



## OFFICE OF THE SECRETARY OF STATE

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8/21/2008

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**AUG 25 2008**

**STATE OF ILLINOIS**  
**Pollution Control Board**

### POLLUTION CONTROL BOARD

JAMES R THOMPSON CENTER 100 W RANDOLPH ST STE 11-500  
JOHN THERRIault ASSISTANT CLERK  
CHICAGO, IL 60601

Dear JOHN THERRIault ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 32, Issue 35 of the Illinois Register, dated 8/29/2008.

### OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

Notice of Public Information Pursuant to 415 ILCS 5/7.2(b)

Ill. Adm. Code

Page 14360

Point Of Contact:Mike McCambridge

### PROPOSED RULES

Sewer Discharge Criteria

35 Ill. Adm. Code 307

Page 14032

Point Of Contact:Mike McCambridge

Pretreatment Programs

35 Ill. Adm. Code 310

Page 14054

Point Of Contact:Mike McCambridge

Primary Drinking Water Standards

35 Ill. Adm. Code 611

Page 14065

Point Of Contact:Mike McCambridge

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code citation: 35 Ill. Adm. Code 307
- 3) Section numbers:                                  Proposed action:  
307.4000    Amend  
307.7500    Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 13, 13.3, and 27.
- 5) A complete description of the subjects and issues involved:

The following briefly describes the subjects and issues involved in the consolidated R08-5/R-08-7/R08-13 rulemaking of which the amendments to Part 307 are a single segment. Also affected are 35 Ill. Adm. Code 310 and 611, which are each covered by separate notices in this issue of the Illinois Register. A comprehensive description is contained in the Board's opinion and order of August 7, 2008, proposing amendments in consolidated docket R08-5/R-08-7/R08-13, which opinion and order is available from the address below.

This proceeding updates the Illinois wastewater pretreatment rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R08-5                          Federal wastewater pretreatment amendments that occurred during the period January 1, 2007 through June 30, 2007.

This proceeding updates the Illinois drinking water rules derived from to correspond with amendments to federal Safe Drinking Water Act (SDWA) rules adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during two update periods. The docket and time periods that are involved in this proceeding are the following:

R08-7                          Federal wastewater pretreatment amendments that occurred during the period January 1, 2007 through June 30, 2007 and June 3, 2008.

R08-13                         Federal wastewater pretreatment amendments that occurred during the period July 1, 2007 through December 31, 2007.

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The consolidated R08-5/R-08-7/R08-13 docket amends rules in Parts 307, 310, and 611. Many of the amendments to the three Parts are inter-related. The following table briefly summarizes the federal actions in the two update periods:

March 12, 2007 (72 Fed. Reg. 11200)	USEPA modified the testing procedures approved for sampling and analysis in programs established under the Clean Water Act (CWA) and the SDWA. The wastewater pretreatment rules are established under CWA, and the Primary Drinking Water Regulations are established under SDWA. The amendments updated the versions allowed for existing methods and approved new methods for use. The drinking water aspects of these amendments relate closely to later amendments adopted by USEPA on June 3, 2008.
October 10, 2007 (71 Fed. Reg. 65574)	USEPA amended the lead and copper rule to strengthen its implementation in the areas of monitoring, treatment processes, public education, customer awareness, and lead service line replacement. The federal amendments were effective on December 10, 2007. Compliance by regulated entities is due no later than December 10, 2009.

In addition to the federal actions that fall within the timeframe of this docket, the Board included one additional federal action that occurred later. The Board added the June 3, 2008 amendments to this docket because they were closely related to many of the drinking water-related amendments that USEPA adopted on March 12, 2007.

June 3, 2008 (73 Fed. Reg. 31616)	USEPA approved 99 alternative test methods for analysis of contaminants in drinking water.
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Specifically, the amendments to Part 307 implement segments of the federal amendments of March 12, 2008. The amendments update incorporations by reference to include the USEPA amendments to the analytical methods provisions in 40 C.F.R. 136, 430, and 465.

Tables appear in the Board's opinion and order of August 7, 2008 in consolidated docket R08-5/R-08-7/R08-13 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the

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details of those corrections and amendments should refer to the August 7, 2008 opinion and order in consolidated docket R08-5/R-08-7/R08-13.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will these proposed amendments replace emergency amendments currently in effect?  
No.
- 8) Does this rulemaking contain an automatic repeal date?: No.
- 9) Do these proposed amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 307 includes numerous incorporations by reference. The amendments change the requirements based on the federal amendments by updating the incorporations of federal regulations by reference that appear in Sections 307.4000 and 307.7500. The Board has used this opportunity to update all of the incorporations by reference of federal regulations that appear in these two Sections to the latest editions currently available.

- 11) Are there any other amendments pending on this Part? No.
- 10) Statement of statewide policy objectives:

These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2006)].

- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R08-5/R08-7/R08-13 and be addressed to:

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NOTICE OF PROPOSED AMENDMENTS

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R08-5/R08-7/R08-13:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
Phone: 312-814-6924  
E-mail: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

13) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected:

This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2006)].

B) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2006)].

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C) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2006)].

14) Regulatory agenda on which this rulemaking was summarized:

June 29, 2007, at 31 Ill. Reg. 9261, 9285

The full text of the proposed amendments begins on the next page:

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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pretreatment Programs
- 2) Code citation: 35 Ill. Adm. Code 310
- 3) Section numbers: 310.107                      Proposed action: Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 13, 13.3, and 27.
- 5) A complete description of the subjects and issues involved:

The amendments to Part 310 are a single segment of the consolidated docket R08-5/R-08-7/R08-13 rulemaking that also affects 35 Ill. Adm. Code 307 and 611, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in consolidated docket R08-5/R-08-7/R08-13 rulemaking in this Illinois Register only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 307. A comprehensive description is contained in the Board's opinion and order of August 7, 2008, proposing amendments in consolidated docket R08-5/R-08-7/R08-13, which opinion and order is available from the address below.

Specifically, the amendments to Part 310 implement segments of the federal amendments of March 12, 2008. The amendments update incorporations by reference to include the USEPA amendments to the analytical methods provisions in 40 C.F.R. 136, 430, and 465.

Tables appear in the Board's opinion and order of August 7, 2008 in consolidated docket R08-5/R-08-7/R08-13 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the August 7, 2008 opinion and order in consolidated docket R08-5/R-08-7/R08-13.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will these proposed amendments replace emergency amendments currently in effect?  
No.
- 8) Does this rulemaking contain an automatic repeal date?: No.
- 9) Do these proposed amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 310.107 is a centralized location for numerous federal requirements incorporated by reference into the Illinois wastewater pretreatment program. The amendments change the requirements based on the federal amendments by updating the incorporations of federal regulations by reference that appear in Section 310.107(b). The Board has used this opportunity to update all of the incorporations by reference of federal regulations and statutes that appear in this Section to the latest editions currently available.

- 11) Are there any other amendments pending on this Part? No.
- 10) Statement of statewide policy objectives:

These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2006)].

- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R08-5/R08-7/R08-13 and be addressed to:

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601



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NOTICE OF PROPOSED AMENDMENTS

Please direct inquiries to the following person and reference docket R08-5/R08-7/R08-13:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
Phone: 312-814-6924  
E-mail: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

13) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected:

This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2006)].

B) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2006)].

C) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2006)].

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14) Regulatory agenda on which this rulemaking was summarized:

June 29, 2007, at 31 Ill. Reg. 9261, 9285

The full text of the proposed amendments begins on the next page:

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1) Heading of the Part: Primary Drinking Water Standards

2) Code citation: 35 Ill. Adm. Code 611

<u>Section numbers:</u>	<u>Proposed action:</u>
611.102	Amend
611.350	Amend
611.351	Amend
611.353	Amend
611.354	Amend
611.355	Amend
611.356	Amend
611.357	Amend
611.358	Amend
611.359	Amend
611.360	Amend
611.381	Amend
611.526	Amend
611.531	Amend
611.600	Amend
611.611	Amend
611.612	Amend
611.645	Amend
611.720	Amend
611.802	Amend
611.884	Amend
611.1004	Amend
611.1007	Amend

4) Statutory authority: 415 ILCS 5/7.2, 17, 17.5, and 27.

5) A complete description of the subjects and issues involved:

The amendments to Part 611 are a single segment of the consolidated docket R08-5/R-08-7/R08-13 rulemaking that also affects 35 Ill. Adm. Code 307 and 310, each of which is covered by a separate notice in this issue of the Illinois Register. To save space, a more detailed description of the subjects and issues involved in consolidated docket R08-5/R-08-7/R08-13 rulemaking in this Illinois Register only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 307. A comprehensive

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description is contained in the Board's opinion and order of August 7, 2008, proposing amendments in consolidated docket R08-5/R-08-7/R08-13, which opinion and order is available from the address below.

Specifically, the amendments to Part 611 implement segments of the federal amendments of March 12, 2007, October 10, 2007, and June 3, 2007. The amendments based on the March 12, 2007 and June 3, 2008 USEPA amendments update various of the analytical methods provisions. The amendments based on the October 10, 2007 USEPA amendments incorporate various changes into the Lead and Copper Rule, most notably to the lead service line replacement and public education requirements.

Tables appear in the Board's opinion and order of August 7, 2008 in consolidated docket R08-5/R-08-7/R08-13 that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the August 7, 2008 opinion and order in consolidated docket R08-5/R-08-7/R08-13.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will these proposed amendments replace emergency amendments currently in effect?  
No.
- 8) Does this rulemaking contain an automatic repeal date?: No.
- 9) Do these proposed amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 611.102 is a centralized location for various federal regulations, statutes, and regulatory guidelines; national standards; and analytical methods requirements incorporated by reference into the Illinois drinking water program. The amendments update and add many documents relating to analysis for drinking water

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parameters. The Board has used this opportunity to update all of the incorporations by reference of federal regulations and statutes that appear in this Section to the latest editions currently available. The Board has also used this opportunity to review the incorporations by reference, and a limited number of corrections to existing incorporations have resulted.

11) Are there any other amendments pending on this Part? No.

10) Statement of statewide policy objectives:

These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2006)].

12) Time, Place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R08-5/R08-7/R08-13 and be addressed to:

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13) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected:

This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2006)].

B) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2006)].

C) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2006)].

14) Regulatory agenda on which this rulemaking was summarized:

June 29, 2007, at 31 Ill. Reg. 9261, 9292 and January 18, 2008, at 32 Ill. Reg. 949, 977

The full text of the proposed amendments begins on the next page: