

ILLINOIS POLLUTION CONTROL BOARD

August 4, 2006

IN THE MATTER OF:)
)
WASTEWATER PRETREATMENT) R06-13
UPDATE, USEPA AMENDMENTS) (Identical-in-Substance
(July 1, 2005 through December 31, 2005)) Rulemaking - Water)

Proposed Rule. Proposal for Public Comment.

OPINION AND ORDER OF THE BOARD (by N.J. Melas):

This identical-in-substance rulemaking proposes updating the Illinois wastewater pretreatment regulations to incorporate revisions to the federal regulations. The United States Environmental Protection Agency (USEPA) made the amendments that prompted this action during the periods of July 1, 2005 through December 31, 2005. This proceeding proposes amendments to 35 Ill. Adm. Code 307 and 310. The principal amendments involve (1) federal standards for filing documents in an electronic format; (2) changes to the general pretreatment standards that USEPA intended to decrease the regulatory burden on industrial users; and (3) changes to the effluent guidelines and wastewater pretreatment requirements applicable to the Iron and Steel Manufacturing Point Source category.

Sections 7.2 and 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13.3 (2004)) 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) (2002)). 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 (2004)) 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.

The Board will cause the proposed amendments to be published in the *Illinois Register* and will hold the docket open to receive public comments for 45 days after the date of publication. The nominal due date for this proceeding is October 13, 2006. By this order, the Board extends the due date until October 30, 2006, pursuant to Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2004)).

FEDERAL ACTIONS CONSIDERED IN THIS RULEMAKING

USEPA amended the federal wastewater pretreatment regulations three times during the period July 1, 2005 through December 31, 2005. Those actions are summarized as follows:

70 Fed. Reg. 59848 (October 13, 2005)

USEPA adopted requirements for electronic filing of required documents, such as permit

applications and reports, under the various federal programs, including federally authorized state programs. The amendments affect, *inter alia*, the wastewater pretreatment regulations.

70 Fed. Reg. 60134 (October 14, 2005)

USEPA adopted streamlining amendments to the general wastewater pretreatment requirements. USEPA stated that the amendments were intended to make the wastewater requirements more consistent with those applicable to direct dischargers. USEPA intends that the amendments will decrease the regulatory burden on industrial users without adverse effects on environmental protection and that the amendments will allow a greater focus of oversight resources on industrial users that have the greatest potential to affect POTW operations.

70 Fed. Reg. 73618 (December 13, 2005)

USEPA adopted amendments to the effluent guidelines and wastewater pretreatment requirements applicable to sources in the Iron and Steel Manufacturing Point Source category. USEPA stated that the amendments shift the focus from the discharges from an individual outfall to the overall discharges from all outfalls for a single source. USEPA called this the “water bubble” concept. This will require adjustment of a particular pollutant either upward or downward for any single outfall.

No Later Wastewater Pretreatment Amendments of Interest to Date

The Board engages in ongoing monitoring of federal actions. As of the date of this opinion and accompanying order, the Board has identified no other USEPA action since January 1, 2006, that further amended the wastewater pretreatment rules in a way that would require immediate Board attention.

When the Board observes an action outside the nominal timeframe of a docket that would require expedited consideration in the pending docket, the Board will expedite consideration of those amendments. Federal actions that could warrant expedited consideration include those that directly affect the amendments involved in this docket, those for which compelling reasons would warrant consideration as soon as possible, and those for which the Board has received a request for expedited consideration. If the Board identifies any additional federal actions that fulfill these criteria prior to final action, the Board may include those amendments in the present update docket R06-13.

Other Federal Actions Having a Direct Impact on the Illinois Wastewater Pretreatment Regulations

In addition to the amendments to the federal wastewater pretreatment regulations, amendments to other federal regulations occasionally affect the Illinois wastewater pretreatment rules. Most notably, 35 Ill. Adm. Code 310.107 includes incorporations of federal regulations by reference. The incorporated regulations include segments of various USEPA environmental regulations, most notably 40 C.F.R. 136, which sets forth methods for analysis of water and wastewater.

Examination of the federal materials indicates that USEPA amended two documents incorporated by reference in the Illinois wastewater pretreatment rules. The references involved in the present group of federal amendments are federal general wastewater pretreatment regulations. The affected incorporations by reference are described as follows:

40 C.F.R. 403	310.107	70 Fed. Reg. 59848 (Oct. 13, 2005), 70 Fed. Reg. 60134 (Oct. 14, 2005)
40 C.F.R. 403.12(b)	310.602	70 Fed. Reg. 59848 (Oct. 13, 2005)

As of the date of this proposal for public comment, the Board has found no amendments to the incorporated materials.

**Summary Listing of the Federal Actions Forming the Basis of
the Board's Actions in These Consolidated Dockets**

Based on the foregoing, the federal actions that form the basis for Board action in this update docket are the following, listed in chronological order:

October 13, 2005 (70 Fed. Reg. 59848)	New requirements for electronic filing of required documents, such as permit applications and reports.
October 14, 2005 (70 Fed. Reg. 60134)	Streamlining amendments to the general wastewater pretreatment requirements.
December 13, 2005 (70 Fed. Reg. 73618)	Amendments to the effluent guidelines and wastewater pretreatment requirements for the Iron and Steel Manufacturing Point Source category.

**TIMETABLE FOR COMPLETION OF THIS RULEMAKING AND
REASONS FOR EXTENSION OF THE ONE-YEAR PERIOD**

Section 7.2 of the Act (415 ILCS 5/7.2(b) (2004)) allows a one-year period from the date of the earliest set of federal amendments considered in this docket for the Board to complete this rulemaking. USEPA adopted the earliest federal amendments that required Board attention on October 13, 2005, so that the deadline for Board adoption of these amendments is October 13, 2006. The Board originally scheduled adoption of this proposal for public comment for the Board meeting of July 20, 2006, to allow for timely adoption of the rule around October 5, 2006. This would have allowed filing of these amendments before the October 13, 2006 deadline.

The Board has been engaged in an unusually heavy volume of identical-in-substance rulemaking this year. The Board adopted a proposal for public comment in the consolidated update docket, UIC Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-16; RCRA Subtitle D Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-17; and RCRA Subtitle C Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-18 (consolidated), on April 6, 2006. That consolidated update docket was quite voluminous. It involved nearly 900 pages of amendments. The Board found it

necessary to adopt an order on June 1, 2006, in that docket that extended the deadline for adoption of that rulemaking from August 5, 2006 until September 14, 2006. The Board further adopted a proposal for public comment in SDWA Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-15 on July 20, 2006. The Board could not fully initiate this present proceeding until completion of the prior one.

The Board finds that the current heavy demands on available staff time and accumulated delays in other identical-in-substance rulemaking proceedings have resulted in the need for additional time to complete the current rulemaking. The Board will complete all work in this matter by October 30, 2006.

Board staff is directed to promptly cause publication of a Notice of Public Information on Proposed Amendments in the *Illinois Register* that sets forth the foregoing as reasons for delay.

Considering the proposal of these amendments on this date, the Board presently projects the following will occur in the progress towards completion of these amendments:

Nominal Due date:	October 13, 2006
Date of Board vote to propose amendments:	August 4, 2006
Submission for <i>Illinois Register</i> publication:	August 14, 2006
Probable <i>Illinois Register</i> publication date:	August 25, 2006
End of 45-day public comment period:	October 9, 2006
Date of Board vote to adopt amendments:	October 19, 2006
Probable filing and effective date:	October 30, 2006
Probable <i>Illinois Register</i> publication date:	November 10, 2006

PUBLIC COMMENTS

The Board will receive public comments on this proposal for a period of 45 days following its publication in the *Illinois Register*. After that time, the Board will immediately consider adoption of the amendments, making any necessary changes in response to public comments. The Board expects to file any adopted rules with the Secretary of State immediately after adoption, but no later than October 30, 2006.

DISCUSSION

The following discussion begins with a description of the amendments undertaken in direct response to the federal actions involved in this proceeding. The discussion closes with a description of the miscellaneous amendments that are not directly derived from the federal actions, but which the Board routinely includes in these update dockets as necessary.

Discussion of the Federal Actions

Cross-Media Electronic Reporting Rule--Sections 307.1006 and 310.106

The USEPA action of October 13, 2005 (70 Fed. Reg. 59848), established the Cross-Media Electronic Reporting Rule (CROMERR).¹ The CROMERR sets standards for the filing of documents in various federal program areas in an electronic format.² While the CROMERR does not require the filing of documents in an electronic format, it does impose minimum requirements on documents that are filed in such a format and on the electronic document receiving systems used to receive them. The CROMERR imposes requirements on electronic filings submitted to USEPA and on USEPA's Central Data Exchange (CDX) that receives them, as well as on any electronic document filings submitted to the states and any systems used by the states to receive those filings. USEPA stated as follows in its introductory discussion of the CROMERR:

[US]EPA is establishing the framework by which it will accept electronic reports from regulated entities in satisfaction of certain document submission requirements in [US]EPA's regulations. [US]EPA will provide public notice when [it] is ready to receive direct submissions of certain documents from regulated entities in electronic form consistent with this rulemaking via an [US]EPA electronic document receiving system. This rule does not mandate that regulated entities utilize electronic methods to submit documents in lieu of paper-based submissions. . . .

States . . . will be able to seek [US]EPA approval to accept electronic documents to satisfy reporting requirements under environmental programs that [US]EPA has delegated, authorized, or approved them to administer. This rule includes performance standards against which a state's . . . electronic document receiving system will be evaluated before [US]EPA will approve changes to the delegated,

¹ These federal amendments are also the subject of proposed rules in two other dockets in which the Board proposed very similar amendments relating to electronic reporting in identical-in-substance amendments: UIC Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-16; RCRA Subtitle D Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-17; and RCRA Subtitle C Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-18 (consolidated) (Apr. 6, 2006), and SDWA Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-15 (July 20, 2006).

² The federally-authorized programs to which the CROMERR applies are all state-implemented aspects of the Clean Air Act (all conventional and hazardous air pollutant aspects), Clean Water Act (National Pollutant Discharge Elimination System, wastewater pretreatment, and sludge management aspects), Safe Drinking Water Act (national primary drinking water standards and underground injection control aspects), Resource Conservation and Recovery Act (hazardous waste, municipal solid waste landfill, and underground storage tank aspects), and the Lead-Based Paint Exposure Abatement Act programs.

authorized, or approved program to provide electronic reporting, and establishes a streamlined process that states, tribes, and local governments can use to seek and obtain such approvals. 70 Fed. Reg. 59848 (Oct. 13, 2005) (summary).

Only those filings and electronic document receiving systems approved in advance by USEPA qualify under the CROMERR. Any state system used to receive electronic documents must obtain USEPA approval before the state may use it, except that a state may continue to use an existing electronic document receiving system³ until October 15, 2007, pending USEPA review and approval. USEPA is clear that any filing of documents in an electronic format is voluntary, and not compulsory, and the CROMERR creates no right or privilege to file any document in an electronic format. *See* 59 Fed. Reg. at 59853.

The Board does not review the substance and merits of the underlying federal action in an identical-in-substance proceeding, except to the extent that it may be necessary to do so in order to incorporate the federal provisions into the Illinois regulations. Persons interested in the details of the federal amendments should consult the October 13, 2005 *Federal Register* notice. The only aspects of the present amendments that warrant further discussion here relate to the general considerations of the Board in assembling a rule to insert into the Illinois wastewater pretreatment regulations.

The CROMERR appears in a new part of the USEPA regulations, 40 C.F.R. 3. The structure of new 40 C.F.R. 3 includes three subparts:⁴

- Subpart A: General provisions (statements of scope and applicability, definitions of terms, and statements of the legal effect of filing a document in an electronic format),
- Subpart B: Provisions relative to filing a document into a federal electronic document receiving system, and
- Subpart D: Provisions relative to filing a document into an authorized electronic document receiving system and for USEPA authorization of a state system.

The CROMERR is drafted in the “user-friendly” question-and-answer format recently favored by USEPA.

The object of the CROMERR is to provide for filing of documents in an electronic format and to assure that documents filed in such a format have the same probative effect as a

³ One that was in existence on October 13, 2005.

⁴ Subpart C is marked “reserved.” It is apparent that at some future time, USEPA may amend 40 C.F.R. 3 to include provisions relating to electronic reporting. *See* 59 Fed. Reg. at 59848 (summary).

signed paper document. USEPA stated, “[I]t is essential to ensure that electronic reports can play the same role as their paper counterparts in providing evidence of what was reported and to what identified individuals certified with respect to the report.” 59 Fed. Reg. at 59850. Thus, USEPA’s emphasis is on assuring the authenticity, dependability, and integrity of documents filed in an electronic format. To this end, the CROMERR imposes requirements on six aspects of any electronic document receiving system used by a state: (1) system security; (2) the electronic signature method; (3) registration of persons submitting electronic documents; (4) the signature and certification scenario; (5) the generation of a transaction record; and (6) system archives. *See* 59 Fed. Reg. at 59855. USEPA listed its bases for evaluation of a state electronic document receiving system as follows (*see* 59 Fed. Reg. at 59867-73):

1. The timeliness of data generation by the system;
2. The ability of the system to retain and generate a copy of the record on demand that fulfills all of the following requirements:
 - a. The copy must be true and accurate;
 - b. It must include all electronic signatures;
 - c. It must include the date and time of receipt; and
 - d. It must be viewable in a human-readable format that indicates the meaning of each information item or data element;
3. The ability to establish that the electronic document was not altered in transmission or at any time after receipt without detection;
4. The provision of evidence that the person who submitted the document did so with a way of knowing or confirming that the submission occurred;
5. The availability of the copy of record for timely review and repudiation by the person or entity that submitted it;
6. The ability to verify the validity of each electronic signature at the time of signing, which requires the following:
 - a. That the signature is created using a device “owned” by the person using it;
 - b. That the device has not been compromised, or that any compromise will be detected and the filing rejected in the event of a compromise; and
 - c. That the person affixing the signature to the document is one who is authorized to do so;
7. The ability to bind the signature to the electronic document so that the document cannot be altered without detection once signed;
8. Where the person signing the document must certify the truth or accuracy of the document, the ability of the system to provide evidence the following:

- a. That the signatory had the opportunity to review the document before signing and submitting it;
 - b. That the signatory fully understood the significance of his or her signing and the criminal penalties for a false certification before signing and submitting it; and
 - c. That the signatory had the opportunity to detect and repudiate any spurious submissions made in his or her name through unauthorized access to the signature device or to the electronic document receiving system; and
9. The ability of the system to provide the following evidence with regard to the person signing and submitting an electronic document:
- a. That the person signing and submitting an electronic document has executed an electronic signature agreement or subscriber agreement for the device used to sign the document; and
 - b. That the person signing and submitting an electronic document is in fact that person who has authority to use the device used to sign the document, as follows:
 - i. The identity of the signature device owner must be verified before the system receives any signature created by the device;
 - ii. The verification must be made “by the attestation of disinterested individuals”; and
 - iii. The verification must be “based on information or objects of independent origin, at least one item of which is not subject to change without government action or authorization.”

The Board has incorporated the new federal CROMERR into new provisions at 35 Ill. Adm. Code 307.1006 and 310.106 of the drinking water regulations. Section 310.106 sets forth the requirements for receipt and filing of reports and documents as electronic documents. Section 307.1006 subjects filings under Part 307 to the requirements of Section 310.106. In drafting the identical-in-substance rules, the Board has taken a minimalist approach. Section 310.106(a) makes it clear that electronic filing is an option, and not a requirement. The rules state that notice of further USEPA action is necessary before the rules can be used for electronic filing. The rules repeat the federal applicability language making clear that the only filings covered by the rules are electronic transmittals, and not documents submitted by facsimile or magnetic or optical media, such as diskette, compact disc, digital videodisc, or tape. Document transfers between USEPA and the states under administrative arrangements are also excluded.

The Board has incorporated by reference other provisions, including the definitions of 40 C.F.R. 3.3 and the 40 C.F.R. 3.10 procedures for electronic filing directly with USEPA into its CDX. *See* Section 310.106(b) and (c) (incorporating 40 C.F.R. 3.3 and 3.10 by reference). The Board is unsure whether there are any Illinois entities currently filing documents directly with USEPA, but has included those provisions to avoid any confusion.

As to rules for filing documents with the Board or the Agency, the rules repeat at Section 310.106(d)(1) that it is entirely up to the Board or the Agency whether to set up procedures for electronic filing under the Sections. Federal 40 C.F.R. 3.10 sets forth the basic USEPA electronic document filing requirements: (1) the electronic document must be filed in a USEPA-approved electronic document receiving system; and (2) the electronic document must bear required electronic signatures. The rules provide at Section 310.106(d)(1) that any such procedures must meet the requirements of 40 C.F.R. 3.2 and 3.2000, as incorporated by reference, and must receive USEPA approval before they can be used. The Board has included a provision at Section 310.106(a)(4) that requires the Board or Agency to publish notice of USEPA approval of any such electronic filing rules in the *Illinois Register*. The Board has also included in the rule language identical in substance to federal provisions in Section 310.106(e) that make it clear that electronic filings will be treated in the same way as are properly signed paper filings.

The Board has added a brief statement as a preamble to Section 310.106. The statement provides that the filing of any document pursuant to any provision of the Part as an electronic document is subject to the Section. The intent is to immediately state the subject matter of the Section and subject electronic filings to its provisions.

In proposing these rules, the Board underscores that adoption of Section 310.106 or any procedures to implement the Section is not intended to limit authority the Board or Agency may have under the Act to accept electronic filings. For some time, the Board has been conducting a pilot program to develop sufficient information and experience to propose workable rules, and has reserved a procedural rule docket. Amendments to the Board's Procedural Rules to Accommodate Electronic Filing: 35 Ill. Adm. Code 101-130, R04-8 (Aug. 21, 2003).⁵ But, the Board presently has no projected date for issuance of a proposal, given the Board's heavy rulemaking docket for calendar year 2006.

The Board requests public comment on the incorporation of the October 13, 2005 federal Cross-Media Electronic Reporting Rule.

⁵ In the meantime, the Board currently accepts electronic document submissions into the Clerk's Office On-Line (COOL) system. The Board requires the use of the State of Illinois Digital Signature Project, administered by the Office of the Secretary of State, for filing electronic documents pursuant to the Electronic Commerce Security Act [5 ILCS 175]. The user must obtain a free subscription to that system from the State Registration Authority (at <https://autora01.cmcf.state.il.us/> or www.illinois.gov/pki/pki_subscriber.cfm). This may or may not satisfy USEPA requirements for electronic filing, but the Board presently has insufficient information to hazard a guess whether it does or does not.

Streamlining Amendments to the General Pretreatment Standards--Subparts A and U of Part 307 and Subparts A, B, C, E, F, G, and H of Part 310⁶

The USEPA action of October 14, 2005 (70 Fed. Reg. 60134) incorporated streamlining amendments into the general wastewater pretreatment standards. USEPA stated that the amendments make the pretreatment standards consistent with the National Pollutant Discharge Elimination System (NPDES) requirements for direct dischargers. USEPA said the amendments would reduce the regulatory burden on industrial users, publicly owned treatment works (POTWs), and states without adverse environmental effects.

The Board does not review the substance and merits of the underlying federal action in an identical-in-substance proceeding, except to the extent that it may be necessary to do so in order to incorporate the federal provisions into the Illinois regulations. Persons interested in the details of the federal amendments should consult the October 14, 2005 *Federal Register* notice. The only aspects of the present amendments that warrant further discussion here relate to the general considerations of the Board in assembling a rule to insert into the Illinois wastewater pretreatment regulations.

The single aspect of the amendments that warrants specific discussion relates to rules not previously adopted by the Board. In Pretreatment Update, USEPA Regulations (January 1, 1993 through June 30, 1993), R93-20 (May 5, 1994) the Board determined that the adoption of elements of the February 19, 1993 (58 Fed. Reg. 9248) federal sludge management rules was beyond the scope of the wastewater pretreatment identical-in-substance mandate of Section 13.3 of the Act. 415 ILCS 5/13.3 (2004). The segments of those rules that affected the wastewater pretreatment requirements related to pollutant removal credits. The Board uses this opportunity to revisit this issue and add a segment of text to the rules.

Under 40 C.F.R. 403.7 (corresponding with Subpart C of 35 Ill. Adm. Code 310) of the pretreatment rules, a Control Authority may grant an industrial user credit for removal of a pollutant from its waste stream. The removal credit for that pollutant, based on the percentage of the individual pollutant consistently removed from the industrial user's waste stream, allows the Control Authority to derive proportionately higher discharge limits for that pollutant than those set forth in the applicable pretreatment standard.

The segment of the federal sludge management rule not included by the Board in R93-20 was two tables in appendix G to the wastewater pretreatment rules. *See* 40 C.F.R. 403.7(a)(3)(iv) (2005) (normally corresponding with 35 Ill. Adm. Code 310.303(d)); appendix G to 40 C.F.R. 403 (2005). The two tables list the pollutants for which removal credits are available, based on the mode of use or disposal of the sewage sludge produced by the POTW that receives the industrial user's wastewater. The Illinois pretreatment rules as adopted in 1993

⁶ Specifically, Sections 307.3001, 307.3002, 307.3006, 310.106, 310.107, 310.110, 310.202, 310.210, 310.222, 310.230, 310.232, 310.233, 310.303, 310.320, 310.350, 310.510, 310.511, 310.601, 310.602, 310.605, 310.610, 310.611, 310.612, 310.613, 310.621, 310.631, 310.632, 310.634, 310.636, 310.637, 310.711, and 310.801.

lack a listing of pollutants for which removal credits are available. The Board believes that a reference to this table in the Illinois rules would provide guidance to the regulated community, add definiteness to the rules, and aid implementation of the requirements.

While the adoption of sludge management requirements is beyond the scope of the Board's wastewater pretreatment rules, the Board now believes that the lists of pollutants adopted with the sludge requirements are a necessary segment of the wastewater pretreatment requirements. USEPA adopted the sludge management requirements under section 405(d) and (e) of the Clean Water Act (33 U.S.C. 1345(d) and (e) (2002)), which is outside the scope of the identical-in-substance mandate of Section 13.3 of the Act (415 ILCS 5/13.3 (2004)). *See* 58 Fed. Reg. at 9248. Nevertheless, in the preamble to the adoption of that rule, USEPA discussed the authority of section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317(d) and (e) (2002)), which are the authority for adoption of the wastewater pretreatment standards, when it adopted the sludge management rule. *See* 58 Fed. Reg. at 9249. Thus, incorporation of the lists of pollutants for which removal credits are available into the Illinois wastewater pretreatment regulations is required under Section 13.3 of the Act. 415 ILCS 5/13.3 (2004). The Board added an incorporation of appendix G to 40 CFR 403 by reference for the purposes of the removal credits provision, Section 310.303(d).

The Board requests public comment on the Board's incorporation of the October 14, 2005 federal streamlining amendments to the Illinois general pretreatment standards.

Streamlining Amendments to the General Pretreatment Standards--Subparts A and U of Part 307 and Subparts A, B, C, E, F, G, and H of Part 310⁷

The USEPA action of December 13, 2005 (70 Fed. Reg. 73618) amended the pretreatment standards applicable to the Iron and Steel Manufacturing Point Source Category. USEPA amended the rules to make the "water bubble" concept applicable to oil and grease effluent limitations.⁸ This "water bubble" applies exclusively to direct dischargers, not to wastewater pretreatment. A correction included in the federal amendments does affect the federal wastewater pretreatment regulations: USEPA corrected an error in recitations of the effective date of various segments of the rules. USEPA corrected the date from "after November 19, 2012 and before November 18, 2002" to "after November 19, 1992 and before November 18, 2002" in four separate provisions.

⁷ Specifically, Sections 307.3001, 307.3002, 307.3006, 310.106, 310.107, 310.110, 310.202, 310.210, 310.222, 310.230, 310.232, 310.233, 310.303, 310.320, 310.350, 310.510, 310.511, 310.601, 310.602, 310.605, 310.610, 310.611, 310.612, 310.613, 310.621, 310.631, 310.632, 310.634, 310.636, 310.637, 310.711, and 310.801.

⁸ The "water bubble" concept establishes effluent limitations based on the total mass of a pollutant discharged from multiple outfalls. This allows the upward or downward adjustment of alternative effluent limitations applicable to any individual outfall.

The Board does not review the substance and merits of the underlying federal action in an identical-in-substance proceeding, except to the extent that it may be necessary to do so in order to incorporate the federal provisions into the Illinois regulations. Persons interested in the details of the federal amendments should consult the December 13, 2005 *Federal Register* notice. The only aspects of the present amendments that warrant further discussion here relate to the general considerations of the Board in assembling a rule to insert into the Illinois wastewater pretreatment regulations.

The federal wastewater pretreatment rules affected by the December 13, 2005 correction of the erroneous effective date are 40 C.F.R. 420.16 and 420.26. These are incorporated by reference in 35 Ill. Adm. Code 307.3001(d)(1) and 307.3002(d)(1), respectively. Updating the Illinois rules to include the December 13, 2005 federal amendments involves only updating the version of these provision incorporated by reference to include these recent amendments.

The Board requests public comment on the incorporation of the December 13, 2005 federal correction of the effective date.

General Revisions and Deviations from the Federal Text

In incorporating the federal rules into the Illinois system, some deviation from the federal text is unavoidable. This deviation arises primarily through differences between the federal and state regulatory structure and systems. Some deviation also arises through errors in and problems with the federal text itself. The Board conforms the federal text to the Illinois rules and regulatory scheme and corrects errors that we see in the text as we engage in these routine update rulemakings.

In addition to the amendments derived from federal amendments, the Board often finds it necessary to alter the text of various passages of the existing rules as provisions are opened for update in response to USEPA actions. This involves correcting deficiencies, clarifying provisions, and making other changes that are necessary to establish a clear set of rules that closely parallel the corresponding federal requirements within the codification scheme of the *Illinois Administrative Code*.

In the course of completing the two previous updates to the wastewater pretreatment regulations of 35 Ill. Adm. Code 307 and 310, the Board extensively reviewed and corrected the text of the rules. See Wastewater Pretreatment Update, USEPA Amendments (July 1, 2002 through December 31, 2002), R03-13 (Sept. 4, 2003); Wastewater Pretreatment Update, USEPA Amendments (January 1, 2003 through June 30, 2003), R04-1 (Jan. 22, 2004); and Wastewater Pretreatment Update, USEPA Amendments (July 1, 2003 through December 31, 2003), R04-18 (July 8, 2004). As a result, only a limited number of corrective amendments were found necessary at this time. These are limited to updating the version of the *Code of Federal Regulations* that is incorporated by reference in segments of the rules that are otherwise open for amendment as a result of the federal amendments that prompted this rulemaking. Those corrective amendments are listed in the table on page ### of this opinion.

Discussion of Miscellaneous Housekeeping Amendments

The tables below list numerous corrections and amendments that are not based on current federal amendments. The first table (beginning immediately below) includes deviations made in this Proposal for Public Comment from the verbatim text of the federal amendments. The second table (beginning below at page ####) contains corrections and clarifications that the Board made in the base text involved in this proposal. The amendments listed in this second table are not directly derived from the current federal amendments. Some of the entries in these tables are discussed further in appropriate segments of the general discussion beginning at page #### of this opinion.

**Table 1:
Deviations from the Text of the Federal Amendments**

Illinois Section	40 C.F.R. Section	Revision(s)
310 table of contents, 310.106 heading	Part 3 heading	Removed “cross-media” from before “electronic reporting”
310 table of contents, 310.112 heading	403.3(v)	Added the heading to render the definition as a separate Section
310 table of contents, 310.511 heading	403.8(g)	Added the heading to render the provision as a separate Section
310 table of contents, 310.636 heading	403.8(q)	Used the subsection heading as the heading for a separate Section; changed “certification” to capitalized “Certification”
310 table of contents, 310.637 heading	403.8(r)	Added the heading to render the definition as a separate Section
310.106 heading	Part 3 heading	Removed “cross-media” from before “electronic reporting”
310.106	3 and 403.12(r)	Incorporated the federal requirements generally for the purposes of the pretreatment program
310.106 preamble	Part 3 heading	Added the statement re filing an electronic document
310.106(a)	3.1(a)	Loosely and generally incorporated the federal requirements for the purposes of the pretreatment program
310.106(a)(1)	3.2 and 3.1000(a)	Loosely and generally incorporated the federal requirements for the purposes of the pretreatment program
310.106(a)(2)(A)	3.2(a) and 3.10	Loosely and generally incorporated the federal requirements for the purposes of the pretreatment program

310.106(a)(2)(B)	3.2(b) and 3.1000	Loosely and generally incorporated the federal requirements for the purposes of the pretreatment program
310.106(a)(3)	3.1(b)	Added “any of the following documents . . . in subsection (a)(1) of this Section”
310.106(a)(3)(A)	3.1(b)(1)	Changed “documents” to singular “any document”; omitted the ending conjunction “or”
310.106(a)(3)(B)	3.1(b)(2)	Changed “documents” to singular “any document”; changed the ending period to a semicolon and added the ending conjunction “or”
310.106(a)(3)(C)	3.1(c)	Changed “EPA” to “USEPA”; changed the conjunction “and” to a comma after “USEPA”; changed “states, tribes, or local governments” to singular “any state, or any local government”; changed “states, tribes, or local governments” to “the parties to the transfer”
310.106(a)(4)	3.20	Loosely and generally incorporated the federal notice requirements for the purposes of the pretreatment program
310.106(a) Board note		Added a reference to the federal source of the material
310.106(b)	3.3	Incorporated the federal definitions by reference
310.106(c)	3.10	Loosely and generally incorporated the federal notice requirements for the purposes of the pretreatment program
310.106(d)	3.2(b) and (c) and 3.1000(a)	Loosely and generally incorporated the federal notice requirements for the purposes of the pretreatment program
310.106(d)(1)	3.2(b) and (c) and 3.1000(a)	Loosely and generally incorporated the federal notice requirements for the purposes of the pretreatment program
310.106(d)(2)	3.2(b)	Loosely and generally incorporated the federal notice requirements for the purposes of the pretreatment program
310.106(e)		Added the topical subsection statement “effects of submission of an electronic document”

310.106(e)(2)	3.4(b) and 3.2000(c)(1)	Changed “a person is subject to . . . if the person fails to comply with the applicable provisions for electronic reporting” to “if a person who submits . . . fails to comply with the requirements of this Section, that person is subject to . . .”; changed “any appropriate civil, criminal penalties or other remedies under state, tribe, or local law” to “the penalties prescribed”; changed “a requirement” to “the requirement that the electronic document was intended to satisfy”
310.106(e)(3)	3.4(c) and 3.2000(c)(2)	Changed “an electronic document submitted to satisfy a . . . requirement” to “a document submitted as an electronic document to satisfy a reporting requirement”; changed “signatory” to “signer” (twice); omitted the unnecessary comma from before “to the same extent”
310.106(e)(4)	3.1(c) second sentence	Changed “this part creates no” to “nothing in this Section or in any provisions adopted . . . will create any”; changed “data electronically and does not obligate . . . accept electronic documents” to “any document as an electronic document”
310.106(e) Board note		Added a reference to the federal source of the material
310.106(f)		Added references to State laws governing documents filed before State agencies
310.106(f) Board note		Added a reference to the federal source of the material
310.106 Board note		Added a reference to the federal source of the material
310.107(a) “Combined Sewer Overflow (CSO) Policy”	403.7(h)	Added the necessary incorporation by reference, including the full information to identify the document
310.107(b) “40 CFR 3.2”		Added the necessary incorporation by reference, including the title of the section “How Does This Part Provide for Electronic Reporting?” in parentheses and “referenced in Section 310.106” offset by a comma

310.107(b) “40 CFR 3.3”		Added the necessary incorporation by reference, including the title of the section “What Definitions Are Applicable to This Part?” in parentheses and “referenced in Section 310.106” offset by a comma
310.107(b) “40 CFR 3.10”		Added the necessary incorporation by reference, including the title of the section “What Are the Requirements for Electronic Reporting to EPA?” in parentheses and “referenced in Section 310.106” offset by a comma
310.107(b) “40 CFR 3.2000”		Added the necessary incorporation by reference, including the title of the section “What Are the Requirements Authorized State . . . Programs’ Reporting Systems Must Meet?” in parentheses and “referenced in Section 310.106” offset by a comma
310.110 “best management practices”	403.3(e)	Changed “Best Management Practices” to lower-case “best management practices” and placed the defined term in parentheses; placed the abbreviation “BMPs” in parentheses
310.110 “best management practices” Board note	403.3(e)	Added the citation to the federal source of the definition
310.110 “control authority” Board note	403.3(f)	Added the citation to the federal source of the definition
310.111(b)	403.3(m)(2)	Did not change “new source” to capitalized “New Source”
310.112	403.3(v)	Rendered the amended definition as a separate Section
310.112(a)	403.3(v)(1)	Changed “Significant Industrial User” to lower-case “significant industrial user” and placed it in quotation marks; added “the following”
310.112(a)(1)	403.3(v)(1)(i)	Changed “all Industrial Users” to lower-case, singular “an industrial user”; added “any of the” before “categorical”; changed “Categorical Pretreatment Standards” to lower-case “categorical pretreatment standards”

310.112(a)(2)	403.3(v)(1)(ii)	Changed “Industrial User” to lower-case “industrial user” (twice); added a comma after “cooling” to offset the final element of the series; changed numeric “5” to written “five”; changed “Pretreatment Standard” to lower-case “pretreatment standard”
310.112(b)	403.3(v)(2)	Changed “Industrial User” to lower-case “industrial user” (twice); changed “Pretreatment Standards” to lower-case “pretreatment standards”; changed “Non-Significant Categorical Industrial User” to lower-case “non-significant categorical industrial user”; added commas before and after “rather than a . . . user” to offset it as a parenthetical; changed “Significant Categorical Industrial User” to lower-case “significant categorical industrial user”; added a comma after “cooling” to offset the final element of a series; added a comma after “standard”) to completely offset the parenthetical; changed “the following conditions are met” to active-voice “the industrial user meets the following conditions”
310.112(b)(1)	403.3(v)(2)(i)	Added “that” for a restrictive relative clause; moved the parenthetical “prior to the . . . finding” from after to before “industrial user”; changed “Industrial User” to lower-case “industrial user”; changed “Pretreatment Standards and Requirements” to lower-case “pretreatment standards and requirements”
310.112(b)(2)	403.3(v)(2)(ii)	Added “that” for a restrictive relative clause; changed “Industrial User” to lower-case “industrial user”
310.112(b)(3)	403.3(v)(2)(iii)	Maintained “Industrial User” as lower-case “industrial user” (three times); maintained “Pretreatment Standards” as lower-case “pretreatment standards”; maintained “Significant Industrial User” as lower-case “significant industrial user”

310.112 Board note	403.3(f)	Added the citation to the federal source of the definition, including a <i>Federal Register</i> citation for later amendments
310.210(d)	403.5(c)(4)	Changed “POTWs” to singular “a POTW”; changed “Best Management Practices” to lower-case “best management practices”; changed “shall be” to “are to be”; changed “Pretreatment Standards” to lower-case “pretreatment standards”; removed “and section 307(d) of the Act”
310.211	403.5(d)	Added “or BMPs” to the listing of local limits
310.230(e)	403.6(c)(5)	Changed “Pretreatment Standard” to lower-case “pretreatment standard”; changed “Industrial User” to lower-case “industrial user” (twice)
310.230(e)(1)	403.6(c)(5)(i)	Changed “Industrial User” to lower-case “industrial user”; added “undertake the following actions”
310.230(e)(1)(A)	403.6(c)(5)(i)(A)	Added “it must”; removed the unnecessary commas before and after “or demonstrate that it will employ”
310.230(e)(1)(B)	403.6(c)(5)(i)(B)	Added “it must” (twice); changed “Pretreatment Standard” to lower-case “pretreatment standard”
310.230(e)(1)(C)	403.6(c)(5)(i)(C)	Added “it must”
310.230(e)(1)(D)	403.6(c)(5)(i)(D)	Added “it must”; changed “Discharge” to lower-case “discharge”
310.230(e)(1)(E)	403.6(c)(5)(i)(E)	Added “it must”; changed “Pretreatment Standards” to lower-case “pretreatment standards”; changed “Industrial User” to lower-case “industrial user”
310.230(e)(2)	403.6(c)(5)(ii)	Changed “Industrial User” to lower-case “industrial user”; added “undertake the following actions”
310.230(e)(2)(A)	403.6(c)(5)(ii)(A)	Added “it must”
310.230(e)(2)(B)	403.6(c)(5)(ii)(B)	Added “it must”
310.230(e)(2)(C)	403.6(c)(5)(ii)(C)	Added “it must”
310.230(e)(2)(D)	403.6(c)(5)(ii)(D)	Added “it must”
310.230(e)(3)	403.6(c)(5)(iii)	Changed “which” to “that” for a restrictive relative clause; added “must undertake the following actions”

310.230(e)(3)(A)	403.6(c)(5)(iii)(A)	Added “it”; changed “process(es)” to “processes”; changed “Industrial User” to lower-case “industrial user”; changed “Standard” to lower-case “standard”; changed “Pretreatment Standard” to lower-case “pretreatment standard”
310.230(e)(3)(B)	403.6(c)(5)(iii)(B)	Added “it”
310.230(e)(3)(C)	403.6(c)(5)(iii)(C)	Added “it”; changed “process(es)” to “processes”; changed “Industrial User’s” to lower-case “industrial user’s”; changed “Industrial User” to lower-case “industrial user”
310.230(e)(4)	403.6(c)(5)(iv)	Changed “which” to “that” for a restrictive relative clause
310.230(f)	403.6(c)(6)	Changed “Pretreatment Standards at” to lower-case “pretreatment standards of”; changed “Industrial Users” to lower-case “industrial users”; changed “applicable subparts” to “applicable provisions”
310.230(g)	403.6(c)(7)	Did not change “pretreatment standards” to capitalized “Pretreatment Standards”; did not change “Users” to capitalized “users”
310.230(h)	403.6(c)(8)	Did not change “pretreatment standards” to capitalized “Pretreatment Standards”
310.232	403.6(d)	Did not change “discharge” to capitalized “Discharge”
310.233 preamble	403.6(e)	Retained active voice; added parentheses around “or the industrial user . . . the Control Authority”
310.320(b)(2)	403.7(h)(2)(ii)	Added “the industrial user can claim consistent removal where”; omitted “issued pursuant to the Clean Water Act” and the offsetting comma; changed “affecting” to “that affects”; added quotation marks to and “(CSO) to correct the document title “Combined Sewer Overflow (CSO) Control Policy”; added the document number “EPA-830/Z-94-001”; added “incorporated . . . Section 310.107(a)”
310.510(a)(3)	403.8(f)(1)(iii)	Did not change “permit” to capitalized “Permit”; did not change “user” to capitalized “User”

310.510(a)(3)(A)	403.8(f)(1)(iii)(A)	Changed “the following conditions” to “the conditions of subsection (g) of this Section” to move subsections (f)(1)(iii)(A)(1)(i) through (f)(1)(iii)(A)(2) to added subsection (g)
310.510(a)(3)(A) Board note		Added explanation of movement of subsections (f)(1)(iii)(A)(1)(i) through (f)(1)(iii)(A)(2) to added subsection (g)
310.510(a)(3)(B)	403.8(f)(1)(iii)(B)	Changed “both individual and general control mechanisms” to “all individual control mechanisms and general control mechanisms”
310.510(a)(3)(B)(i)	403.8(f)(1)(iii)(B)(1)	Did not remove the indefinite article “a”
310.510(a)(3)(B)(ii)	403.8(f)(1)(iii)(B)(2)	Did not remove the indefinite article “a”
310.510(a)(3)(B)(iii)	403.8(f)(1)(iii)(B)(3)	Did not change “pretreatment standards” to capitalized “Pretreatment Standards” (twice)
310.510(a)(3)(B)(iv)	403.8(f)(1)(iii)(B)(4)	Changed “Discharge” to lower-case “discharge”; removed the ending conjunction “and”
310.510(a)(3)(B)(v)	403.8(f)(1)(iii)(B)(5)	Did not remove the indefinite article “a”; did not change “pretreatment standards” to capitalized “Pretreatment Standards”; added the ending conjunction “and”
310.510(a)(3)(B)(vi)	403.8(f)(1)(iii)(B)(6)	Added “such are” before “determined”; changed the ending period to a semicolon
310.510(a)(6)(B)	403.8(f)(1)(vi)(B)	Did not change “that” to “which” for a restrictive relative clause
310.510(b)(5)	403.8(f)(2)(v)	Did not change “industrial users” to capitalized “Industrial Users” (twice); did not change “pretreatment standards” to capitalized “Pretreatment Standards”
310.510(b)(5)(A)	403.8(f)(2)(v)(A)	Changed “Industrial User” to lower-case “industrial user”; changed “Pretreatment Standard” to lower-case “pretreatment standard” (twice); changed “Categorical Industrial User” to lower-case “categorical industrial user”; changed “User’s” to lower-case “industrial user’s” (twice); changed “Discharge” to lower-case “discharge”

310.510(b)(5)(B)	403.8(f)(2)(v)(B)	Changed “Industrial User” to lower-case “industrial user” (twice); changed “Non-Significant Categorical Industrial User” to lower-case “non-significant categorical industrial user”; removed the unnecessary commas before and after “at least once per year”; added “of significant user” after “definition”
310.510(b)(5)(C)	403.8(f)(2)(v)(C)	Changed “Industrial User” to lower-case “industrial user” (four times)
310.510(b)(6)	403.8(f)(2)(vi)	Changed “Significant Industrial User” to lower-case “significant industrial user”; changed “Slug Discharges” to lower-case “slug discharges”; changed “Industrial Users” to lower-case “industrial users” (twice); changed “Significant Industrial User” to lower-case “significant industrial user” (twice); changed numeric “1” to written “one”; changed “Slug Discharge” to lower-case “slug discharge” (twice); changed “Discharge” to lower-case “discharge” (twice); added commas before and after “but not limited to” to offset it as a parenthetical; changed “Interference or Pass Through” to lower-case “interference or pass through”
310.510(b)(6)(A)	403.8(f)(2)(vi)(A)	Changed “Discharge” to lower-case “discharge”
310.510(b)(6)(B)	403.8(f)(2)(vi)(B)	Changed “Slug Discharges” to lower-case “slug discharges”; changed “Discharge” to lower-case “discharge”
310.510(b)(6)(D)	403.8(f)(2)(vi)(D)	Changed “and/or” to “or”
310.510(b)(8)	403.8(f)(2)(viii)	Did not change “pretreatment standards” to capitalized “Pretreatment Standards”; changed “jurisdiction” to plural “jurisdictions”; added “at any time” before “during”; changed “Significant Industrial User” to lower-case “significant industrial user”; changed “Industrial User” to lower-case “industrial user”; changed “which” to “that” for a restrictive relative clause

310.510(b)(8)(A)	403.8(f)(2)(viii)(A)	Did not change “discharge” to capitalized “Discharge”; did not change written “six” to numeric “6”; changed “Pretreatment Standard or Requirement” to lower-case “pretreatment standard or requirement”; added “such are” before “defined”
310.510(b)(8)(B)	403.8(f)(2)(viii)(B)	Did not change written “six” to numeric “6”; changed “Pretreatment Standard or Requirement” to lower-case “pretreatment standard or requirement”; added a comma before “including” to offset the parenthetical; added “such are” before “defined”
310.510(b)(8)(C)	403.8(f)(2)(viii)(C)	Changed “Pretreatment Standard or Requirement” to lower-case “pretreatment standard or requirement”; added a comma before “as such” to offset the parenthetical; added “such are” before “defined”; changed “Standard” to lower-case “standard”; did not change “discharges, interference, or pass through” to capitalized “Discharges, Interference, or Pass Through”
310.510(b)(8)(H)	403.8(f)(2)(viii)(H)	Changed “Best Management Practices” to lower-case “best management practices”; did not change “pretreatment” to capitalized “Pretreatment”
310.510(f)	403.8(f)(6)	Did not change “industrial users” to capitalized “Industrial Users”; did not change “industrial user” to capitalized “Industrial User”
310.510(g)	403.8(f)(1)(iii)(A)	Added explanation of movement of subsections (f)(1)(iii)(A)(1)(i) through (f)(1)(iii)(A)(2) to added subsection (g)
310.510(g)(1)	403.8(f)(1)(iii)(A)(I)	Changed “at the discretion of the POTW, . . . conditions are met” to “a POTW may use . . . individual facilities”; added “to use a general control mechanism, . . . true of” before “all”; added “by the general control mechanism”
310.510(g)(1)(A)	403.8(f)(1)(iii)(A)(I)(i)	Added “the covered facilities must all”
310.510(g)(1)(B)	403.8(f)(1)(iii)(A)(I)(ii)	Added “the covered facilities must all”
310.510(g)(1)(C)	403.8(f)(1)(iii)(A)(I)(iii)	Added “the covered facilities must all”
310.510(g)(1)(D)	403.8(f)(1)(iii)(A)(I)(iv)	Added “the covered facilities must all”
310.510(g)(1)(E)	403.8(f)(1)(iii)(A)(I)(v)	Added “the covered facilities”

310.510(g)(2)	403.8(f)(1)(iii)(A)(2)	Changed “Significant Industrial User” to lower-case “significant industrial user” (four times); changed “Discharge” to lower-case “discharge” (twice); changed “User’s” to lower-case “significant industrial user’s”; changed numeric “3” to written “three”; changed “Pretreatment Standards” to lower-case “pretreatment standards” (twice); changed “Industrial User” to lower-case “significant industrial user”; changed “Combined Wastestream Formula or Net/Gross” to lower-case “combined wastestream formula or net/gross”
310.510(g) Board note		Added explanation of movement of subsections (f)(1)(iii)(A)(1)(i) through (f)(1)(iii)(A)(2) from subsection (a)(3)(A)
310.511 heading	403.8(g)	Added the heading to render the provision as a separate Section
310.511		Added the citation to the <i>Federal Register</i> source of the provision
310.602(e)(2)	403.12(b)(5)(ii)	Added “categorical” before “standard”; changed “Standard” to lower-case “categorical standard”; changed “Best Management Practice” to lower-case “best management practice”; changed “User” to lower-case “industrial user”; changed “Standards” to lower-case “categorical standards”; changed “Standard” to lower-case “categorical standard”; changed the ending semicolon to a period
310.602(e)(6)	403.12(b)(5)(vi)	Did not change “pretreatment” to capitalized “Pretreatment”
310.605(a)	403.12(e)(1)	Changed “Non-Significant Categorical User” to lower-case “non-significant categorical user”; changed “Pretreatment Standard” to lower-case “pretreatment standard” (twice); changed “Best Management Practice” to lower-case “best management practice”; changed “User” to lower-case “industrial user”

310.605(b)	403.12(e)(2)	Changed “shall” to “must”; changed “Industrial User” to lower-case “industrial user” (three times); changed “Pretreatment Standard” to lower-case “pretreatment standard” (twice); added “it determines that” before “the industrial user”; changed “Discharge” to lower-case “discharge”; changed “or is present only” to “or that the pollutant is present only” and removed the unnecessary preceding comma
310.605(b)(1)	403.12(e)(2)(i)	Added “only” before “where”; changed “where a pollutant is determined to be present” to active-voice “where it determines that a pollutant is present”; added a comma before “provided that” to offset the parenthetical; changed “Standard” to lower-case “standard”; added “the sanitary wastewater” and a comma before “otherwise includes” to make an independent clause; changed the ending period to a semicolon
310.605(b)(2)	403.12(e)(2)(ii)	Changed “Permit” to lower-case “permit”; changed numeric “5” to written “five”; changed “User” to lower-case “industrial user”; changed the ending period to a semicolon
310.605(b)(3)	403.12(e)(2)(iii)	Changed “Industrial User” to lower-case “industrial user”; added “only” before “if”; changed “EPA approved” to “USEPA-approved”; added “incorporated . . . 301.107(b)”; changed the ending period to a semicolon
310.605(b)(4)	403.12(e)(2)(iv)	Changed “grant of the” to “grant of a”; changed “User’s” to lower-case “industrial user’s”; changed “User” to lower-case “industrial user”; changed numeric “3” to written “three”; changed the ending period to a semicolon
310.605(b)(5)	403.12(e)(2)(v)	Changed “User’s” to lower-case “industrial user’s”; changed “Industrial User” to lower-case “industrial user” (twice)

310.605(b)(5) certification statement	403.12(e)(2)(v)	Changed “Pretreatment Standard” to lower-case “pretreatment standard”; changed “National Pretreatment Standard” to lower-case “national pretreatment standard”; added the closing bracket after “standard”; changed “pollutant” to plural “pollutants”; changed the ending period to a semicolon
310.605(b)(6)	403.12(e)(2)(vi)	Changed “User’s” to lower-case “industrial user’s”; changed “User” to lower-case “industrial user”; removed the colon before “comply”; changed “Comply” to lower-case “comply”; added “it must” before “notify”; changed the ending period to a semicolon; added the ending conjunction “and”
310.605(b)(7)	403.12(e)(2)(vii)	Changed “Pretreatment Standards” to lower-case “pretreatment standards”; changed “Pretreatment Standard” to lower-case “pretreatment standard”
310.610(a)	403.12(g)(1)	Changed “Non-Significant Categorical Users” to singular, lower-case “a non-significant categorical user”
310.610(b)	403.12(g)(2)	Did not change “user” to capitalized “User”; changed “Industrial User” to lower-case “industrial user”; added a comma before “unless” to offset the parenthetical; changed “User” to lower-case “industrial user” (twice); added “the following conditions are fulfilled”
310.610(b)(2)	403.12(g)(2)(ii)	Changed “User” to lower-case “industrial user”
310.610(c)	403.12(g)(3)	Changed “Discharge” to lower-case “discharge”; changed “Industrial User” to lower-case “industrial user”; changed “40 CFR part 136” to “40 CFR 136”; added “incorporated . . . 310.107(b)” and offsetting commas; changed “EPA” to “USEPA”; changed “For” to lower-case “for”; changed “&” to “and”; added a comma after “grease” to offset the independent clause; changed “EPA methodologies” to “USEPA-approved methodologies”

310.610(d)	403.12(g)(4)	Removed the unnecessary, redundant “(4)”; added a comma after “sulfide” to offset the final element of a series; changed “shall” to “must” for a restrictive relative clause”; changed “Industrial Users” to lower-case “industrial users”; changed “Applicable Pretreatment Standards and Requirements” to lower-case “applicable pretreatment standards and requirements”
310.611	403.12(h)	Did not change “discharges” to capitalized “Discharges”; changed “Best Management Practice” to lower-case “best management practice”; changed “User” to lower-case “industrial user” (twice)
310.612(a)	403.12(i)(1)	Did not change “pretreatment” to capitalized “Pretreatment”; changed “Industrial Users” to lower-case “industrial users” (twice); added “that are” before “subject to”; changed “Pretreatment Standards” to lower-case “pretreatment standards”; changed “standards that are subject to” to “standards and which are subject to”; added “the list must” before “identify”; changed “Non-Significant Categorical Industrial Users” to lower-case “non-significant categorical industrial users”
310.613	403.12(j)	Did not change “discharge” to capitalized “Discharge”
310.631(a)(2)	403.12(l)(1)(ii)	Changed “which” to “that” for a restrictive relative clause; added a comma before “including” to offset the parenthetical
310.632	403.12(m)	Changed “Pretreatment Program” to lower-case “pretreatment program”; removed the unnecessary comma before “and submitted”
310.634(a)	403.12(o)(1)	Changed “Best Management Practices” to lower-case “best management practices”
310.634(b)	403.12(o)(2)	Changed “Best Management Practices” to lower-case “best management practices”

310.636 heading	403.8(q)	Used the subsection heading as the heading for a separate Section; changed “certification” to capitalized “Certification”
310.636	403.8(q)	Changed “a facility determined to be” to “a facility defined as”; changed “Non-Significant Categorical Industrial User” to “non-significant categorical industrial user”; changed “this certification” to “the following certification”
310.636 certification preamble	403.8(q)	Changed “Pretreatment Standards” to lower-case “pretreatment standards”; changed “40 CFR _____” to “Subpart [Subpart number of the applicable national pretreatment standard] of 35 Ill. Adm. Code 307”; changed “_____, _____ to _____, _____ [month, days, year]” to “[insert beginning month, day, year] to [insert ending month, day, year]”
310.636 certification, ¶ (a)	403.8(q)	Changed “_____ [facility name]” to “[insert facility name]”; changed “Industrial User” to lower-case “industrial user”; changed “as described” to as such is defined” preceded a comma to offset the parenthetical
310.636 certification, ¶ (b)	403.8(q)	Changed “the” to capitalized “The”; changed “Pretreatment Standards” to lower-case “pretreatment standards”
310.636 certification, ¶ (c)	403.8(q)	Changed “the” to capitalized “The”; started a new paragraph with “The compliance certification is based . . .”; changed “_____” to “[insert the information]”
310.636 Board note		Added the citation to the federal source of the provision, including a <i>Federal Register</i> citation for later amendments
310.637 heading	403.8(r)	Added the heading to render the definition as a separate Section
310.637	403.12(r)	Changed “the Control Authority” to “a Control Authority”
310.637 Board note		Added the citation to the federal source of the provision, including a <i>Federal Register</i> citation for later amendments

**Table 2 :
Board Housekeeping Amendments**

Section	Source	Revision(s)
307.1001(a)(2)	Board	Added “source” before “categories”
307.1001(b)	Board	Changed “35 Ill. Adm. Code 310 specifies” “the provisions of 35 Ill. Adm. Code 310 specify”
307.1005(a)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.1005(b)	Board	Changed “40 CFR 122, Appendix D, Table II or III” to “tables II or III in appendix D to 40 CFR 122”
307.1006	Board	Added the provision imposing the requirements of
307.1101(b)(7)	Board	Changed “oxygen demanding” to hyphenated “oxygen-demanding”
307.1101 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition; added “and 403.5”
307.2003(a)	Board	Changed “40 CFR Part 428” to “40 CFR 428”
307.2003(b)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.2003(c)(1)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.2003(d)(1)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.2400(a)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.2400(b)(8)(D)(iii)	Board	Added the subsection number to the previously unnumbered paragraph; added “each” before “incorporated”
307.2410(a)	Board	Added the incorporation of 40 CFR 414.11 by reference; removed the edition date from the citation to “40 CFR 414.11”
307.2410(c)(1)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.3001(b)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation
307.3001(c)(1)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation
307.3001(d)(1)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation and adding a <i>Federal Register</i> citation for later amendments

307.3001(e)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation
307.3002(b)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation
307.3002(c)(1)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation
307.3002(d)(1)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation and adding a <i>Federal Register</i> citation for later amendments
307.3002(e)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation
307.3002(f)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation
307.3121(b)	Board	Corrected “40 CFR 421.131” to “40 CFR 421.231”; updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.3121(d)(1)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation
307.3404(b)	Board	Corrected “40 CFR 424.11” to “40 CFR 424.41”; updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.6503(a)(1)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.6503(b)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.6503(c)(1)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.6503(d)(1)	Board	Corrected “40 CFR 455.46” to “40 CFR 455.47”; updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.6505(a)(1)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.6505(b)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.6505(c)(1)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition

307.6505(d)(1)	Board	Corrected “40 CFR 455.66” to “40 CFR 455.67”; updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.7401(a)	Board	Added “incorporated . . . 307.7400(b)” offset by a comma
307.7401(b)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.7401(c)(1)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
307.7401(d)(1)	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310 table of contents, 310.210 heading	Board	Changed “specific limits” to “local limits”
310 table of contents, 310.211 heading	Board	Added “status of” before “local limits”
310 table of contents, 310.221 heading	Board	Added “source” before “category”
310 table of contents, 310.232 heading	Board	Added “prohibited as a substitute for treatment” after “dilution”
310 table of contents, 310.801 heading	Board	Removed “by USEPA”
310.107(a) “the consent decree in NRDC v. Costle”	Board	Removed the subsection number from the reference; added “referenced in Section 310.320” offset by a comma
310.107(a) “Standard Industrial Classification Manual”	Board	Removed the subsection number from the reference; added “referenced in . . . Section 310.602” offset by a comma
310.107(b) “40 CFR 2.302”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition; added the section title “Special Rules . . . Under the Clean Water Act” in parentheses; added “referenced in Section 310.105” offset by a comma
310.107(b) “40 CFR 25”	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition; added the section title “Public Participation in Programs Under the . . . Clean Water Act” in parentheses; added “referenced in Section 310.510” offset by a comma

310.107(b) “40 CFR 122”	Board	Changed “40 CFR 122, Appendix D, Tables II and III” to “Tables II . . . and III . . . in appendix D to 40 CFR 122”; updated the citation to the Code of Federal Regulations to the most recent edition; added the table title “Organic Toxic Pollutants . . . by Gas Chromatography/Mass Spectroscopy (GS/MS)” in parentheses; added the table title “Other Toxic Pollutants . . . and Total Phenols” in parentheses; added the appendix title “NPDES Permit Application Testing Requirements” in parentheses; added “referenced in 35 Ill. Adm. Code 307.1005” offset by a comma
310.107(b) “40 CFR 128.140(b)”	Board	Removed the unnecessary incorporation by reference
310.107(b) “40 CFR 136”	Board	Updated the citation to the Code of Federal Regulations to the most recent edition, including removal of the obsolete <i>Federal Register</i> citation and adding a <i>Federal Register</i> citation for later amendments; added the part title “Guidelines Establishing Test Procedures for the Analysis of Pollutants” in parentheses; added “referenced in . . . 310.611” offset by a comma
310.107(b) “40 CFR 403”	Board	Updated the citation to the Code of Federal Regulations to the most recent edition, including a Federal Register citation for later amendments; added the part title “Guidelines Establishing Test Procedures for the Analysis of Pollutants” in parentheses; added “referenced in . . . 310.611” offset by a comma
310.107(b) “40 CFR 403.12”	Board	Added the incorporation of the specific section, including the title “Reporting Requirements for POTWs and Industrial Users” in parentheses and “referenced in . . . 310.602” offset by a comma
310.107(b) “Appendix D to 40 CFR 403”	Board	Changed “40 CFR 403, Appendix D” to “Appendix D to 40 CFR 403”; updated the citation to the Code of Federal Regulations to the most recent edition; added the appendix title “Selected Industrial Subcategories . . . Combined Wastestream Formula” in parentheses; added “referenced in . . . 310.233” offset by a comma
310.107(b) “Appendix G to 40 CFR 403”	Board	Added the incorporation of the specific provision, including the title “Pollutants Eligible for a Removal Credit” in parentheses and “referenced in . . . 310.303” offset by a comma
310.107(b) “40 CFR 503”	Board	Added the incorporation of the specific provision, including the title “Standards for the Use or Disposal of Sewage Sludge” in parentheses and “referenced in . . . 310.303” offset by a comma

310.107(c) “Section 1001 of federal Crimes and Criminal Procedure”	Board	Removed the subsection number from the reference; updated the citation to the <i>United State Code</i> provision to the most recent edition; added “referenced in . . . Section 310.633” offset by a comma
310.107(c) “The federal Clean Water Act”	Board	Removed the subsection number from the reference; added the abbreviation “CWA” in parentheses; updated the citation to the <i>United State Code</i> provision to the most recent edition, including removal of the obsolete “as amended through November 7, 2000”; added “referenced in . . . Section 310.633” offset by a comma
310.107(c) “Added section 204(b) of the federal Clean Water Act”	Board	Added the incorporation of the specific <i>United State Code</i> provision, including the citation “33 USC 1284(b)” in parentheses and “referenced in . . . Section 310.510” offset by a comma
310.107(c) “Added section 212(2) of the federal Clean Water Act”	Board	Added the incorporation of the specific <i>United State Code</i> provision, including the citation “33 USC 1292(2)” in parentheses and “referenced in . . . Section 310.110” offset by a comma
310.107(c) “Added section 308 of the federal Clean Water Act”	Board	Added the incorporation of the specific <i>United State Code</i> provision, including the citation “33 USC 1318” in parentheses and “referenced in . . . Section 310.510” offset by a comma
310.107(c) “Added section 309(c)(4) of the federal Clean Water Act”	Board	Added the incorporation of the specific <i>United State Code</i> provision, including the citation “33 USC 1319(c)(4)” in parentheses and “referenced in . . . Section 310.633” offset by a comma
310.107(c) “Added section 309(c)(6) of the federal Clean Water Act”	Board	Added the incorporation of the specific <i>United State Code</i> provision, including the citation “33 USC 1319(c)(6)” in parentheses and “referenced in . . . Section 310.633” offset by a comma
310.107(c) “Added section 405 of the federal Clean Water Act”	Board	Added the incorporation of the specific <i>United State Code</i> provision, including the citation “33 USC 1345” in parentheses and “referenced in . . . Section 310.510” offset by a comma
310.107(c) “subtitles C and D of the federal Resource Conservation and Recovery Act”	Board	Updated the citation to the <i>United State Code</i> provision to the most recent edition; changed “42 USC 6901 et seq.” to the more specific “42 USC 6921-6939e and 6941-6949a”; added “referenced in . . . Section 310.510” offset by a comma
310.110 “approval authority” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.110 “approved POTW pretreatment program”	Board	Changed “Pretreatment Program” to lower-case “pretreatment program” (twice)

310.110 “approved POTW pretreatment program” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.110 “blowdown” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.110 “CWA” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.110 “indirect discharge”	Board	Changed “Discharge” to lower-case “discharge”
310.110 “indirect discharge” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “industrial user”	Board	Changed “User” to lower-case “user”
310.110 “industrial user” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “interference” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “new source” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “noncontact cooling water” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.110 “noncontact cooling water pollutants” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.110 “NPDES permit”	Board	Changed “Permit” to lower-case “permit”
310.110 “NPDES permit” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “pass through” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “person” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.110 “pollutant” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “pollution” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments

310.110 “POTW treatment plant”	Board	Changed “Treatment Plant” to lower-case “treatment plant”
310.110 “POTW treatment plant” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “pretreatment” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “pretreatment requirements” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “pretreatment standard” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “process water” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.110 “process water pollutants” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.110 “publicly owned treatment works” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “schedule of compliance” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.110 “significant industrial user” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “sludge requirements” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “submission” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “treatment works”	Board	Removed the unnecessary date from the citation to the <i>Code of Federal Regulations</i> ; added “incorporated . . . 310.107(c)” offset by a comma
310.110 “treatment works” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.110 “unit of local government” Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition

310.111(a)	Board	Changed “Source” to lower-case “source”; changed “that category or sub-category” to “the particular source category or sub-category”
310.111(b)	Board	Added commas before and after “rather than a new source” to offset it as a parenthetical; changed “meeting” to “that meets”; added “which” before “otherwise alters”
310.111(c)	Board	Changed “one of the following” to “either of the following”
310.111(c)(1)	Board	Added “it has”; changed “one of the following” to “either of the following”
310.111(c)(2)	Board	Added “it has”; changed “options . . . contracts . . . do” to singular “an option . . . a contract . . . does”
310.111(d)	Board	Changed “new sources” to singular “a new source” (twice); added “pretreatment” before “standards”
310.111 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.202 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.210 heading	Board	Changed “specific limits” to “local limits”
310.210(a)	Board	Changed “specific limits” to “local limits”; added “local” before “limits”
310.210(b)	Board	Changed “specific limits” to “local limits”
310.210(c)	Board	Changed “specific discharge limits” to “local limits”
310.210(e)	Board	Renumbered the subsection to accommodate the addition of new federally derived subsection (d)
310.210 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments; added the statement “the Board added subsection (e) . . . local limits”
310.211 heading	Board	Added “status of” before “local limits”
310.211	Board	Replaced the parenthetical “in accordance with Section 310.210” with “local limits in the form of”; removed the unnecessary conjunction “or” from before “pollutant parameters”; added “local” before “limits”; changed “must be deemed” to “are to be considered”
310.211 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.220	Board	Changed “existing . . . users in . . . subcategories” to singular “an existing . . . user in . . . source category or subcategory”
310.220 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition

310.221 heading	Board	Added “source” before “category”
310.221(a)(1)	Board	Added “source category or” before “subcategory” (twice)
310.221(a)(1)(A)	Board	Added “source” before “category”
310.221(a)(1)(B)	Board	Added “source” before “category”; added “source category or” before “subcategory”
310.221(b)(1)	Board	Added “source category or” before “subcategory”
310.221(b)(2)	Board	Added “source category or” before “subcategory”
310.221(b)(2) certification statement	Board	Added a comma after “accurate” to separate the final element of a series
310.221(d)(1)	Board	Added “source category or” before “subcategory”
310.221 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.222 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.230(g)	Board	Changed “Industrial” to lower-case “industrial”
310.230 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.232 heading	Board	Added “prohibited as a substitute for treatment” after “dilution”
310.232	Board	Removed the redundant statement “a POTW may allow dilution . . . under Section 310.210” that does not exist in the corresponding federal text
310.232 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.233 preamble	Board	Changed “which the Control Authority must apply to the discharge” to “or the industrial user . . . the control authority” to agree more closely with the corresponding federal text
310.233(e)	Board	Changed “40 CFR 403, Appendix D” to “appendix D to 40 CFR 403”
310.233 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.301 “consistent removal” Board note	Board	Updated the citation to the Code of Federal Regulations to the most recent edition; removed the unnecessary statement “as modified to reflect NRDC v.. USEPA, 790 F.2d 289 (3d Cir. 1986)”
310.301 “overflow” Board note	Board	Removed “CONSISTENT”; updated the citation to the Code of Federal Regulations to the most recent edition; removed the unnecessary statement “as modified to reflect NRDC v.. USEPA, 790 F.2d 289 (3d Cir. 1986)”

310.301 “removal” Board note	Board	Updated the citation to the Code of Federal Regulations to the most recent edition
310.301 “sludge requirements” Board note	Board	Updated the citation to the Code of Federal Regulations to the most recent edition
310.303(d)	Board	Added previously omitted federal statement “removal credits may be made available for any of the following pollutants”
310.303(d)(1)	Board	Added previously omitted federal text
310.303(d)(2)	Board	Added previously omitted federal text
310.303(d)(3)	Board	Added previously omitted federal text
310.303 Board note	Board	Updated the citation to the Code of Federal Regulations to the most recent edition
310.320 preamble	Board	Changed “must not apply” to “will not apply”
310.320(b)(1) equations and variable definitions	Board	Changed “m” to “r _m ” to agree with the appearance in the corresponding federal text; changed “r” to “r _c ” to agree with the appearance in the corresponding federal text; changed “z” to “Z” to agree with the appearance in the corresponding federal text
310.320 Board note	Board	Updated the citation to the Code of Federal Regulations to the most recent edition; removed the unnecessary statement “as modified to reflect NRDC v.. USEPA, 790 F.2d 289 (3d Cir. 1986)”
310.510	Board	Removed “development and implementation by POTW” and the connection colon to agree with the appearance in the table of contents
310.510(a)(5)	Board	Added “incorporated . . . Section 310.107(c)” offset by a comma
310.510(b)(3)	Board	Added “each” before “incorporated”
310.510(f)	Board	Changed “Agency” to “Approval Authority” (twice); changed “modifications” to singular “any modification”
310.510 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.602 preamble	Board	Added the date “1977” in parentheses to the <i>Code of Federal Regulations</i> citation; removed the unnecessary “incorporated . . . Section 310.107” and the offsetting comma
310.602(e)(5)	Board	Removed subsection (e)(5)(A) and moved the text of subsection (e)(5)(B) into subsection (e)(5); added “incorporated . . . 310.107(c)”
310.602 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments

310.605 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.610(a)	Board	Corrected “Section 310.602(e), . . . and 310.611” to singular “Sections 310.602(e), . . . and 310.611”
310.610 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.611	Board	Removed the unnecessary comma after “report”; changed “noncategorical” to hyphenated “non-categorical”
310.611 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.612 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.613 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.621 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.631(a)	Board	Added “one of the following”
310.631(a)(2)	Board	Added a comma after “production” to offset the final element of a series
310.631 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.632	Board	Corrected “Section 310.621” to “Section 310.612”
310.632 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.633	Board	Added “incorporated . . . 310.107(c)” (twice)
310.633 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition
310.634 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.634 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.705(a)	Board	Added “incorporated . . . 310.107(c)” offset by commas
310.705 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition

310.711(b)(1)	Board	Removed the unnecessary date “2003” in parentheses from the citation to “40 CFR 403.13”
310.711 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments
310.801 heading	Board	Removed “by USEPA”
310.801	Board	Changed “USEPA” to “the Control Authority”; removed the unnecessary date “2003” in parentheses from the citation to “40 CFR 403.15”; added “incorporated . . . 310.107(b)” offset by a comma
310.801 Board note	Board	Added the citation to the federal source of the provision, including a <i>Federal Register</i> citation for later amendments
310.912(b)(2)	Board	Removed the redundant conjunction “and”
310.912 Board note	Board	Updated the citation to the <i>Code of Federal Regulations</i> to the most recent edition, including a <i>Federal Register</i> citation for later amendments

ORDER

The Board proposes the following amendments for public comment:

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

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
 307.1610 Wheat Starch and Gluten

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
 307.1706 Canned and Preserved Fruits
 307.1707 Canned and Preserved Vegetables
 307.1708 Canned 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
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307.2516	Sodium Chloride Production
307.2517	Sodium Dichromate and Sodium Sulfate Production
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307.2540	Fluorine Production
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307.2550	Potassium Chloride Production
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307.2715	Manufacture of Spray Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacturing of Detergents by Dry Blending
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307.3110	Primary Tungsten
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SUBPART Y: FERROALLOY MANUFACTURING

Section

307.3401	Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402	Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
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307.3603	Rolled Glass Manufacturing
307.3604	Plate Glass Manufacturing
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307.3606	Automotive Glass Tempering
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307.3608	Glass Container Manufacturing
307.3610	Glass Tubing (Danner) Manufacturing
307.3611	Television Picture Tube Envelope Manufacturing
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307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
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307.3806	Medium-Sized General Molded, Extruded, and Fabricated Rubber Plants
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307.3808	Wet Digestion Reclaimed Rubber
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SUBPART BD: TIMBER PRODUCTS PROCESSING

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307.3903	Plywood
307.3904	Dry Process Hardboard
307.3905	Wet Process Hardboard
307.3906	Wood Preserving-Water Borne or Nonpressure
307.3907	Wood Preserving-Steam
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307.3910	Log Washing
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307.4002	Bleached Papergrade Kraft and Soda
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307.4008	Non-Wood Chemical Pulp
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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)

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SUBPART BG: MEAT PRODUCTS

Section	
307.4201	Simple Slaughterhouse
307.4202	Complex Slaughterhouse
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

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307.4300	General Provisions
307.4301	Metal Finishing

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Section	
307.4700	General Provisions
307.4701	Metals Treatment and Recovery
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SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section	
307.4900	General Provisions
307.4901	Fermentation Products
307.4902	Extraction Products
307.4903	Chemical Synthesis Products
307.4904	Mixing/Compounding and Formulation
307.4905	Research (Repealed)

SUBPART BQ: TRANSPORTATION EQUIPMENT CLEANING

Section	
307.5200	General Provisions
307.5201	Tank Trucks and Intermodal Tank Containers Transporting Chemical and Petroleum Cargos
307.5202	Rail Tank Cars Transporting Chemical and Petroleum Cargos
307.5203	Tank Barges and Ocean/Sea Tankers Transporting Chemical and Petroleum Cargos
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307.5301	Asphalt Emulsion
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	
307.5500	General Provisions
307.5501	RCRA Subtitle C Hazardous Waste Landfill
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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

Section	
307.6801	Carbon Black Furnace Process
307.6802	Carbon Black Thermal Process
307.6803	Carbon Black Channel Process
307.6804	Carbon Black Lamp Process

SUBPART CJ: BATTERY MANUFACTURING

Section	
307.7100	General Provisions
307.7101	Cadmium
307.7102	Calcium
307.7103	Lead
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307.7105	Lithium
307.7106	Magnesium
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SUBPART CL: PLASTICS MOLDING AND FORMING

Section	
307.7300	General Provisions
307.7301	Contact Cooling and Heating Water
307.7302	Cleaning Water
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SUBPART CM: METAL MOLDING AND CASTING

Section	
307.7400	General Provisions
307.7401	Aluminum Casting
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SUBPART CN: COIL COATING

Section	
307.7500	General Provisions
307.7501	Steel Basis Material
307.7502	Galvanized Basis Material
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Section	
307.7600	General Provisions
307.7601	Steel Basis Material
307.7602	Cast Iron Basis Material

- 307.7603 Aluminum Basis Material
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SUBPART CP: ALUMINUM FORMING

- Section
- 307.7700 General Provisions
- 307.7701 Rolling With Neat Oils
- 307.7702 Rolling With Emulsions
- 307.7703 Extrusion
- 307.7704 Forging
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SUBPART CQ: COPPER FORMING

- Section
- 307.7800 General Provisions
- 307.7801 Copper Forming
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SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

- Section
- 307.7901 Semiconductor
- 307.7902 Electronic Crystals
- 307.7903 Cathode Ray Tube
- 307.7904 Luminescent Materials

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

- Section
- 307.8100 General Provisions
- 307.8101 Lead-Tin-Bismuth Forming
- 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, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, 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 R06-15 at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 307.1001 Preamble

- a) This Part places certain restrictions on the types, concentrations, and quantities of contaminants that can be discharged into sewer systems in the State.
 - 1) Subpart B of this Part includes standards for the discharge of contaminants to sewer systems. These apply to dischargers to publicly owned treatment works (POTWs) and to dischargers to other types of treatment works, as specified in each Section.
 - 2) Subparts F through CT of this Part include standards for the discharge of contaminants from certain industrial source categories into POTWs.
- b) The provisions of 35 Ill. Adm. Code 310 ~~specifies~~ specify requirements for pretreatment programs for POTWs.
- c) This Part incorporates federal regulations by reference.
 - 1) Such incorporations include no later amendments or editions.
 - 2) Except where the contrary is clearly indicated, the Board intends to set

forth all procedural requirements in full in this Part and 35 Ill. Adm. Code 310, and to utilize only the definitions, requirements, or standards from the incorporated material.

- 3) Except where the contrary is clearly indicated, references to other federal regulations within incorporated material are to be construed as referencing Board regulations derived from the referenced material, rather than the other federal regulation.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 307.1005 Toxic Pollutants

- a) The Board incorporates by reference 40 CFR 401.15-~~(1986)~~ (2005). This incorporation includes no later amendments or editions.
- b) A “toxic pollutant” is one of the materials listed in 40 CFR 401.15 or in tables II or III in appendix D to 40 CFR 122, Appendix D, Table II or III, incorporated by reference in 35 Ill. Adm. Code 310.107.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 307.1006 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 310.106.

BOARD NOTE: Derived from 40 CFR 3, as added, and 40 CFR 403.8(g) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 30 Ill. Reg. _____, effective _____)

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section 307.1101 General and Specific Requirements

No person may introduce the following types of pollutants into a POTW:

- a) General requirements.
 - 1) Pollutants that pass through the POTW; or
 - 2) Pollutants that interfere with the operation or performance of the POTW.
- b) Specific requirements.

- 1) Pollutants that create a fire or explosion hazard within the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60° C (140° F) using the test methods specified in 35 Ill. Adm. Code 721.121;
- 2) Pollutants that would cause safety hazards to the personnel operating the treatment works;
- 3) Pollutants that will cause corrosive damage to the POTW;
- 4) Pollutants that would be injurious in any other way to sewers, treatment works, or structures;
- 5) Discharges with a pH less than 5.0, unless the POTW is specifically designed to accommodate such discharges;
- 6) Solid or viscous pollutants in amounts that will cause obstruction to the flow in the POTW resulting in interference;
- 7) Any pollutant, including ~~oxygen-demanding~~ oxygen-demanding pollutants, at a flow rate or concentration that will cause interference with the POTW;
- 8) Heat in amounts that will inhibit biological activity in the POTW and interfere with the POTW;
- 9) Heat in amounts that result in temperatures in the influent to the POTW treatment plant in excess of 40° C (104° F) unless the Agency approves alternate temperature limits in pretreatment plan;
- 10) Pollutants that would cause the effluent from the treatment works to violate applicable effluent standards;
- 11) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- 12) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; or
- 13) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

BOARD NOTE: Derived from 40 CFR 403.3-~~(2003)~~ and 403.5 (2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART K: TEXTILE MILLS

Section 307.2003 Low Water Use Processing

- a) Applicability. This Section applies to discharges resulting from the following types of textile mills: yarn manufacture, yarn texturizing, unfinished fabric manufacture, fabric coating, fabric laminating, tire cord and fabric dipping, and carpet tufting and carpet backing. Rubberized or rubber coated fabrics regulated by 40 CFR ~~Part~~ 428 are specifically excluded.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 410.31 ~~(2003)~~ (2005). This incorporation includes no later amendments or editions.
- c) Existing sources.
 - 1) The Board incorporates by reference 40 CFR 410.34 ~~(2003)~~ (2005). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may 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 410.36 ~~(2003)~~ (2005). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may 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 October 10, 1979.

(Source: Amended at 28 Ill. Reg. 3076, effective February 6, 2004)

SUBPART O: ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC FIBERS

Section 307.2400 General Provisions

- a) General definitions. The Board incorporates by reference 40 CFR 414.10 ~~(2003)~~ (2005). This incorporation includes no later amendments or editions.

b) Applicability.

- 1) This Subpart O applies to process wastewater discharges from all establishments or portions of establishments that manufacture the organic chemicals, plastics, and synthetic fibers (OCPSF) products or product groups that are covered by Sections 307.2402 through 307.2408 and which are included in the following SIC major groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107:
 - A) SIC 2821: Plastic materials, synthetic resins, and nonvulcanizable elastomers.
 - B) SIC 2823: Cellulosic man-made fibers.
 - C) SIC 2824: Synthetic organic fibers, except cellulosic.
 - D) SIC 2865: Cyclic crudes and intermediates, dyes, and organic pigments.
 - E) SIC 2869: Industrial organic chemicals, not elsewhere classified.
- 2) This Subpart O applies to wastewater discharges from OCPSF research and development, pilot plant, technical service, and laboratory bench-scale operations if such operations are conducted in conjunction with and related to existing OCPSF manufacturing activities at the plant site.
- 3) Notwithstanding subsection (b)(1) of this Section, this Subpart O does not apply to discharges resulting from the manufacture of OCPSF products if the products are included in the following SIC subgroups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, and if the products have in the past been reported by the establishment under these subgroups and not under the SIC groups listed in subsection (b)(1) of this Section:
 - A) SIC 2843085: Bulk surface active agents.
 - B) SIC 28914: Synthetic resin and rubber adhesives.
 - C) Chemicals and chemical preparations not elsewhere classified:
 - i) SIC 2899568: Sizes, all types.
 - ii) SIC 2899597: Other industrial chemical specialties, including fluxes, plastic wood preparations, and embalming fluids.

- D) SIC 2911058: Aromatic hydrocarbons manufactured from purchased refinery products.
 - E) SIC 2911632: Aliphatic hydrocarbons manufactured from purchased refinery products.
- 4) Notwithstanding subsection (b)(1) of this Section, this Subpart O does not apply to any discharges for which a different set of previously promulgated standards in this Part apply, unless the facility reports OCPSF products under SIC codes 2865, 2869, or 2821, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107, and the facility's OCPSF wastewaters are discharged separately to a POTW.
- 5) This Subpart O does not apply to any process wastewater discharge from the manufacture of organic chemical compounds solely by extraction from plant and animal raw materials or by fermentation processes.
- 6) Discharges of chromium, copper, lead, nickel, and zinc in “complexed metal-bearing waste streams,” listed in Section 307.2491, are not subject to this Subpart O.
- 7) Non-amenable cyanide.
- A) Discharges of cyanide in “cyanide-bearing waste streams,” listed in Section 307.2490, are not subject to the cyanide limitations of this Subpart O if both of the following occur:
 - i) The Control Authority determines that the cyanide limitations are not achievable due to elevated levels of non-amenable cyanide (i.e., cyanide that is not oxidized by chlorine treatment) that result from the unavoidable complexing of cyanide at the process source of the cyanide-bearing waste stream, and
 - ii) The control authority establishes an alternative total cyanide or amenable cyanide limitation that reflects the best available technology economically achievable.
 - B) The control authority must base its determination made pursuant to subsection (b)(7)(A) of this Section on a review of the relevant engineering, production, and sampling and analytical information at its disposal, including measurements of both total and amenable cyanide in the waste stream.

- C) The control authority must set forth its determination made pursuant to subsection (b)(7)(A) of this Section in a written analysis of the extent of complexing in the waste stream and its impact on cyanide treatability, based on the information at its disposal.
 - D) Alternative cyanide discharge limitation determinations made pursuant to this subsection (b)(7) are subject to the limitations of Section 307.1103. Provided, however, Section 307.1103 may not be used to allow a discharge of total cyanide in excess of that otherwise allowed by this subsection (b)(7).
- 8) Allowances for non-metal-bearing waste streams.
- A) The control authority must establish discharge limitations for lead and zinc for waste streams not listed in Section 307.2490 and not otherwise determined to be “metal-bearing waste streams” if it determines that the wastewater metals contamination is due to background levels that are not reasonably avoidable, from such sources as intake water, corrosion of materials of construction, or contamination of raw materials.
 - B) The control authority must base its determination made pursuant to subsection (b)(8)(A) of this Section on a review of relevant plant operating conditions, process chemistry, engineering, and sampling and analytical information.
 - C) The control authority must set forth its determination made pursuant to subsection (b)(8)(A) of this Section in a written analysis of the sources and levels of the metals, based on the information at its disposal.
 - D) The control authority may establish limitations for lead and zinc for non-metal-bearing waste streams for the purposes of subsection (b)(8)(A) of this Section between the following levels:
 - i) The lowest level that the control authority determines, based on best professional judgment, can be reliably measured; and
 - ii) The concentration of such metals present in the waste streams, but not to exceed the applicable limitations contained in Sections 307.2401 through 307.2407.
 - iii) For zinc, the applicable limitations that the discharge must not exceed are those appearing in the tables in Sections

307.2401 through 307.2407, not the alternative limitations for rayon fiber manufacture by the viscose process, as set forth in footnote 2 to the table in 40 CFR 414.25, incorporated by reference at Section 307.2401(c)(1), or the alternative limitations for acrylic fiber manufacture by the zinc chloride/solvent process, as set forth in footnote 2 to the table in 40 CFR 414.35, each incorporated by reference at Section 307.2402(c)(1).

- E) The limitations for individual dischargers must be set on a mass basis, by multiplying the concentration allowance established by the control authority times the process wastewater flow from the individual waste streams in which incidental metals are present.
- c) Compliance date. All dischargers subject to a pretreatment standard for existing sources in this Subpart O must have complied with the standard by no later than November 5, 1990.

(Source: Amended at 28 Ill. Reg. 3076, effective February 6, 2004)

Section 307.2410 Indirect Discharge Point Sources

- a) Applicability. The Board hereby incorporates 40 CFR 414.11 (2005). This incorporation includes no later amendments or editions. This Section applies to discharge of process wastewater resulting from the manufacture of the OCPSF products and product groups defined by 40 CFR 414.11 ~~(2003)~~ from any indirect discharge point source.
- b) Specialized definitions. None.
- c) Existing sources.
 - 1) The Board incorporates by reference 40 CFR 414.111 ~~(2003)~~ (2005). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may cause, threaten, or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources. All sources are treated as existing sources.

(Source: Amended at 28 Ill. Reg. 3076, effective February 6, 2004)

SUBPART U: IRON AND STEEL MANUFACTURING

Section 307.3001 Cokemaking

- a) Applicability. This Section applies to discharges resulting from byproduct and other cokemaking operations.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.11 ~~(2002)~~, as amended at ~~67 Fed. Reg. 64216 (October 17, 2002)~~ (2005). This incorporation includes no later amendments or editions.
- c) Existing sources.
 - 1) The Board incorporates by reference 40 CFR 420.15 ~~(2002)~~, as amended at ~~67 Fed. Reg. 64216 (October 17, 2002)~~ (2005). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may 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 420.16 ~~(2002)~~ (2005), as amended at ~~67-70 Fed. Reg. 64216 (October 17, 2002)~~ 73623 (December 13, 2005). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may 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 January 7, 1981.
- e) Compliance date. The Board incorporates by reference 40 CFR 420.18, ~~as added at 67 Fed. Reg. 64216 (October 17, 2002)~~ (2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 307.3002 Sintering

- a) Applicability. This Section applies to discharges resulting from sintering operations conducted by the heating of iron bearing wastes (mill scale and dust from blast furnaces and steelmaking furnaces) together with fine iron ore, limestone, and coke fines in an ignition furnace to produce an agglomerate for charging to the blast furnace.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 420.21, ~~as added at 67 Fed. Reg. 64216 (October 17, 2002) (2005).~~
- c) Existing sources.
 - 1) The Board incorporates by reference 40 CFR 420.25 ~~(2002), as amended at 67 Fed. Reg. 64216 (October 17, 2002) (2005).~~ This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may 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 420.26 ~~(2002) (2005), as amended at 67-70 Fed. Reg. 64216 (October 17, 2002) 73623 (December 13, 2005).~~ This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may 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 January 7, 1981.
- e) Compliance date. The Board incorporates by reference 40 CFR 420.28, ~~as added at 67 Fed. Reg. 64216 (October 17, 2002) (2005).~~
- f) Point of compliance monitoring. The Board incorporates by reference 40 CFR 420.29(b), ~~as added at 67 Fed. Reg. 64216 (October 17, 2002) (2005).~~

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART V: NONFERROUS METALS MANUFACTURING

Section 307.3121 Primary Nickel and Cobalt

- a) Applicability. This Section applies to discharges resulting from the production of nickel or cobalt by primary nickel or cobalt facilities processing ore concentrate raw materials.
- b) Specialized definitions. The Board incorporates by reference 40 CFR ~~421.131 (2003) 421.231 (2005).~~ This incorporation includes no later amendments or editions.

- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.
- d) New sources.
 - 1) The Board incorporates by reference 40 CFR 421.236-~~(2003)~~ (2005). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may 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 June 27, 1984.

(Source: Amended at 28 Ill. Reg. 3076, effective February 6, 2004)

SUBPART Y: FERROALLOY MANUFACTURING

Section 307.3404 Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices

- a) Applicability. This Section applies to discharges resulting from the production of calcium carbide in covered electric furnaces that use wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration (known as covered, closed, sealed, semi-covered, or semi-closed furnaces) that the furnace off-gases are not burned prior to collection and cleaning, and which off-gases are cleaned after collection in a wet air pollution control device such as a scrubber, “wet” baghouse, etc. This subcategory does not include noncontact cooling water or those furnaces that utilize dry dust collection techniques, such as dry baghouses.
- b) Specialized definitions. The Board incorporates by reference 40 CFR-~~424.11~~ 424.41 ~~(2003)~~ (2005). This incorporation includes no later amendments or editions.
- c) Existing sources. These sources must comply with the general and specific pretreatment requirements of Subpart B of this Part.
- d) New sources. All sources are regulated as existing sources.

(Source: Amended at 28 Ill. Reg. 3076, effective February 6, 2004)

SUBPART CD: PESTICIDE CHEMICALS

Section 307.6503 Pesticide Chemicals Formulating and Packaging

- a) Applicability.
 - 1) The Board incorporates by reference 40 CFR 455.40-~~(2003)~~ (2005). 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 subsection (a)(1) of this Section.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 455.41 ~~(2003)~~ (2005). This incorporation includes no later amendments or additions.
- c) Existing sources.
 - 1) The Board incorporates by reference 40 CFR 455.46-~~(2003)~~ (2005). This incorporation includes no later amendments or additions.
 - 2) No person subject to the pretreatment standards incorporated by reference in section subsection (c)(1) of this Section may 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 ~~455.46 (2003)~~ 455.47 (2005). This incorporation includes no later amendments or additions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may 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 April 14, 1994.

(Source: Amended at 28 Ill. Reg. 3076, effective February 6, 2004)

Section 307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments

- a) Applicability.
 - 1) The Board incorporates by reference 40 CFR 455.60-~~(2003)~~ (2005). 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 subsection (a)(1) of this Section.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 455.61 ~~(2003)~~ (2005). This incorporation includes no later amendments or additions.
 - c) Existing sources.
 - 1) The Board incorporates by reference 40 CFR 455.66 ~~(2003)~~ (2005). This incorporation includes no later amendments or additions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may 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 (2003)~~ 455.67 (2005). This incorporation includes no later amendments or additions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may 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 April 14, 1994.

(Source: Amended at 28 Ill. Reg. 3076, effective February 6, 2004)

SUBPART CM: METAL MOLDING AND CASTING

Section 307.7401 Aluminum Casting

- a) Applicability. This Section applies to discharges resulting from aluminum casting operations, as defined in 40 CFR 464.02, incorporated by reference in Section 307.7400(b).
- b) Specialized definitions. The Board incorporates by reference 40 CFR 464.11 ~~(2003)~~ (2005). This incorporation includes no later amendments or editions.
- c) Existing sources.
 - 1) The Board incorporates by reference 40 CFR 464.15 ~~(2003)~~ (2005). This

incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) of this Section may 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 464.16-~~(2003)~~ (2005). This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) of this Section may 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 November 15, 1982.

(Source: Amended at 28 Ill. Reg. 3076, effective February 6, 2004)

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
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AUTHORITY: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24, 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July 12, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15 at 24 Ill. Reg. 11633, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1322, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10860, effective August 14, 2001; amended in R02-3 at 26 Ill. Reg. 4008, effective February 28, 2002; amended in R02-9 at 26 Ill. Reg. 4653, effective March 18, 2002; amended in R03-13 at 27 Ill. Reg. 15137, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3390, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10684, effective July 13, 2004; amended in R06-16 at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 310.106 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to this Section.

a) Scope and Applicability.

- 1) The USEPA, the Board, the Agency, or the Control Authority may allow for the filing of electronic documents. This Section does not require submission of electronic documents in lieu of paper documents. This Section sets forth the requirements for the optional electronic filing of any report or document that must be submitted to the appropriate of the following:
 - A) To USEPA directly under Title 40 of the Code of Federal Regulations; or
 - B) To the Board, the Agency, or the Control Authority pursuant to any provision of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, or 739.
- 2) Electronic document filing under this Section can begin only after USEPA has first done as follows:

- A) As to filing with USEPA, USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations in an electronic format; or
- B) As to filing with the State or the Control Authority, USEPA has granted approval of any electronic document receiving system established by the Board, the Agency, or the Control Authority that meets the requirements of 40 CFR 3.2000, incorporated by reference in Section 611.102(c).
- 3) This Section does not apply to any of the following documents, whether or not the document is a document submitted to satisfy the requirements cited in subsection (a)(1) of this Section:
- A) Any document submitted via facsimile;
- B) Any document submitted via magnetic or optical media, such as diskette, compact disc, digital video disc, or tape; or
- C) Any data transfer between USEPA, any state, or any local government and any of the Board the Agency, or the Control Authority as part of administrative arrangements between the parties to the transfer to share data.
- 4) Upon USEPA conferring approval for the filing of any types of documents as electronic documents, as described in subsection (a)(2)(B) of this Section, the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and the date on which the Board or the Agency will begin to receive those submissions. In the event of cessation of USEPA approval or receiving any type of document as an electronic document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register. A Control Authority must publish the notices required of the Board or the Agency by any means calculated to inform its industrial users.

BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 3.1, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

- b) Definitions. For the purposes of this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code

611.102(c).

- c) Procedures for submission of electronic documents to USEPA. Except as provided in subsection (a)(3) of this Section, any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:
- 1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 611.102(c); and
 - 2) USEPA has first published a notice in the Federal Register as described in subsection (a)(2) of this Section.

BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

- d) Procedures for submission of electronic documents to the Board, the Agency, or the Control Authority.
- 1) The Board, the Agency, or the Control Authority may, but is not required to, establish procedures for the electronic submission of documents that meet the requirements of 40 CFR 3.2 and 3.2000, incorporated by reference in Section 611.102(c). The Board or the Agency must establish any such procedures under the Administrative Procedure Act [5 ILCS 100/5]. The Control Authority must establish such procedures pursuant to applicable State and local laws.
 - 2) The Board, the Agency, or the Control Authority may not accept electronic documents under this Section until after USEPA has approved the procedures in writing, and the Board, the Agency, or the Control Authority has published a notice of such approval in the Illinois Register. Nothing in this subsection (d) limits the authority of the Board, the Agency, or the Control Authority under the Illinois Environmental Protection Act [415 ILCS 5] to accept documents filed electronically.

BOARD NOTE: Subsection (d) of this Section is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

- e) Effects of submission of an electronic document.
- 1) If a person who submits a document as an electronic document fails to comply with the requirements this Section, that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.

- 2) Where a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.
- 3) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.
- 4) Nothing in this Section limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (e) of this Section is derived from 40 CFR 3.4 and 3.2000(c), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

- f) Public document subject to State laws. Any electronic document filed with the Board is a public document. The document, its filing, its retention by the Board, and its availability for public inspection and copying are subject to various State laws, including, but not limited to, the following:
 - 1) The Administrative Procedure Act [5 ILCS 100];
 - 2) The Freedom of Information Act [5 ILCS 140];
 - 3) The State Records Act [5 ILCS 160];
 - 4) The Electronic Commerce Security Act [5 ILCS 175];
 - 5) The Environmental Protection Act [415 ILCS 5];
 - 6) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and
 - 7) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).
- g) Nothing in this Section or in any provisions adopted pursuant to subsection (c)(1) of this Section will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (g) of this Section is derived from 40 CFR 3.2(c), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

BOARD NOTE: Derived from 40 CFR 3, as added, and 40 CFR 403.8(g) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 310.107 Incorporations by Reference

a) The following publications are incorporated by reference:

- 1) ~~The consent decree in NRDC v. Costle, 1978 WL 23471, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978).~~
- 2) ~~Standard Industrial Classification Manual (1987) (document no. PB87-100012), available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.~~

Combined Sewer Overflow (CSO) Control Policy (1994) (USEPA document number EPA-830/Z-94-001) available from NCEPI, 11029 Kenwood Rd., Bldg. 5, Cincinnati, OH 45242; fax (513) 891-6685, referenced in Section 310.320.

BOARD NOTE: USEPA published the Combined Sewer Overflow (CSO) Control Policy in the Federal Register at 59 Fed. Reg. 18688 (Apr. 19, 1994), and the USEPA, Office of Water has made it available on the Internet: www.epa.gov/npdes/pubs/owm0111.pdf.

The consent decree in NRDC v. Costle, 1978 WL 23471, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978), referenced in Section 310.320.

Standard Industrial Classification Manual (1987) (document no. PB87-100012), available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, referenced in 35 Ill. Adm. Code 307.2201, 307.2400, 307.2402 through 307.2407, and 307.3901 and Section 310.602.

b) The following provisions of the Code of Federal Regulations are incorporated by reference:

40 CFR 2.302-(2003) (2005) (Special Rules Governing Certain Information Obtained Under the Clean Water Act), referenced in Section 310.105.

40 CFR 3.2, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (How Does This Part Provide for Electronic Reporting?), referenced in Section 310.106.

40 CFR 3.3, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (What Definitions Are Applicable to This Part?), referenced in Section 310.106.

40 CFR 3.10, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 310.106.

40 CFR 3.2000, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 310.106.

40 CFR 25-(2003) (2005) (Public Participation in Programs Under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Clean Water Act), referenced in Section 310.510.

Tables II (Organic Toxic Pollutants in Each of Four Fractions in Analysis by Gas Chromatography/Mass Spectroscopy (GS/MS)) and III (Other Toxic Pollutants (Metals and Cyanide) and Total Phenols) in appendix D to 40 CFR 122, Appendix D, Tables II and III (2003) (2005) (NPDES Permit Application Testing Requirements), referenced in 35 Ill. Adm. Code 307.1005.

40 CFR 128.140(b) (1977)

40 CFR 136 (2003), as amended at 68 Fed. Reg. 43272 (July 21, 2003) and 68 Fed. Reg. 54934 (September 19, 2003). (2005) (Guidelines Establishing Test Procedures for the Analysis of Pollutants), referenced in 35 Ill. Adm. Code 307.1003 and Sections 310.605, 310.610, and 310.611.

40 CFR 403 (2003) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005) (General Pretreatment Regulations for Existing and New Sources of Pollution), referenced in Section 310.432.

40 CFR 403.12 (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005) (Reporting Requirements for POTWs and Industrial Users), referenced in Section 310.602.

Appendix D to 40 CFR 403, Appendix D (2003) (2005) (Selected Industrial Subcategories Considered Dilute for Purposes of the Combined Wastestream Formula), referenced in Section 310.233.

Appendix G to 40 CFR 403 (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005) (Pollutants Eligible for a Removal Credit), referenced in Section 310.303.

40 CFR 503 (2005) (Standards for the Use or Disposal of Sewage Sludge), referenced in Section 310.303.

c) The following federal statutes are incorporated by reference:

- 1) ~~Section 1001 of federal Crimes and Criminal Procedure (18 USC 1001 (2000))~~
- 2) ~~The federal Clean Water Act (33 USC 1251 et seq. (2000)) as amended through November 7, 2000~~
- 3) ~~Subtitles C and D of the federal Resource Conservation and Recovery Act (42 USC 6901 et seq. (2000))~~

Section 1001 of federal Crimes and Criminal Procedure (18 USC 1001 (2003)), referenced in Section 310.633.

The federal Clean Water Act (CWA) (33 USC 1251 et seq. (2003)), referenced in Section 310.110.

Section 204(b) of the federal Clean Water Act (33 USC 1284(b) (2003)), referenced in Section 310.510.

Section 212(2) of the federal Clean Water Act (33 USC 1292(2) (2003)), referenced in Section 310.110.

Section 308 of the federal Clean Water Act (33 USC 1318 (2003)), referenced in Section 310.510.

Section 309(c)(4) of the federal Clean Water Act (33 USC 1319(c)(4) (2003)), referenced in Section 310.633.

Section 309(c)(6) of the federal Clean Water Act (33 USC 1319(c)(6) (2003)), referenced in Section 310.633.

Section 405 of the federal Clean Water Act (33 USC 1345 (2003)), referenced in Section 310.510.

Subtitles C and D of the federal Resource Conservation and Recovery Act (42 USC 6921-6939e and 6941-6949a) (2002)), referenced in Section 310.510.

d) This Part incorporates no future editions or amendments.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.110 Definitions

“Act” means the Environmental Protection Act [415 ILCS 5].

“Agency” means the Illinois Environmental Protection Agency.

“Approval Authority” means the Agency.

BOARD NOTE: Derived from 40 CFR 403.3(c)-(2003) (2005).

“Approved POTW ~~Pretreatment Program~~ pretreatment program” or “~~Program~~ program” or “POTW ~~Pretreatment Program~~ pretreatment program” means a program administered by a POTW that has been approved by the Agency in accordance with Sections 310.541 through 310.546.

BOARD NOTE: Derived from 40 CFR 403.3(d)-(2003) (2005).

“Authorization to discharge” means an authorization issued to an industrial user by a POTW that has an approved pretreatment program. The authorization may consist of a permit, license, ordinance, or other mechanism as specified in the approved pretreatment program.

“Best management practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sections 310.201(a) and (c) and 310.202. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BOARD NOTE: Derived from 40 CFR 403.3(e), as added at 70 Fed. Reg. 60134 (Oct. 14, 2005)

“Blowdown” means the minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding limits established by best engineering practice.

BOARD NOTE: Derived from 40 CFR 401.11(p)-(2003) (2005).

“Board” means the Illinois Pollution Control Board.

“CWA” means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, incorporated by reference in Section 310.107.

BOARD NOTE: Derived from 40 CFR 403.3(b)-(2003) (2005).

“Control Authority” ~~is as defined in Section 310.601.~~ refers to the appropriate of the following:

The POTW, if the POTW’s pretreatment program submission has been approved in accordance with the requirements of Section 310.540 through

310.546; or

The Agency, if the submission has not been approved.

BOARD NOTE: Derived from 40 CFR 403.3(f) (2005), as added at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“~~Indirect-Discharge~~ discharge” or “Discharge” means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the CWA (33 USC 1317(b), (c), or (d)).

BOARD NOTE: Derived from 40 CFR ~~403.3(g) (2003)~~ 403.3(i) (2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“~~Industrial-User~~ user” or “User” means a source of indirect discharge. As used in this Part, an industrial user includes any person who meets any of the following criteria:

The person discharges toxic pollutants, as defined by 35 Ill. Adm. Code 307.1005;

The person is subject to a categorical standard adopted or incorporated by reference in 35 Ill. Adm. Code 307;

The person discharges more than fifteen percent of the total hydraulic flow received by the POTW treatment plant;

The person discharges more than fifteen percent of the total biological loading of the POTW treatment plant as measured by the five-day biochemical oxygen demand;

The person has caused pass through or interference; or

The person has presented an imminent endangerment to the health or welfare of persons.

BOARD NOTE: Derived from 40 CFR ~~403.3(h) (2003)~~ 403.3(j) (2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“Industrial wastewater” means waste of a liquid nature discharged by an industrial user to a sewer tributary to a POTW.

“Interference” means a discharge, alone or in conjunction with a discharge or discharges from other sources, for which both of the following is true:

The discharge inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and

As a result of the inhibition of disruption, the discharge is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge disposal in compliance with any sludge requirements.

BOARD NOTE: Derived from 40 CFR ~~403.3(i) (2003)~~ 403.3(k) (2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“Municipal sewage” is sewage treated by a POTW exclusive of its industrial component.

“Municipal sludge” is sludge produced by a POTW treatment works.

“Municipality.” See “unit of local government.”

“New source” means new source as defined in Section 310.111.

BOARD NOTE: Derived from 40 CFR 401.11(c) and ~~403.3(k) (2003)~~ 403.3(m) (2005), as renumbered and amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“Noncontact cooling water” means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

BOARD NOTE: Derived from 40 CFR 401.11(n) ~~(2003)~~ (2005).

“Noncontact cooling water pollutants” means pollutants present in noncontact cooling waters.

BOARD NOTE: Derived from 40 CFR 401.11(o) ~~(2003)~~ (2005).

“NPDES ~~Permit permit~~” means a permit issued to a POTW pursuant to Section 402 of the CWA, or Section 12(f) of the Act and Subpart A of 35 Ill. Adm. Code 309.

BOARD NOTE: Derived from 40 CFR ~~403.3(l) (2003)~~ 403.3(n) (2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“O and M” means operation and maintenance.

“Pass through” means a discharge of pollutants that exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

BOARD NOTE: Derived from 40 CFR ~~403.3(n) (2003)~~ 403.3(p) (2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“Person” means an individual, corporation, partnership, association, State, “unit of local government” or any interstate body. This term includes the United States

government, the State of Illinois, and their political subdivisions.
BOARD NOTE: Derived from 40 CFR 401.11(m)~~(2003)~~(2005) and 33 USC 1362(5).

“Pollutant” means dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural waste discharged into a sewer.
BOARD NOTE: Derived from 40 CFR 401.11(f)~~(2003)~~(2005).

“Pollution” means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
BOARD NOTE: Derived from 40 CFR 401.11(g)~~(2003)~~(2005).

“~~POTW Treatment Plant~~ treatment plant” means that portion of the POTW that is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial wastewater.
BOARD NOTE: Derived from 40 CFR ~~403.3(p)~~(2003) 403.3(r) (2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes; process changes; or by other means, except as prohibited by Section 310.232. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Section 310.233.
BOARD NOTE: Derived from 40 CFR ~~403.3(q)~~(2003) 403.3(s) (2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“Pretreatment permit” means an authorization to discharge to a sewer that is issued by the Agency as the Control Authority.

“Pretreatment requirements” means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.
BOARD NOTE: Derived from 40 CFR ~~403.3(r)~~(2003) 403.3(t) (2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“Pretreatment standard” or “standard” means any regulation containing pollutant discharge limits promulgated by USEPA, and incorporated by reference in 35 Ill.

Adm. Code 307. This term includes prohibitive discharge limits established pursuant to Section 310.201 through 310.213 or 35 Ill. Adm. Code 307.1101. This term also includes more stringent prohibitions and standards adopted by the Board in this Part or 35 Ill. Adm. Code 307, including 35 Ill. Adm. Code 307.1101, 307.1102, and 307.1103. The term also includes local limits pursuant to Section 310.211 that are a part of an approved pretreatment program.
 BOARD NOTE: Derived from 40 CFR ~~403.3(j) (2003)~~ 403.3(l) (2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“Process wastewater” means any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.
 BOARD NOTE: Derived from 40 CFR 401.11(q) ~~(2003)~~ (2005).

“Process wastewater pollutants” means pollutants present in process wastewater.
 BOARD NOTE: Derived from 40 CFR 401.11(r) ~~(2003)~~ (2005).

“Project XL” means the federal Project for eXcellence and Leadership or a federally approved facility- or community-based regulatory reinvention (XL) pilot project, as such are described in the Federal Register notices of May 23, 1995 (60 Fed. Reg. 27282) and November 1, 1995 (60 Fed. Reg. 55569).

“Publicly owned treatment works” or “POTW” means a “treatment works” that is owned by the State of Illinois or a “unit of local government.” This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the “unit of local government” that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
 BOARD NOTE: Derived from 40 CFR ~~403.3(o) (2003)~~ 403.3(q) (2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“Schedule of compliance” means a schedule of remedial measures included in an authorization to discharge or a pretreatment permit, or an NPDES permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with this Part and 35 Ill. Adm. Code 307. A schedule of compliance does not protect an industrial user or POTW from enforcement.
 BOARD NOTE: Derived from 40 CFR 401.11(m) ~~(2003)~~ (2005) and 33 USC 1362(17).

“Significant industrial user” means ~~the following:~~ significant industrial user as defined in Section 310.112.

~~All industrial users subject to categorical pretreatment standards under~~

Section 310.220 through 310.233 and 35 Ill. Adm. Code 307, and

~~Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); contributes a process waste stream that makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority, as defined in Section 310.601, on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with Section 310.510(f)); except, upon a finding that an industrial user meeting the criteria of this second subsection of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority, as defined in Section 310.601, may at any time, on its own initiative or in response to a petition received from an industrial user or POTW may determine in accordance with Section 310.510(f) that such industrial user is not a significant industrial user.~~

BOARD NOTE: Derived from 40 CFR ~~403.3(t) (2003)~~ 403.3(v) (2005), as renumbered and amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“Sludge requirements” means any of the following permits or regulations: 35 Ill. Adm. Code 309.155 (NPDES Permits), 309.208 (Permits for Sites Receiving Sludge for Land Application), 703.121 (RCRA Permits), 807.202 (Solid Waste Permits), the federal Toxic Substances Control Act (15 USC 2601), or the federal Marine Protection, Research and Sanctuaries Act (33 USC 1401), Section 39(b) of the Act (NPDES Permits) [415 ILCS 5/39(b)], and Section 405(b) of the federal Clean Water Act (federally-imposed sludge use and management requirements).

BOARD NOTE: Derived from 40 CFR ~~403.3(i) 403.3(k)(2) (2005)~~, as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005), and ~~403.7(a) (2003) (2005)~~.

“Submission” means a request to the Agency by a POTW for approval of a pretreatment program, or for authorization to grant removal credits.

BOARD NOTE: Derived from 40 CFR ~~403.3(t) (2003)~~ 403.3(w) (2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“Treatment works” is as defined in 33 USC 1292(2)-(1987), incorporated by reference in Section 310.107(c). It includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal or industrial wastewater to implement 33 USC 1281, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment.

BOARD NOTE: Derived from 40 CFR ~~403.3(e) (2003)~~ 403.3(q) (2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005) and 33 USC 1292(2).

“Unit of local government” means a unit of local government, as defined by Art. 7, Sec. 1 of the Illinois Constitution, having jurisdiction over disposal of sewage. Unit of local government includes, but is not limited to, municipalities, and sanitary districts.

BOARD NOTE: Derived from 40 CFR 401.11(m) ~~(2003)~~ (2005) and 33 USC 1362(4).

“USEPA” means the United States Environmental Protection Agency.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.111 New Source

- a) “~~New-Source~~ source” means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the date specified in 35 Ill. Adm. Code 307 for ~~that the particular source category or subcategory to which the source~~, provided that one of the following is true:
- 1) The building, structure, facility, or installation is constructed at a site at which no other source is located;
 - 2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - 3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- b) Construction on a site at which an existing source is located results in a modification, rather than a new source, if the construction does not create a new building, structure, facility, or installation ~~meeting that meets~~ the criteria of subsections (a)(2) or (a)(3) of this Section, but which otherwise alters, replaces, or adds to existing process or production equipment.
- c) Construction of a new source, as defined in this Section, has commenced if the owner or operator has done ~~one~~ either of the following:

- 1) ~~Begin~~ It has begun or caused ~~one~~ either of the following to begin as part of a continuous onsite construction program:
- A) Any placement assembly or installation of facilities or equipment; or
 - B) Significant site preparation work including clearing, excavation or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- 2) ~~Entered~~ It has entered into a binding contractual obligation for the purchases of facilities or equipment that are intended to be used in its operation within a reasonable time. ~~Options~~ An option to purchase or ~~contracts a contract~~ a contract that can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies ~~do~~ does not constitute a contractual obligation under this subsection (c)(2).
- d) ~~New Sources~~ A new source must install and have in operating condition and must “start-up” all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), ~~A new sources~~ source must meet all applicable pretreatment standards.

BOARD NOTE: Derived from 40 CFR ~~403.3(k) (2003)~~ 403.3(m) (2005), as renumbered and amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.112 Significant Industrial User

- a) Except as provided in subsections (b) and (c) of this Section, the term “significant industrial user” means the following:
- 1) An industrial user subject to any of the categorical pretreatment standards under Sections 310.220 through 310.222, 310.230, 310.232, and 310.233 and 35 Ill. Adm. Code 307; and
 - 2) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the Control Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or

requirement (in accordance with Section 310.510(f)).

- b) The Control Authority may determine that an industrial user subject to categorical pretreatment standards under Sections 310.220 through 310.222, 310.230, 310.232, and 310.233 and 35 Ill. Adm. Code 307 is a non-significant categorical industrial user, rather than a significant industrial user, on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling, and boiler blowdown wastewater, unless specifically included in the pretreatment standard), and the industrial user meets the following conditions:
- 1) That, prior to the Control Authority's finding, the industrial user has consistently complied with all applicable categorical pretreatment standards and requirements;
 - 2) That the industrial user annually submits the certification statement required in Section 310.636 together with any additional information necessary to support the certification statement; and
 - 3) The industrial user never discharges any untreated concentrated wastewater.
- c) Upon a finding that an industrial user meeting the criteria in subsection (a)(2) of this Section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with Section 310.510(f), determine that such industrial user is not a significant industrial user.

BOARD NOTE: Derived from 40 CFR 403.3(v) (2005), as renumbered and amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART B: PRETREATMENT STANDARDS

Section 310.202 Specific Prohibitions

No person may cause or allow the introduction into a POTW of the pollutants specified in 35 Ill. Adm. Code 307.1101(b).

BOARD NOTE: Derived from 40 CFR 403.5(b)-(2003) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.210 Specific-Local Limits Developed by POTW

- a) Each POTW that is required to develop a pretreatment program must develop and enforce, as part of the program, ~~specific-local~~ limits to implement the prohibitions listed in Sections 310.201(a) and 310.202. Each POTW with an approved pretreatment program must continue to develop these local limits as necessary and to effectively enforce such limits.
- b) A POTW that is not required to develop a pretreatment program must, in cases where pollutants contributed by one or more industrial users result in interference or pass through, and such violation is likely to recur, develop and enforce ~~specific discharge-local~~ limits for industrial users, which, together with appropriate changes in the POTW treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit, and sludge requirements.
- c) Prior to developing ~~specific discharge-local~~ limits, a POTW must give individual notice and an opportunity to respond to persons or groups that have requested notice.
- d) A POTW may develop best management practices (BMPs) to implement subsections (a) and (b) of this Section. Such BMPs are to be considered local limits and pretreatment standards for the purposes of this Part.
- e) The POTW must base limitations developed pursuant to this Section on the characteristics and treatability of the wastewater by the POTW, effluent limitations that the POTW must meet, sludge requirements, water quality standards in the receiving stream, and the pretreatment standards and requirements of this Part and 35 Ill. Adm. Code 307.

BOARD NOTE: ~~Derived Subsections (a) through (d) of this Section are derived from 40 CFR 403.5(c)-(2003) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).~~ The Board added subsection (e) to provide standards for development of local limits.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.211 Status of Local Limits

If a POTW develops, ~~in accordance with Section 310.210,~~ local limits in the form of specific prohibitions or limits on pollutants, or pollutant parameters, or BMPs, such local limits must be deemed considered pretreatment standards for the purposes of this Part.

BOARD NOTE: Derived from 40 CFR 403.5(d)-(2003) (2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.220 Categorical Standards

Pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties that may be discharged to a POTW by an existing or new industrial user in a specific industrial ~~subcategories~~ source category or subcategory will be established as separate regulations under 35 Ill. Adm. Code 307. These standards, unless specifically noted otherwise, must be in addition to the standards and requirements set forth at 35 Ill. Adm. Code 307.1101 and 310.

BOARD NOTE: Derived from 40 CFR 403.6 preamble ~~(2003)~~ (2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.221 Source Category Determination Request

- a) Application deadline.
 - 1) The industrial user or POTW may request that the Agency provide written certification as to whether the industrial user falls within that particular source category or subcategory. If an existing industrial user adds or changes a process or operation that may be included in a source category or subcategory, the existing industrial user must request this certification prior to commencing discharge from the added or changed processes or operation. With respect to new standards, the following apply:
 - A) The POTW or industrial user must direct to USEPA any source category determination requests for pretreatment standards adopted by USEPA prior to authorization of the Illinois program.
 - B) After authorization of the Illinois program, the POTW or industrial user must direct to the Agency any source category determination requests within 60 days after the Board adopts or incorporates by reference a pretreatment standard for a source category or subcategory under which an industrial user may be included.
 - 2) A new source must request this certification prior to commencing discharge.
 - 3) If a request for certification is submitted by a POTW, the POTW must notify any affected industrial user of such applications. The industrial user may provide written comments on the POTW submissions to the Agency within 30 days of notification.
- b) Contents of application. Each request must contain a statement that includes the following information:

- 1) Describing which source category or subcategories might be applicable; and
- 2) Citing evidence and reasons why a particular source category or subcategory is applicable and why others are not applicable. Any person signing the application statement submitted pursuant to this Section must make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- c) Deficient requests. The Agency must act only on written requests for determinations that contain all of the information required. The Agency must notify persons who have made incomplete submissions that their requests are deficient and that, unless the time period is extended, they have 30 days to correct the deficiency. If the deficiency is not corrected within 30 days, or within an extended period allowed by the Agency, the Agency must deny the request for a determination.
- d) Final determination.
 - 1) When the Agency receives a submission, the Agency shall, if it determines that the submission contains all of the information required by subsection (b) of this Section, consider the submission, any additional evidence that may have been requested and any other available information relevant to the request. The Agency must then make a written determination of the applicable source category or subcategory and state the reasons for the determination.
 - 2) The Agency must forward the determination described in subsection (d)(1) of this Section to USEPA. If USEPA does not modify the Agency's decision within 60 days after its receipt, the Agency's decision is final.
 - 3) If USEPA modifies the Agency's decision, USEPA's decision will be final.
 - 4) The Agency must send a copy of the determination to the affected

industrial user and the POTW. If the final determination is made by USEPA, the Agency must send a copy of the determination to the user.

- e) Requests for hearing or legal decision.
 - 1) Within 30 days following the date of receipt of notice of the final determination as provided for by subsection (d)(4) of this Section, the requester may submit a petition to reconsider or contest the decision to USEPA, which will act pursuant to 40 CFR 403.6(a)(5).
 - 2) Within 35 days following the date of receipt of notice of the final determination as provided for by subsection (c), (d)(2), or (d)(4) of this Section, the requester may appeal a final decision made by the Agency to the Board.

BOARD NOTE: Derived from 40 CFR 403.6(a)-~~(2003)~~ (2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.222 Deadline for Compliance with Categorical Standards

- a) If a compliance date for an existing or new source categorical pretreatment standard is adopted or incorporated by reference in 35 Ill. Adm. Code 307, then industrial users must comply with the standard by the latest of the following times:
 - 1) The date specified or incorporated by reference; or
 - 2) The date the Board adopts or incorporates the standard by reference; or
 - 3) The date USEPA approves the Illinois pretreatment program.
- b) If no compliance date for a categorical pretreatment standard is adopted or incorporated by reference in 35 Ill. Adm. Code 307, then industrial users must comply with the standard by the latest of the following times:
 - 1) The date the Board adopts or incorporates the standard by reference; or
 - 2) The date USEPA approves the Illinois pretreatment program.
- c) This Section must not be construed as extending compliance dates for enforcement of categorical pretreatment standards pursuant to statutes and regulations existing prior to authorization of the Illinois pretreatment program.

BOARD NOTE: Derived from 40 CFR 403.6(b)-~~(2003)~~ (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.230 Concentration and Mass Limits

- a) Pollutant discharge limits in categorical pretreatment standards will be expressed either as concentration or mass limits. Limits in categorical pretreatment standards must apply to the discharge from the process regulated by the standard or as otherwise specified by the standard.
- b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
- c) A Control Authority calculating equivalent mass-per-day limitations under subsection (b) of this Section must calculate such limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production must be based not upon the designed production capacity, but rather upon a reasonable measure of the industrial user's actual long-term daily production during a representative year. For new sources, actual production must be estimated using projected production.
- d) A Control Authority calculating equivalent concentration limitations under subsection (b) of this Section must calculate such limitations by dividing the mass limitations derived under subsection (c) of this Section by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate must be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during the representative year.
- e) When the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, an industrial user may request that the Control Authority convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Control Authority. The Control Authority may establish equivalent mass limits only if the industrial user meets all the following conditions in subsections (e)(1)(A) through (e)(1)(E) of this Section.
 - 1) To be eligible for equivalent mass limits, the industrial user must undertake the following actions:
 - A) It must employ or demonstrate that it will employ water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;

- B) It must currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and it must not have used dilution as a substitute for treatment;
 - C) It must provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and long-term average production rate must be representative of current operating conditions;
 - D) It must not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 - E) It must have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.
- 2) An industrial user subject to equivalent mass limits must undertake the following actions:
- A) It must maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - B) It must continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - C) It must continue to record the facility's production rates and notify the Control Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in subsection (e)(1)(C) of this Section. Upon notification of a revised production rate, the Control Authority must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - D) It must continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection (e)(1)(A) of this section so long as it discharges under an equivalent mass limit.
- 3) A Control Authority that chooses to establish equivalent mass limits must undertake the following actions:

- A) It must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated processes of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;
- B) Upon notification of a revised production rate, it must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
- C) It may retain the same equivalent mass limit in subsequent control mechanism terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 310.232. The industrial user must also be in compliance with Subpart J of this Part (regarding the prohibition of bypass).
- 4) The Control Authority may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants that cannot appropriately be expressed as mass.
- f) The Control Authority may convert the mass limits of the categorical pretreatment standards of Subparts O, T, and CD of 35 Ill. Adm. Code 307 to concentration limits for purposes of calculating limitations applicable to individual industrial users under the following conditions. When converting such limits to concentration limits, the Control Authority must use the concentrations listed in the applicable provisions of Subparts O, T, and CD of 35 Ill. Adm. Code 307 and document that dilution is not being substituted for treatment as prohibited by Section 310.232.
- eg) Equivalent limitations calculated in accordance with subsections (c) ~~and (d)~~ through (f) of this Section are deemed pretreatment standards. The Control Authority must document how the equivalent limits were derived and make this information publicly available. Once incorporated into its control mechanism, the ~~Industrial~~ industrial users must ~~be required to~~ comply with the equivalent limitations instead of the promulgated categorical standards from which the equivalent limitations were derived.
- fh) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average or four-day average limitations. Where such standards are being applied, the same production ~~of~~ or flow figure must be used in calculating both

~~types of the average and the maximum equivalent equivalent limitations~~
limitation.

- gi) Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard must notify the Control Authority within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Control Authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

BOARD NOTE: Derived from 40 CFR 403.6(c)-(2003) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.232 Dilution Prohibited as A Substitute for Treatment

Except where expressly authorized to do so by an applicable categorical pretreatment standard or requirement, no industrial user may increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The Control Authority may impose mass limitations on industrial users that are using dilution to meet applicable pretreatment standards or in other cases where the imposition of mass limitations is appropriate. ~~A POTW may allow dilution to meet local limits developed under Section 310.210.~~

BOARD NOTE: Derived from 40 CFR 403.6(d)-(2003) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.233 Combined Waste Stream Formula

Where process wastewater is mixed prior to treatment with wastewaters other than those generated by the regulated process, the Control Authority (or the industrial user with the written concurrence of the Control Authority) must derive fixed alternative discharge limits, ~~which the Control Authority must apply to the mixed discharge.~~ When it is deriving alternative categorical limits, the Control Authority must calculate both an alternative daily maximum value using the daily maximum values specified in the appropriate categorical pretreatment standards and an alternative consecutive sampling day average value using the average monthly values specified in the appropriate categorical pretreatment standards. The industrial user must comply with the alternative daily maximum and average monthly limits fixed by the Control Authority until the Control Authority modifies the limits or approves an industrial user modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user must

immediately report any such material or significant change to the Control Authority. Where appropriate, the Control Authority must calculate new alternative categorical limits within 30 days.

- a) Alternative limit calculation. For purposes of these formulas, the “average daily flow” means a reasonable measure of the average daily flow for a 30-day period. For new sources, flows must be estimated using projected values. The Control Authority must derive the alternative limit for a specified pollutant by the use of either of the following formulas:

- 1) Alternative concentration limit.

$$C = \frac{(T - D) \sum C_i F_i}{(T) \sum F_i}$$

where

C = The alternative concentration limit for the combined waste stream.

C_i = The categorical pretreatment standard concentration limit for a pollutant in the regulated stream i.

F_i = The average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

“Σ G_i” The sum of the results of calculation G for streams i = 1 to i = N.

N = The total number of regulated streams.

T = The average daily flow (at least a 30-day average) through the combined pretreatment facility (includes F_i, D and unregulated streams.

D = The average daily flow (at least a 30-day average) from:

- A) Boiler blowdown streams, non-contact cooling streams, stormwater streams and demineralizer backwash streams, subject to the proviso of subsection (d) of this Section;
- B) Sanitary waste streams where such waste streams are not regulated by a categorical pretreatment standard; and

- C) From any process waste streams that were or could have been entirely exempted from categorical pretreatment standards as specified in subsection (e) of this Section.

2) Alternative mass limit.

$$M = \frac{(T - D) \sum M_i}{\sum F_i}$$

where

M = The alternative mass limit for a pollutant in the combined waste stream.

M_i = The categorical pretreatment standard mass limit for a pollutant in the regulated stream i (the categorical pretreatment mass limit multiplied by the appropriate measure of production).

F_i = The average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

“ $\sum G_i$ ” means the sum of the results of calculation G for streams $i = 1$ to $i = N$.

N = The total number of regulated streams.

T = The average daily flow (at least a 30-day average) through the combined pretreatment facility (includes F_i , D and unregulated streams).

D = The average daily flow (at least a 30-day average) from:

- A) Boiler blowdown streams, non-contact cooling streams, stormwater streams and demineralizer backwash streams subject to the proviso of subsection (d) of this Section;
- B) Sanitary waste streams where such waste streams are not regulated by a categorical pretreatment standard; and
- C) From any process waste streams that were or could have been entirely exempted from categorical pretreatment standards, as specified in subsection (e) of this Section.

- b) Alternative limits below detection. An alternative pretreatment limit must not be used if the alternative limit is below the analytical detection limit for any of the

regulated pollutants.

- c) Self-monitoring. Self-monitoring required to insure compliance with the alternative categorical limit must be as follows:
- 1) The type and frequency of sampling, analysis, and flow measurement must be determined by reference to the self-monitoring requirements of the appropriate categorical pretreatment standards.
 - 2) Where the self-monitoring schedules for the appropriate standards differ, monitoring must be done according to the most frequent schedule.
 - 3) Where flow determines the frequency of self-monitoring in a categorical pretreatment standard, the sum of all regulated flows (F_i) is the flow that must be used to determine self-monitoring frequency.
- d) Proviso to subsections (a)(1) and (a)(2) of this Section. Where boiler blowdown, non-contact cooling streams, stormwater streams, and demineralizer backwash streams contain a significant amount of a pollutant, and the combination of such streams, prior to pretreatment, with the industrial user's regulated process waste streams will result in a substantial reduction of that pollutant, the Control Authority, upon application of the industrial user, must determine whether such waste streams should be classified as diluted or unregulated. In its application to the Control Authority, the industrial user must provide engineering, production, sampling, and analysis and such other information so the Control Authority can make its determination.
- e) Exemptions from categorical pretreatment standards. Process waste streams were or could have been entirely exempted from categorical pretreatment standards pursuant to paragraph 8 of the NRDC v. Costle consent decree, incorporated by reference in Section 310.107, for one or more of the following reasons (see appendix D to 40 CFR 403, ~~Appendix D~~, incorporated by reference in Section 310.107):
- 1) The pollutants of concern are not detectable in the discharge from the industrial user;
 - 2) The pollutants of concern are present only in trace amounts and are neither causing nor are likely to cause toxic effects;
 - 3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to USEPA;
 - 4) The waste stream contains only pollutants that are compatible with the POTW.

- f) Where a treated regulated process waste stream is combined prior to treatment with wastewaters other than those generated by the regulated process, the industrial user may monitor either the segregated process waste stream or the combined waste stream for the purpose of determining compliance with applicable pretreatment standards. If the industrial user chooses to monitor the segregated process waste stream, it must apply the applicable categorical pretreatment standard. If the user chooses to monitor the combined waste stream, it must apply an alternative discharge limit calculated using the combined waste stream formula as provided in this Section. The industrial user may change monitoring points only after receiving approval from the Control Authority. The Control Authority must ensure that any change in an industrial user's monitoring point or points will not allow the user to substitute dilution for adequate treatment to achieve compliance with applicable standards.

BOARD NOTE: Derived from 40 CFR 403.6(e) ~~(2003)~~ (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART C: REMOVAL CREDITS

Section 310.301 Special Definitions

For purposes of this Subpart C, the following definitions apply:

“Consistent removal” means the average of the lowest 50% of the removals measured according to Section 310.311. All sample data obtained for the measured pollutant during the time period prescribed in Section 310.311 must be reported and used in computing consistent removal. If a substance is measurable in the influent but not in the effluent, the effluent level may be assumed to be the limit of measurement, and those data may be used by the POTW at its discretion and subject to approval by the Agency. If the substance is not measurable in the influent, the data may not be used. Where the number of samples with concentrations equal to or above the limit of measurement is between eight and twelve, the average of the lowest six removals must be used. If there are less than eight samples with concentrations equal to or less than the limit of measurement, the Agency may approve alternate means of demonstrating consistent removal.

“Measurement” refers to the ability of the analytical method or protocol to quantify as well as identify the presence of the substance in question.

BOARD NOTE: Derived from 40 CFR 403.7 ~~(2003)~~, as modified to reflect NRDC v. USEPA, 790 F.2d 289 (3d Cir. 1986) (2005).

“Industrial user” means industrial user or users, as is appropriate from the context.

“Overflow” means the intentional or unintentional diversion of flow from the POTW before the POTW treatment plant.

BOARD NOTE: ~~CONSISTENT~~ Derived from 40 CFR 403.7-(2003) (2005), as modified to reflect NRDC v. USEPA, 790 F.2d 289 (3d Cir. 1986) amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

“Removal” means a reduction in the amount of a pollutant in the POTW’s effluent or alteration of the nature of a pollutant during treatment at the POTW. The reduction or alteration can be obtained by physical, chemical, or biological means and may be the result of specifically designed POTW capabilities, or may be incidental to operation of the treatment system. Removal does not mean dilution of a pollutant in a POTW.

BOARD NOTE: Derived from 40 CFR 403.7(a)-(2003) (2005).

“Sludge requirements” is as defined in Section 310.110.

BOARD NOTE: Derived from 40 CFR 403.7(a)-(2003) (2005).

“Standard” means standard or standards as is appropriate from the context.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.303 Conditions for Authorization to Grant Removal Credits

The Agency must authorize a POTW to grant removal credits only if the following conditions are met:

- a) The POTW applies for and receives authorization from the Agency to grant a removal credit in accordance with the requirements and procedures specified in Sections 310.330 and 310.340.
- b) The POTW demonstrates and continues to achieve consistent removal of the pollutant.
- c) The POTW has an approved pretreatment program in accordance with and to the extent required by this Part; provided, however, that a POTW that does not have an approved pretreatment program may, pending approval of such a program, give removal credits conditionally as provided in Section 310.330.
- d) The granting of removal credits will not cause the POTW to violate sludge requirements that apply to the sludge management method chosen by the POTW. (“Sludge requirements” is defined in Section 310.110.) Alternatively, the POTW demonstrates to the Agency that even though it is not presently in compliance with applicable sludge requirements, it will be in compliance when each industrial user to whom the removal credit would apply is required to meet its categorical pretreatment standard as modified by the removal credit. Removal credits may be made available for any of the following pollutants:

- 1) For any pollutant listed in appendix G, section I of 40 CFR 403,

incorporated by reference in Section 310.107, for the use or disposal practice employed by the POTW, when the requirements in 40 CFR 503, incorporated by reference in Section 310.107, for that practice are met:

- 2) For any pollutant listed in appendix G, section II of 40 CFR 403, incorporated by reference in Section 310.107, for the use or disposal practice employed by the POTW when the concentration for a pollutant listed in appendix G, section II of 40 CFR 403 in the sewage sludge that is used or disposed does not exceed the concentration for the pollutant in appendix G, section II of 40 CFR 403; or
 - 3) For any pollutant in sewage sludge when the POTW disposes all of its sewage sludge in a municipal solid waste landfill unit that meets the criteria in 35 Ill. Adm. Code 810 through 813 that are derived from 40 CFR 258.
- e) The granting of removal credits will not cause a violation of the POTW's NPDES permit limitations or conditions. Alternatively, the POTW demonstrates to the Agency that even though it is not presently in compliance with applicable limitations and conditions in its NPDES permit, it will be in compliance when each industrial user to whom the removal credit would apply is required to meet its categorical pretreatment standard, as modified by the removal credit.

BOARD NOTE: Derived from 40 CFR 403.7(a)(3)-(2003) (2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.320 Compensation for Overflow

A POTW that overflows untreated wastewater to receiving waters one or more times in a year may claim consistent removal of a pollutant only by complying with subsection (a) or (b) of this Section. However, this Section ~~must~~will not apply where an industrial user demonstrates that overflow does not occur between the industrial user and the POTW treatment plant.

- a) The industrial user provides containment or otherwise ceases or reduces discharges from the regulated processes that contain the pollutant for which an allowance is requested during all circumstances in which an overflow event can reasonably be expected to occur at the POTW or at a sewer to which the industrial user is connected. Discharges must cease or be reduced, or pretreatment must be increased, to the extent necessary to compensate for the removal not being provided by the POTW. The Agency must allow allowances under this subsection only if the POTW demonstrates the following to the Agency:
 - 1) That all industrial users to which the POTW proposes to apply this subsection (a) have demonstrated the ability to contain or otherwise cease or reduce, during circumstances in which an overflow event can

reasonably be expected to occur, discharges from the regulated processes that contain pollutants for which an allowance is requested;

- 2) That the POTW has identified circumstances in which an overflow event can reasonably be expected to occur, and has a notification or other viable plan to insure that industrial users will learn of an impending overflow in sufficient time to contain, cease, or reduce discharging to prevent untreated overflows from occurring. The POTW must also demonstrate that it will monitor and verify the data required in subsection (a)(3) of this Section to insure that industrial users are containing, ceasing, or reducing operations during POTW system overflow; and
- 3) That all industrial users to which the POTW proposes to apply this subsection have demonstrated the ability and commitment to collect and make available upon request by the POTW or the Agency daily flow reports or other data sufficient to demonstrate that all discharges from regulated processes containing the pollutant for which the allowance is requested were contained, reduced, or otherwise stopped as appropriate during all circumstances in which an overflow event was reasonably expected to occur; or

b) Reduction in removal.

- 1) The consistent removal claimed is reduced pursuant to the following equation:

$$r = \frac{(8760 - z)m}{8760}$$

$$r_c = \frac{(8760 - Z)r_m}{8760}$$

where:

~~m~~ r_m = POTW's consistent removal rate for that pollutant as established under this Subpart.

~~r~~ r_c = Removal corrected by the overflow factor.

~~z~~ Z = Hours per year that overflow occurred between the industrial user and the POTW treatment plant, the hours either to be shown in the POTW's current NPDES permit application or the hours, as demonstrated by verifiable techniques, that a particular industrial user's discharge overflows between the industrial user and the POTW

treatment plan.

2) Conditions for use of formula. The industrial user can claim consistent removal only where the POTW is complying with all NPDES permit requirements and any additional requirements in any order or decree that affects combined sewer overflows. These requirements include, but are not limited to, any combined sewer overflow requirements that conform to the “Combined Sewer Overflow (CSO) Control Policy,” USEPA document number EPA-830/Z-94-001, incorporated by reference in Section 310.107.

A) ~~— The POTW can claim consistent removal only where efforts to correct conditions resulting in untreated discharges by the POTW are underway and in accordance with its NPDES permit requirements. The POTW must make revisions to discharge limits in categorical pretreatment standards only where the POTW has committed to efforts to minimize pollution from overflows. At a minimum, the POTW must have completed the analysis required by its NPDES permit and be making an effort to implement the plan.~~

B) ~~— If a POTW has begun the analysis required by its NPDES permit but, due to circumstances beyond its control, has not completed the analysis, the POTW may, subject to approval of the Agency, continue to claim consistent removal according to the formula in this subsection, so long as the POTW acts in a timely fashion to complete the analysis and makes an effort to implement the nonstructural, cost-effective measures identified by the analysis. Subject to the approval of the Agency, according to the formula in this subsection where the POTW has completed and the Agency has accepted the analysis required by the POTW’s NPDES permit and the POTW has requested inclusion in its NPDES permit of an acceptable compliance schedule providing for timely implementation of cost-effective measures identified in the analysis. In considering what is timely implementation, the Agency must consider the availability of funds, cost of control measures, and seriousness of the water quality problem.~~

BOARD NOTE: Derived from 40 CFR 403.7(h)-(2003) (2005), as modified to reflect NRDC v. USEPA, 790 F.2d 289 (3d Cir. 1986) amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART E: POTW PRETREATMENT PROGRAMS

Section 310.510 Pretreatment Program Requirements: ~~Development and Implementation by POTW~~

A POTW pretreatment program must be based on the following legal authority and include the following procedures, and these authorities and procedures must at all times be fully and effectively exercised and implemented:

- a) Legal authority. The POTW must operate pursuant to legal authority enforceable in federal, State, or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of this Part and 35 Ill. Adm. Code 307. Such authority may be contained in a statute, ordinance, or series of joint powers agreements that the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority must enable the POTW to:
 - 1) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit;
 - 2) Require compliance with applicable pretreatment standards and requirements by industrial users;
 - 3) Control, through ordinance, permit, order, or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements, and in the case of each significant industrial users, as defined at 35 Ill. Adm. Code 310.110, this control must be achieved through individual permits or equivalent individual control mechanisms issued to each such user; ~~such control mechanisms must be enforceable and contain, at a minimum, the following conditions~~ except as follows:
 - A) At the discretion of the POTW, this control may include use of general control mechanisms if the conditions of subsection (g) of this Section are met.

BOARD NOTE: Subsection (g) is derived from . The Board moved the text of 40 CFR 403.8(f)(1)(iii)(A)(1)(i) through (f)(1)(iii)(A)(2), as added at 70 Fed. Reg. 60134 (Oct. 14, 2005), which would normally appear at this subsection (a)(1)(A), to subsection (g) of this Section to comply with Illinois Administrative Code codification requirements.

- B) All individual control mechanisms and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:
- A~~i~~) A statement of duration (in no case more than five years);
 - B~~ii~~) A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
 - C~~iii~~) Effluent limits, including best management practices, based on applicable general pretreatment standards in this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law;
 - D~~iv~~) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored, including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with Section 310.605(b), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards of this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law; ~~and~~
 - E~~v~~) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule; however, such schedules may not extend the compliance date beyond applicable federal deadlines; and
 - vi) Requirements to control slug discharges, if such are determined by the POTW to be necessary;
- 4) Require the following:
- A) The development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements; and
 - B) The submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements,

including, but not limited, to the reports required in Subpart F of this Part;

- 5) Carry out all inspection, surveillance, and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW must be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under Section 310.634 to assure compliance with pretreatment standards. Such authority must be at least as extensive as the authority provided under section 308 of the federal CWA (33 USC 1318), incorporated by reference in Section 310.107(c);
- 6) Obtain remedies for noncompliance by any industrial user with any pretreatment standard or requirement.
 - A) All POTWs must be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards or requirements. All POTWs must also have authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by industrial users of pretreatment standards and requirements.
 - B) Pretreatment requirements that will be enforced through the remedies set forth in subsection (a)(6)(A) of this Section will include but not be limited to: the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in ~~individual~~ control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW, this Part or 35 Ill. Adm. Code 307. The POTW must have authority and procedures (after notice to the industrial user) immediately and effectively to halt or prevent any discharge of pollutants to the POTW that reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW must also have authority and procedures (which must include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW that presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Agency must have authority to seek judicial relief when the POTW has sought a monetary penalty that the Agency finds to be insufficient; and
- 7) Comply with the confidentiality requirements set forth in Section 310.105.

- b) Procedures. The POTW must develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures must enable the POTW to do the following:
- 1) Identify and locate all possible industrial users that might be subject to the POTW pretreatment program. Any compilation, index, or inventory of industrial users made under this subsection (b)(1) of this Section must be made available to the Agency upon request;
 - 2) Identify the character and volume of pollutants contributed to the POTW by the industrial users identified under subsection (b)(1) of this Section. This information must be made available to the Agency upon request;
 - 3) Notify industrial users identified under subsection (b)(1) of this Section of applicable pretreatment standards and any applicable requirements under sections 204(b) and 405 of the federal CWA (33 USC 1284(b) and 1345) and Subtitles C and D of the federal Resource Conservation and Recovery Act (42 USC 6921-6939e and 6941-6949a), each incorporated by reference in Section 310.107. Within 30 days after approval, pursuant to subsection (f) of this Section, of a list of significant industrial users, notify each significant industrial user or its status as such and of all requirements applicable to it as a result of such status;
 - 4) Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in Subpart D of this Part;
 - 5) Randomly sample and analyze the effluent from industrial users and conduct surveillance and inspection activities in order to identify, independent of information supplies by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year, except as otherwise specified in subsections (b)(5)(A) through (b)(5)(C) of this Section. ~~Evaluate, at least once every two years, whether each such significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of these activities must be made available to the Agency upon request. If the POTW decides that a slug control plan is needed, the plan must contain, at a minimum, the following elements:~~
 - ~~A) — A description of discharge practices, including non-routine batch discharges;~~
 - ~~B) — A description of stored chemicals;~~

- ~~C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 310.202 and 35 Ill. Adm. Code 307.Subpart B, with procedures for follow-up written notification within five days; and~~
- ~~D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response;~~
- A) Where the POTW has authorized the industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard in accordance with Section 310.605(c), the POTW must sample for the waived pollutants at least once during the term of the categorical industrial user's control mechanism. In the event that the POTW subsequently determines that a waived pollutant is present or is expected to be present in the industrial user's wastewater based on changes that occur in the industrial user's operations, the POTW must immediately begin at least annual effluent monitoring of the industrial user's discharge and inspection.
- B) Where the POTW has determined that an industrial user meets the criteria for classification as a non-significant categorical industrial user, the POTW must evaluate at least once per year whether an industrial user continues to meet the definition of significant industrial user in Section 310.110.
- C) In the case of industrial users subject to reduced reporting requirements under Section 310.605(c), the POTW must randomly sample and analyze the effluent from industrial user and conduct inspections at least once every two years. If the industrial user no longer meets the conditions for reduced reporting in Section 310.605(c), the POTW must immediately begin sampling and inspecting the industrial user at least once a year.
- 6) Evaluate whether each such significant industrial user needs a plan or other action to control slug discharges. For industrial users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional significant industrial user must be evaluated within one year of being designated a

significant industrial user. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. The results of such activities shall be available to the Approval Authority upon request. Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- A) Description of discharge practices, including non-routine batch discharges;
- B) Description of stored chemicals;
- C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 310.202 with procedures for follow-up written notification within five days;
- D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response;

- 67) Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required under Subpart D of this Part or as indicated by analysis, inspection, and surveillance activities described in subsection (b)(5) of this Section. Sample taking and analysis, and the collection of other information, must be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and
- 78) Comply with the public participation requirements of 40 CFR 25, incorporated by reference in Section 310.107, in the enforcement of pretreatment standards. These procedures must include provision for providing, at least annually, public notification, in a newspaper of general circulation in the ~~unit of local government in which jurisdictions served by the POTW is located~~, of industrial users that, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, ~~an a~~

significant industrial user (or any industrial user that violates subsection (b)(8)(C), (b)(8)(D), or (b)(8)(H) of this Section is in significant noncompliance if its violation meets one or more of the following criteria:

- A) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter a numeric pretreatment standard or requirement, including instantaneous limits, as such are defined in Section 310.110;
- B) “Technical review criteria” (TRC) violations, which mean those violations in which 33 percent or more of all of the measurements taken for each the same pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit numeric pretreatment standard or requirement, including instantaneous limits, as such are defined in Section 310.110, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other pollutants, except pH);
- C) Any other violation of a pretreatment effluent limit standard or requirement, as such are defined in Section 310.110, (daily maximum, or longer-term long-term average, instantaneous limit, or narrative standard) that the Control Authority POTW determines has caused, alone or in combination with other discharges, interference, or pass through (including endangering the health of POTW personnel or the general public);
- D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the POTW’s exercise of its emergency authority under subsection (a)(6)(B) of this Section to halt or prevent such a discharge;
- E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- F) Failure to provide, within 30-45 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

- G) Failure to accurately report noncompliance; or
 - H) Any other violation or group of violations, which may include a violation of best management practices, that the Agency POTW determines will adversely affect the operation or implementation of the local pretreatment program.
- c) The POTW must have sufficient resources and qualified personnel to carry the authorities and procedures described in subsections (a) and (b) of this Section.
- d) Local limits. The POTW must develop local limits as required in Section 310.210 or demonstrate that they are not necessary.
- e) The POTW must develop and implement an enforcement response plan. This plan must contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum, do the following:
- 1) Describe how the POTW will investigate instances of noncompliance;
 - 2) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
 - 3) Identify (by title) the officials responsible for each type of response; and
 - 4) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in subsections (a) and (b) of this Section.
- f) The POTW must prepare and maintain a list of its industrial users meeting the criteria in the first paragraph of the definition of "significant industrial user" at Section 310.110. The list must identify the criteria in the first paragraph of the definition of "significant industrial user" at Section 310.110 applicable to each industrial user and, ~~for industrial users meeting the criteria in the second paragraph of that definition, where applicable,~~ must also indicate whether the POTW has made a determination pursuant to the caveat in the second paragraph of that definition that such industrial user should not be considered a significant industrial user. The initial list must be submitted to the Agency Approval Authority pursuant to Sections 310.521 through 310.533 as a non-substantial program modification pursuant to Section 310.923. ~~Modifications~~ Any modification to the list must be submitted to the Agency Approval Authority pursuant to Section 310.612(a).
- g) Alternative use of general control mechanisms.

- 1) A POTW may use a single general control mechanism that applies to several facilities in place of several individual control mechanisms applicable to individual facilities. To use a general control mechanism, the following must be true of all of the facilities to be covered by the general control mechanism:
- A) The covered facilities must all involve the same or substantially similar types of operations;
 - B) The covered facilities must all discharge the same types of wastes;
 - C) The covered facilities must all require the same effluent limitations;
 - D) The covered facilities must all require the same or similar monitoring; and
 - E) In the opinion of the POTW, the covered facilities are more appropriately controlled under a general control mechanism than under individual control mechanisms.
- 2) To be covered by the general control mechanism, the significant industrial user must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general control mechanism, any requests in accordance with Section 310.605(b) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general control mechanism until after the POTW has provided written notice to the significant industrial user that such a waiver request has been granted in accordance with Section 310.605(b). The POTW must retain a copy of the general control mechanism, documentation to support the POTW's determination that a specific significant industrial user meets the criteria in subsections (a)(3)(i)(A) through (a)(3)(i)(E) of this Section, and a copy of the significant industrial user's written request for coverage for three years after the expiration of the general control mechanism. A POTW may not control a significant industrial user through a general control mechanism where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for significant industrial user whose limits are based on the combined wastestream formula or net/gross calculations (Sections 310.233 and 310.801).

BOARD NOTE: Subsection (g) is derived from 40 CFR 403.8(f)(1)(iii)(A)(1)(i)

through (f)(1)(iii)(A)(2), as added at 70 Fed. Reg. 60134 (Oct. 14, 2005). The Board moved the text of these subsections, which would normally appear at this subsection (a)(1)(A), to this subsection (g) to comply with Illinois Administrative Code codification requirements.

BOARD NOTE: Derived from 40 CFR 403.8(f)-(2003) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.511 Receiving Electronic Documents

A POTW that chooses to receive electronic documents must satisfy the requirements of Section 310.106.

BOARD NOTE: Derived from 40 CFR 403.8(g), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 30 Ill. Reg. _____, effective _____)

SUBPART F: REPORTING REQUIREMENTS

Section 310.601 Definition of Control Authority (Repealed)

~~The term "Control Authority" as it is used in this Subpart F refers to the appropriate of the following:~~

- ~~a) The POTW, if the POTW's submission for its pretreatment program (Section 310.110) has been approved in accordance with the requirements of Section 310.540 through 310.546; or~~
- ~~b) The Agency, if the submission has not been approved.~~

BOARD NOTE: ~~Derived from 40 CFR 403.12(a) (2003).~~

(Source: Repealed at 30 Ill. Reg. _____, effective _____)

Section 310.602 Baseline Report

Within the time limits specified in subsection (h) of this Section, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW must submit to the Control Authority a report that contains the information listed in subsections (a) through (g) of this Section. New sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, must submit to the Control Authority a report that contains the information listed in subsections (a) through (e) of this Section. Where reports containing this information already have been submitted to the

USEPA in compliance with 40 CFR 128.140(b) (1977), ~~incorporated by reference in Section 310.107,~~ the industrial user must not be required to submit this information again. New sources must also include in the report information on the method of pretreatment the source intended to use to meet applicable pretreatment standards. New sources must give estimates of the information requested in subsections (d) and (e) of this Section.

- a) Identifying information. The industrial user must submit the name and address of the facility including the name of the operator and owners;
- b) Permits. The industrial user must submit a list of any environmental control permits held by or for the facility;
- c) Description of operations. The industrial user must submit a brief description of the nature, average rate of production, and standard industrial classification (SIC Code) of the operations carried out by such industrial user, as determined using the Standard Industrial Classification Manual, incorporated by reference in Section 310.110(a). This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes;
- d) Flow measurement. The industrial user must submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - 1) Regulated process streams; and
 - 2) Other streams as necessary to allow use of the combined waste stream formula of Section 310.233. (See subsection ~~(e)(5)-(e)(4)~~ of this Section.) ~~The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations;~~
- e) Measurement of pollutants.
 - 1) The industrial user must identify the pretreatment standards applicable to each regulated process.
 - 2) In addition, the industrial user must submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or Control Authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) must be reported. The sample must be representative of daily operations. In cases where the categorical standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation as required by the Control Authority or the applicable categorical standards to determine compliance with the categorical standard.

- ~~3) A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control Authority must waive flow proportional composite sampling for any industrial user that demonstrates that flow proportional sampling is infeasible. In such cases, samples must be obtained through time proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.~~
- 43) The user must take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.
- 54) Samples must be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the industrial user must measure the flows and concentrations necessary to allow use of the combined waste stream formula of Section 310.233 in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Section 310.233, this adjusted limit along with supporting data must be submitted to the Control Authority.
- 65) Analytical methods. Sampling and analysis must be performed in accordance with the techniques prescribed in 35 Ill. Adm. Code 307.1003. When 35 Ill. Adm. Code 307.1003 does not reference sampling or analytical techniques for the pollutant in question or where USEPA has determined that sampling and analysis techniques are inappropriate pursuant to 40 CFR 403.12(b), incorporated by reference in Section 310.107(c), sampling and analysis must be performed by using validated analytical methods or any other applicable sampling and analytical procedures, approved by the Agency, including procedures suggested by the POTW or other parties.
- ~~A) The Board incorporates by reference 40 CFR 403.12(b) (2003). This Part incorporates no future amendments or editions.~~
- ~~B) Sampling and analysis must be performed in accordance with the techniques prescribed in 35 Ill. Adm. Code 307.1003. When 35 Ill. Adm. Code 307.1003 does not reference sampling or analytical techniques for the pollutant in question or where USEPA has determined that sampling and analysis techniques are inappropriate pursuant to 40 CFR 403.12(b) sampling and analysis must be~~

~~performed by using validated analytical methods or any other applicable sampling and analytical procedures, approved by the Agency, including procedures suggested by the POTW or other parties.~~

- ~~76)~~ The Control Authority may allow the submission of a baseline report that utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
- ~~87)~~ The baseline report must indicate the time, date, and place of sampling, and methods of analysis, and must certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- f) Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in Section 310.633) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements;
- g) Compliance schedule. If additional pretreatment or O and M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment or O and M. The completion date in this schedule must not be later than the compliance date established for the applicable pretreatment standard.
- 1) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (Subpart C of this Part), by the combined waste stream formula (Section 310.233) or a fundamentally different factors determination (Subpart E of this Part) at the time the user submits the report required by this Section, the information required by subsections (f) and (g) of this Section must pertain to the modified limits.
 - 2) If the categorical pretreatment standard is modified by a removal allowance (Subpart C of this Part), by the combined waste stream formula (Section 310.233) or a fundamentally different factors determination (Subpart E of this Part) after the user submits the report required by this Section, any necessary amendments to the information requested by subsections (f) and (g) of this Section must be submitted by the user to the Control Authority within 60 days after the modified limit is approved.
- h) Deadlines for baseline reports.
- 1) For standards adopted by USEPA prior to authorization of the Illinois pretreatment program, baseline reports must be submitted pursuant to 40

CFR 403.12(b).

- 2) For standards adopted by USEPA after authorization of the Illinois pretreatment program:
 - A) Baseline reports for existing sources are due within 180 days after the Board adopts or incorporates a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), whichever is later.
 - B) New sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard must submit the baseline report within 90 days before beginning discharge.
 - C) New sources already in existence and discharging on the date the Board adopts or incorporates a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under Section 310.221(d), as described for existing sources under subsection (h)(1)(A) of this Section, are considered existing sources for the purposes of the due date provisions of this subsection.

BOARD NOTE: Derived from 40 CFR 403.12(b)-(2003) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.605 Periodic Reports on Compliance

- a) Any industrial user subject to a categorical pretreatment standard (except a non-significant categorical user as defined in Section 310.110), after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, must submit to the Control Authority during the months of June and December, unless required more frequently in the pretreatment standard or by the Control Authority, a report indicating the nature and concentration of pollutants in the effluent that are limited by such categorical pretreatment standards. In addition, this report must include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Section 310.602(d), except that the Control Authority may require more detailed reporting of flows. In cases where the pretreatment standard requires compliance with a best management practice (or pollution prevention alternative), the industrial user shall submit documentation required by the Control Authority or the pretreatment standard necessary to determine the compliance status of the industrial user. In

consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may alter the months during which the reports required by this subsection (a) are to be submitted.

- b) The Control Authority must authorize the industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if it determines that the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge or that the pollutant is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:
- 1) The Control Authority may authorize a waiver only where it determines that a pollutant is present solely due to sanitary wastewater discharged from the facility, provided that the sanitary wastewater is not regulated by an applicable categorical standard, and the sanitary wastewater otherwise includes no process wastewater;
 - 2) The monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, but in no case longer than five years. The industrial user must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism;
 - 3) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed in accordance with Section 310.631 and include the certification statement in Section 310.221(b)(2). Non-detectable sample results may only be used as a demonstration that a pollutant is not present only if the USEPA-approved method from 40 CFR 136, incorporated by reference in Section 310.107(b), with the lowest minimum detection level for that pollutant was used in the analysis;
 - 4) Any grant of a monitoring waiver by the Control Authority must be included as a condition in the industrial user's control mechanism. The reasons supporting the waiver and any information submitted by the industrial user in its request for the waiver must be maintained by the Control Authority for three years after expiration of the waiver;
 - 5) Upon approval of the monitoring waiver and revision of the industrial user's control mechanism by the Control Authority, the industrial user must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the

industrial user:

Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for Subpart [Subpart number of the applicable national pretreatment standard] of 35 Ill. Adm. Code 307, I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutants] in the wastewaters due to the activities at the facility since filing of the last periodic report under 35 Ill. Adm. Code 310.605(a);

- 6) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the industrial user's operations, the industrial user must immediately comply with the monitoring requirements of subsection (a) of this Section or other more frequent monitoring requirements imposed by the Control Authority; and it must notify the Control Authority; and
- 7) This subsection (b) does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.
- b) Where the Control Authority has imposed mass limitations on industrial users as provided by Section 310.232, the report required by subsection (a) of this Section must indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.
- c) For industrial users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in Section 310.230, the report required by subsection (a) of this Section must contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by subsection (a) of this Section must include the user's actual average production rate for the reporting period.

BOARD NOTE: Derived from 40 CFR 403.12(e)-(2003) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.610 Monitoring and Analysis

- a) The Except in the case of a non-significant categorical user, the reports required in Section Sections 310.602(e), 310.604, and 310.605, and 310.611 must contain the results of sampling and analysis of the discharge, including the flow and the

nature and concentration or production and mass where requested by the Control Authority of pollutants contained in the discharge that are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the Control Authority instead of the industrial user. Where the POTW performs the required sampling and analysis instead of the industrial user, the user is not required to submit the compliance certification required under Sections 310.602(f) and 310.604. In addition, where the POTW itself collects all the information required for the report, including flow data, the industrial user is not required to submit the report.

- b) If sampling performed by an industrial user indicates a violation, the user must notify the Control Authority with 24 hours after becoming aware of the violation. The user must also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation, ~~except the industrial user is not required to resample if either of the following occurs.~~ Where the Control Authority has performed the sampling and analysis in lieu of the industrial user, the Control Authority must perform the repeat sampling and analysis, unless it notifies the industrial user of the violation and requires the industrial user to perform the repeat analysis. Resampling is not required if the following conditions are fulfilled:
- 1) The Control Authority performs sampling at the industrial user at a frequency of at least once per month; or
 - 2) The Control Authority performs sampling at the user between the time when the ~~user performs its initial sampling~~ was conducted and the time when the industrial user or the Control Authority receives the results of this sampling.
- c) The reports required in ~~Section~~ Sections 310.602, 310.604, 310.605, and 310.611 must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data ~~is~~ are representative of conditions occurring during the reporting period. The Control Authority must require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR 136, incorporated by reference in Section 310.107(b), and appropriate USEPA guidance, multiple grab samples collected during a 24-hour period may

be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in USEPA-approved methodologies may be authorized by the Control Authority, as appropriate.

- d) For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 310.602 and 310.604, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by Sections 310.605 and 310.611, the Control Authority must require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.
- de) All analyses must be performed in accordance with procedures referenced in 35 Ill. Adm. Code 307.1003, or with any other test procedure approved by the Agency. Sampling must be performed in accordance with the techniques approved by the Agency. Where 35 Ill. Adm. Code 307.1003 does not reference sampling or analytical techniques for the pollutants in question, or where USEPA has determined as provided in Section 310.602 that sampling and analytical techniques are inappropriate, sampling and analyses must be performed using validated analytical methods or any other sampling and analytical procedures including procedures approved by the POTW or other persons.
- ef) If an industrial user subject to the reporting requirement in Section 310.605 monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in subsection ~~(d)~~-(e) of this Section, the results of this monitoring must be included in the report.

BOARD NOTE: Derived from 40 CFR 403.12(g)-~~(2003)~~ (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.611 Requirements for Non-Categorical Users

The Control Authority must require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant ~~noncategorical~~ non-categorical industrial users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. In cases where a local limit requires compliance with a best management practice or pollution prevention

alternative, the industrial user must submit documentation required by the Control Authority to determine the compliance status of the industrial user. These reports must be based on sampling and analysis performed in the period covered by the report, and ~~performed~~ in accordance with the techniques described in 40 CFR 136, incorporated by reference at Section 310.107. ~~Where 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Agency determines that the 40 CFR 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis must be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the Agency. Where the POTW itself collects all the information required for the report, the noncategorical significant industrial user will not be required to submit the report.~~ For the purposes of this Section, “significant noncategorical-non-categorical industrial user” means a significant industrial user that is not subject to categorical pretreatment standards.

BOARD NOTE: Derived from 40 CFR 403.12(h)-(2003) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.612 Annual POTW Reports

POTWs with approved pretreatment programs must provide the Approval Authority with a report that briefly describes the POTW’s program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this Section must be submitted no later than one year after approval of the POTW’s pretreatment program and at least annually thereafter. The report must include, at a minimum, the following:

- a) An updated list of the POTW’s industrial users, including their names and addresses or a list of deletions and additions keyed to a previously submitted list. The POTW must provide a brief explanation of each deletion. This list must identify which industrial users are subject to categorical pretreatment standards and specify which standards are applicable to each industrial user. The list must indicate which industrial users are subject to more stringent than the categorical pretreatment standards. The POTW must also list the industrial users that are subject only to local requirements. The list must also identify industrial users that are subject to categorical pretreatment standards and which are subject to reduced reporting requirements under Section 310.605(c), and the list must identify which industrial users are non-significant categorical industrial users.
- b) A summary of the status of industrial user compliance over the reporting period.
- c) A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period.
- d) A summary of changes to the POTW’s pretreatment program that have not been

previously reported to the Agency.

BOARD NOTE: Derived from 40 CFR 403.12(i) ~~(2003)~~ (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.613 Notification of Changed Discharge

An industrial user must promptly notify the Control Authority (and the POTW if the POTW is not the Control Authority) in advance of any substantial change in the volume or character of pollutants in its discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under Section 310.635.

BOARD NOTE: Derived from 40 CFR 403.12(j) ~~(2003)~~ (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.621 Compliance Schedule for POTWs

The following conditions and reporting requirements must apply to the compliance schedule for development of an approvable POTW pretreatment program required by Section 310.501 through 310.510.

- a) The schedule must contain increments of progress in the form of dates for the commencement and completion of major events leading to the development and implementation of a POTW pretreatment program (e.g., acquiring required authorities, developing funding mechanisms, acquiring equipment);
- b) No increment referred to in Section 310.621(a) must exceed nine months;
- c) Not later than 14 days following each date in the schedule and the final date for compliance, the POTW must submit a progress report to the Agency including as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the POTW to return to the schedule established. In no event must more than nine months elapse between such progress reports to the Agency.

BOARD NOTE: Derived from 40 CFR ~~403.12(h) (2003)~~ 403.12(k) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.631 Signatory Requirements for Industrial User Reports

The reports required by Sections 310.602, 310.604, and 310.605 must include the certification statement as set forth in Section 310.221(b)(2) and must be signed as follows:

- a) By a responsible corporate officer, if the industrial user submitting the reports required in Sections 310.602, 310.604, and 310.605 is a corporation. For the purposes of this Section, a responsible corporate officer means one of the following:
 - 1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or
 - 2) The manager of one or more manufacturing, production, or ~~operation~~ operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars) if, provided, the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b) A general partner or proprietor, if the industrial user submitting the report required by Sections 310.602, 310.604, and 310.605 is a partnership or sole proprietorship, respectively.
- c) A duly authorized representative of the individual designated in subsection (a) or (b) of this Section, if:
 - 1) The authorization is made in writing by the individual described in subsection (a) or (b) of this Section;
 - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, well field superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and
 - 3) The written authorization is submitted to the Control Authority.

- d) If an authorization under subsection (c) of this Section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (c) of this Section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

BOARD NOTE: Derived from 40 CFR 403.12(l)-~~(2003)~~ (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.632 Signatory Requirements for POTW Reports

Reports submitted to the Agency by the POTW in accordance with Section ~~310.621~~ 310.612 must be signed by a principal executive officer, ranking elected official, or other duly authorized employee ~~if such employee is responsible~~. The duly authorized employee must be an individual or position having responsibility for the overall operation of the POTW facility or the pretreatment program. This authorization must be made in writing by the principal executive officer or ranking elected official and submitted to the Approval Authority prior to or together with the report being submitted.

BOARD NOTE: Derived from 40 CFR 40 CFR 403.12(m)-~~(2003)~~ (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.633 Fraud and False Statements

The reports required by this Subpart are subject to the provisions of Section 1001 of Crimes and Criminal Procedure (18 USC 1001), incorporated by reference in Section 310.107, relating to fraud and false statements; the provisions of section 309(c)(4) of the CWA (33 USC 1319(c)(4)), incorporated by reference in Section 310.107(c), governing false statements, representations, or certifications in reports required under the CWA; the provisions of section 309(c)(6) of the CWA (33 USC 1319(c)(6)), incorporated by reference in Section 310.107(c), regarding responsible corporate officers; and to the provisions of Title XII of the Act.

BOARD NOTE: Derived from 40 CFR 403.12(n)-~~(2003)~~ (2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.634 Recordkeeping Requirements

- a) Any industrial user and POTW subject to the reporting requirements established in this Subpart must maintain records of all information resulting from any

monitoring activities required by this Subpart F, including documentation associated with best management practices. Such records must include the following information for all samples:

- 1) The date, exact place, method, and time of sampling, and the names of the person or persons taking the samples;
 - 2) The dates analyses were performed;
 - 3) Who performed the analyses;
 - 4) The analytical techniques/methods use; and
 - 5) The results of such analyses.
- b) Any industrial user or POTW subject to the reporting requirements established in this Subpart F (including documentation associated with best management practices) must be required to retain for a minimum of three years any records of monitoring activities and results (whether or not such monitoring activities are required by this Section) and must make such records available for inspection and copying by the Agency (and POTW in the case of an industrial user). This period of retention is extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the Agency.
- c) Any POTW to which reports are submitted by an industrial user pursuant to Sections 310.602, 310.604, 310.605, and 310.611 must retain such reports for a minimum of three years and must make such reports available for inspection and copying by the Agency. This period of retention must be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or the operation of the POTW pretreatment program or when requested by the Agency.

BOARD NOTE: Derived from 40 CFR-~~403.12(1)-(2003)~~ 403.12(o) (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.636 Annual Certification by Non-Significant Categorical Users

A facility defined as a non-significant categorical industrial user in Section 310.110 must annually submit the following certification statement, signed in accordance with the signatory requirements in Section 310.631. The following certification must accompany any alternative report required by the Control Authority:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under Subpart [Subpart number

of the applicable national pretreatment standard] of 35 Ill. Adm. Code 307, I certify that, to the best of my knowledge and belief that during the period from [insert beginning month, day, year], to [insert ending month, day, year]:

(a) The facility described as [insert facility name] met the definition of a non-significant categorical industrial user, as such is defined in 35 Ill. Adm. Code 310.110;

(b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based upon the following information: [insert the information]

BOARD NOTE: Derived from 40 CFR 403.12(q), as added at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 310.637 Receiving Electronic Documents

A Control Authority that chooses to receive electronic documents must satisfy the requirements of Section 310.106.

BOARD NOTE: Derived from 40 CFR 403.12(r), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 30 Ill. Reg. _____, effective _____)

SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

Section 310.705 Factors that are Not Fundamentally Different

A FDF request or portion of such a request under this Subpart G must not be granted on any of the following grounds:

- a) The feasibility of installing the required waste treatment equipment within the time the federal CWA (33 USC 1251 et seq.), incorporated by reference in Section 310.107(c), allows;
- b) The assertion that the standards cannot be achieved with the appropriate waste treatment facilities installed, if such assertion is not based on factors listed in Section 310.704;

- c) The industrial user's ability to pay for the required waste treatment; or
- d) The impact of a discharge on the quality of the POTW's receiving waters.

BOARD NOTE: Derived from 40 CFR 403.13(e) ~~(2003)~~ (2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 310.711 Application Deadline

- a) Request for an FDF determination and supporting information must be submitted in writing to the Agency.
- b) In order to be considered, requests for FDF determinations must be submitted within the following time limits:
 - 1) Prior to authorization of the Illinois program, FDF requests must be directed to USEPA pursuant to 40 CFR 403.13 ~~(2003)~~.
 - 2) For standards adopted by USEPA after authorization of the Illinois pretreatment program, the industrial user must request an FDF determination within 180 days after the Board adopts or incorporates the standard by reference unless the user has requested a category determination pursuant to Section 310.221.
- c) Where the industrial user has requested a category determination pursuant to Section 310.221, the user may elect to await the results of the category determination before submitting a request for an FDF determination. Where the user so elects, the user must submit the request within 30 days after a final decision has been made on the categorical determination pursuant to Section 310.221(d).

BOARD NOTE: Derived from 40 CFR 403.13(g) ~~(2003)~~ (2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

Section 310.801 Net/Gross Calculation ~~by USEPA~~

USEPA-The Control Authority may adjust categorical pretreatment standards to reflect the presence of pollutants in the industrial user's intake water as provided in 40 CFR 403.15 ~~(2003)~~, incorporated by reference in Section 310.107(b).

BOARD NOTE: Derived from 40 CFR 403.15 (2005), as amended at 70 Fed. Reg. 60134 (Oct.

14, 2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SUBPART J: BYPASS

Section 310.912 Notice

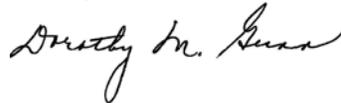
- a) If an industrial user knows in advance of the need for a bypass, it must submit prior notice to the Control Authority, if possible at least 10 days before the date of the bypass.
- b) An industrial user must submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Control Authority within 24 hours from the time the industrial user becomes aware of the bypass. A written submission must also be provided within five days after the time the industrial user becomes aware of the bypass. The written submission must contain the following:
 - 1) A description of the bypass and its cause;
 - 2) The duration of the bypass, including exact dates and times ~~and~~; and
 - 3) If the bypass has not been corrected, the anticipated time it is expected to continue and the steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.
- c) The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

BOARD NOTE: Derived from 40 CFR 403.17(c) ~~(2003)~~ (2005).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 4, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board