

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 392

**GUIDELINES FOR NOTIFICATION OF
RESTRICTED STATUS OR CRITICAL REVIEW
PURSUANT TO 35 ILL. ADM. CODE 306.105**

SUBPART A: INTRODUCTION

Section

- 392.101 Purpose
- 392.102 Definitions

SUBPART B: DETERMINATION OF RESTRICTED STATUS

Section

- 392.201 Scope and Applicability
- 392.202 Criteria for Placing Sewage Treatment Plants on Restricted Status
- 392.203 Criteria for Placing Sewers and Lift Stations on Restricted Status

SUBPART C: DETERMINATION OF CRITICAL REVIEW

Section

- 392.301 Scope and Applicability
- 392.302 Criteria for Notification of Critical Review

SUBPART D: NOTIFICATION PROCEDURES

Section

- 392.401 Notification to Sanitary Districts or Other Authorities
- 392.402 Notification to the Public

AUTHORITY: Implementing Section 4(g) of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1004(g)) and 35 Ill. Adm. Code 306.105 and authorized by Section 39(a) of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1039(a)).

SOURCE: Filed December 22, 1975, effective January 1, 1976; codified at 7

Ill. Reg. 8840.

SUBPART A: INTRODUCTION

Section 392.101 Purpose

This policy constitutes the guidelines governing notification by the Agency to sanitary districts and other wastewater treatment or transportation authorities of Restricted Status or Critical Review. Definitions of Restricted Status and Critical Review as well as the criteria utilized by the Agency for determination of Restricted Status and Critical Review are herein presented. The Agency shall notify sanitary districts, other wastewater treatment or transportation authorities, and the public of Restricted Status or Critical Review in accordance with the procedures established herein.

Section 392.102 Definitions

"Agency" means the Illinois Environmental Protection Agency.

"Critical Review" shall be defined as the Agency determination, pursuant to Section 39 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1039) and 35 Ill. Adm. Code 309.241, that a sewer is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations.

"Restricted Status" shall be defined as the Agency determination, pursuant to Section 39 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1039) and 35 Ill. Adm. Code 309.241, that a sewer has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations.

"Sewer Connection" means a sewer for which a construction permit is required under 35 Ill. Adm. Code 309.202.

SUBPART B: DETERMINATION OF RESTRICTED STATUS

Section 392.201 Scope and Applicability

The guidelines given in this Subpart B will be used in determining imposition of Restricted Status pursuant to the requirements of 35 Ill. Adm. Code 306.105.

Section 392.202 Criteria for Placing Sewage Treatment Plants on Restricted Status

The Agency may place a sewage treatment plant on Restricted Status when any of the following conditions exists, as shown by Agency field inspections, operational reports, records of permits issued, or other information:

- a) Hydraulic overloading of the treatment plant as determined by a comparison of the permitted design capacity of the plant with the actual average monthly flows measured at the plant during the three low-flow months in the preceding 12-month period, adjusted to include all outstanding (permitted but not connected) permits issued by the Agency, or other information on hydraulic loading of the plant available to the Agency (i.e., water pumpage, recent development, demographic and meteorological data, etc.);
- b) Organic overloading of the treatment plant as determined by a comparison of the permitted design capacity of the plant with the actual average monthly loadings in the preceding 12-month period, adjusted to include any and all outstanding (permitted but not connected) permits issued by the Agency, or other information on organic loading of the treatment plant available to the Agency (i.e., water pumpage, recent development, demographic and meteorological data, etc.);
- c) Continuing violation of effluent limitations established by the treatment plant's National Pollutant Discharge Elimination System (NPDES) permit. Determination of violation of effluent limitations shall be made in accordance with the sampling, testing, and averaging procedures specified in the NPDES permit;
- d) Operational neglect resulting in frequent bypassing of treatment unit(s); or
- e) An Illinois Pollution Control Board decision finding a violation of Section 12(a) of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1012(a)).

Section 392.203 Criteria for Placing Sewers and Lift Stations on Restricted Status

- a) The Agency may place sanitary sewers and lift stations on Restricted Status in order to prevent overflows as expressly prohibited 35 Ill. Adm. Code 306.103(b). Restricted Status may be imposed upon the confirmation of overflows in the form of basement backups, overflows of sanitary sewer manholes, or sanitary sewer

overflow devices.

- b) All combined and sanitary sewers and lift stations are subject to Restricted Status when they become hydraulically overloaded, meaning unable to accommodate the following flows:
 - 1) Combined sewers and lift stations serving combined sewers must be able to handle 350 percent of the average daily flow (based on best available information) before overflowing.
 - 2) Interceptors serving both combined sewers and sanitary sewers must be able to accommodate 250 percent of the average daily dry weather flow (based on best available information) from the sanitary sewers tributary thereto and 350 percent of the average daily dry weather flow from the combined sewers tributary thereto before overflowing.

SUBPART C: DETERMINATION OF CRITICAL REVIEW

Section 392.301 Scope and Applicability

The guidelines given in this Subpart C will be used in determining the applicability of Critical Review.

Section 392.302 Criteria for Notification of Critical Review

Notification of Critical Review is a warning that a Restricted Status situation is imminent, unless corrective action is taken. A facility may be placed on Critical Review whenever, based upon information available to it, the Agency determines that the organic or hydraulic loading of any facility is greater than 80% of the permitted or designed capacity of that facility, as defined in Sections 392.203(a) and (b), and 392.204(b)(1) and (2) of this Title 35.

SUBPART D: NOTIFICATION PROCEDURES

Section 392.401 Notification to Sanitary Districts or Other Authorities

The Agency shall notify sanitary districts or other wastewater treatment or transportation authorities of Restricted Status or Critical Review by the following procedures:

- a) When the Agency decides that conditions warrant that a facility be placed on Restricted Status or Critical Review, the Agency shall send a letter stating the type of action proposed, the reasons for such action, and a summary of supporting documentation to the sanitary district or other wastewater treatment or transportation authority responsible for the facility.

- b) The sanitary district or other wastewater treatment or transportation authority shall be given the opportunity to submit additional relevant information and to meet with the responsible permit engineers or to respond in writing.
- c) If, after review of information or response offered by the sanitary district or other wastewater treatment or transportation authority, the Agency's determination remains unchanged, the Agency shall send final notification of Restricted Status or Critical Review, stating the meaning and reasons for the action, to the sanitary district or other wastewater treatment or transportation authority.
- d) The facility thus classified will remain under such status until such time as the Agency receives information of a change in condition sufficient to warrant a revision of such status, or until a revision in status is ordered by the Pollution Control Board. The Agency shall send notice of any revision in status to the sanitary district or other wastewater treatment or transportation authority.

Section 392.402 Notification to the Public

The Agency shall prepare at intervals of not more than three months:

- a) A comprehensive and up-to-date list of sanitary districts and other wastewater treatment or transportation authorities then subject to Restricted Status on further sewer connections, and a list of those which are then under Critical Review by the Agency.
- b) Such lists shall include the name of the affected facility, the responsible authority, and an estimate of the affected facility's capacity. The Critical Review List shall also include the amount of population equivalent added according to Agency permit records since publication of the previous list.
- c) All such lists shall be made available without charge to any person upon request and shall be published in the Pollution Control Board's Environmental Register.