control mechanism is
- 4353 described in 35 Ill. Adm. Code 310.510(a)(3);
- 4354
- 4355 d) A decrease in the frequency of self-monitoring or reporting required of industrial
- 4356 users;
- 4357
- 4358 e) A decrease in the frequency of industrial user inspections or sampling by the
- 4359 POTW;
- 4360
- 4361 f) Changes to the POTW's confidentiality procedures; and
- 4362
- 4363 g) Other modifications designated as substantial modifications by the Agency on any
- 4364 of the following bases:
- 4365
- 4366 1) The modification could have a significant impact on the operation of the
- 4367 POTW's pretreatment program;
- 4368
- 4369 2) The modification could result in an increase in pollutant loadings at the
- 4370 POTW; or
- 4371
- 4372 3) The modification could result in less stringent requirements being imposed
- 4373 on industrial users of the POTW.
- 4374

4375 BOARD NOTE: Derived from 40 CFR 403.18(b) (1997), as amended at 62 Fed.  
4376 Reg. 38414 (July 17, 1997).

4377  
4378 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

4379  
4380 **Section 310.922 Approval Procedures for Substantial Modifications**

- 4381
- 4382 a) The POTW must submit to the Agency a statement of the basis for the desired
- 4383 program modification, a modified program description (see 35 Ill. Adm. Code
- 4384 310.522), or such other documents the Agency determines to be necessary under
- 4385 the circumstances.
- 4386
- 4387 b) The Agency must approve or disapprove the modification based on the
- 4388 requirements of 35 Ill. Adm. Code 310.510 and using the procedures in 35 Ill.
- 4389 Adm. Code 310.542 through 310.546, except as provided in subsections (c) and
- 4390 (d). The modification must become effective upon approval by the Agency.
- 4391
- 4392 c) The Agency need not publish a notice of decision under 35 Ill. Adm. Code
- 4393 310.545 provided each of the following conditions is fulfilled:

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- 1) The notice of request for approval under 35 Ill. Adm. Code 310.542(a) states that the request will be approved if no comments are received by a date specified in the notice;
  - 2) No substantive comments are received; and
  - 3) The request is approved without change.
- d) Notices required by 35 Ill. Adm. Code 310.542 through 310.546 may be performed by the POTW, provided that the Agency finds that the POTW notice otherwise satisfies the requirements of 35 Ill. Adm. Code 310.542 through 310.546.

4408 BOARD NOTE: Derived from 40 CFR 403.18(c) (2003).

4409 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 310.923 Approval Procedures for Non-Substantial Modifications**

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- a) The POTW must notify the Agency of any non-substantial modification at least 45 days prior to its implementation by the POTW, in a statement similar to that provided for in 35 Ill. Adm. Code 310.922(a).
  - b) Within 45 days after the submission of the POTW's statement, the Agency must notify the POTW of its decision to approve or disapprove the non-substantial modification.
  - c) If the Agency does not notify the POTW within 45 days of its decision to approve or deny the modification, or to treat the modification as substantial under 35 Ill. Adm. Code 310.921(g), the POTW may implement the modification.

4426 BOARD NOTE: Derived from 40 CFR 403.18(d) (2003).

4427 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

4428