

ILLINOIS POLLUTION CONTROL BOARD  
May 16, 2024

IN THE MATTER OF: )  
SDWA UPDATE, USEPA ) R24-6  
AMENDMENTS (January 1, 2023 through ) (Identical-in-Substance  
June 30, 2023) ) Rulemaking - Wastewater)

Adopted Rule. Final Order.

OPINION AND ORDER OF THE BOARD (by M.D. Mankowski):

The Board today adopts amendments to Illinois rules that are “identical in substance” (IIS) to wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA) during the first half of 2023.

Sections 7.2 and 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13.3 (2022)) require the Board to adopt regulations that are “identical in substance” to federal wastewater pretreatment regulations. The wastewater pretreatment regulations are rules adopted by the USEPA pursuant to sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (2021)). Section 13.3 also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2022)) do not apply to the Board’s adoption of identical-in-substance regulations. The federal wastewater pretreatment regulations are found at 40 C.F.R. 400 through 499.

USEPA amended the effluent limitation guidelines for the steam electric power generating point source category to extend the date for existing coal-fired power plants to submit a notice of planned participation (NOPP) for the permanent cessation of coal combustion subcategory in the 2020 Steam electric Reconsideration Rule. The Board today revises the Illinois sewer discharge criteria rules for steam electric power generating, by adding the extended NOPP deadline.

The Board adopted a proposal for public comment on December 7, 2023. A Notice of Proposed Amendments appeared in the *Illinois Register* on December 26, 2023 at 47 Ill. Reg. 18866. The 45-day public comment period ended February 13, 2024, the first business day following the deadline.

**EXTENSION OF DUE DATE AND REASONS FOR DELAY**

The Board finds it necessary to extend the due date for final Board adoption of amendments from March 29, 2024, to today’s date, May 16, 2024.

Under Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2022)), the Board must complete this rulemaking within one year after the corresponding federal action. Based on the date

USEPA extended the deadline to submit a Notice of Planned Participation (NOPP), the Board's deadline to adopt final rules in this docket was March 29, 2024.

The Board's resources were used to begin training a new attorney to handle the IIS rulemakings. The Board also completed other complicated and extensive rulemakings during the last few months. The Board now adopts the amendments. Therefore, the Board extends the deadline until May 16, 2024, the date of this final order.

### **SUMMARY OF PROPOSED AMENDMENTS**

Section 1318(a)(A) of the FWPCA requires the owner and operator of any point source to: (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the USEPA shall prescribe), and (v) provide such other information as USEPA may reasonably require. See 33 U.S.C. § 1318(a)(A) (2022).

40 CFR § 423.19 provides reporting and recordkeeping requirements for steam electric power generating point sources. On March 29, 2023, USEPA adopted an amendment to 40 CFR § 423.19(f)(1) which extended the deadline for point sources seeking to qualify as an electric generating unit that will achieve permanent cessation of coal combustion by December 31, 2028, to submit a NOPP from October 13, 2021, to June 27, 2023. 88 Fed. Reg. 18440 (March 29, 2023).

The Board incorporates by reference the new NOPP deadline into the Illinois wastewater pretreatment rules.

### **ORDER**

The Board directs the Clerk to file the adopted amendments with the Office of the Secretary of State and provide notice in the *Illinois Register* of the appended adopted amendments to the Illinois wastewater pretreatment rules.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 16, 2024, by a vote of 4-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board

TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE C: WATER POLLUTION  
 CHAPTER I: POLLUTION CONTROL BOARD  
 PART 307  
 SEWER DISCHARGE CRITERIA  
 SUBPART A: GENERAL PROVISIONS

Section	
307.101	Preamble (Renumbered)
307.102	General Requirements (Renumbered)
307.103	Mercury (Renumbered)
307.104	Cyanide (STORET number 00720) (Renumbered)
307.105	Pretreatment Requirements (Repealed)
307.1001	Preamble
307.1002	Definitions
307.1003	Test Procedures for Measurement
307.1005	Toxic Pollutants
307.1006	Electronic Reporting

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section	
307.1101	General and Specific Requirements
307.1102	Mercury
307.1103	Cyanide

SUBPART F: DAIRY PRODUCTS PROCESSING

Section	
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307.1502	Fluid Products
307.1503	Cultured Products
307.1504	Butter
307.1505	Cottage Cheese and Cultured Cream Cheese
307.1506	Natural and Processed Cheese
307.1507	Fluid Mix for Ice Cream and Other Frozen Desserts
307.1508	Ice Cream, Frozen Desserts, Novelties, and Other Dairy Desserts
307.1509	Condensed Milk
307.1510	Dry Milk
307.1511	Condensed Whey
307.1512	Dry Whey

SUBPART G: GRAIN MILLS

Section	
307.1601	Corn Wet Milling

307.1602	Corn Dry Milling
307.1603	Normal Wheat Flour Milling
307.1604	Bulgur Wheat Flour Milling
307.1605	Normal Rice Milling
307.1606	Parboiled Rice Milling
307.1607	Animal Feed
307.1608	Hot Cereal
307.1609	Ready-to-Eat Cereal
307.1610	Wheat Starch and Gluten

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307.1700	General Provisions
307.1701	Apple Juice
307.1702	Apple Products
307.1703	Citrus Products
307.1704	Frozen Potato Products
307.1705	Dehydrated Potato Products
307.1706	Canned and Preserved Fruits
307.1707	Canned and Preserved Vegetables
307.1708	Canned and Miscellaneous Specialties

#### SUBPART I: CANNED AND PRESERVED SEAFOOD

Section	
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307.1815	Fish Meal Processing Subcategory (Repealed)

#### SUBPART J: SUGAR PROCESSING

Section	
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307.1902	Crystalline Cane Sugar Refining
307.1903	Liquid Cane Sugar Refining

#### SUBPART K: TEXTILE MILLS

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307.2001	Wool Scouring
307.2002	Wool Finishing
307.2003	Low Water Use Processing
307.2004	Woven Fabric Finishing
307.2005	Knit Fabric Finishing
307.2006	Carpet Finishing

307.2007	Stock and Yarn Finishing
307.2008	Nonwoven Manufacturing
307.2009	Felted Fabric Processing

#### SUBPART L: CEMENT MANUFACTURING

Section	
307.2101	Nonleaching
307.2102	Leaching
307.2103	Materials Storage Piles Runoff

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307.2202	Ducks

#### SUBPART N: ELECTROPLATING

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307.2302	Electroplating of Precious Metals
307.2304	Anodizing
307.2305	Coatings
307.2306	Chemical Etching and Milling
307.2307	Electroless Plating
307.2308	Printed Circuit Boards

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307.2403	Thermoplastic Resins
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307.2405	Commodity Organic Chemicals
307.2406	Bulk Organic Chemicals
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307.2410	Indirect Discharge Point Sources
307.2490	Non-Complexed Metal-Bearing and Cyanide-Bearing Waste Streams
307.2491	Complexed Metal-Bearing Waste Streams

#### SUBPART P: INORGANIC CHEMICALS MANUFACTURING

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307.2502	Aluminum Sulfate Production
307.2503	Calcium Carbide Production
307.2504	Calcium Chloride Production
307.2505	Calcium Oxide Production
307.2506	Chlor-Alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
307.2508	Hydrofluoric Acid Production
307.2509	Hydrogen Peroxide Production
307.2511	Potassium Metal Production
307.2512	Potassium Dichromate Production
307.2513	Potassium Sulfate Production
307.2514	Sodium Bicarbonate Production
307.2516	Sodium Chloride Production
307.2517	Sodium Dichromate and Sodium Sulfate Production
307.2520	Sodium Sulfite Production
307.2522	Titanium Dioxide Production
307.2523	Aluminum Fluoride Production
307.2524	Ammonium Chloride Production
307.2527	Borax Production
307.2528	Boric Acid Production
307.2529	Bromine Production
307.2530	Calcium Carbonate Production
307.2531	Calcium Hydroxide Production
307.2533	Carbon Monoxide and Byproduct Hydrogen Production
307.2534	Chrome Pigments Production
307.2535	Chromic Acid Production
307.2536	Copper Salts Production
307.2538	Ferric Chloride Production
307.2540	Fluorine Production
307.2541	Hydrogen Production
307.2542	Hydrogen Cyanide Production
307.2543	Iodine Production
307.2544	Lead Monoxide Production
307.2545	Lithium Carbonate Production
307.2547	Nickel Salts Production
307.2549	Oxygen and Nitrogen Production
307.2550	Potassium Chloride Production
307.2551	Potassium Iodide Production
307.2553	Silver Nitrate Production
307.2554	Sodium Bisulfite Production
307.2555	Sodium Fluoride Production
307.2560	Stannic Oxide Production
307.2563	Zinc Sulfate Production
307.2564	Cadmium Pigments and Salts Production

307.2565	Cobalt Salts Production
307.2566	Sodium Chlorate Production
307.2567	Zinc Chloride Production

#### SUBPART R: SOAP AND DETERGENTS

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307.2702	Fatty Acid Manufacturing by Fat Splitting
307.2703	Soap Manufacturing by Fatty Acid Neutralization
307.2704	Glycerine Concentration
307.2705	Glycerine Distillation
307.2706	Manufacture of Soap Flakes and Powders
307.2707	Manufacture of Bar Soaps
307.2708	Manufacture of Liquid Soaps
307.2709	Oleum Sulfonation and Sulfation
307.2710	Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711	Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712	Sulfamic Acid Sulfation
307.2713	Chlorosulfonic Acid Sulfation
307.2714	Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715	Manufacture of Spray-Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacturing of Detergents by Dry Blending
307.2718	Manufacture of Drum-Dried Detergents
307.2719	Manufacture of Detergent Bars and Cakes

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307.2801	Phosphate
307.2802	Ammonia
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#### SUBPART T: PETROLEUM REFINING

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307.3000	General Provisions
307.3001	Cokemaking
307.3002	Sintering
307.3003	Ironmaking
307.3004	Steelmaking
307.3005	Vacuum Degassing
307.3006	Continuous Casting
307.3007	Hot Forming
307.3008	Salt Bath Descaling
307.3009	Acid Pickling
307.3010	Cold Forming
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307.3100	General Provisions
307.3101	Bauxite Refining
307.3102	Primary Aluminum Smelting
307.3103	Secondary Aluminum Smelting
307.3104	Primary Copper Smelting
307.3105	Primary Electrolytic Copper Refining
307.3106	Secondary Copper
307.3107	Primary Lead
307.3108	Primary Zinc
307.3109	Metallurgical Acid Plants
307.3110	Primary Tungsten
307.3111	Primary Columbium-Tantalum
307.3112	Secondary Silver
307.3113	Secondary Lead
307.3114	Primary Antimony
307.3115	Primary Beryllium
307.3116	Primary and Secondary Germanium and Gallium
307.3117	Secondary Indium
307.3118	Secondary Mercury
307.3119	Primary Molybdenum and Rhenium
307.3120	Secondary Molybdenum and Vanadium
307.3121	Primary Nickel and Cobalt
307.3122	Secondary Nickel
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307.3124	Secondary Precious Metals
307.3125	Primary Rare Earth Metals
307.3126	Secondary Tantalum
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307.3128	Primary and Secondary Titanium
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#### SUBPART X: STEAM ELECTRIC POWER GENERATING

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Section	
307.3401	Open Electric Furnaces With Wet Air Pollution Control Devices
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307.3405	Other Calcium Carbide Furnaces
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307.3500	General Provisions
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307.3502	Hair Save, Chrome Tan, Retan-Wet Finish
307.3503	Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3504	Retan-Wet Finish-Sides
307.3505	No Beamhouse
307.3506	Through-the-Blue
307.3507	Shearling
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307.3601	Insulation Fiberglass
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307.3603	Rolled Glass Manufacturing
307.3604	Plate Glass Manufacturing
307.3605	Float Glass Manufacturing
307.3606	Automotive Glass Tempering
307.3607	Automotive Glass Laminating
307.3608	Glass Container Manufacturing
307.3610	Glass Tubing (Danner) Manufacturing
307.3611	Television Picture Tube Envelope Manufacturing
307.3612	Incandescent Lamp Envelope Manufacturing
307.3613	Hand Pressed and Blown Glass Manufacturing

#### SUBPART BB: ASBESTOS MANUFACTURING

##### Section

307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
307.3704	Asbestos Paper (Elastomeric Binder)
307.3705	Asbestos Millboard
307.3706	Asbestos Roofing
307.3707	Asbestos Floor Tile
307.3708	Coating or Finishing of Asbestos Textiles
307.3709	Solvent Recovery
307.3710	Vapor Absorption
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#### SUBPART BC: RUBBER MANUFACTURING

##### Section

307.3801	Tire and Inner Tube Plants
307.3802	Emulsion Crumb Rubber
307.3803	Solution Crumb Rubber
307.3804	Latex Rubber
307.3805	Small-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3806	Medium-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3807	Large-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3808	Wet Digestion Reclaimed Rubber
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307.3810	Latex-Dipped, Latex-Extruded, and Latex-Molded Rubber
307.3811	Latex Foam

#### SUBPART BD: TIMBER PRODUCTS PROCESSING

##### Section

307.3900	General Provisions
307.3901	Barking

307.3902	Veneer
307.3903	Plywood
307.3904	Dry Process Hardboard
307.3905	Wet Process Hardboard
307.3906	Wood Preserving—Waterborne or Non-pressure
307.3907	Wood Preserving—Steam
307.3908	Wood Preserving—Boulton
307.3909	Wet Storage
307.3910	Log Washing
307.3911	Sawmills and Planing Mills
307.3912	Finishing
307.3913	Particleboard Manufacturing
307.3914	Insulation Board
307.3915	Wood Furniture and Fixture Production without Water Wash Spray Booths or without Laundry Facilities
307.3916	Wood Furniture and Fixture Production with Water Wash Spray Booths or with Laundry Facilities

#### SUBPART BE: PULP, PAPER, AND PAPERBOARD

##### Section

307.4000	General Provisions
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307.4002	Bleached Papergrade Kraft and Soda
307.4003	Unbleached Kraft
307.4004	Dissolving Sulfite
307.4005	Papergrade Sulfite
307.4006	Semi-Chemical
307.4007	Mechanical Pulp
307.4008	Non-Wood Chemical Pulp
307.4009	Secondary Fiber Deink
307.4010	Secondary Fiber Non-Deink
307.4011	Fine and Lightweight Papers from Purchased Pulp
307.4012	Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp
307.4013	Groundwood-Thermo-Mechanical (Repealed)
307.4014	Groundwood-CMN Papers (Repealed)
307.4015	Groundwood-Fine Papers (Repealed)
307.4016	Soda (Repealed)
307.4017	Deink (Repealed)
307.4018	Nonintegrated-Fine Papers (Repealed)
307.4019	Nonintegrated-Tissue Papers (Repealed)
307.4020	Tissue From Wastepaper (Repealed)
307.4021	Papergrade Sulfite (Drum Wash) (Repealed)
307.4022	Unbleached Kraft and Semi-Chemical (Repealed)
307.4023	Wastepaper-Molded Products (Repealed)
307.4024	Nonintegrated-Lightweight Papers (Repealed)

307.4025 Nonintegrated-Filter and Nonwoven Papers (Repealed)  
 307.4026 Nonintegrated-Paperboard (Repealed)

#### SUBPART BF: BUILDERS' PAPER AND BOARD MILLS

Section  
 307.4101 Builder's Paper and Roofing Felt (Repealed)

#### SUBPART BG: MEAT PRODUCTS

Section  
 307.4201 Simple Slaughterhouse  
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 307.4203 Low-Processing Packinghouse  
 307.4204 High-Processing Packinghouse  
 307.4205 Small Processor  
 307.4206 Meat Cutter  
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#### SUBPART BH: METAL FINISHING

Section  
 307.4300 General Provisions  
 307.4301 Metal Finishing

#### SUBPART BJ: OIL AND GAS EXTRACTION

Section  
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#### SUBPART BL: CENTRALIZED WASTE TREATMENT

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 307.4701 Metals Treatment and Recovery  
 307.4702 Oils Treatment and Recovery  
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#### SUBPART BN: PHARMACEUTICAL MANUFACTURING

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307.4900	General Provisions
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307.4902	Extraction Products
307.4903	Chemical Synthesis Products
307.4904	Mixing/Compounding and Formulation
307.4905	Research (Repealed)

#### SUBPART BP: DENTAL OFFICES

Section	
307.5100	Dental Offices

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Section	
307.5200	General Provisions
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307.5202	Rail Tank Cars Transporting Chemical and Petroleum Cargos
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307.5302	Asphalt Concrete
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307.5304	Linoleum and Printed Asphalt Felt

#### SUBPART BS: WASTE COMBUSTORS

Section	
307.5401	Commercial Hazardous Waste Combustor

#### SUBPART BT: LANDFILLS

Section	
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307.5502	RCRA Subtitle D Non-Hazardous Waste Landfill

#### SUBPART BU: PAINT FORMULATING

Section

307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

Section  
307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section  
307.6500 General Provisions  
307.6501 Organic Pesticide Chemicals Manufacturing  
307.6502 Metallo-Organic Pesticides Chemicals Manufacturing  
307.6503 Pesticide Chemicals Formulating and Packaging  
307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments

SUBPART CG: CARBON BLACK MANUFACTURING

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307.6801 Carbon Black Furnace Process  
307.6802 Carbon Black Thermal Process  
307.6803 Carbon Black Channel Process  
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SUBPART CJ: BATTERY MANUFACTURING

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307.7100 General Provisions  
307.7101 Cadmium  
307.7102 Calcium  
307.7103 Lead  
307.7104 Leclanche  
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SUBPART CL: PLASTICS MOLDING AND FORMING

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307.7302 Cleaning Water  
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SUBPART CM: METAL MOLDING AND CASTING

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#### SUBPART CO: PORCELAIN ENAMELING

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#### SUBPART CP: ALUMINUM FORMING

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307.7702	Rolling With Emulsions
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#### SUBPART CQ: COPPER FORMING

Section	
307.7800	General Provisions
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307.7802	Beryllium Copper Forming

#### SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

Section

307.7901	Semiconductor
307.7902	Electronic Crystals
307.7903	Cathode Ray Tube
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#### SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

##### Section

307.8100	General Provisions
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307.8102	Magnesium Forming
307.8103	Nickel-Cobalt Forming
307.8104	Precious Metals Forming
307.8105	Refractory Metals Forming
307.8106	Titanium Forming
307.8107	Uranium Forming
307.8108	Zinc Forming
307.8109	Zirconium-Hafnium Forming
307.8110	Metal Powders

##### 307.APPENDIX A References to Previous Rules (Repealed)

**AUTHORITY:** Implementing Sections 7.2, 13, and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

**SOURCE:** Adopted in R70-5, March 31, 1971; amended in R70-8/R71-14/R71-20, March 7, 1972; amended in R74-3, October 30, 1975; amended in R74-15/R74-16 at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17 at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21 at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5/R82-10 at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1735, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10867, effective August 14, 2001; amended in R03-13 at 27 Ill. Reg. 15095, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3076, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10661, effective July 13, 2004; amended in R05-4/R05-15 at 29 Ill. Reg. 6921, effective April 26, 2005; amended in R06-13 at 30 Ill. Reg. 17811, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 18986, effective November 26, 2008; amended in R13-7



at 37 Ill. Reg. 1936, effective February 4, 2013; amended in R16-9 and R17-8 at 41 Ill. Reg. 1129, effective January 23, 2017; amended in R18-6/R18-14 at 42 Ill. Reg. 10676, effective May 29, 2018; amended in R21-15 at 45 Ill. Reg. 8035, effective June 21, 2021; amended in R18-23 at 47 Ill. Reg. 4662, effective March 23, 2023; amended in R24-6 at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART X: STEAM ELECTRIC POWER GENERATING

### Section 307.3301 Steam Electric Power Generating

- a) **Applicability.** This Section applies to discharges resulting from the operation of a generating unit by an establishment whose generation of electricity is the predominant source of revenue or principal reason for operation, and whose generation of electricity results primarily from a process using fossil-type fuel (coal, oil, or gas), fuel derived from fossil fuel (e.g., petroleum coke, synthesis gas), or nuclear fuel in conjunction with a thermal cycle employing the steam water system as the thermodynamic medium. This Section applies to discharges associated with both the combustion turbine and steam turbine portions of a combined cycle generating unit.
- b) **Specialized Definitions.** The Board incorporates by reference 40 CFR 423.11 (2020), as amended at 85 Fed. Reg. 64650 (Oct. 13, 2020). This incorporation includes no later amendments or editions.
- c) **Existing Sources**
  - 1) The Board incorporates by reference 40 CFR 423.13(g)(3)(i) and 423.16 (2020), as amended at 85 Fed. Reg. 64650 (Oct. 13, 2020); 40 CFR 423.13(k)(3) and (o), 423.18, and 423.19, as added at 85 Fed. Reg. 64650 (Oct. 13, 2020); [40 CFR 423.19\(f\)\(1\) as amended at 88 Fed. Reg. 18440 \(March 29, 2023\)](#); and appendix A to 40 CFR 423 (2020). These incorporations include no later amendments or editions.
    - A) **Flue Gas Desulfurization (FGD) Wastewater Discharges by Electric Generating Units (EGUs) Seeking Voluntary Incentives Participation (VIP).** The owner or operator of an EGU opting into VIP may seek to operate under alternative standards for discharges of FGD wastewater, as defined in 40 CFR 423.11(n), incorporated by reference in subsection (b), as provided in 40 CFR 423.13(g)(3)(i) after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (h).

BOARD NOTE: This subsection (c)(1)(A) derives from 40 CFR 423.13(g)(3)(i) and 423.19(h). USEPA calls VIP “Voluntary Incentives Program,” and the Board evokes enough of that name as is evocative but stops short of using the same name. USEPA

stated that its Voluntary Incentives Program applies only to direct discharges and is not finalized as to indirect discharges. 85 Fed. Reg. 64650, 64660, 64675 (Oct. 13, 2020). USEPA's rules, however, expressly contemplate applying its elements to indirect discharges. See 40 CFR 423.19(h)(3).

- B) Flue Gas Desulfurization (FGD) Wastewater Discharges by EGUs Initiating Cessation of Coal Burning. The owner or operator of an EGU that will undergo permanent cessation of coal combustion, as defined in 40 CFR 423.11(w), incorporated by reference in subsection (b), may seek to operate under alternative standards for discharges of FGD wastewater, as defined in 40 CFR 423.11(n), incorporated by reference in subsection (b), as provided in 40 CFR 423.16(e)(1) after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (f).

BOARD NOTE: This subsection (c)(1)(B) derives from 40 CFR 423.16(e)(1) and 423.19(f).

- C) Notice of Material Delay. An EGU that will undergo permanent cessation of coal combustion or one that opted into VIP under alternative standards under subsection (c)(1)(A) operating under alternative standards under subsection (c)(1)(B) must submit a notice of significant delay as required by 40 CFR 423.19(j).

BOARD NOTE: This subsection (c)(1)(C) derives from 40 CFR 423.19(j).

- D) FGD Wastewater Discharges by Low Utilization EGUs (LUEGUs). The owner or operator of an EGU that qualifies as a LUEGU, as defined in 40 CFR 423.11(z), incorporated by reference in subsection (b), may seek to operate under the alternative standards for discharges of FGD wastewater, as defined in 40 CFR 423.11(n), incorporated by reference in subsection (b), provided in 40 CFR 423.16(e)(2) after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (e).

BOARD NOTE: This subsection (c)(1)(D) derives from 40 CFR 423.16(e)(2) and 423.19(e).

- E) Bottom Ash (BA) Transport Water Discharges. Discharge of BA transport water, as defined in 40 CFR 423.11(p), incorporated by reference in subsection (b), is prohibited and only allowed as provided in 40 CFR 423.16(g) after complying with the best management practices requirements of 40 CFR 423.13(k)(3) and

fulfilling the certification requirements in 40 CFR 423.19(a) through (d).

BOARD NOTE: This subsection (c)(1)(E) derives from 40 CFR 423.13(k)(3), 423.16(g), and 423.19(c) and (d).

- F) EGUs Seeking to Transfer Between Applicable Discharge Limitations. Subject to the limitations in subsection (c)(1)(G), the owner or operator of an EGU may seek to transfer applicable discharge standards, as provided in 40 CFR 423.13(o), after fulfilling the certification requirements in 40 CFR 423.19(a), (b), and (i). The permissible transfers are the following:
- i) Before December 31, 2023, from limitations applicable to an EGU initiating cessation of coal combustion under subsection (c)(1)(B) to those applicable to a LUEGU under subsection (c)(1)(D);
  - ii) Before December 31, 2023, from VIP limitations under subsection (c)(1)(A) to those applicable to a LUEGU under subsection (c)(1)(D);
  - iii) Before December 31, 2025, from VIP limitations under subsection (c)(1)(A) to those applicable to an EGU initiating cessation of coal combustion under subsection (c)(1)(D);
  - iv) Before December 31, 2025, from limitations applicable to an EGU initiating cessation of coal combustion under subsection (c)(1)(B) to VIP limitations under subsection (c)(1)(A);
  - v) Before December 31, 2025, from limitations applicable to a LUEGU under subsection (c)(1)(D) to generally applicable limitations for discharges of FGD wastewater and BA transport water under 40 CFR 423.16;
  - vi) Before December 31, 2025, from limitations applicable to a LUEGU under subsection (c)(1)(D) to VIP limitations under subsection (c)(1)(A); and
  - vii) Before December 31, 2025, from limitations applicable to a LUEGU under subsection (c)(1)(D) to those applicable to an EGU initiating cessation of coal combustion under subsection (c)(1)(B).

BOARD NOTE: This subsection (c)(1)(F) derives from 40 CFR 423.13(o) and 423.19(i). USEPA calls VIP “Voluntary Incentives Program,” and the Board evokes enough of that name as is evocative but stops short of using the same name. USEPA stated that its Voluntary Incentives Program applies only to direct discharges and is not finalized as to indirect discharges. 85 Fed. Reg. 64650, 64708 n. 166 (Oct. 13, 2020). USEPA’s rules, however, expressly contemplate applying its elements to indirect discharges. See 40 CFR 423.19(i)(1).

- G) Conditions for Transfer Between Applicable Discharge Limitations. Conditions apply to transfer between applicable discharge limitations:
- i) An EGU must comply with all currently applicable requirements before filing a notice under 40 CFR 423.19(i) seeking transfer to other applicable discharge limitations, as provided in 40 CFR 423.13(o)(2); and
  - ii) An EGU seeking a transfer described in subsections (c)(1)(F)(iii) through (c)(1)(F)(vii) must comply with more stringent limitations that already apply, instead of the less stringent limitations sought.

BOARD NOTE: This subsection (c)(1)(G) derives from 40 CFR 423.13(o)(2) and (o)(3).

- H) An EGU that would otherwise qualify as a LUEGU or as ceasing combustion of coal before December 31, 2028 will continue to qualify if the conditions in 40 CFR 423.18 are true and after the owner or operator fulfills the certification requirements in 40 CFR 423.19(a), (b), and (g).

BOARD NOTE: This subsection (c)(1)(H) derives from 40 CFR 423.16(e)(1) and (e)(2), 423.18, and 423.19(g). The requirements of 40 CFR 423.18 directly apply to conditions in NPDES permits. The certification requirement of 40 CFR 423.19(g) allows the discharge standards for the LUEGU or EGU ceasing coal combustion subcategory continue to continue to apply to indirect dischargers under the same circumstances and conditions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of those standards.

- d) New Sources

- 1) The Board incorporates by reference 40 CFR 423.17 and appendix A to 40 CFR 423 (2020). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of those standards.
- 3) "New source" means any building, structure, facility, or installation whose construction commenced after October 14, 1980.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)