ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) <u>Heading of the Part</u>: Sewer Discharge Criteria
- 2) <u>Code Citation</u>: 35 Ill. Adm. Code 307
- 3)Section Numbers:Proposed Actions:307.3301Amendment307.5100New Section
- 4) <u>Statutory Authority</u>: 415 ILCS 5/7.2, 13, 13.3, and 27
- 5) <u>A Complete Description of the Subjects and Issues Involved</u>: The following briefly describes the subjects and issues involved in the consolidated docket R18-6/R18-14 rulemaking. A comprehensive description is contained in the Board's opinion and order of November 17, 2016, proposing amendments in consolidated docket R18-6/R18-14, 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 calendar year 2017, which embraces two update periods: January 1, 2017 through June 30, 2017 and July 1, 2017 through December 31, 2017.

The following briefly summarizes the federal actions in the update periods:

June 14, 2017 (82 Fed. Reg. 27154): USEPA adopted pretreatment standards for dental dischargers. New sources are to comply on July 20, 2017. Existing sources are to comply no later than July 14, 2020.

June 26, 2017 (82 Fed. Reg. 28777): USEPA corrected the pretreatment standards for dental dischargers.

July 5, 2017 (82 Fed. Reg. 30997): USEPA corrected the June 26, 2017 corrections to its June 14, 2017 pretreatment standards for dental dischargers.

September 18, 2017 (82 Fed. Reg. 43494): USEPA postponed the effective the pretreatment standards for the steam electric power generating point source category adopted November 3, 2015.

Tables appear in a document entitled "Identical-in–Substance Rulemaking Addendum (Proposed)" that the Board added to consolidated docket R18-6/R18-14 which list the

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STATE OF ILLINOIS Pollution Control Board

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deviations from the literal text of the federal amendments. Persons interested in the details of those deviations from the literal text should refer to the Identical-in–Substance Rulemaking Addendum (Proposed) in consolidated docket R18-6/R18-14.

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) <u>Published studies or reports, and sources of underlying data, used to compose this</u> <u>rulemaking</u>: None
- 7) <u>Does this rulemaking replace an emergency rule currently in effect</u>? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) <u>Does this rulemaking contain incorporations by reference</u>? Yes
- 10) Are there any other rulemakings pending on this Part? No
- Statement of statewide policy Objective: 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) (2016)].
- 12) <u>Time, Place and Manner in which interested persons may comment on this proposed</u> <u>rulemaking</u>: 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 consolidated docket R18-6/R18-14 and be addressed to:

Don A. Brown, 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 consolidated docket R18-6/R18-14:

Michael J. McCambridge

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Staff Attorney Illinois Pollution Control Board 100 W. Randolph 11-500 Chicago IL 60601

312/814-6924 e-mail: michael.mccambridge@illinois.gov

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) <u>Types of small businesses, small municipalities, and not-for-profit corporations affected</u>: 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) (2016)].
 - B) <u>Reporting, bookkeeping or other procedures required for compliance</u>: 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) (2016)].
 - C) <u>Types of professional skills necessary for compliance</u>: 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) (2016)].
- 14) <u>Regulatory Agenda on which this rulemaking was summarized</u>: July 2017 and January 2018.

The full text of the Proposed Amendments begins on the next page:

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1ST NOTICE VERSION

JCAR350307-1804701r01

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11	307.101	Preamble (Renumbered)
12	307.102	General Requirements (Renumbered)
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14	307.104	Cyanide (STORET number 00720) (Renumbered)
15	307.105	Pretreatment Requirements (Repealed)
16	307.1001	Preamble
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618					
619	307.APPEN	DIX A References to Previous Rules (Repealed)			
620)				
621					
622					
623					
624	SOURCE: Adopted in R70-5, March 31, 1971; amended in R70-8/R71-14/R71-20, March 7,				
625		ded in R74-3, October 30, 1975; amended in R74-15/R74-16 at 2 Ill. Reg. 44, p. 151,			
626	effective November 2, 1978; amended in R76-17 at 2 Ill. Reg. 45, p. 101, effective November 5, 1078; amended in R76 21 at 6 Ill. Reg. 562, affective December 24, 1081; acdified at 6 Ill. Reg.				
627		ded in R76-21 at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg.			
628		ded in R82-5/R82-10 at 8 Ill. Reg. 1625, effective January 18, 1984; amended in			
629		2 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg.			
630		tive July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31,			
631					
632	at 14 III. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 III. Reg. 7620,				
633	effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R02 2 at 17 Ill. Bag. 10482, effective October 20, 1002; amended in R04, 10 at 10 Ill. Bag.				
634	in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg.				
635	9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996;				
636	amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill.				
637	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				
638	1999; amended in R00-15 at 24 III. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25				
639	Ill. Reg. 1735, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10867, effective				
640	August 14, 2001; amended in R03-13 at 27 Ill. Reg. 15095, effective September 10, 2003;				
641	amended in R04-1 at 28 Ill. Reg. 3076, effective February 6, 2004; amended in R04-18 at 28 Ill.				
642	. .	effective July 13, 2004; amended in R05-4/R05-15 at 29 Ill. Reg. 6921, effective			
643		05; amended in R06-13 at 30 Ill. Reg. 17811, effective October 26, 2006; amended			
644 645	in R08-5/R08-7/R08-13 at 32 III. Reg. 18986, effective November 26, 2008; amended in R13-7				
645	at 57 III. Ke	g. 1936, effective February 4, 2013; amended in R16-9 and R17-8 at 41 Ill. Reg.			

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1129, effecti	ve January 23, 2017; amended in R18-6 and R18-14 at 42 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 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 utilizing 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 (2017), as amended at 82 Fed. Reg. 43494 (Sep. 18, 2017(2016)). This incorporation includes no later amendments or editions.
c)	Existing sources.
	 The Board incorporates by reference 40 CFR 423.16 (2017), as amended at 82 Fed. Reg. 43494 (Sep 18, 2017) and Appendix A to 40 CFR 423 (2017)(2016). This incorporation includes no later amendments or editions.
	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 (2017)(2016). 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 the

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689			construction of which commenced after October 14, 1980.
690 691	(Source: Amended at 42 Ill. Reg, effective)		
692			SUBPART BP: DENTAL OFFICES
693 <u>Se</u>	ction 307.	5100 I	Dental Offices
694	``	A 1	· • • • • •
695 696	<u>a)</u>	<u>Appl</u>	<u>icability.</u>
697 698		<u>1)</u>	Except as provided in subsections $(a)(3)$, $(a)(4)$, and $(a)(5)$, this Subpart <u>BP</u> applies to dental dischargers.
699 700 701 702 703 704		<u>2)</u>	Unless otherwise designated by the control authority, a dental discharger subject to this Subpart BP is not a significant industrial user, as defined in 35 Ill. Adm. Code 310, and is not a categorical industrial user or industrial user subject to categorical pretreatment standards as a result of applicability of this Subpart BP.
705 706 707 708 709		<u>3)</u>	This Subpart BP does not apply to dental dischargers that exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.
710 711 712 712		<u>4)</u>	This Subpart BP does not apply to wastewater discharges from a mobile unit operated by a dental discharger.
713 714 715 716 717		<u>5)</u>	This Subpart BP does not apply to dental dischargers that do not discharge any amalgam process wastewater to a POTW, such as dental dischargers that collect all dental amalgam process wastewater for transfer to a centralized waste treatment facility, as defined in 40 CFR 437.2(c).
718 719 720 721 722 723		<u>6)</u>	A dental discharger that does not place dental amalgam and does not remove amalgam, except in limited emergency or unplanned, unanticipated circumstances, and that certifies these facts to the control authority, as required in subsection (d), is exempt from any further requirements of this Subpart BP.
724 725 726 727 728	<u>b)</u>	as ac	eral Definitions. The Board incorporates by reference 40 CFR 441.20 (2017), Ided at 82 Fed. Reg. 30997 (July 5, 2017). This incorporation includes no amendments or editions.

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729	<u>c)</u>	Pretreatment Standards for Existing Sources (PSES). The Board incorporates by
730		reference 40 CFR 441.30 (2017), as added at 82 Fed. Reg. 30997 (July 5, 2017).
731		This incorporation includes no later amendments or editions.
732		
733	<u>d)</u>	Pretreatment Standards for New Sources (PSNS). The Board incorporates by
734		reference 40 CFR 441.40 (2017), as added at 82 Fed. Reg. 30997 (July 5, 2017).
735		This incorporation includes no later amendments or editions.
736		-
737	<u>e)</u>	Reporting and Recordkeeping Requirements. The Board incorporates by
738		reference 40 CFR 441.50 (2017), as added at 82 Fed. Reg. 30997 (July 5, 2017).
739		This incorporation includes no later amendments or editions.
740		-
741	(Sourc	e: Added at 42 Ill. Reg., effective)
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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 307.1501 Receiving Stations 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 Wheat Starch and Gluten 307.1610 SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES Section 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 307.1706Canned and Preserved Fruits307.1707Canned and Preserved Vegetables307.1708Canned and Miscellaneous Specialties SUBPART I: CANNED AND PRESERVED SEAFOOD Section 307.1801 Farm-Raised Catfish 307.1815 Fish Meal Processing Subcategory SUBPART J: SUGAR PROCESSING Section 307.1901 Beet Sugar Processing 307.1902 Crystalline Cane Sugar Refining 307.1903 Liquid Cane Sugar Refining SUBPART K: TEXTILE MILLS Section 307.2000 General Provisions 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 SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS Section 307.2201 General 307.2202 Ducks SUBPART N: ELECTROPLATING Section 307.2300 General Provisions 307.2301 Electroplating of Common Metals 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 SUBPART O: ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC FIBERS Section 307.2400 General Provisions 307.2401 Rayon Fibers 307.2402 Other Fibers 307.2403 Thermoplastic Resins 307.2404 Thermosetting Resins 307.2405 Commodity Organic Chemicals 307.2406 Bulk Organic Chemicals 307.2407 Specialty Organic Chemicals 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 Section 307.2500 General Provisions 307.2501 Aluminum Chloride Production 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 Potassium Dichromate Production 307.2512 307.2513 Potassium Sulfate Production 307.2514 Sodium Bicarbonate Production

 307.2564 Cadmium Pigments and Salts Production 307.2565 Cobalt Salts Production 307.2566 Sodium Chlorate Production 	307.2516 307.2520 307.2522 307.2523 307.2524 307.2527 307.2529 307.2529 307.2530 307.2531 307.2533 307.2534 307.2535 307.2536 307.2540 307.2541 307.2542 307.2542 307.2543 307.2543 307.2545 307.2545 307.2547 307.2547 307.2545 307.2550 307.2551 307.2553 307.2555 307.2560 307.2560	Sodium Chloride Production Sodium Dichromate and Sodium Sulfate Production Sodium Sulfite Production Aluminum Fluoride Production Ammonium Chloride Production Borax Production Boric Acid Production Calcium Carbonate Production Calcium Hydroxide Production Carbon Monoxide and Byproduct Hydrogen Production Chrome Pigments Production Chromic Acid Production Ferric Chloride Production Fluorine Production Fluorine Production Hydrogen Production Hydrogen Cyanide Production Lithium Carbonate Production Nickel Salts Production Oxygen and Nitrogen Production Potassium Chloride Production Silver Nitrate Production Silver Nitrate Production Sodium Bisulfite Production Stannic Oxide Production Zinc Sulfate Production
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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 (2017), as amended at 82 Fed. Reg. 43494 (Sep. 18, 2017) (2016). This incorporation includes no later amendments or editions.

c) Existing sources.

1) The Board incorporates by reference 40 CFR 423.16 (2017), as amended at 82 Fed. Reg. 43494 (Sep- 18, 2017), and appendix Appendix A to 40 CFR 423 (2017) (2016). This incorporation includes no later amendments or editions.

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 appendixAppendix A to 40 CFR 423 (2017) (2016). 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 the construction of which commenced after October 14, 1980.

(Source: Amended at 42 Ill. Reg. ____, effective

SUBPART BP: DENTAL OFFICES

Section 307.5100 Dental Offices

a) Applicability.

1) Except as provided in subsections (a)(3), (a)(4), and (a)(5), this Subpart BP applies to dental dischargers.

2) Unless otherwise designated by the control authority, a dental discharger subject to this Subpart BP is not a significant industrial user, as defined in 35 Ill. Adm. Code 310, and is not a categorical industrial user or industrial user subject to categorical pretreatment standards as a result of applicability of this Subpart BP.

3) This Subpart BP does not apply to dental dischargers that exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.

4) This Subpart BP does not apply to wastewater discharges from a mobile unit operated by a dental discharger.

5) This Subpart BP does not apply to dental dischargers that do not discharge any amalgam process wastewater to a POTW, such as dental dischargers that collect all dental amalgam process wastewater for transfer to a centralized waste treatment facility, as defined in 40 CFR 437.2(c).

6) A dental discharger that does not place dental amalgam and does not remove amalgam, except in limited emergency or unplanned, unanticipated circumstances, and whichthat certifies these facts to the control authority, as required in subsection (d), is exempt from any further requirements of this Subpart BP.

b) General Definitions. The Board incorporates by reference 40 CFR 441.20 (2017), as added at 82 Fed. Reg. 30997 (July 5, 2017). This incorporation includes no later amendments or editions.

c) Pretreatment Standards for Existing Sources (PSES). The Board incorporates by reference 40 CFR 441.30 (2017), as added at 82 Fed. Reg. 30997 (July 5, 2017). This incorporation includes no later amendments or editions.

d) Pretreatment Standards for New Sources (PSNS). The Board incorporates by reference 40 CFR 441.40 (2017), as added at 82 Fed. Reg. 30997 (July 5, 2017). This incorporation includes no later amendments or editions.

e) Reporting and Recordkeeping Requirements. The Board incorporates by reference 40 CFR 441.50 (2017), as added at 82 Fed. Reg. 30997 (July 5, 2017). This incorporation includes no later amendments or editions.

(Source: Added at 42 Ill. Reg. ____, effective

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