

ILLINOIS POLLUTION CONTROL BOARD
May 1, 1997

IN THE MATTER OF:)
)
WASTEWATER PRETREATMENT) R97-23
UPDATE USEPA REGULATION (July 1,) (Rulemaking: Identical-in-
1996 through December 31, 1996)) Substance Rules - Water)

PROPOSAL FOR PUBLIC COMMENT

PROPOSED OPINION AND ORDER OF THE BOARD (by J. Yi):

The Board is proposing to amend the pretreatment regulations pursuant to Section 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/13.3 (1994)). Section 13.3 of the Act requires the Board to adopt regulations which are "identical-in-substance" with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) to implement the pretreatment requirements of Sections 307 and 402 of the Clean Water Act. Section 13.3 provides that Title VII of the Act and Sections 5 and 6.02 of the Administrative Procedure Act (APA) shall not apply to identical-in-substance regulations adopted to establish the pretreatment program. However, Section 13.3 of the Act does require the Board to provide for notice and public comment before rules are filed with the Secretary of State.

This rulemaking updates the pretreatment rules to cover USEPA rules adopted from July 1 through December 31, 1996. The following Federal Registers are included:

61 Fed. Reg. 35680	July 8, 1996
61 Fed. Reg. 57517	November 6, 1996
61 Fed. Reg. 66123	December 16, 1996

The pretreatment rules govern discharges by industrial users to publicly owned treatment works (POTWs). The rules are intended to prevent pollutants from industrial discharges from passing through POTWs, without adequate treatment, to waters of the State, and to prevent industrial discharges from interfering with the operation of the treatment plant. Effluent discharges are regulated pursuant to 35 Ill. Adm. Code 304 and 309.

The Illinois pretreatment rules are contained in 35 Ill. Adm. Code 307, 309 and 310. Part 307 includes the categorical pretreatment standards, which are incorporated by reference from the USEPA rules. Part 309 sets forth the NPDES requirements. Although Part 309 does not pertain directly to sewer users and industrial wastewater pretreatment, it includes requirements at Section 309.103 that pertain to NPDES permittees required to have an approved pretreatment program. Part 310 specifies how a POTW sets up a pretreatment program, and how industrial users get pretreatment permits or authorizations to discharge.

PUBLIC COMMENTS

The Board proposes amendments to 35 Ill. Adm. Code 307 and 310, in this proposed opinion and order. The proposed amendments will soon be published in the *Illinois Register* for public comment. The public comment period will end 45 days after the date of publication in the *Illinois Register*. The Board stresses the importance that commentators make their submissions promptly and directly to the Clerk of the Board referencing Docket R97-23, so the Board can obtain the benefit of the commentators' input.

DISCUSSION

On July 8, 1996 at 61 Fed. Reg. 35680, by direct final rule, USEPA modified the pretreatment standards for existing and new sources applicable to certain facilities in the leather tanning and finishing point source category that conduct unhairing operations and that discharge process wastewater to publicly owned treatment works (POTW). The rule was effective October 7, 1996. USEPA revised the existing pretreatment standards to eliminate the upper (alkaline) pH limits for four subcategories. The Board proposes to amend its rules to remove upper pH limit by modifying the standard of "between 7 and 10" to "not less than 7". These revisions apply to the standards in Subparts A, B, F, and H of 40 CFR Part 425 at Sections 425.15, 425.25, 425.65 and 425.85. These sections are incorporated in the pretreatment regulations for the State of Illinois at 35 Ill. Adm. Code 307.3501, 307.3502, 307.3506 and 307.3508. USEPA believes that this modification should allow affected facilities to reduce the use of pretreatment chemicals, resulting in lower operating costs and reducing potential risks for worker safety and health.

On November 6, 1996 at 61 Fed. Reg. 57517, USEPA promulgated regulations that limit the discharge of pollutants into POTWs by existing and new facilities that formulate, package or repackage pesticide products. These regulations cover facilities in the subcategories of the Pesticide Chemicals Point Source Category; Subcategory C: Pesticide Formulating, Packaging and Repackaging (PFPR) and Subcategory E: Agricultural Refilling Establishments. The regulations were effective January 6, 1997. The Board incorporates the amendments to the pretreatment standards for pesticide formulating, packaging and repackaging facilities in Section 307.6503. The Board also creates a new section 307.6505 to incorporate the pretreatment regulations adopted by USEPA for agricultural refilling establishments.

USEPA proposed amendments to the pretreatment standards on April 14, 1994 (59 Fed. Reg. 17850). Based on comments received from the proposal, USEPA published a supplemental notice on June 8, 1995 at 60 Fed. Reg. 30217. In the final rule, USEPA establishes a zero discharge pretreatment standard with a pollution prevention alternative which allows a discharge to a POTW for subcategory C facilities. The pollution prevention alternative allows an option for facilities that agree to implement certain pollution prevention, recycle and reuse practices. Refilling establishments will be required to achieve zero discharge of wastewater pollutants.

Section 307.6500 incorporates by reference the definitions in 40 CFR 455.10 and the compliance date in 40 CFR 455.11. USEPA has added additional definitions to 40 CFR 455.10 therefore the Board here proposes to similarly update the incorporations by reference in Section 307.6500. USEPA also modified the compliance date in 40 CFR 455.11 which the Board here proposes to similarly update.

On December 16, 1996 at 61 Fed. Reg. 66085, USEPA promulgated rules limiting the discharge of pollutants into waters of the United States and the introduction of pollutants into POTWs by existing and new facilities in the coastal subcategory of the oil and gas extraction point source category. No action is required by the Board in response to these regulations since Illinois pretreatment regulations do not contain regulations pertaining to these types of facilities and the Board believes that no facilities in this category are in operation in Illinois.

In addition to the amendments to Part 307 as described above, the Board will be amending the Table of Contents to Part 310 in this docket. The amendments to the Table of Contents correct the text in the Table of Contents to match the headings of the Sections and adds a section to the Table of Contents that was previously omitted.

HISTORICAL OUTLINE OF BOARD PRETREATMENT REGULATION

The Illinois pretreatment rules were adopted in R86-44, 84 PCB 89, December 3, 1987. The rules appeared at 12 Ill. Reg. 2502 (January 29, 1988), effective January 13, 1988.

The Board has updated the pretreatment rules in the following update rulemakings:

- | | |
|--------|---|
| R88-11 | 90 PCB 411, June 14, 1988; 12 Ill. Reg. 13094, effective July 29, 1988 (USEPA amendments through December 31, 1987). |
| R88-18 | 94 PCB 237, December 17, 1988; 13 Ill. Reg. 1794, effective January 31, 1989 (USEPA amendments January 1, 1988 through June 30, 1988). |
| R89-3 | 103 PCB 609, September 28, 1989; 13 Ill. Reg. 19243, effective November 17, 1989 (Part 307) and November 27, 1989 (Part 310) (USEPA amendments July 1, 1988 through December 31, 1988). |
| R89-12 | 110 PCB 119, April 12, 1990; 14 Ill. Reg. 7608, effective May 8, 1990 (USEPA amendments January 1, 1989 through June 30, 1989). |
| R90-6 | Dismissed, 109 PCB 629, March 22, 1990 (No USEPA amendments July 1, 1989 through December 31, 1989). |
| R90-15 | Dismissed, June 20, 1991 (No USEPA amendments January 1 1990 through June 28, 1990). |

- R91-5 129 PCB 395, January 23, 1992; 16 Ill. Reg. 7377 (Part 307); 7337 (Part 309); 7346 (Part 310); effective April 27, 1992. (USEPA amendments June 29, 1990 through December 31, 1990).
- R91-17 Dismissed, December 6, 1991 (No USEPA amendments January 1, 1991 through June 30, 1991).
- R92-5 Dismissed, April 9, 1992 (No USEPA amendments July 1, 1991 through December 31, 1991).
- R92-14 Dismissed, August 13, 1992 (No USEPA amendments January 1, 1992 through June 30, 1992).
- R93-2 September 9, 1993, 17 Ill. Reg. 19483 effective October 29, 1993 (USEPA amendments July 1, 1992 through December 31, 1992).
- R93-20 Dismissed April 9, 1992 (No USEPA amendments January 1, 1993 through June 30, 1993).
- R94-10 May 18, 1995, 19 Ill. Reg. 9142 effective June 23, 1995 (USEPA amendments July 1, 1993 through December 31, 1993).
- R94-28 Dismissed October 6, 1994 (No USEPA amendments January 1, 1994 through June 30, 1994).
- R95-8 Dismissed February 16, 1994 (No USEPA amendments July 1, 1994 through December 31, 1994).
- R95-22 March 21, 1996, 20 Ill. Reg. 5526, effective April 1, 1996 (USEPA amendments January 1, 1995 through June 30, 1995).
- R96-12 July 18, 1996, 20 Ill. Reg. 10671, effective July 24, 1996 (USEPA amendments July 1, 1995 through December 31, 1995).
- R97-7 April 3, 1996, 21 Ill. Reg. 5163, effective April 10, 1997 (USEPA amendments January 1, 1996 through June 30, 1996).
- R97-23 This docket.

ORDER

The Board will submit the proposed amendments for publication in the *Illinois Register*. The Board will accept public comments on the proposed amendments for a period of 45 days after publication in the *Illinois Register*. The Board hereby proposes the following amendments to the Illinois wastewater pretreatment regulations at Section 307.3501, 307.3502,

307.3506, 307.3508, 307.6500 and 307.6503. The Board also proposes a new Section 307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments.¹ Proposed changes to the Table of Contents of Part 310 are also proposed in this rulemaking and will be published in the Illinois Register.

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

PART 307

SEWER DISCHARGE CRITERIA

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

Section 307.3501 Hair Pulp, Chrome Tan, Retan-Wet Finish

- a) Applicability. This Section applies to discharges resulting from any tannery which, either exclusively or in addition to other unhairing and tanning operations, processes raw or cured cattle or cattle-like hides into finished leather by chemically dissolving the hide hair, chrome tanning and retan-wet finishing.
- b) Specialized definitions. None.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 425.15 (~~1987-1996~~), as amended at ~~5361~~ Fed. Reg. 35680, July 8, 1996 ~~9181, March 21, 1988~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge

¹ The Board is only including the portion of the table of contents where a new section is being added and will not provide the full table of contents in the order.

of any contaminant to a POTW in violation of such standards.

- d) New sources:
- 1) The Board incorporates by reference 40 CFR 425.16 (1987), as amended at 53 Fed. Reg. 9181, March 21, 1988. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 307.3502 Hair Save, Chrome Tan, Retan-Wet Finish

- a) Applicability. This Section applies to discharges resulting from any tannery which processes raw or cured cattle or cattle-like hides into finished leather by hair save unhairing, chrome tanning and retan-wet finishing.
- b) Specialized definitions. None.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 425.25 (~~1986~~1996), as amended at-61 Fed. Reg. 35680, July 8, 1996. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 425.26 (1986). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 307.3506 Through-the-Blue

- a) Applicability. This Section applies to discharges resulting from any tannery which processes raw or cured cattle or cattle-like hides through the blue tanned state by hair pulp unhairing and chrome tanning; no retan-wet finishing is performed.
- b) Specialized definitions. None.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 425.65 (~~1986~~1996), as amended at 61 Fed. Reg. 35680, July 8, 1996. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 425.66 (1986). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 307.3508 Pigskin

- a) Applicability. This Section applies to discharges resulting from any tannery which processes raw or cured pigskins into finished leather by chemically dissolving or pulping the hair and tanning with chrome, then retan-wet

finishing.

- b) Specialized definitions. None.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 425.85 (~~1986~~1996), as amended at 5361 Fed. Reg. 35680, July 8, 1996. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 425.86 (1986). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART CD: PESTICIDE CHEMICALS

Section 307.6500 General Provisions

- a) General definitions. The Board incorporates by reference 40 CFR 455.10 (~~1994~~1996), as amended at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or editions.
- b) Compliance date. The Board incorporates by reference 40 CFR 455.11 (~~1994~~1996), as amended at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or editions.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 307.6503 Pesticide Chemicals Formulating and Packaging

- a) Applicability.
- 1) The Board incorporates by reference 40 CFR 455.40 (1996) as amended at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.
 - 2) This Section applies to discharges resulting from all pesticide formulating and packaging operations, as defined in the materials incorporated in Section 307.6503(a)(1).
- b) Specialized definitions. ~~None.~~ The Board incorporates by reference 40 CFR 455.41 as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.
- c) Existing sources: ~~These sources shall comply with the general and specific pretreatment requirements of Subpart B.~~
- 1) The Board incorporates by reference 40 CFR 455.46 as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.
 - 2) No person subject to the pretreatment standards incorporated by reference in section 307.6503(c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources: ~~All sources are regulated as existing sources~~
- 1) The Board incorporates by reference 40 CFR 455.46 as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.
 - 2) No person subject to the pretreatment standards incorporated by reference in section 307.6503(d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) “New source means any building, structure or facility or installation the construction of which commenced after April 14, 1994.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments

a) Applicability.

1) The Board incorporates by reference 40 CFR 455.60 as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.

2) This Section applies to discharges resulting from all pesticide formulating and packaging operations, as defined in the materials incorporated in Section 307.6505(a)(1).

b) Specialized definitions. The Board incorporates by reference 40 CFR 455.61 as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 455.66 as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.

2) No person subject to the pretreatment standards incorporated by reference in section 307.6505(c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 455.66 as added at 61 Fed. Reg. 57517, November 6, 1996. This incorporation includes no later amendments or additions.

2) No person subject to the pretreatment standards incorporated by reference in section 307.6505(d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) “New source means any building, structure or facility or installation the construction of which commenced after April 14, 1994.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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

PART 310
 PRETREATMENT PROGRAMS

SUBPART C: REMOVAL CREDITS

Section	
310.301	Special Definitions
310.302	Authority
310.303	Conditions for Authorization to Grant Removal Credits
310.310	Calculation of Revised Discharge Limits
310.311	Demonstration of Consistent Removal
310.312	Provisional Credits
310.320	Compensation for Overflow
310.330	Exception to POTW Pretreatment Program <u>Requirement</u>
310.340	Application for Removal Credits Authorization
310.341	Agency Review
310.343	Assistance of POTW
310.350	Continuation of Authorization
310.351	Modification or Withdrawal of Removal Credits

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SUBPART E: POTW PRETREATMENT PROGRAMS

Section	
310.501	Pretreatment Programs Required
310.502	Deadline for Program Approval
310.503	Incorporation of Approved Programs in Permits
310.504	Incorporation of Compliance Schedules in Permits
310.505	Reissuance or Modification of Permits
310.510	Pretreatment Program Requirements: <u>Development and Implementation by POTW</u>
310.521	<u>Program</u> Approval
310.522	Contents of Program Submission
310.524	Content of Removal Allowance Submission
310.531	Agency Action
310.532	Defective Submission
310.533	Water Quality Management
310.541	Deadline for Review
310.542	Public Notice and Hearing
310.543	Agency Decision
310.544	USEPA Objection

- 310.545 Notice of Decision
- 310.546 Public Access to Submission
- 310.547 Appeal

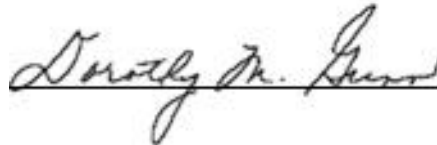
SUBPART F: REPORTING REQUIREMENTS

- Section
- 310.601 Definition of Control Authority
- 310.602 Baseline Report
- 310.603 Compliance Schedule
- 310.604 Report on Compliance with Deadline
- 310.605 Periodic Reports on Compliance
- 310.606 Notice of Potential Problems
- 310.610 Monitoring and Analysis
- 310.611 Requirements for Non-Categorical ~~Standard~~ Users
- 310.612 Annual POTW Reports
- 310.613 Notification of Changed Discharge
- 310.621 Compliance Schedule for POTW's
- 310.631 Signatory Requirements for Industrial User Reports
- 310.632 Signatory Requirements for POTW Reports
- 310.633 Fraud and False Statements
- 310.634 Recordkeeping Requirements
- 310.635 Notification of Discharge of Hazardous Waste

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 1st day of May, 1997, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board