

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pretreatment Programs
- 2) Code Citation: 35 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
310.106	Amendment
310.107	Amendment
310.110	Amendment
310.605	Amendment
310.611	Amendment
310.612	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 13.3, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 310 are a single segment of the docket R16-9 rulemaking that also affects 35 Ill. Adm. Code 307, which is covered by a separate notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R16-9 rulemaking in this issue of the *Illinois Register* only in the answer to question 5 in the Notice of Adopted Amendments for 35 Ill. Adm. Code 307. A comprehensive description is contained in the Board's opinion and order of October 6, 2016, proposing amendments in docket R16-9, which opinion and order is available from the address below.



Specifically, the amendments to Part 310 implement segments of the federal amendments of October 22, 2015. The amendments add the NPDES Electronic Reporting Rule to the Illinois wastewater pretreatment regulations. The Board has included a limited number of corrections and clarifying amendments that are not directly derived from the instant federal amendments.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R16-9 which list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the Identical-in-Substance Rulemaking Addendum (Final) in docket R16-9.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State mandates Act [30 ILCS 805/3(b) (2012)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R16-9 and be addressed to:

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

Please direct inquiries to the following person and reference docket R16-9:

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

312/814-6924
michael.mccambridge@illinois.gov

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2012)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2012)].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2012)].

14) Regulatory Agenda on which this Rulemaking was Summarized: 39 Ill. Reg. 15622; December 4, 2015

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

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

PART 310
PRETREATMENT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
310.101 Applicability
310.102 Objectives
310.103 Federal Law
310.104 State Law
310.105 Confidentiality
310.106 Electronic Reporting
310.107 Incorporations by Reference
310.110 Definitions
310.111 New Source
310.112 Significant Industrial User

SUBPART B: PRETREATMENT STANDARDS

Section
310.201 General Prohibitions
310.202 Specific Prohibitions
310.210 Local Limits Developed by POTW
310.211 Status of Local Limits
310.220 Categorical Standards
310.221 Source Category Determination Request
310.222 Deadline for Compliance with Categorical Standards
310.230 Concentration and Mass Limits
310.232 Dilution Prohibited as a Substitute for Treatment
310.233 Combined Waste Stream Formula

SUBPART C: REMOVAL CREDITS

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

RECEIVED
NOV 07 2016
STATE OF ILLINOIS
Pollution Control Board

SUBPART D: PRETREATMENT PERMITS

Section	
310.400	Preamble
310.401	Pretreatment Permits
310.402	Time to Apply
310.403	Imminent Endangerment
310.410	Application
310.411	Certification of Capacity
310.412	Signatures
310.413	Site Visit
310.414	Completeness
310.415	Time Limits
310.420	Standard for Issuance
310.421	Final Action
310.430	Conditions
310.431	Duration of Permits
310.432	Schedules of Compliance
310.441	Effect of a Permit
310.442	Modification
310.443	Revocation
310.444	Appeal

SUBPART E: POTW PRETREATMENT PROGRAMS

Section	
310.501	Pretreatment Programs Required
310.502	Deadline for Program Approval
310.503	Incorporation of Approved Programs in Permits
310.504	Incorporation of Compliance Schedules in Permits
310.505	Reissuance or Modification of Permits
310.510	Pretreatment Program Requirements
310.511	Receiving Electronic Documents
310.521	Program Approval
310.522	Contents of Program Submission
310.524	Content of Removal Allowance Submission
310.531	Agency Action
310.532	Defective Submission
310.533	Water Quality Management
310.541	Deadline for Review
310.542	Public Notice and Hearing
310.543	Agency Decision
310.544	USEPA Objection
310.545	Notice of Decision
310.546	Public Access to Submission
310.547	Appeal

SUBPART F: REPORTING REQUIREMENTS

Section	
310.601	Definition of Control Authority (Repealed)
310.602	Baseline Report
310.603	Compliance Schedule

310.604 Report on Compliance with Deadline
310.605 Periodic Reports on Compliance
310.606 Notice of Potential Problems
310.610 Monitoring and Analysis
310.611 Requirements for Non-Categorical Standard Users
310.612 Annual POTW Reports
310.613 Notification of Changed Discharge
310.621 Compliance Schedule for POTWs
310.631 Signatory Requirements for Industrial User Reports
310.632 Signatory Requirements for POTW Reports
310.633 Fraud and False Statements
310.634 Recordkeeping Requirements
310.635 Notification of Discharge of Hazardous Waste
310.636 Annual Certification by Non-Significant Categorical Users
310.637 Receiving Electronic Documents

SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

Section

310.701 Definition of Requester
310.702 Purpose and Scope
310.703 Criteria
310.704 Fundamentally Different Factors
310.705 Factors that are Not Fundamentally Different
310.706 More Stringent State Law
310.711 Application Deadline
310.712 Contents of FDF Request
310.713 Deficient Requests
310.714 Public Notice
310.721 Agency Review of FDF Requests
310.722 USEPA Review of FDF Requests

SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE

Section

310.801 Net/Gross Calculation

SUBPART I: UPSETS

Section

310.901 Definition
310.902 Effect of an Upset
310.903 Conditions Necessary for an Upset
310.904 Burden of Proof
310.905 Reviewability of Claims of Upset
310.906 User Responsibility in Case of Upset

SUBPART J: BYPASS

Section

310.910 Definitions

310.911 Bypass Not Violating Applicable Pretreatment Standards or Requirements
310.912 Notice
310.913 Prohibition of Bypass

SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section

310.920 General
310.921 Substantial Modifications Defined
310.922 Approval Procedures for Substantial Modifications
310.923 Approval Procedures for Non-Substantial Modifications
310.924 Incorporation of Modifications into the Permit

SUBPART L: FEDERAL PROJECT XL AGREEMENTS

Section

310.930 Federally Approved Pretreatment Program Reinvention Pilot Projects Under Project XL

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 R06-13 at 30 Ill. Reg. 17847, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 19008, effective November 26, 2008; amended in R13-7 at 37 Ill. Reg. 1962, effective February 4, 2013; amended in R15-13 at 39 Ill. Reg. 12357, effective August 24, 2015; amended in R16-9 at 41 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 310.106 Electronic Reporting

The submission of any document pursuant to any provision of this Part as an electronic document in lieu of a paper document is subject to this Section.

a) General Federal Requirements for Electronic Reporting.

1a) Scope and Applicability.

A1) USEPA has established standards for the submission of electronic documents under federally authorized programs. USEPA requires adherence to these standards for all electronic ~~submissions~~ submissions to USEPA and the authorized State, ~~where~~ when electronic submissions are authorized by USEPA. The USEPA, the Board, ~~or~~ the Agency, or the Control Authority may allow for the submission of electronic documents in lieu of paper 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 submission of any document that must be submitted to the appropriate of the following:

~~iA~~1) To USEPA directly, under 40 CFR 127 ~~Title 40 of the Code of Federal Regulations~~; or

~~iB~~1) To the Board, the Agency, or the Control Authority, pursuant to any provision of this Part or 35 Ill. Adm. Code ~~307-702 through 705, 720 through 728, 730, 733, 738, or 739.~~ 307.

B2) Electronic document submission under this Section can occur only as follows:

~~iA~~1) For submissions of documents to USEPA, submissions may occur only after USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive, in an electronic format, documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations; or

~~iB~~1) For submissions of documents to the State or the Control Authority, submissions may occur only into an electronic document receiving system for which USEPA has granted approval pursuant to 40 CFR 3.1000, so long as the system complies with 40 ~~C.F.R.~~ CFR 3.2000, incorporated by reference in Section 310.107, and USEPA has not withdrawn its approval of the system in writing ~~under the following circumstances: , so long as the system complies with 40 C.F.R. 3.2000, incorporated by reference in Section 310.107 611.102(c), and USEPA has not withdrawn its approval of the system in writing.~~

~~i)~~ As to any existing electronic document receiving system (i.e., one in use or substantially developed on or before October 13, 2005) for which an electronic reporting application has not been submitted on behalf of the Board, the Agency, or the Control Authority to USEPA pursuant to 40 CFR 3.1000, the Board or the Agency may use that system until October 13, 2007, or until such later date as USEPA has approved in writing as the extended deadline for submitting the application;

~~ii) As to any existing electronic document receiving system (i.e., one in use or substantially developed on or before October 13, 2005) for which an electronic reporting application has been submitted on behalf of the Board or the Agency to USEPA pursuant to 40 CFR 3.1000 on or before October 13, 2007, or on or before such later date as USEPA has approved in writing as the extended deadline for submitting the application, the Board, the Agency, or the Control Authority may use that system until USEPA disapproves its use in writing; or~~
~~iii) The Board, the Agency, or the Control Authority may use any electronic document receiving system for which USEPA has granted approval pursuant to 40 C.F.R. 3.1000, so long as the system complies with 40 C.F.R. 3.2000, incorporated by reference in Section 611.102(c), and USEPA has not withdrawn its approval of the system in writing.~~

C3) 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) (A) ~~(a) (1) of this Section:~~

~~iA) Any document submitted via facsimile;~~

~~iiB) Any document submitted via magnetic or optical media, such as diskette, compact disc, digital video disc, or tape; or~~

~~iiiC) 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.~~

D4) Upon USEPA conferring written approval for the submission of any types of documents as electronic documents in lieu of paper documents, as described in subsection (a) (1) (B) (ii) ~~(a) (2) (B) (iii) 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, as applicable, the date on which the Board or the Agency will begin to receive those submissions. In the event of written cessation of USEPA approval for receiving any type of document as an electronic document in lieu of a paper document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a) (1) ~~(a) of this Section~~ is derived from 40 CFR 3.1, 3.2, 3.10, 3.20, and 3.1000 (2016), ~~as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).~~

2b) Definitions. For the purposes of this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in Section ~~310.107-35 Ill. Adm. Code 611.102(c).~~ 310.107.

3e) Procedures for submission of electronic documents in lieu of paper documents to USEPA. Except as provided in subsection (a) (1) (C) ~~(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:

A1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 310.107 ~~611.102(e)~~; and

B2) USEPA has first published a notice in the Federal Register as described in subsection (a) (1) (B) (i) ~~(a) (2) (A) of this Section~~.

BOARD NOTE: Subsection (a) (3) ~~(e) of this Section~~ is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3 (2016), ~~as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

4d) Procedures for submission of electronic documents in lieu of paper documents to the Board, the Agency, or the Control Authority.

A1) The Board, the Agency, or the Control Authority may, but is not required to, establish procedural rules for the electronic submission of documents. The Board or the Agency must establish any such procedural rules under the Administrative Procedure Act [5 ILCS 100/~~Art. 5~~]. The Control Authority must establish such procedures pursuant to applicable State and local laws.

B2) The Board, the Agency, or the Control Authority may accept electronic documents under this Section only as provided in subsection (a) (1) (B) (ii) ~~(a) (2) (B) of this Section~~.

BOARD NOTE: Subsection (a) (4) ~~(d) of this Section~~ is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3 (2016), ~~as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

5e) Effects of submission of an electronic document in lieu of paper documents.

A1) If a person who submits a document as an electronic document fails to comply with the requirements of 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.

B2) 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.

C3) 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.

D4) 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 (a) (5) ~~(e) of this Section~~ is derived from 40 CFR 3.4 and 3.2000(c) (2016), ~~as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

6~~f~~) Public document subject to State laws. Any electronic document filed with the Board is a public document. The document, its submission, 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:

A~~1~~) The Administrative Procedure Act [5 ILCS 100];

B~~2~~) The Freedom of Information Act [5 ILCS 140];

C~~3~~) The State Records Act [5 ILCS 160];

D~~4~~) The Electronic Commerce Security Act [5 ILCS 175];

E~~5~~) The Environmental Protection Act [415 ILCS 5];

F~~6~~) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and

G~~7~~) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).

7~~g~~) Nothing in this Section or in any provisions adopted pursuant to subsection (d) (1) ~~of this Section~~ will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (a) (7) ~~(g) of this Section~~ is derived from 40 CFR 3.2(c) (2016), ~~as added at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

BOARD NOTE: Subsection (a) is derived ~~Derived~~ from 40 CFR 3, ~~as added, 3~~ and ~~40 CFR~~ 403.8(g) (2016) ~~(2005)~~, ~~as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005)~~.

b) NPDES Electronic Reporting.

1) Purpose and Scope.

A) This subsection (b), in conjunction with the NPDES reporting requirements specified elsewhere in this Part, specifies the requirements for:

i) Electronic reporting of information by NPDES permittees;

ii) Facilities or entities seeking coverage under NPDES general permits;

iii) Facilities or entities submitting waivers from NPDES permit requirements;

iv) Industrial users located in municipalities without approved local pretreatment programs;

v) Approved pretreatment programs;

vi) This subsection (b)(1)(A)(vi) corresponds with 40 CFR 127.1(a)(6), which pertains to subject matter exclusively outside the scope of wastewater pretreatment. This statement maintains structural consistency with the corresponding federal provisions; and

vii) USEPA and the Agency, to the extent the Agency has received authorization from USEPA to implement the NPDES program. This subsection (b), in conjunction with other segments of this Part, also specifies the requirements for electronic reporting of NPDES information to USEPA by the states, tribes, or territories that have received authorization from USEPA to implement the NPDES program.

B) To the extent it is authorized to implement a segment of the NPDES program, the Agency must ensure that the required minimum set of NPDES data (appendix A to 40 CFR 127, incorporated by reference in Section 310.107) is electronically transferred to USEPA in a timely, accurate, complete, and nationally-consistent manner fully compatible with USEPA's national NPDES data system.

C) To the extent that the Secretary of Defense has exempted Department of Defense "critical infrastructure security information" from disclosure under the federal Freedom of Information Act pursuant to 10 USC 130e, the exempted NPDES program data will be withheld from the public. In the instance wherein which an NPDES program data element for a particular facility is designated as critical infrastructure security information in response to a FOIA request, a separate filtered set of data without the redacted information will be shared with the public; however, all NPDES program data will continue to be provided to USEPA and the Agency under the authorized State NPDES program.

D) Proper collection, management, and sharing of the data and information listed in appendix A to 40 CFR 127, incorporated by reference in Section 310.107, ensures that there is a timely, complete, accurate, and nationally-consistent set of data about the NPDES program.

BOARD NOTE: Subsection (b)(1) is derived from 40 CFR 127.1 (2016).

2) Definitions. For the purposes of this subsection (b), the following terms have the following meanings.

"Initial recipient of electronic NPDES information from ~~NPDEA~~NPDES-regulated facilities" or "initial recipient" means the entity (USEPA or Agency, after Illinois is authorized by USEPA to implement the NPDES program) that is the designated entity for receiving electronic NPDES data.

BOARD NOTE: Derived from 40 CFR 127.2(b) (2016). USEPA is the initial recipient for a specific NPDES data group and NPDES program area until USEPA authorizes the State to act as initial recipient for that NPDES data group and NPDES program area.

"Minimum set of NPDES data" means the data and information listed in Table 1 in Appendix A to 40 CFR 127, incorporated by reference in Section 310.107.

BOARD NOTE: Derived from 40 CFR 127.2(e) (2016). For the purposes of this Part, the only data and information intended are those associated with NPDES Data groups 1 (core NPDES data), 2 (general permit reports), 7 (pretreatment program reports), and 8 (significant industrial user reports).

"NPDES data group" means the group of related data elements identified in table 1 in appendix A to 40 CFR 127, incorporated by reference in Section 310.107. These NPDES data groups have similar regulatory reporting requirements and have similar data sources.

BOARD NOTE: Derived from 40 CFR 127.2(c) (2016).

"NPDES program," for the purposes of this subsection (b), means the federal pretreatment program adopted by the Board pursuant to Section 13.3 of the Act [415 ILCS 5/13.3] to implement sections 307(b) of the Clean Water Act (42 ~~U.S.C.~~USC 1307(b)). USEPA can implement the NPDES program or authorize the State to implement the NPDES program ("authorized NPDES program"). Identifying the relevant authority must be done for each NPDES subprogram (e.g., NPDES core program, federal facilities, general permits, and pretreatment).

BOARD NOTE: Derived from 40 CFR 127.2(d) (2016). This definition is limited to wastewater pretreatment. The corresponding federal definition includes all other aspects of the NPDES program.

"NPDES-regulated entity" means any entity regulated by the NPDES program that has a role in the NPDES ~~Program~~program, as defined in this subsection (b) (2).

BOARD NOTE: Derived from 40 CFR 127.2(h) (2016). This definition is limited to wastewater pretreatment. The corresponding federal definition includes all other aspects of the NPDES program.

"Program reports" means the information reported by NPDES-regulated entities and listed in Table 1 in Appendix A to 40 CFR 127, incorporated by reference in Section 310.107 (except NPDES data groups 1 and 2).

BOARD NOTE: Derived from 40 CFR 127.2(f) (2016). For the purposes of this subsection (b), the only information intended are those associated with NPDES data groups 7 (pretreatment program reports) and 8 (significant industrial user reports).

BOARD NOTE: Subsection (b)(2) is derived from 40 CFR 127.2 (2016).

3) Data to be Reported Electronically.

A) An NPDES-regulated entity must electronically submit the minimum set of NPDES data for these NPDES reports, as applicable. The following NPDES reports are the source of the minimum set of NPDES data from NPDES-regulated entities:

i) Discharge monitoring reports (as required by USEPA pursuant to 40 CFR 122.41(1)(4)).

ii) This subsection (b)(3)(A)(ii) corresponds with 40 CFR 127.11(a)(2), which pertains to sewage sludge/biosolids annual reports, a subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the federal rules.

iii) Concentrated animal feeding operation annual program reports (as required by USEPA pursuant to 40 CFR 122.42(e)(4)).

iv) This subsection (b)(3)(A)(iv) corresponds with 40 CFR 127.11(a)(4), which pertains to municipal separate storm sewer system program reports, a subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the federal rules.

v) Pretreatment program annual reports (see Section 310.612).

vi) Sewer overflow and bypass incident event reports (as required by USEPA pursuant to 40 CFR 122.41(1)(6) and (7)).

vii) This subsection (b)(3)(A)(vii) corresponds with 40 CFR 127.11(a)(7), which pertains to cooling water intake structure reports, a subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the federal rules.

B) A facility or entity seeking coverage under or termination from an NPDES general permit must electronically submit the minimum set of NPDES data for the following notices, certifications, and waivers (if such reporting requirements are applicable):

i) Notice of intent (NOI) to discharge by facilities seeking coverage under a general NPDES permit (rather than an individual NPDES permit), as described in 40 CFR 122.28(b)(2); and

ii) Notice of termination (NOT), as described in 40 CFR 122.64.

C) An industrial user located in a municipality without an approved local pretreatment program must electronically submit the minimum set of NPDES data for the following self-monitoring reports (if such reporting requirements are applicable):

i) Periodic reports on continued compliance, as described in Section 310.605; and

ii) Reporting requirements for industrial users not subject to categorical pretreatment standards, as described in Section 310.611.

D) The minimum set of NPDES data for NPDES-regulated facilities is identified in appendix A to 40 CFR 127, incorporated by reference in Section 310.107.

BOARD NOTE: Subsection (b)(3) is derived from 40 CFR 127.11 (2016).

4) Signature and Certification Standards for Electronic Reporting. The signatory and certification requirements identified in subsection (a) and Section 310.631 also apply to electronic submissions of NPDES information (see subsection (b)(2)) by NPDES permittees, facilities, and entities subject to this subsection (b).

BOARD NOTE: Subsection (b)(4) is derived from 40 CFR 127.12 (2016).

5) Requirements Regarding Quality Assurance and Quality Control.

A) Responsibility for the quality of the information provided electronically in compliance with this subsection (b) by the NPDES permittees, facilities, and entities subject to this subsection (b) rests with the owners and operators of those facilities or entities. NPDES permittees, facilities, and entities subject to this subsection (b) must use quality assurance and quality control procedures to ensure the quality of the NPDES information submitted in compliance with this subsection (b).

B) NPDES permittees, facilities, and entities subject to this subsection (b) must electronically submit their NPDES information in compliance with the data quality requirements specified in subsection (b)(6). NPDES permittees, facilities, and entities subject to this subsection (b) must electronically submit their NPDES information unless a waiver is granted in compliance with this subsection (b) (see subsections (b)(7) and (b)(7)(G)).

BOARD NOTE: Subsection (b)(5) is derived from 40 CFR 127.13 (2016).

6) Requirements Regarding Timeliness, Accuracy, Completeness, and National Consistency. NPDES permittees, facilities, and entities subject to this subsection (b) must comply with all requirements in this subsection (b) and electronically submit the minimum set of NPDES data in the following nationally-consistent manner:

A) Timely. Electronic submissions of the minimum set of NPDES data to the appropriate initial recipient, as defined in subsection (b)(2), must be timely.

i) Measurement Data (including information from discharge monitoring reports, self-monitoring data from industrial users located outside of approved local pretreatment programs, and similar self-monitoring data). The electronic submission of these data is due when that monitoring information is required to be reported in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order.

ii) Program Report Data. The electronic submission of this data is due when that program report data is required to be reported in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order.

B) Accurate. Electronic submissions of the minimum set of NPDES data must be identical to the actual measurements taken by the owner, operator, or their duly authorized representative;

C) Complete. Electronic submission of the minimum set of NPDES data must include all required data (see appendix A to 40 CFR 127, incorporated by reference in Section 310.107) and these electronic submissions must be sent to the NPDES data system of the initial recipient, as defined in subsection (b) (2); and

D) Consistent. Electronic submissions of the minimum set of NPDES data must be compliant with USEPA data standards as set forth in this subsection (b) and in a form (including measurement units) and be fully compatible with USEPA's national NPDES data system.

BOARD NOTE: Subsection (b) (6) is derived from 40 CFR 127.14 (2016).

7) Waivers from Electronic Reporting.

A) NPDES permittees, facilities, and entities subject to this subsection (b) must electronically submit the minimum set of NPDES data in compliance with this Section and Section 310.631 unless a waiver is granted in compliance with this ~~subsections~~subsection (b) (7) ~~and~~ ~~(b)-(7)-(G)~~.

B) USEPA or the Board, by an adjusted standard or variance pursuant to ~~section~~Section 28.1 or ~~sections~~Sections 35 through 37 of the Act [415 ILCS 5/28.1 or 35-37] and Subpart D or B of 35 Ill. Adm. Code 104, to the extent that the State is authorized to administer a segment of the NPDES program, may grant to an NPDES permittee, facility, or entity subject to this subsection (b) a temporary waiver from electronic reporting in compliance with this ~~subsections~~subsection (b) (7) ~~and~~ ~~(b)-(7)-(G)~~.

i) Each temporary waiver must not extend beyond five years. However, NPDES-regulated entities may re-apply for a temporary waiver. It is the duty of the owner, operator, or duly authorized representative of the NPDES permittee, facility, and entity subject to this subsection (b) to re-apply for a new temporary waiver. The Board cannot grant a temporary

waiver to an NPDES-regulated entity without first receiving a temporary waiver request from the NPDES-regulated entity.

ii) To apply for a temporary waiver, the owner, operator, or duly authorized representative of the NPDES permittee, facility, and entity subject to this subsection (b) must submit the information listed in subsection (b) (7) (E) in the petition for temporary waiver.

BOARD NOTE: The Board moved the text of 40 CFR 127.15(b)(2)(i) through (b)(2)(vi) to appear as 35 Ill. Adm. Code 310.106(b)(7)(E)(i) through (b)(7)(E)(vi) to comport with codification requirements.

iii) The Board will determine whether to grant a temporary waiver to the extent Illinois is authorized to administer the pertinent NPDES program area. The Board will provide notice to the owner, operator, or duly authorized facility representative submitting a temporary waiver request, in compliance with the requirements of subsection (b) (7) (G).

iv) An NPDES permittee, facility, or entity subject to this subsection (b) that has received a temporary waiver must continue to provide the minimum set of NPDES data (as well as other required information in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order) in hard-copy format to the authorized NPDES program. The Agency must electronically transfer these data to USEPA in accordance with subsections (b) (8) through (b) (7) (G).

v) An approved temporary waiver is not transferrable.

C) USEPA or the Board, by an adjusted standard pursuant to section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104, to the extent that the State is authorized to administer a segment of the NPDES program, may grant to an NPDES permittee, facility, or entity subject to this subsection (b) a permanent waiver from electronic reporting in compliance with this subsection (b) (7) and subsection (b) (12).

i) A permanent waiver is only available to a facility or entity that is owned or operated by members of a religious community that chooses not to use certain modern technologies (e.g., computers, electricity). The Board cannot grant a permanent waiver to an NPDES-regulated entity without first receiving a permanent waiver request from the NPDES-regulated entity.

ii) To apply for a permanent waiver, the owner, operator, or duly authorized representative of the NPDES permittee, facility, and entity subject to this subsection (b) must submit the information listed in subsection (b) (7) (E) in the petition for permanent waiver.

iii) An approved permanent waiver is not transferrable.

iv) An NPDES permittee, facility, or entity subject to this subsection (b) that has received a permanent waiver must continue to provide the

minimum set of NPDES data (as well as other required information in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order) in hard-copy format to the authorized NPDES program. The Agency must electronically transfer these data to USEPA in accordance with subsection (b) (7) (G).

D) The Agency, by a provisional variance pursuant to sections 35 through 37 of the Act [415 ILCS 5/35-37] and Subpart C of 35 Ill. Adm. Code 104, to the extent that the State is authorized to administer a segment of the NPDES program, may grant to an NPDES permittee, facility, or entity subject to this subsection (b) an episodic waiver from electronic reporting in compliance with this subsection (b) (7) ~~and subsection (b) (7) (G)~~. The following conditions apply to an episodic waiver:

- i) No waiver request from the NPDES permittee, facility or entity is required to obtain an episodic waiver from electronic reporting.
- ii) An episodic waiver is not transferrable.
- iii) An episodic waiver cannot last more than 60 days.

BOARD NOTE: Section 36(c) of the Act provides a maximum duration of 45-days for a provisional variance, allowing a single extension possible up to 45 days. No combination of a provisional and an extension can exceed 60 days total duration under this subsection (b) (7) (D) (iii).

iv) The Agency will decide if the episodic waiver provision allows facilities and entities to delay their electronic submissions or to send hardcopy (paper) submissions. An episodic waiver is only available to a facility or entity in the circumstances listed in subsection (b) (7) (F).

BOARD NOTE: The Board moved the text of 40 CFR 127.15(d) (4) (i) and (d) (4) (ii) to appear as 35 Ill. Adm. Code 310.106(b) (7) (F) (i) and (b) (7) (E) (ii) to comport with codification requirements.

E) The following information items must be included in any petition for a temporary or permanent waiver pursuant to subsection (b) (7) (B) or (b) (7) (C):

- i) The facility name;
- ii) The NPDES permit number (if applicable);
- iii) The facility address;
- iv) The name, address and contact information for the owner, operator, or duly authorized facility representative;
- v) A brief written statement regarding the basis for claiming such a temporary waiver; and

vi) Any other information required by the Act [415 ILCS 5] or ~~Board regulations~~ (Chapter I of Title 35 Ill. Adm. Code: Chapter I) of the Illinois Administrative Code.

BOARD NOTE: The Board moved the text of 40 CFR 127.15(b)(2)(i) through (b)(2)(vi) to appear as 35 Ill. Adm. Code 310.106(b)(7)(E)(i) through (b)(7)(E)(vi) to comport with codification requirements.

F) A temporary waiver is limited to the following circumstances:

i) A large-scale emergency involving catastrophic circumstances beyond the control of the facility, such as a force of nature (e.g., a hurricane, flood, fire, or earthquake) or other national disaster. The Agency must make the determination if an episodic waiver is warranted in this case and must receive the hardcopy (paper) submissions.

ii) A prolonged electronic reporting system outage (i.e., an outage longer than 96 hours). The Agency must make the determination if an episodic waiver is warranted in this case and must receive the hardcopy (paper) submissions.

BOARD NOTE: The Board moved the text of 40 CFR 127.15(d)(4)(i) and (d)(4)(ii) to appear as 35 Ill. Adm. Code 310.106(b)(7)(F)(i) and (b)(7)(E)(ii) to comport with codification requirements.

G) Procedural Requirements for Waivers.

i) USEPA requires that the Board grant or deny a request for temporary or permanent waiver from electronic reporting in writing within 120 days of receiving the request.

BOARD NOTE: Subsection (b)(7)(G)(i) is derived from 40 CFR 127.24(a) and (b) (2016).

ii) The Agency must provide notice of an episodic waiver individually or through means of mass communication when an episodic waiver is available. The notice must state the facilities and entities that may use the episodic waiver, the likely duration of the episodic waiver, and any other directions regarding how facilities and entities should provide the minimum set of NPDES data (as well as other required information in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order) to ~~the authorized~~ the Agency or USEPA, as the initial recipient. No waiver request from the NPDES permittee, facility or entity is required to obtain an episodic waiver from electronic reporting. The Agency, when granting the episodic waiver, must determine whether to allow facilities and entities to delay their electronic submissions for a short time (i.e., no more than 40 days) or to have the facilities and entities send hardcopy (paper) submissions.

BOARD NOTE: Subsection (b)(7)(G)(ii) is derived from 40 CFR 127.24(d) (2016).

iii) The Agency must electronically transfer to USEPA the minimum set of NPDES data (as defined in Section 310.106(b)(2)) that it receives from a permittee, facility, or entity that has received a waiver pursuant to this subsection (b)(7).

BOARD NOTE: Subsection (b)(7)(G)(iii) is derived from 40 CFR 127.24(c) (2016).

BOARD NOTE: ~~Subsection~~Subsections (b)(7)(A) through (b)(7)(F) are derived from 40 CFR 127.15 (2016).

8) Implementation of electronic reporting requirements for NPDES permittees, facilities, and entities subject to this subsection (b).

A) Scope and schedule. An NPDES permittee, ~~facility~~facility, or entity subject to this subsection (b), with the exception of those covered by waivers under subsection (b)(7), must electronically submit the following NPDES information (reports, notices, waivers, and certifications) after the start dates listed in the following table.

NPDES information	Start dates for electronic submissions	General Permit Reports			
Notices of Intent to discharge, Notices of Termination, and other Waivers	December 21, 2020.	Discharge Monitoring Reports	December 21, 2016.		
POTW Pretreatment Program Annual Reports	(See <u>see</u> Section 310.612-310.612)	December 21, 2020.	Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs	(See <u>see</u> Sections 310.605 and 310.611-310.611)	December 21, 2020.

B) Electronic reporting standards. An NPDES permittee, ~~facility~~facility, or entity subject to this subsection (b) must electronically submit the information listed in the table in subsection (b)(8)(A) in compliance with this Section and Section 310.631.

C) Initial recipient. An NPDES permittee, ~~facility~~facility, or entity subject to this subsection (b) must electronically submit the information listed in the table in subsection (b)(8)(A) to USEPA Region 5, the Control Authority, the Approval Authority, or the initial recipient (as identified pursuant to 40 ~~C.F.R.~~CFR 127.27 and defined in subsection (b)(2)). USEPA was to identify and publish the initial recipient on a USEPA website and in the Federal Register, by state and by NPDES data group (see subsection (b)(7)).

BOARD NOTE: The procedure by which USEPA determines the initial recipient is 40 CFR 127.27. That procedure provides that USEPA is the initial recipient ~~where~~when the State has not gained authorization from USEPA or has failed to fulfill the requirements.

D) Standards for NPDES-Regulated Entities with Electronic Reporting Waivers. An NPDES permittee, facility, or entity subject to this subsection (b) that has received a waiver from electronic reporting must continue to provide the minimum set of NPDES data (as well as other

required information in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order) to the Agency or initial recipient (see subsection (b)(7)).

BOARD NOTE: Subsection (b)(8) is derived from 40 CFR 127.16 (2016).

9) Inclusion of Electronic Reporting Requirements in NPDES Permits. All permits issued by the Agency must contain permit conditions requiring compliance with the electronic reporting requirements in this Section. An NPDES-regulated facility that already has an electronic reporting requirement in its permit ~~which~~that meets the requirements in this Section must continue its electronic reporting to the initial recipient.

BOARD NOTE: Subsection (b)(9) is derived from 40 CFR 127.26(f) (2016).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 310.107 Incorporations by Reference

a) The following publications are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 307:

Combined Sewer Overflow (CSO) Control Policy (April 1994) (USEPA document number EPA-830-B-94-001), available from National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419, 800-490-9198 or online for download in an electronic format at <http://nepis.epa.gov/EPA/html/pubindex.html>, 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).

Standard Industrial Classification Manual (1987) (document no. PB87-100012) (referred to as "1987 SIC Manual"), 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.

BOARD NOTE: The 1987 SIC Manual is available for online search through the U.S. Department of Labor, at http://www.osha.gov/pls/imis/sic_manual.html. In 1997, the federal Office of Management and Budget (OMB) announced that the North American Industry Classification System (NAICS) was replacing the SIC (62 Fed. Reg. 17288 (Apr. 9, 1997)) for statistical purposes. OMB announced adoption of a 2012 edition of NAICS (76 Fed. Reg. 51240 (Aug. 17, 2011)). The 1997 NAICS Manual is available for online search or purchase (as electronic or hard copy) at <http://www.naics.com>. Until USEPA amends its regulations to change references to SIC codes to references to NAICS codes, the Board will continue to use the 1987 SIC codes.

b) The following provisions of the Code of Federal Regulations are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 307:

40 CFR 2.302 (2016) ~~(2014)~~ (Special Rules Governing Certain Information Obtained Under the Clean Water Act), referenced in Section 310.105.

40 CFR 3.2 (2016) ~~(2014)~~ (How Does This Part Provide for Electronic Reporting?), referenced in Section 310.106.

40 CFR 3.3 (2016) ~~(2014)~~ (What Definitions Are Applicable to This Part?), referenced in Section 310.106.

40 CFR 3.10 (2016) ~~(2014)~~ (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 310.106.

40 CFR 3.2000 (2016) ~~(2014)~~ (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 310.106.

40 CFR 25 (2016) ~~(2014)~~ (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 (2016) ~~(2014)~~ (NPDES Permit Application Testing Requirements), referenced in 35 Ill. Adm. Code 307.1005.

40 CFR 122.23(b) and (c) (2016) ~~(2014)~~ (Concentrated Animal Feeding Operations), referenced in 35 Ill. Adm. Code 307.2201.

Appendix A to 40 CFR 127 (2016) (Minimum Set of NPDES Data), referenced in 35 Ill. Adm. Code 310.106.

BOARD NOTE: Only those segments relevant to electronic reporting under the wastewater pretreatment program (NPDES data groups 1, 2, 3, 7, and 8) are intended.

40 CFR 136 (2016) ~~(2014)~~, ~~as amended at 79 Fed. Reg. 49001 (Aug. 19, 2014)~~ (Guidelines Establishing Test Procedures for the Analysis of Pollutants), referenced in 35 Ill. Adm. Code 307.1003 and 307.6500 and Sections 310.605, 310.610, and 310.611.

40 CFR 401.15 (2016) ~~(2014)~~ (Toxic Pollutants), referenced in 35 Ill. Adm. Code 307.1005.

40 CFR 403 (2016) ~~(2014)~~ (General Pretreatment Regulations for Existing and New Sources of Pollution), referenced in Section 310.432.

40 CFR 403.12(b) (2016) ~~(2014)~~ (Reporting Requirements for POTWs and Industrial Users), referenced in Section 310.602.

40 CFR 403.15 (2016)~~-(2014)~~ (Net/Gross Calculation), referenced in Section 310.801.

Appendix D to 40 CFR 403 (2016)~~-(2014)~~ (Selected Industrial Subcategories Considered Dilute for Purposes of the Combined Wastestream Formula), referenced in Section 310.233.

Appendix G to 40 CFR 403 (2016) ~~(2014)~~-(Pollutants Eligible for a Removal Credit), referenced in Section 310.303.

40 CFR 503 (2016) ~~(2014)~~-(Standards for the Use or Disposal of Sewage Sludge), referenced in Section 310.303.

c) The following federal statutes are incorporated by reference:

Section 1001 of federal Crimes and Criminal Procedure (18 USC 1001 (2015)~~-(2013)~~), referenced in Section 310.633.

The federal Clean Water Act (CWA) (33 USC 1251 et seq. (2014)~~-(2013)~~), referenced in Section 310.110.

Section 204(b) of the federal Clean Water Act (33 USC 1284(b) (2014)~~-(2013)~~), referenced in Section 310.510.

Section 212(2) of the federal Clean Water Act (33 USC 1292(2) (2014)~~-(2013)~~), referenced in Section 310.110.

Section 307(b), (c), and (d) of the federal Clean Water Act (33 USC 1317(b), (c), and (d) (2014)~~-(2013)~~), referenced in Section 310.110.

Section 308 of the federal Clean Water Act (33 USC 1318 (2014)~~-(2013)~~), referenced in Section 310.510.

Section 309(c)(4) of the federal Clean Water Act (33 USC 1319(c)(4) (2014)~~-(2013)~~), referenced in Section 310.633.

Section 309(c)(6) of the federal Clean Water Act (33 USC 1319(c)(6) (2014)~~-(2013)~~), referenced in Section 310.633.

Section 405 of the federal Clean Water Act (33 USC 1345 (2014)~~-(2013)~~), referenced in Section 310.510.

Subtitles C and D of the federal Resource Conservation and Recovery Act (42 USC 6921-6939e and 6941-6949a) (2014)~~-(2013)~~), referenced in Section 310.510.

d) This Part incorporates no future editions or amendments.

BOARD NOTE: The Board has located all of the incorporations by reference for the purposes of this Part and the more general incorporations by reference for the purposes of 35 Ill. Adm. Code 307 in

this Section to aid future review and updates. The Board has located the incorporations by reference of the federal categorical standards scattered throughout 35 Ill. Adm. Code 307 at the segments appropriate to each individual categorical standard. This aids future review and updates of the categorical standards.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 310.110 Definitions

The following definitions, derived from the general definitions of 40 ~~C.F.R.~~ CFR 401.11 and the pretreatment-specific definitions of 40 CFR 403.3, apply for the purposes of this Part ~~and 35 Ill. Adm. Code 310:~~

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

BOARD NOTE: The Board has consistently rendered "Director," as defined in corresponding 40 CFR 403.3(g), as "Agency" for all functions within the Agency's statutory authority and USEPA has not clearly reserved the function to itself.

"Approval Authority" means the Agency after USEPA has approved the Illinois wastewater pretreatment program. "Approval Authority" means USEPA prior to USEPA approval of the Illinois wastewater pretreatment program.

BOARD NOTE: Derived from 40 CFR 403.3(c) (2016) ~~(2005)~~.

"Approved POTW pretreatment program" or "program" or "POTW pretreatment program" means a program administered by a POTW that has been approved by USEPA, pursuant to 40 CFR 403.11, or the Agency, in accordance with Sections 310.541 through 310.546.

BOARD NOTE: Derived from 40 CFR 403.3(d) (2016) ~~(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.

BOARD NOTE: The Board added this term to distinguish a "pretreatment permit," which is an equivalent mechanism issued by the Agency.

"Best management practices" or "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) (2016) ~~, 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) (2016) ~~(2005)~~.

"Board" means the Illinois Pollution Control Board.

BOARD NOTE: The Board has consistently rendered "Director," as defined in corresponding 40 CFR 403.3(g), as "Board" for all functions within the Board's statutory authority and USEPA has not clearly reserved the function to itself.

"CWA" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 USC 1251 et seq), ~~incorporated by reference in Section 310.107.~~

BOARD NOTE: Derived from 40 CFR 403.3(b) (2016) ~~(2005)~~.

"Control Authority" refers to the appropriate of the following:

The POTW, if the POTW's pretreatment program submission has been approved by the Agency, in accordance with the requirements of Section 310.541 ~~310.540~~ through 310.546 or by USEPA in accordance with 40 CFR 403.11; or

The Approval Authority ~~Agency~~, if no pretreatment program ~~the~~ submission has yet ~~not~~ been approved.

BOARD NOTE: Derived from 40 CFR 403.3(f) (2016) ~~(2005), as added at 70 Fed. Reg. 60134 (Oct. 14, 2005)~~.

"Existing source" means any building, structure, facility, or installation, from which there is or may be a discharge of pollutants, the construction of which occurred prior to the date that would qualify the building, structure, facility, or installation for definition as a "new source," as defined in Section 310.111.

BOARD NOTE: The Board added this definition of a fundamental term that is used throughout the categorical standards to determine the applicability of those standards.

"Indirect discharge" or "discharge" ~~"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)), incorporated by reference in Section 310.107.

BOARD NOTE: Derived from 40 CFR 403.3(i) (2016) ~~(2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005)~~.

"Industrial user" or "user" ~~"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(j) (2016) - (2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).

"Industrial wastewater" means ~~The waste of a liquid nature discharged by an industrial user to a sewer tributary to a POTW~~ the spent or used water discharged by an industrial user to a sewer tributary to a POTW ~~from an industry~~ that contains dissolved or suspended matter. BOARD NOTE: The Board added this definition based on the definition of "wastewater" in "Terms of Environment," EPA 175-B-97-001 (Dec. 1997), USEPA, Communications, Education, and Public Affairs.

"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 use or disposal in compliance with applicable laws and permits issued under these laws, including 33 USC 405 and 40 CFR 503 (federal standards for sewage sludge use and disposal) and State standards relating to sludge use and disposal, 42 USC 6901 et seq. (the federal Resource Conservation and Recovery Act) (hazardous waste and municipal solid waste disposal requirements) and 35 Ill. Adm. Code: Subtitle G derived from the federal solid waste and hazardous waste management standards, 42 USC 7401 et seq. (the federal Clean Air Act) and 35 Ill. Adm. Code: Subtitle B derived from the federal Clean Air Act standards, and 53 USC 2601 et seq. (the federal Toxic Substances Control Act) or any Illinois requirements relating to toxic substances, and 33 USC 1401 et seq. (the federal Marine Protection, Research, and Sanctuaries Act) ~~any sludge requirements.~~ BOARD NOTE: Derived from 40 CFR 403.3(k) (2016) - (2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).

"Municipal sewage" means wastes (mostly liquid) originating from a community, which may be composed of domestic wastewaters and industrial discharges ~~is sewage treated by a POTW exclusive of its industrial component.~~

BOARD NOTE: The Board added this definition based on the definition of "municipal sewage" in "Terms of Environment," EPA 175-B-97-001 (Dec. 1997), USEPA, Communications, Education, and Public Affairs.

"Municipal sludge" means semi-liquid residue remaining from treatment of municipal wastewater ~~is sludge produced by a POTW treatment works.~~

BOARD NOTE: The Board added this definition based on the definition of "municipal sludge" in "Terms of Environment," EPA 175-B-97-001 (Dec. 1997), USEPA, Communications, Education, and Public Affairs.

"Municipality." See "unit of local government."

BOARD NOTE: The Board added this definition to redirect attention to the term "unit of local government," which is the term applied under Illinois law.

"New source" means a new source, as defined in Section 310.111.

BOARD NOTE: Derived from 40 CFR 401.11(e) ~~401.11(e)~~ and 403.3(m) (2016) ~~(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) (2016) ~~(2005).~~

"Noncontact cooling water pollutants" means pollutants present in noncontact cooling waters.

BOARD NOTE: Derived from 40 CFR 401.11(o) (2016) ~~(2005).~~

"NPDES permit" means a permit issued to a POTW pursuant to Section 402 of the CWA, or Section 12(f) of the Act [415 ILCS 5/12(f)] and Subpart A of 35 Ill. Adm. Code 309.

BOARD NOTE: Derived from 40 CFR 403.3(n) (2016) ~~(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(p) (2016) ~~(2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).~~

"Person" means an individual, corporation, partnership, association, State, "unit of local government," commission, 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) (2016) ~~(2005)~~ and 33 USC 1362(5) (2014).

"Point source" means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

BOARD NOTE: Derived from 40 CFR 401.11(d) (2016).

"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) (2016) ~~(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) (2015) ~~(2005)~~.

"POTW 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(r) (2016) ~~(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(s) (2016) ~~(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.

BOARD NOTE: The Board added this term to distinguish an "authorization to discharge," which is an equivalent mechanism issued by a POTW.

"Pretreatment requirement ~~requirements~~" means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard, ~~imposed on an industrial user~~.

BOARD NOTE: Derived from 40 CFR 403.3(t) (2016) ~~(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 Sections ~~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, as provided in Section 310.211.

BOARD NOTE: Derived from 40 CFR 403.3(l) (2016) ~~(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) (2016) ~~(2005).~~

"Process wastewater pollutants" means pollutants present in process wastewater.

BOARD NOTE: Derived from 40 CFR 401.11(r) (2016) ~~(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(q) (2016) ~~(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) (2016) ~~(2005)~~ and 33 USC 1362(17).

"Significant industrial user" means significant industrial user as defined in Section 310.112.

BOARD NOTE: Derived from 40 CFR 403.3(v) (2016) ~~(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), and 40 CFR 501 and 503.

BOARD NOTE: Derived from 40 CFR 403.3(k)(2) ~~(2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005)~~, and 403.7(a) (2016) ~~(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(w) (2016) ~~(2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005)~~.

"Treatment works" is as defined in 33 USC 1292(2), incorporated by reference in Section ~~310.107-310.107(e)-310.107~~. 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(q) (2016) ~~(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) (2016) ~~(2005)~~ and 33 USC 1362(4).

"USEPA" means the United States Environmental Protection Agency.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SUBPART F: REPORTING REQUIREMENTS

Section 310.605 Periodic Reports on Compliance

a) After ~~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 a ~~such~~ pretreatment standard, or after commencement of the discharge into the POTW, in the case of a new source, ~~after commencement of the discharge into the POTW~~, any industrial user subject to a categorical pretreatment standard (except a non-significant categorical user, as defined in Section

310.110), must submit to the Control Authority a report indicating the nature and concentration of pollutants in the effluent that are limited by the categorical pretreatment standards. The industrial user must submit the report during the months of June and December, unless the Control Authority or the pretreatment standard requires ~~required~~ more frequent reporting ~~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. ~~Where In cases where~~ When 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. For an industrial user for which USEPA or the Agency is the Control Authority, as of December 21, 2020, all reports submitted in compliance with this Subpart F must be submitted electronically by the industrial user to the Control Authority or initial recipient, as defined in Section 310.106(b)(2), in compliance with this Subpart F and Section 310.106.

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 ~~310.107-310.107(b)~~, 310.107, 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.

c) 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.

d) 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) (2016) ~~(2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).~~

(Source: Amended at 41 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 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 in accordance with the techniques described in 40 CFR 136, incorporated by reference at Section 310.107. For the purposes of this Section, "significant non-categorical industrial user" means a significant industrial user that is not subject to categorical pretreatment standards. For an industrial user for which USEPA or the Agency is the Control Authority, as of December 21, 2020, all reports submitted in compliance with this Subpart F must be submitted electronically by the industrial user to the Control Authority or initial recipient, as defined in Section 310.106(b)(2), in compliance with this Subpart F and Section 310.106.

BOARD NOTE: Derived from 40 CFR 403.12(h) (2016) ~~(2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).~~

(Source: Amended at 41 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 applicable required data in appendix A to 40 CFR 127, incorporated by reference in Section 310.107. The report required by this Subpart F must also include a summary of changes to the POTW's pretreatment program that

have not been previously reported to the Approval Authority and any other relevant information requested by the Approval Authority. As of December 21, 2020, all annual reports submitted in compliance with this Subpart F must be submitted electronically by the POTW pretreatment program to the Approval Authority or initial recipient, as defined in Section 310.106(b)(2), in compliance with this Subpart F and Section 310.106.

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) (2016) ~~(2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).~~

(Source: Amended at 41 Ill. Reg. _____, effective

_____)
~~ILLINOIS REGISTER
POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~
[JCAR350310-1614602r01](#)

Document comparison by Workshare Compare on Thursday, November 03, 2016 8:14:12 AM

Input:	
Document 1 ID	file://G:\Input\Agency Rulemakings - Files Received\2016\October2016\35-310-Agency Proposed (Exempt)-(issue 44).docx
Description	35-310-Agency Proposed (Exempt)-(issue 44)
Document 2 ID	file://G:\Input\Agency Rulemakings - Files Received\2016\October2016\35-310-r01(issue 44).docx
Description	35-310-r01(issue 44)
Rendering set	JCAR Delta

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved-deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	67
Deletions	223
Moved from	1
Moved to	1
Style change	0
Format changed	0
Total changes	292

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE C: WATER POLLUTION
3 CHAPTER I: POLLUTION CONTROL BOARD
4

5 PART 310
6 PRETREATMENT PROGRAMS
7

8 SUBPART A: GENERAL PROVISIONS
9

RECEIVED
NOV 07 2016

STATE OF ILLINOIS
Pollution Control Board

10	Section	
11	310.101	Applicability
12	310.102	Objectives
13	310.103	Federal Law
14	310.104	State Law
15	310.105	Confidentiality
16	310.106	Electronic Reporting
17	310.107	Incorporations by Reference
18	310.110	Definitions
19	310.111	New Source
20	310.112	Significant Industrial User

21
22 SUBPART B: PRETREATMENT STANDARDS
23

24	Section	
25	310.201	General Prohibitions
26	310.202	Specific Prohibitions
27	310.210	Local Limits Developed by POTW
28	310.211	Status of Local Limits
29	310.220	Categorical Standards
30	310.221	Source Category Determination Request
31	310.222	Deadline for Compliance with Categorical Standards
32	310.230	Concentration and Mass Limits
33	310.232	Dilution Prohibited as a Substitute for Treatment
34	310.233	Combined Waste Stream Formula

35
36 SUBPART C: REMOVAL CREDITS
37

38	Section	
39	310.301	Special Definitions
40	310.302	Authority
41	310.303	Conditions for Authorization to Grant Removal Credits
42	310.310	Calculation of Revised Discharge Limits
43	310.311	Demonstration of Consistent Removal

44	310.312	Provisional Credits
45	310.320	Compensation for Overflow
46	310.330	Exception to POTW Pretreatment Program
47	310.340	Application for Removal Credits Authorization
48	310.341	Agency Review
49	310.343	Assistance of POTW
50	310.350	Continuation of Authorization
51	310.351	Modification or Withdrawal of Removal Credits

52

SUBPART D: PRETREATMENT PERMITS

53

54

55

Section

56	310.400	Preamble
57	310.401	Pretreatment Permits
58	310.402	Time to Apply
59	310.403	Imminent Endangerment
60	310.410	Application
61	310.411	Certification of Capacity
62	310.412	Signatures
63	310.413	Site Visit
64	310.414	Completeness
65	310.415	Time Limits
66	310.420	Standard for Issuance
67	310.421	Final Action
68	310.430	Conditions
69	310.431	Duration of Permits
70	310.432	Schedules of Compliance
71	310.441	Effect of a Permit
72	310.442	Modification
73	310.443	Revocation
74	310.444	Appeal

75

76

SUBPART E: POTW PRETREATMENT PROGRAMS

77

78

Section

79	310.501	Pretreatment Programs Required
80	310.502	Deadline for Program Approval
81	310.503	Incorporation of Approved Programs in Permits
82	310.504	Incorporation of Compliance Schedules in Permits
83	310.505	Reissuance or Modification of Permits
84	310.510	Pretreatment Program Requirements
85	310.511	Receiving Electronic Documents
86	310.521	Program Approval

87	310.522	Contents of Program Submission
88	310.524	Content of Removal Allowance Submission
89	310.531	Agency Action
90	310.532	Defective Submission
91	310.533	Water Quality Management
92	310.541	Deadline for Review
93	310.542	Public Notice and Hearing
94	310.543	Agency Decision
95	310.544	USEPA Objection
96	310.545	Notice of Decision
97	310.546	Public Access to Submission
98	310.547	Appeal

99

100

SUBPART F: REPORTING REQUIREMENTS

101 Section

102	310.601	Definition of Control Authority (Repealed)
103	310.602	Baseline Report
104	310.603	Compliance Schedule
105	310.604	Report on Compliance with Deadline
106	310.605	Periodic Reports on Compliance
107	310.606	Notice of Potential Problems
108	310.610	Monitoring and Analysis
109	310.611	Requirements for Non-Categorical Standard Users
110	310.612	Annual POTW Reports
111	310.613	Notification of Changed Discharge
112	310.621	Compliance Schedule for POTWs
113	310.631	Signatory Requirements for Industrial User Reports
114	310.632	Signatory Requirements for POTW Reports
115	310.633	Fraud and False Statements
116	310.634	Recordkeeping Requirements
117	310.635	Notification of Discharge of Hazardous Waste
118	310.636	Annual Certification by Non-Significant Categorical Users
119	310.637	Receiving Electronic Documents

120

121

SUBPART G: FUNDAMENTALLY DIFFERENT FACTORS

122

123 Section

124	310.701	Definition of Requester
125	310.702	Purpose and Scope
126	310.703	Criteria
127	310.704	Fundamentally Different Factors
128	310.705	Factors that are Not Fundamentally Different
129	310.706	More Stringent State Law

130	310.711	Application Deadline
131	310.712	Contents of FDF Request
132	310.713	Deficient Requests
133	310.714	Public Notice
134	310.721	Agency Review of FDF Requests
135	310.722	USEPA Review of FDF Requests
136		
137		SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE
138		
139	Section	
140	310.801	Net/Gross Calculation
141		
142		SUBPART I: UPSETS
143		
144	Section	
145	310.901	Definition
146	310.902	Effect of an Upset
147	310.903	Conditions Necessary for an Upset
148	310.904	Burden of Proof
149	310.905	Reviewability of Claims of Upset
150	310.906	User Responsibility in Case of Upset
151		
152		SUBPART J: BYPASS
153		
154	Section	
155	310.910	Definitions
156	310.911	Bypass Not Violating Applicable Pretreatment Standards or Requirements
157	310.912	Notice
158	310.913	Prohibition of Bypass
159		
160		SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS
161		
162	Section	
163	310.920	General
164	310.921	Substantial Modifications Defined
165	310.922	Approval Procedures for Substantial Modifications
166	310.923	Approval Procedures for Non-Substantial Modifications
167	310.924	Incorporation of Modifications into the Permit
168		
169		SUBPART L: FEDERAL PROJECT XL AGREEMENTS
170		
171	Section	
172	310.930	Federally Approved Pretreatment Program Reinvention Pilot Projects Under

Project XL

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 R06-13 at 30 Ill. Reg. 17847, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 19008, effective November 26, 2008; amended in R13-7 at 37 Ill. Reg. 1962, effective February 4, 2013; amended in R15-13 at 39 Ill. Reg. 12357, effective August 24, 2015; amended in R16-9 at 41 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 310.106 Electronic Reporting

The submission of any document pursuant to any provision of this Part as an electronic document in lieu of a paper document is subject to this Section.

a) General Federal Requirements for Electronic Reporting.

1a) Scope and Applicability.

A1) USEPA has established standards for the submission of electronic documents under federally authorized programs. USEPA requires adherence to these standards for all electronic submissions to USEPA and the authorized State, when electronic submissions are authorized by USEPA. The USEPA, the Board, ~~or~~ the Agency, or the Control Authority may allow for the submission of electronic documents in lieu of paper 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 submission of any document that must be submitted to the appropriate of the following:

- iA) To USEPA directly under 40 CFR 127~~Title 40 of the Code of Federal Regulations~~; or
- iiB) To the Board, the Agency, or the Control Authority pursuant to any provision of this Part or 35 Ill. Adm. Code 307702 through 705, 720 through 728, 730, 733, 738, or 739.

B2) Electronic document submission under this Section can occur only as follows:

- iA) For submissions of documents to USEPA, submissions may occur only after USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive, in an electronic format, documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations; or
- iiB) For submissions of documents to the State or the Control Authority, submissions may occur only into an electronic document receiving system for which USEPA has granted approval pursuant to 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in Section 310.107, and USEPA has not withdrawn its approval of the system in writing under the following circumstances:
 - i) ~~As to any existing electronic document receiving system (i.e., one is use or substantially developed on or before October 13, 2005) for which an electronic reporting application has not been submitted on behalf of the Board, the Agency, or the Control Authority to USEPA pursuant to 40 CFR 3.1000, the Board or the Agency may use that system until October 13, 2007, or until such later date as USEPA has approved in writing as the extended deadline for submitting the application;~~
 - ii) ~~As to any existing electronic document receiving system (i.e., one in use or substantially developed on or before October 13, 2005) for which an electronic reporting~~

application has been submitted on behalf of the Board or the Agency to USEPA pursuant to 40 CFR 3.1000 on or before October 13, 2007, or on or before such later date as USEPA has approved in writing as the extended deadline for submitting the application, the Board, the Agency, or the Control Authority may use that system until USEPA disapproves its use in writing; or

iii) The Board, the Agency, or the Control Authority may use any electronic document receiving system for which USEPA has granted approval pursuant to 40 C.F.R. 3.1000, so long as the system complies with 40 C.F.R. 3.2000, incorporated by reference in Section 611.102(e), and USEPA has not withdrawn its approval of the system in writing.

C3) 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)(A)(a)(1) of this Section:

iA) Any document submitted via facsimile;

iiB) Any document submitted via magnetic or optical media, such as diskette, compact disc, digital video disc, or tape; or

iiiC) 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.

D4) Upon USEPA conferring written approval for the submission of any types of documents as electronic documents in lieu of paper documents, as described in subsection (a)(1)(B)(ii)(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, as applicable, the date on which the Board or the Agency will begin to receive those submissions. In the event of written cessation of USEPA approval for receiving any type of document as an electronic document in lieu of a paper document, the Board

or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection ~~(a)(1)(a)~~ of this Section is derived from 40 CFR 3.1, 3.2, 3.10, 3.20, and 3.1000 ~~(2016)~~, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

2b) Definitions. For the purposes of this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in Section 310.10735 Ill. Adm. Code 611.102(e).

3e) Procedures for submission of electronic documents in lieu of paper documents to USEPA. Except as provided in subsection ~~(a)(1)(C)(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:

A1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section ~~310.107611.102(e)~~; and

B2) USEPA has first published a notice in the Federal Register as described in subsection ~~(a)(1)(B)(i)(a)(2)(A)~~ of this Section.

BOARD NOTE: Subsection ~~(a)(3)(e)~~ of this Section is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3 ~~(2016)~~, as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

4d) Procedures for submission of electronic documents in lieu of paper documents to the Board, the Agency, or the Control Authority.

A1) The Board, the Agency, or the Control Authority may, but is not required to, establish procedural rules for the electronic submission of documents. The Board or the Agency must establish any such procedural rules under the Administrative Procedure Act [5 ILCS 100/5]. The Control Authority must establish such procedures pursuant to applicable State and local laws.

B2) The Board, the Agency, or the Control Authority may accept electronic documents under this Section only as provided in subsection ~~(a)(1)(B)(ii)(a)(2)(B)~~ of this Section.

345 BOARD NOTE: Subsection ~~(a)(4)(d)~~ of this Section is derived from 40
346 CFR 3.2(b) and subpart D of 40 CFR 3 ~~(2016)~~, as added at 70 Fed. Reg.
347 59848 ~~(Oct. 13, 2005)~~.
348

349 5e) Effects of submission of an electronic document in lieu of paper
350 documents.

351
352 A1) If a person who submits a document as an electronic document
353 fails to comply with the requirements of this Section, that person is
354 subject to the penalties prescribed for failure to comply with the
355 requirement that the electronic document was intended to satisfy.
356

357 B2) Where a document submitted as an electronic document to satisfy a
358 reporting requirement bears an electronic signature, the electronic
359 signature legally binds, obligates, and makes the signer responsible
360 to the same extent as the signer's handwritten signature would on a
361 paper document submitted to satisfy the same reporting
362 requirement.
363

364 C3) Proof that a particular signature device was used to create an
365 electronic signature will suffice to establish that the individual
366 uniquely entitled to use the device did so with the intent to sign the
367 electronic document and give it effect.
368

369 D4) Nothing in this Section limits the use of electronic documents or
370 information derived from electronic documents as evidence in
371 enforcement or other proceedings.
372

373 BOARD NOTE: Subsection ~~(a)(5)(e)~~ of this Section is derived from 40
374 CFR 3.4 and 3.2000(c) ~~(2016)~~, as added at 70 Fed. Reg. 59848 ~~(Oct. 13,~~
375 ~~2005)~~.
376

377 6f) Public document subject to State laws. Any electronic document filed
378 with the Board is a public document. The document, its submission, its
379 retention by the Board, and its availability for public inspection and
380 copying are subject to various State laws, including, but not limited to, the
381 following:
382

383 A1) The Administrative Procedure Act [5 ILCS 100];

384 B2) The Freedom of Information Act [5 ILCS 140];

385 C3) The State Records Act [5 ILCS 160];
386
387

388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430

- D4) The Electronic Commerce Security Act [5 ILCS 175];
 - E5) The Environmental Protection Act [415 ILCS 5];
 - F6) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and
 - G7) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).
- 7g) Nothing in this Section or in any provisions adopted pursuant to subsection (d)(1) ~~of this Section~~ will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection ~~(a)(7)(g)~~ of this Section is derived from 40 CFR 3.2(c) (2016), as added at 70 Fed. Reg. 59848 (Oct. 13, 2005).

BOARD NOTE: ~~Subsection (a) is derived~~Derived from 40 CFR 3, as added, and 40 CFR 403.8(g) (2016) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

b) NPDES Electronic Reporting.

1) Purpose and Scope.

A) This subsection (b), in conjunction with the NPDES reporting requirements specified elsewhere in this Part, specifies the requirements for:

- i) Electronic reporting of information by NPDES permittees;
- ii) Facilities or entities seeking coverage under NPDES general permits;
- iii) Facilities or entities submitting waivers from NPDES permit requirements;
- iv) Industrial users located in municipalities without approved local pretreatment programs;
- v) Approved pretreatment programs;

431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473

- vi) This subsection (b)(1)(A)(vi) corresponds with 40 CFR 127.1(a)(6), which pertains to subject matter exclusively outside the scope of wastewater pretreatment. This statement maintains structural consistency with the corresponding federal provisions; and
- vii) USEPA and the Agency, to the extent the Agency has received authorization from USEPA to implement the NPDES program. This subsection (b), in conjunction with other segments of this Part, also specifies the requirements for electronic reporting of NPDES information to USEPA by the states, tribes, or territories that have received authorization from USEPA to implement the NPDES program.
- B) To the extent it is authorized to implement a segment of the NPDES program, the Agency must ensure that the required minimum set of NPDES data (appendix A to 40 CFR 127, incorporated by reference in Section 310.107) is electronically transferred to USEPA in a timely, accurate, complete, and nationally-consistent manner fully compatible with USEPA's national NPDES data system.
- C) To the extent that the Secretary of Defense has exempted Department of Defense "critical infrastructure security information" from disclosure under the federal Freedom of Information Act pursuant to 10 USC 130e, the exempted NPDES program data will be withheld from the public. In the instance in which an NPDES program data element for a particular facility is designated as critical infrastructure security information in response to a FOIA request, a separate filtered set of data without the redacted information will be shared with the public; however, all NPDES program data will continue to be provided to USEPA and the Agency under the authorized State NPDES program.
- D) Proper collection, management, and sharing of the data and information listed in appendix A to 40 CFR 127, incorporated by reference in Section 310.107, ensures that there is a timely, complete, accurate, and nationally-consistent set of data about the NPDES program.

BOARD NOTE: Subsection (b)(1) is derived from 40 CFR 127.1 (2016).

2) Definitions. For the purposes of this subsection (b), the following terms have the following meanings.

"Initial recipient of electronic NPDES information from NPDES-regulated facilities" or "initial recipient" means the entity (USEPA or Agency, after Illinois is authorized by USEPA to implement the NPDES program) that is the designated entity for receiving electronic NPDES data.

BOARD NOTE: Derived from 40 CFR 127.2(b) (2016). USEPA is the initial recipient for a specific NPDES data group and NPDES program area until USEPA authorizes the State to act as initial recipient for that NPDES data group and NPDES program area.

"Minimum set of NPDES data" means the data and information listed in Table 1 in Appendix A to 40 CFR 127, incorporated by reference in Section 310.107.

BOARD NOTE: Derived from 40 CFR 127.2(e) (2016). For the purposes of this Part, the only data and information intended are those associated with NPDES Data groups 1 (core NPDES data), 2 (general permit reports), 7 (pretreatment program reports), and 8 (significant industrial user reports).

"NPDES data group" means the group of related data elements identified in table 1 in appendix A to 40 CFR 127, incorporated by reference in Section 310.107. These NPDES data groups have similar regulatory reporting requirements and have similar data sources.

BOARD NOTE: Derived from 40 CFR 127.2(c) (2016).

"NPDES program," for the purposes of this subsection (b), means the federal pretreatment program adopted by the Board pursuant to Section 13.3 of the Act [415 ILCS 5/13.3] to implement sections 307(b) of the Clean Water Act (42 USC 1307(b)). USEPA can implement the NPDES program or authorize the State to implement the NPDES program ("authorized NPDES program"). Identifying the relevant authority must be done for each NPDES subprogram (e.g., NPDES core program, federal facilities, general permits, and pretreatment).

BOARD NOTE: Derived from 40 CFR 127.2(d) (2016). This definition is limited to wastewater pretreatment. The corresponding federal definition includes all other aspects of the NPDES program.

474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516

517 "NPDES-regulated entity" means any entity regulated by the
518 NPDES program that has a role in the NPDES program, as defined
519 in this subsection (b)(2).

520 BOARD NOTE: Derived from 40 CFR 127.2(h) (2016). This
521 definition is limited to wastewater pretreatment. The
522 corresponding federal definition includes all other aspects of the
523 NPDES program.

524
525 "Program reports" means the information reported by NPDES-
526 regulated entities and listed in Table 1 in Appendix A to 40 CFR
527 127, incorporated by reference in Section 310.107 (except NPDES
528 data groups 1 and 2).

529 BOARD NOTE: Derived from 40 CFR 127.2(f) (2016). For the
530 purposes of this subsection (b), the only information intended are
531 those associated with NPDES data groups 7 (pretreatment program
532 reports) and 8 (significant industrial user reports).

533
534 BOARD NOTE: Subsection (b)(2) is derived from 40 CFR 127.2 (2016).

535
536 3) Data to be Reported Electronically.

537
538 A) An NPDES-regulated entity must electronically submit the
539 minimum set of NPDES data for these NPDES reports, as
540 applicable. The following NPDES reports are the source of the
541 minimum set of NPDES data from NPDES-regulated entities:

- 542
543 i) Discharge monitoring reports (as required by USEPA
544 pursuant to 40 CFR 122.41(l)(4)).
- 545
546 ii) This subsection (b)(3)(A)(ii) corresponds with 40 CFR
547 127.11(a)(2), which pertains to sewage sludge/biosolids
548 annual reports, a subject matter outside the scope of
549 wastewater pretreatment. This statement maintains
550 structural consistency with the federal rules.
- 551
552 iii) Concentrated animal feeding operation annual program
553 reports (as required by USEPA pursuant to 40 CFR
554 122.42(e)(4)).
- 555
556 iv) This subsection (b)(3)(A)(iv) corresponds with 40 CFR
557 127.11(a)(4), which pertains to municipal separate storm
558 sewer system program reports, a subject matter outside the

559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601

scope of wastewater pretreatment. This statement maintains structural consistency with the federal rules.

- v) Pretreatment program annual reports (see Section 310.612).
- vi) Sewer overflow and bypass incident event reports (as required by USEPA pursuant to 40 CFR 122.41(l)(6) and (7)).
- vii) This subsection (b)(3)(A)(vii) corresponds with 40 CFR 127.11(a)(7), which pertains to cooling water intake structure reports, a subject matter outside the scope of wastewater pretreatment. This statement maintains structural consistency with the federal rules.

B) A facility or entity seeking coverage under or termination from an NPDES general permit must electronically submit the minimum set of NPDES data for the following notices, certifications, and waivers (if such reporting requirements are applicable):

- i) Notice of intent (NOI) to discharge by facilities seeking coverage under a general NPDES permit (rather than an individual NPDES permit), as described in 40 CFR 122.28(b)(2); and
- ii) Notice of termination (NOT), as described in 40 CFR 122.64.

C) An industrial user located in a municipality without an approved local pretreatment program must electronically submit the minimum set of NPDES data for the following self-monitoring reports (if such reporting requirements are applicable):

- i) Periodic reports on continued compliance, as described in Section 310.605; and
- ii) Reporting requirements for industrial users not subject to categorical pretreatment standards, as described in Section 310.611.

D) The minimum set of NPDES data for NPDES-regulated facilities is identified in appendix A to 40 CFR 127, incorporated by reference in Section 310.107.

643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684

- A) Timely. Electronic submissions of the minimum set of NPDES data to the appropriate initial recipient, as defined in subsection (b)(2), must be timely.
 - i) Measurement Data (including information from discharge monitoring reports, self-monitoring data from industrial users located outside of approved local pretreatment programs, and similar self-monitoring data). The electronic submission of these data is due when that monitoring information is required to be reported in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order.
 - ii) Program Report Data. The electronic submission of this data is due when that program report data is required to be reported in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order.

- B) Accurate. Electronic submissions of the minimum set of NPDES data must be identical to the actual measurements taken by the owner, operator, or their duly authorized representative;

- C) Complete. Electronic submission of the minimum set of NPDES data must include all required data (see appendix A to 40 CFR 127, incorporated by reference in Section 310.107) and these electronic submissions must be sent to the NPDES data system of the initial recipient, as defined in subsection (b)(2); and

- D) Consistent. Electronic submissions of the minimum set of NPDES data must be compliant with USEPA data standards as set forth in this subsection (b) and in a form (including measurement units) and be fully compatible with USEPA's national NPDES data system.

BOARD NOTE: Subsection (b)(6) is derived from 40 CFR 127.14 (2016).

- 7) Waivers from Electronic Reporting.
 - A) NPDES permittees, facilities, and entities subject to this subsection (b) must electronically submit the minimum set of NPDES data in

685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727

compliance with this Section and Section 310.631 unless a waiver is granted in compliance with this subsection (b)(7).

B) USEPA or the Board, by an adjusted standard or variance pursuant to Section 28.1 or Sections 35 through 37 of the Act [415 ILCS 5/28.1 or 35-37] and Subpart D or B of 35 Ill. Adm. Code 104, to the extent that the State is authorized to administer a segment of the NPDES program, may grant to an NPDES permittee, facility, or entity subject to this subsection (b) a temporary waiver from electronic reporting in compliance with this subsection (b)(7).

i) Each temporary waiver must not extend beyond five years. However, NPDES-regulated entities may re-apply for a temporary waiver. It is the duty of the owner, operator, or duly authorized representative of the NPDES permittee, facility, and entity subject to this subsection (b) to re-apply for a new temporary waiver. The Board cannot grant a temporary waiver to an NPDES-regulated entity without first receiving a temporary waiver request from the NPDES-regulated entity.

ii) To apply for a temporary waiver, the owner, operator, or duly authorized representative of the NPDES permittee, facility, and entity subject to this subsection (b) must submit the information listed in subsection (b)(7)(E) in the petition for temporary waiver.

BOARD NOTE: The Board moved the text of 40 CFR 127.15(b)(2)(i) through (b)(2)(vi) to appear as 35 Ill. Adm. Code 310.106(b)(7)(E)(i) through (b)(7)(E)(vi) to comport with codification requirements.

iii) The Board will determine whether to grant a temporary waiver to the extent Illinois is authorized to administer the pertinent NPDES program area. The Board will provide notice to the owner, operator, or duly authorized facility representative submitting a temporary waiver request, in compliance with the requirements of subsection (b)(7)(G).

iv) An NPDES permittee, facility, or entity subject to this subsection (b) that has received a temporary waiver must continue to provide the minimum set of NPDES data (as well as other required information in compliance with

728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769

statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order) in hard-copy format to the authorized NPDES program. The Agency must electronically transfer these data to USEPA in accordance with subsections (b)(8) through (b)(7)(G).

v) An approved temporary waiver is not transferrable.

C) USEPA or the Board, by an adjusted standard pursuant to section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104, to the extent that the State is authorized to administer a segment of the NPDES program, may grant to an NPDES permittee, facility, or entity subject to this subsection (b) a permanent waiver from electronic reporting in compliance with this subsection (b)(7) and subsection (b)(12).

i) A permanent waiver is only available to a facility or entity that is owned or operated by members of a religious community that chooses not to use certain modern technologies (e.g., computers, electricity). The Board cannot grant a permanent waiver to an NPDES-regulated entity without first receiving a permanent waiver request from the NPDES-regulated entity.

ii) To apply for a permanent waiver, the owner, operator, or duly authorized representative of the NPDES permittee, facility, and entity subject to this subsection (b) must submit the information listed in subsection (b)(7)(E) in the petition for permanent waiver.

iii) An approved permanent waiver is not transferrable.

iv) An NPDES permittee, facility, or entity subject to this subsection (b) that has received a permanent waiver must continue to provide the minimum set of NPDES data (as well as other required information in compliance with statutes, regulations, the NPDES permit, another control mechanism, or an enforcement order) in hard-copy format to the authorized NPDES program. The Agency must electronically transfer these data to USEPA in accordance with subsection (b)(7)(G).

770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813

D) The Agency, by a provisional variance pursuant to sections 35 through 37 of the Act [415 ILCS 5/35-37] and Subpart C of 35 Ill. Adm. Code 104, to the extent that the State is authorized to administer a segment of the NPDES program, may grant to an NPDES permittee, facility, or entity subject to this subsection (b) an episodic waiver from electronic reporting in compliance with this subsection (b)(7). The following conditions apply to an episodic waiver:

- i) No waiver request from the NPDES permittee, facility or entity is required to obtain an episodic waiver from electronic reporting.
- ii) An episodic waiver is not transferrable.
- iii) An episodic waiver cannot last more than 60 days.

BOARD NOTE: Section 36(c) of the Act provides a maximum duration of 45 days for a provisional variance, allowing a single extension possible up to 45 days. No combination of a provisional and an extension can exceed 60 days' total duration under this subsection (b)(7)(D)(iii).

- iv) The Agency will decide if the episodic waiver provision allows facilities and entities to delay their electronic submissions or to send hardcopy (paper) submissions. An episodic waiver is only available to a facility or entity in the circumstances listed in subsection (b)(7)(F).

BOARD NOTE: The Board moved the text of 40 CFR 127.15(d)(4)(i) and (d)(4)(ii) to appear as 35 Ill. Adm. Code 310.106(b)(7)(F)(i) and (b)(7)(E)(ii) to comport with codification requirements.

E) The following information items must be included in any petition for a temporary or permanent waiver pursuant to subsection (b)(7)(B) or (b)(7)(C):

- i) The facility name;
- ii) The NPDES permit number (if applicable);
- iii) The facility address;

814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856

- iv) The name, address and contact information for the owner, operator, or duly authorized facility representative;
- v) A brief written statement regarding the basis for claiming such a temporary waiver; and
- vi) Any other information required by the Act [415 ILCS 5] or Chapter I of Title 35 Ill. Adm. Code: Chapter I of the Illinois Administrative Code.

BOARD NOTE: The Board moved the text of 40 CFR 127.15(b)(2)(i) through (b)(2)(vi) to appear as 35 Ill. Adm. Code 310.106(b)(7)(E)(i) through (b)(7)(E)(vi) to comport with codification requirements.

- F) A temporary waiver is limited to the following circumstances:
 - i) A large-scale emergency involving catastrophic circumstances beyond the control of the facility, such as a force of nature (e.g., a hurricane, flood, fire, or earthquake) or other national disaster. The Agency must make the determination if an episodic waiver is warranted in this case and must receive the hardcopy (paper) submissions.
 - ii) A prolonged electronic reporting system outage (i.e., an outage longer than 96 hours). The Agency must make the determination if an episodic waiver is warranted in this case and must receive the hardcopy (paper) submissions.

BOARD NOTE: The Board moved the text of 40 CFR 127.15(d)(4)(i) and (d)(4)(ii) to appear as 35 Ill. Adm. Code 310.106(b)(7)(F)(i) and (b)(7)(E)(ii) to comport with codification requirements.

- G) Procedural Requirements for Waivers.
 - i) USEPA requires that the Board grant or deny a request for temporary or permanent waiver from electronic reporting in writing within 120 days of receiving the request.

BOARD NOTE: Subsection (b)(7)(G)(i) is derived from 40 CFR 127.24(a) and (b) (2016).

857 ii) The Agency must provide notice of an episodic waiver
858 individually or through means of mass communication
859 when an episodic waiver is available. The notice must state
860 the facilities and entities that may use the episodic waiver,
861 the likely duration of the episodic waiver, and any other
862 directions regarding how facilities and entities should
863 provide the minimum set of NPDES data (as well as other
864 required information in compliance with statutes,
865 regulations, the NPDES permit, another control
866 mechanism, or an enforcement order) to the Agency or
867 USEPA, as the initial recipient. No waiver request from
868 the NPDES permittee, facility or entity is required to obtain
869 an episodic waiver from electronic reporting. The Agency,
870 when granting the episodic waiver, must determine whether
871 to allow facilities and entities to delay their electronic
872 submissions for a short time (i.e., no more than 40 days) or
873 to have the facilities and entities send hardcopy (paper)
874 submissions.

875
876 BOARD NOTE: Subsection (b)(7)(G)(ii) is derived from
877 40 CFR 127.24(d) (2016).

878
879 iii) The Agency must electronically transfer to USEPA the
880 minimum set of NPDES data (as defined in Section
881 310.106(b)(2)) that it receives from a permittee, facility, or
882 entity that has received a waiver pursuant to this subsection
883 (b)(7).

884
885 BOARD NOTE: Subsection (b)(7)(G)(iii) is derived from
886 40 CFR 127.24(c) (2016).

887
888 BOARD NOTE: Subsections (b)(7)(A) through (b)(7)(F) are derived
889 from 40 CFR 127.15 (2016).

890
891 8) Implementation of electronic reporting requirements for NPDES
892 permittees, facilities, and entities subject to this subsection (b).

893
894 A) Scope and schedule. An NPDES permittee, facility, or entity
895 subject to this subsection (b), with the exception of those covered
896 by waivers under subsection (b)(7), must electronically submit the
897 following NPDES information (reports, notices, waivers, and
898 certifications) after the start dates listed in the following table.
899

	<u>Start dates for electronic submissions</u>
<u>NPDES information</u>	
<u>General Permit Reports</u>	<u>December 21, 2020.</u>
<u>Notices of Intent to discharge, Notices of Termination, and other Waivers</u>	
<u>Discharge Monitoring Reports</u>	<u>December 21, 2016.</u>
<u>POTW Pretreatment Program Annual Reports (see Section 310.612)</u>	<u>December 21, 2020.</u>
<u>Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs (see Sections 310.605 and 310.611)</u>	<u>December 21, 2020.</u>

900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921

- B) Electronic reporting standards. An NPDES permittee, facility, or entity subject to this subsection (b) must electronically submit the information listed in the table in subsection (b)(8)(A) in compliance with this Section and Section 310.631.
- C) Initial recipient. An NPDES permittee, facility, or entity subject to this subsection (b) must electronically submit the information listed in the table in subsection (b)(8)(A) to USEPA Region 5, the Control Authority, the Approval Authority, or the initial recipient (as identified pursuant to 40 CFR 127.27 and defined in subsection (b)(2)). USEPA was to identify and publish the initial recipient on a USEPA website and in the Federal Register, by state and by NPDES data group (see subsection (b)(7)).
- BOARD NOTE: The procedure by which USEPA determines the initial recipient is 40 CFR 127.27. That procedure provides that USEPA is the initial recipient when the State has not gained authorization from USEPA or has failed to fulfill the requirements.
- D) Standards for NPDES-Regulated Entities with Electronic Reporting Waivers. An NPDES permittee, facility, or entity

922 subject to this subsection (b) that has received a waiver from
923 electronic reporting must continue to provide the minimum set of
924 NPDES data (as well as other required information in compliance
925 with statutes, regulations, the NPDES permit, another control
926 mechanism, or an enforcement order) to the Agency or initial
927 recipient (see subsection (b)(7)).

928
929 BOARD NOTE: Subsection (b)(8) is derived from 40 CFR 127.16
930 (2016).

- 931
932 9) Inclusion of Electronic Reporting Requirements in NPDES Permits. All
933 permits issued by the Agency must contain permit conditions requiring
934 compliance with the electronic reporting requirements in this Section. An
935 NPDES-regulated facility that already has an electronic reporting
936 requirement in its permit that meets the requirements in this Section must
937 continue its electronic reporting to the initial recipient.

938
939 BOARD NOTE: Subsection (b)(9) is derived from 40 CFR 127.26(f)
940 (2016).

941
942 (Source: Amended at 41 Ill. Reg. _____, effective _____)

943
944 **Section 310.107 Incorporations by Reference**

- 945
946 a) The following publications are incorporated by reference for the purposes of this
947 Part and 35 Ill. Adm. Code 307:

948
949 Combined Sewer Overflow (CSO) Control Policy (April 1994) (USEPA
950 document number EPA-830-B-94-001), available from National Service
951 Center for Environmental Publications (NSCEP), P.O. Box 42419,
952 Cincinnati, OH 45242-0419, 800-490-9198 or online for download in an
953 electronic format at <http://nepis.epa.gov/EPA/html/pubindex.html>,
954 referenced in Section 310.320.

955 BOARD NOTE: USEPA published the Combined Sewer Overflow
956 (CSO) Control Policy in the Federal Register at 59 Fed. Reg. 18688 (Apr.
957 19, 1994).

958
959 Standard Industrial Classification Manual (1987) (document no.
960 PB87-100012) (referred to as "1987 SIC Manual"), available from the
961 National Technical Information Service, 5285 Port Royal Road,
962 Springfield, Virginia 22161, referenced in 35 Ill. Adm. Code 307.2201,
963 307.2400, 307.2402 through 307.2407, and 307.3901 and Section 310.602.

964 BOARD NOTE: The 1987 SIC Manual is available for online search
 965 through the U.S. Department of Labor, at http://www.osha.gov/pls/imis/sic_manual.html. In 1997, the federal Office of Management and Budget
 966 (OMB) announced that the North American Industry Classification
 967 System (NAICS) was replacing the SIC (62 Fed. Reg. 17288 (Apr. 9,
 968 1997)) for statistical purposes. OMB announced adoption of a 2012
 969 edition of NAICS (76 Fed. Reg. 51240 (Aug. 17, 2011)). The 1997
 970 NAICS Manual is available for online search or purchase (as electronic or
 971 hard copy) at <http://www.naics.com>. Until USEPA amends its regulations
 972 to change references to SIC codes to references to NAICS codes, the
 973 Board will continue to use the 1987 SIC codes.
 974

- 975
 976 b) The following provisions of the Code of Federal Regulations are incorporated by
 977 reference for the purposes of this Part and 35 Ill. Adm. Code 307:
 978

979 40 CFR 2.302 (2016)(2014) (Special Rules Governing Certain
 980 Information Obtained Under the Clean Water Act), referenced in Section
 981 310.105.
 982

983 40 CFR 3.2 (2016)(2014) (How Does This Part Provide for Electronic
 984 Reporting?), referenced in Section 310.106.
 985

986 40 CFR 3.3 (2016)(2014) (What Definitions Are Applicable to This
 987 Part?), referenced in Section 310.106.
 988

989 40 CFR 3.10 (2016)(2014) (What Are the Requirements for Electronic
 990 Reporting to EPA?), referenced in Section 310.106.
 991

992 40 CFR 3.2000 (2016)(2014) (What Are the Requirements Authorized
 993 State, Tribe, and Local Programs' Reporting Systems Must Meet?),
 994 referenced in Section 310.106.
 995

996 40 CFR 25 (2016)(2014) (Public Participation in Programs Under the
 997 Resource Conservation and Recovery Act, the Safe Drinking Water Act,
 998 and the Clean Water Act), referenced in Section 310.510.
 999

1000 Tables II (Organic Toxic Pollutants in Each of Four Fractions in Analysis
 1001 by Gas Chromatography/Mass Spectroscopy (GS/MS)) and III (Other
 1002 Toxic Pollutants (Metals and Cyanide) and Total Phenols) in appendix D
 1003 to 40 CFR 122 (2016)(2014) (NPDES Permit Application Testing
 1004 Requirements), referenced in 35 Ill. Adm. Code 307.1005.
 1005

1006 40 CFR 122.23(b) and (c) (2016)(2014) (Concentrated Animal Feeding

1007 Operations), referenced in 35 Ill. Adm. Code 307.2201.
1008
1009 Appendix A to 40 CFR 127 (2016) (Minimum Set of NPDES Data),
1010 referenced in 35 Ill. Adm. Code 310.106.
1011 BOARD NOTE: Only those segments relevant to electronic reporting
1012 under the wastewater pretreatment program (NPDES data groups 1, 2, 3,
1013 7, and 8) are intended.
1014
1015 40 CFR 136 (2016)(2014), as amended at 79 Fed. Reg. 49001 (Aug. 19,
1016 2014) (Guidelines Establishing Test Procedures for the Analysis of
1017 Pollutants), referenced in 35 Ill. Adm. Code 307.1003 and 307.6500 and
1018 Sections 310.605, 310.610, and 310.611.
1019
1020 40 CFR 401.15 (2016)(2014) (Toxic Pollutants), referenced in 35 Ill.
1021 Adm. Code 307.1005.
1022
1023 40 CFR 403 (2016)(2014) (General Pretreatment Regulations for Existing
1024 and New Sources of Pollution), referenced in Section 310.432.
1025
1026 40 CFR 403.12(b) (2016)(2014) (Reporting Requirements for POTWs and
1027 Industrial Users), referenced in Section 310.602.
1028
1029 40 CFR 403.15 (2016)(2014) (Net/Gross Calculation), referenced in
1030 Section 310.801.
1031
1032 Appendix D to 40 CFR 403 (2016)(2014) (Selected Industrial
1033 Subcategories Considered Dilute for Purposes of the Combined
1034 Wastestream Formula), referenced in Section 310.233.
1035
1036 Appendix G to 40 CFR 403 (2016)(2014) (Pollutants Eligible for a
1037 Removal Credit), referenced in Section 310.303.
1038
1039 40 CFR 503 (2016)(2014) (Standards for the Use or Disposal of Sewage
1040 Sludge), referenced in Section 310.303.
1041
1042 c) The following federal statutes are incorporated by reference:
1043
1044 Section 1001 of federal Crimes and Criminal Procedure (18 USC 1001
1045 (2015)(2013)), referenced in Section 310.633.
1046
1047 The federal Clean Water Act (CWA) (33 USC 1251 et seq. (2014)(2013)),
1048 referenced in Section 310.110.
1049

1050 Section 204(b) of the federal Clean Water Act (33 USC 1284(b)
1051 (2014)(2013)), referenced in Section 310.510.

1052
1053 Section 212(2) of the federal Clean Water Act (33 USC 1292(2)
1054 (2014)(2013)), referenced in Section 310.110.

1055
1056 Section 307(b), (c), and (d) of the federal Clean Water Act (33 USC
1057 1317(b), (c), and (d) (2014)(2013)), referenced in Section 310.110.

1058
1059 Section 308 of the federal Clean Water Act (33 USC 1318 (2014)(2013)),
1060 referenced in Section 310.510.

1061
1062 Section 309(c)(4) of the federal Clean Water Act (33 USC 1319(c)(4)
1063 (2014)(2013)), referenced in Section 310.633.

1064
1065 Section 309(c)(6) of the federal Clean Water Act (33 USC 1319(c)(6)
1066 (2014)(2013)), referenced in Section 310.633.

1067
1068 Section 405 of the federal Clean Water Act (33 USC 1345 (2014)(2013)),
1069 referenced in Section 310.510.

1070
1071 Subtitles C and D of the federal Resource Conservation and Recovery Act
1072 (42 USC 6921-6939e and 6941-6949a) (2014)(2013)), referenced in
1073 Section 310.510.

1074
1075 d) This Part incorporates no future editions or amendments.

1076
1077 BOARD NOTE: The Board has located all of the incorporations by reference for the purposes
1078 of this Part and the more general incorporations by reference for the purposes of 35 Ill. Adm.
1079 Code 307 in this Section to aid future review and updates. The Board has located the
1080 incorporations by reference of the federal categorical standards scattered throughout 35 Ill. Adm.
1081 Code 307 at the segments appropriate to each individual categorical standard. This aids future
1082 review and updates of the categorical standards.

1083
1084 (Source: Amended at 41 Ill. Reg. _____, effective _____)

1085
1086 **Section 310.110 Definitions**

1087
1088 The following definitions, derived from the general definitions of 40 CFR 401.11 and the
1089 pretreatment-specific definitions of 40 CFR 403.3, apply for the purposes of this Part:

1090
1091 "Act" means the Environmental Protection Act [415 ILCS 5].

1092

1093 "Agency" means the Illinois Environmental Protection Agency.
1094 BOARD NOTE: The Board has consistently rendered "Director," as defined in
1095 corresponding 40 CFR 403.3(g), as "Agency" for all functions within the
1096 Agency's statutory authority and USEPA has not clearly reserved the function to
1097 itself.

1098
1099 "Approval Authority" means the Agency after USEPA has approved the Illinois
1100 wastewater pretreatment program. "Approval Authority" means USEPA prior to
1101 USEPA approval of the Illinois wastewater pretreatment program.
1102 BOARD NOTE: Derived from 40 CFR 403.3(c) (2016)(2005).

1103
1104 "Approved POTW pretreatment program" or "program" or "POTW pretreatment
1105 program" means a program administered by a POTW that has been approved by
1106 USEPA, pursuant to 40 CFR 403.11, or the Agency in accordance with Sections
1107 310.541 through 310.546.
1108 BOARD NOTE: Derived from 40 CFR 403.3(d) (2016)(2005).

1109
1110 "Authorization to discharge" means an authorization issued to an industrial user
1111 by a POTW that has an approved pretreatment program. The authorization may
1112 consist of a permit, license, ordinance, or other mechanism as specified in the
1113 approved pretreatment program.
1114 BOARD NOTE: The Board added this term to distinguish a "pretreatment
1115 permit," which is an equivalent mechanism issued by the Agency.

1116
1117 "Best management practices" or "BMPs" means schedules of activities,
1118 prohibitions of practices, maintenance procedures, and other management
1119 practices to implement the prohibitions listed in Sections 310.201(a) and (c) and
1120 310.202. BMPs also include treatment requirements, operating procedures, and
1121 practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or
1122 drainage from raw materials storage.
1123 BOARD NOTE: Derived from 40 CFR 403.3(e) (2016), as added at 70 Fed. Reg.
1124 60134 (Oct. 14, 2005).

1125
1126 "Blowdown" means the minimum discharge of recirculating water for the purpose
1127 of discharging materials contained in the water, the further buildup of which
1128 would cause concentration in amounts exceeding limits established by best
1129 engineering practice.
1130 BOARD NOTE: Derived from 40 CFR 401.11(p) (2016)(2005).

1131
1132 "Board" means the Illinois Pollution Control Board.
1133 BOARD NOTE: The Board has consistently rendered "Director," as defined in
1134 corresponding 40 CFR 403.3(g), as "Board" for all functions within the Board's
1135 statutory authority and USEPA has not clearly reserved the function to itself.

1136
1137
1138
1139
1140
1141
1142
1143
1144
1145
1146
1147
1148
1149
1150
1151
1152
1153
1154
1155
1156
1157
1158
1159
1160
1161
1162
1163
1164
1165
1166
1167
1168
1169
1170
1171
1172
1173
1174
1175
1176
1177
1178

"CWA" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 USC 1251 et seq), ~~incorporated by reference in Section 310.107.~~

BOARD NOTE: Derived from 40 CFR 403.3(b) (2016)(~~2005~~).

"Control Authority " refers to the appropriate of the following:

The POTW, if the POTW's pretreatment program submission has been approved by the Agency, in accordance with the requirements of Section 310.541310.540 through 310.546 or by USEPA in accordance with 40 CFR 403.11; or

The Approval AuthorityAgency, if no pretreatment program the submission has yet~~not~~ been approved.

BOARD NOTE: Derived from 40 CFR 403.3(f) (2016)(~~2005~~), as added at 70 Fed. Reg. 60134 (Oct. 14, 2005).

"Existing source" means any building, structure, facility, or installation, from which there is or may be a discharge of pollutants, the construction of which occurred prior to the date that would qualify the building, structure, facility, or installation for definition as a "new source," as defined in Section 310.111.

BOARD NOTE: The Board added this definition of a fundamental term that is used throughout the categorical standards to determine the applicability of those standards.

"Indirect discharge" or "~~discharge~~"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 USC1317(b), (c), or (d)), incorporated by reference in Section 310.107.

BOARD NOTE: Derived from 40 CFR 403.3(i) (2016)(~~2005~~), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).

"Industrial user" or "~~user~~"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;~~

1179
1180
1181
1182
1183
1184
1185
1186
1187
1188
1189
1190
1191
1192
1193
1194
1195
1196
1197
1198
1199
1200
1201
1202
1203
1204
1205
1206
1207
1208
1209
1210
1211
1212
1213
1214
1215
1216
1217
1218
1219
1220
1221

~~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(j) (2016)(2005), as renumbered at 70 Fed. Reg. 60134 (Oct. 14, 2005).

"Industrial wastewater" means the spent or used waterwaste of a liquid nature discharged by an industrial user to a sewer tributary to a POTW that contains dissolved or suspended matter.

BOARD NOTE: The Board added this definition based on the definition of "wastewater" in "Terms of Environment," EPA 175-B-97-001 (Dec. 1997), USEPA, Communications, Education, and Public Affairs.

"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 use or disposal in compliance with applicable laws and permits issued under these laws, including 33 USC 405 and 40 CFR 503 (federal standards for sewage sludge use and disposal) and State standards relating to sludge use and disposal, 42 USC 6901 et seq. (the federal Resource Conservation and Recovery Act) (hazardous waste and municipal solid waste disposal requirements) and 35 Ill. Adm. Code: Subtitle G derived from the federal solid waste and hazardous waste management standards, 42 USC 7401 et seq. (the federal Clean Air Act) and 35 Ill. Adm. Code: Subtitle B derived from the federal Clean Air Act standards, and 53 USC 2601 et seq. (the federal Toxic Substances Control Act) or any Illinois requirements relating to toxic substances, and 33 USC 1401 et seq. (the federal Marine Protection, Research, and Sanctuaries

1222 Act)any sludge requirements.
1223 BOARD NOTE: Derived from 40 CFR 403.3(k) (2016)(2005), as renumbered at
1224 70 Fed. Reg. 60134 (Oct. 14, 2005).
1225
1226 "Municipal sewage" means wastes (mostly liquid) originating from a community,
1227 which may be composed of domestic wastewaters and industrial discharges
1228 sewage treated by a POTW exclusive of its industrial component.
1229 BOARD NOTE: The Board added this definition based on the definition of
1230 "municipal sewage" in "Terms of Environment," EPA 175-B-97-001 (Dec. 1997),
1231 USEPA, Communications, Education, and Public Affairs.
1232
1233 "Municipal sludge" means semi-liquid residue remaining from treatment of
1234 municipal wastewateris sludge produced by a POTW treatment works.
1235 BOARD NOTE: The Board added this definition based on the definition of
1236 "municipal sludge" in "Terms of Environment," EPA 175-B-97-001 (Dec. 1997),
1237 USEPA, Communications, Education, and Public Affairs.
1238
1239 "Municipality." See "unit of local government."
1240 BOARD NOTE: The Board added this definition to redirect attention to the term
1241 "unit of local government," which is the term applied under Illinois law.
1242
1243 "New source" means a new source as defined in Section 310.111.
1244 BOARD NOTE: Derived from 40 CFR 401.11(e)401.11(e) and 403.3(m)
1245 (2016)(2005), as renumbered and amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).
1246
1247 "Noncontact cooling water" means water used for cooling that does not come into
1248 direct contact with any raw material, intermediate product, waste product, or
1249 finished product.
1250 BOARD NOTE: Derived from 40 CFR 401.11(n) (2016)(2005).
1251
1252 "Noncontact cooling water pollutants" means pollutants present in noncontact
1253 cooling waters.
1254 BOARD NOTE: Derived from 40 CFR 401.11(o) (2016)(2005).
1255
1256 "NPDES permit" means a permit issued to a POTW pursuant to Section 402 of
1257 the CWA, or Section 12(f) of the Act [415 ILCS 5/12(f)] and Subpart A of 35 Ill.
1258 Adm. Code 309.
1259 BOARD NOTE: Derived from 40 CFR 403.3(n) (2016)(2005), as renumbered at
1260 70 Fed. Reg. 60134 (Oct. 14, 2005).
1261
1262 "~~O and M~~" ~~means operation and maintenance.~~
1263
1264 "Pass through" means a discharge of pollutants that exits the POTW into waters

1265 of the State in quantities or concentrations which, alone or in conjunction with a
 1266 discharge or discharges from other sources, is a cause of a violation of any
 1267 requirement of the POTW's NPDES permit (including an increase in the
 1268 magnitude or duration of a violation).

1269 BOARD NOTE: Derived from 40 CFR 403.3(p) (2016)~~(2005)~~, as renumbered at
 1270 70 Fed. Reg. 60134 (Oct. 14, 2005).

1271
 1272 "Person" means an individual, corporation, partnership, association, State, "unit of
 1273 local government," commission, or any interstate body. This term includes the
 1274 United States government, the State of Illinois, and their political subdivisions.

1275 BOARD NOTE: Derived from 40 CFR 401.11(m) (2016)~~(2005)~~ and 33 USC
 1276 1362(5) (2014).

1277
 1278 "Point source" means any discernible, confined, and discrete conveyance,
 1279 including but not limited to any pipe, ditch, channel, tunnel, conduit, well,
 1280 discrete fissure, container, rolling stock, concentrated animal feeding operation, or
 1281 vessel or other floating craft, from which pollutants are or may be discharged.

1282 BOARD NOTE: Derived from 40 CFR 401.11(d) (2016).

1283
 1284 "Pollutant" means dredged spoil; solid waste; incinerator residue; sewage;
 1285 garbage; sewage sludge; munitions; chemical wastes; biological materials;
 1286 radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar
 1287 dirt; and industrial, municipal, and agricultural waste discharged into a sewer.

1288 BOARD NOTE: Derived from 40 CFR 401.11(f) (2016)~~(2005)~~.

1289
 1290 "Pollution" means the man-made or man-induced alteration of the chemical,
 1291 physical, biological, and radiological integrity of water.

1292 BOARD NOTE: Derived from 40 CFR 401.11(g) (2015)~~(2005)~~.

1293
 1294 "POTW treatment plant" means that portion of the POTW that is designed to
 1295 provide treatment (including recycling and reclamation) of municipal sewage and
 1296 industrial wastewater.

1297 BOARD NOTE: Derived from 40 CFR 403.3(r) (2016)~~(2005)~~, as renumbered at
 1298 70 Fed. Reg. 60134 (Oct. 14, 2005).

1299
 1300 "Pretreatment" means the reduction of the amount of pollutants, the elimination of
 1301 pollutants, or the alteration of the nature of pollutant properties in wastewater
 1302 prior to or in lieu of discharging or otherwise introducing such pollutants into a
 1303 POTW. The reduction or alteration may be obtained by physical, chemical, or
 1304 biological processes; process changes; or by other means, except as prohibited by
 1305 Section 310.232. Appropriate pretreatment technology includes control
 1306 equipment, such as equalization tanks or facilities, for protection against surges or
 1307 slug loadings that might interfere with or otherwise be incompatible with the

1308 POTW. However, where wastewater from a regulated process is mixed in an
1309 equalization facility with unregulated wastewater or with wastewater from
1310 another regulated process, the effluent from the equalization facility must meet an
1311 adjusted pretreatment limit calculated in accordance with Section 310.233.
1312 BOARD NOTE: Derived from 40 CFR 403.3(s) (2016)(2005), as renumbered at
1313 70 Fed. Reg. 60134 (Oct. 14, 2005).

1314
1315 "Pretreatment permit" means an authorization to discharge to a sewer that is
1316 issued by the Agency as the Control Authority.
1317 BOARD NOTE: The Board added this term to distinguish an "authorization to
1318 discharge," which is an equivalent mechanism issued by a POTW.

1319
1320 "Pretreatment requirementrequirements" means any substantive or procedural
1321 requirement related to pretreatment imposed on an industrial user, other than a
1322 pretreatment standard, imposed on an industrial user.
1323 BOARD NOTE: Derived from 40 CFR 403.3(t) (2016)(2005), as renumbered at
1324 70 Fed. Reg. 60134 (Oct. 14, 2005).

1325
1326 "Pretreatment standard" or "standard" means any regulation containing pollutant
1327 discharge limits promulgated by USEPA, and incorporated by reference in 35 Ill.
1328 Adm. Code 307. This term includes prohibitive discharge limits established
1329 pursuant to SectionsSection 310.201 through 310.213 or 35 Ill. Adm. Code
1330 307.1101. This term also includes more stringent prohibitions and standards
1331 adopted by the Board in this Part or 35 Ill. Adm. Code 307, including 35 Ill. Adm.
1332 Code 307.1101, 307.1102, and 307.1103. The term also includes local limits
1333 pursuant to Section 310.211 that are a part of an approved pretreatment program,
1334 as provided in Section 310.211.
1335 BOARD NOTE: Derived from 40 CFR 403.3(l) (2016)(2005), as renumbered at
1336 70 Fed. Reg. 60134 (Oct. 14, 2005).

1337
1338 "Process wastewater" means any water that, during manufacturing or processing,
1339 comes into direct contact with or results from the production or use of any raw
1340 material, intermediate product, finished product, by-product, or waste product.
1341 BOARD NOTE: Derived from 40 CFR 401.11(q) (2016)(2005).

1342
1343 "Process wastewater pollutants" means pollutants present in process wastewater.
1344 BOARD NOTE: Derived from 40 CFR 401.11(r) (2016)(2005).

1345
1346 "Project XL" means the federal Project for eXcellence and Leadership or a
1347 federally approved facility or community-based regulatory reinvention (XL) pilot
1348 project, as such are described in the Federal Register notices of May 23, 1995 (60
1349 Fed. Reg. 27282) and November 1, 1995 (60 Fed. Reg. 55569).

1350

1351 "Publicly owned treatment works" or "POTW" means a "treatment works" that is
 1352 owned by the State of Illinois or a "unit of local government." This definition
 1353 includes any devices and systems used in the storage, treatment, recycling, and
 1354 reclamation of municipal sewage or industrial wastewater. It also includes
 1355 sewers, pipes, and other conveyances only if they convey wastewater to a POTW
 1356 treatment plant. The term also means the "unit of local government" that has
 1357 jurisdiction over the indirect discharges to and the discharges from such a
 1358 treatment works.

1359 BOARD NOTE: Derived from 40 CFR 403.3(q) ~~(2016)(2005)~~, as renumbered at
 1360 70 Fed. Reg. 60134 (Oct. 14, 2005).

1361
 1362 "Schedule of compliance" means a schedule of remedial measures included in an
 1363 authorization to discharge or a pretreatment permit, or an NPDES permit,
 1364 including an enforceable sequence of interim requirements (for example, actions,
 1365 operations, or milestone events) leading to compliance with this Part and 35 Ill.
 1366 Adm. Code 307. A schedule of compliance does not protect an industrial user or
 1367 POTW from enforcement.

1368 BOARD NOTE: Derived from 40 CFR 401.11(m) ~~(2016)(2005)~~ and 33 USC
 1369 1362(17).

1370
 1371 "Significant industrial user" means significant industrial user as defined in Section
 1372 310.112.

1373 BOARD NOTE: Derived from 40 CFR 403.3(v) ~~(2016)(2005)~~, as renumbered
 1374 and amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

1375
 1376 "Sludge requirements" means any of the following permits or regulations: 35 Ill.
 1377 Adm. Code 309.155 (NPDES Permits), 309.208 (Permits for Sites Receiving
 1378 Sludge for Land Application), 703.121 (RCRA Permits), 807.202 (Solid Waste
 1379 Permits), ~~the federal Toxic Substances Control Act (15 USC 2601), or the federal
 1380 Marine Protection, Research and Sanctuaries Act (33 USC 1401), Section 39(b)
 1381 of the Act (NPDES Permits) [415 ILCS 5/39(b)], and Section 405(b) of the
 1382 federal Clean Water Act (federally-imposed sludge use and management
 1383 requirements), and 40 CFR 501 and 503.~~

1384 BOARD NOTE: Derived from 40 CFR 403.3(k)(2) ~~(2005)~~, as renumbered at 70
 1385 Fed. Reg. 60134 (Oct. 14, 2005), and 403.7(a) ~~(2016)(2005)~~.

1386
 1387 "Submission" means a request to the Agency by a POTW for approval of a
 1388 pretreatment program, or for authorization to grant removal credits.

1389 BOARD NOTE: Derived from 40 CFR 403.3(w) ~~(2016)(2005)~~, as renumbered at
 1390 70 Fed. Reg. 60134 (Oct. 14, 2005).

1391
 1392 "Treatment works" is as defined in 33 USC 1292(2), incorporated by reference in
 1393 Section 310.107(e). It includes any devices and systems used in the storage,

1394 treatment, recycling, and reclamation of municipal or industrial wastewater to
1395 implement 33 USC 1281, or necessary to recycle or reuse water at the most
1396 economical cost over the estimated life of the works, including intercepting
1397 sewers, outfall sewers, sewage collection systems, pumping, power, and other
1398 equipment.

1399 BOARD NOTE: Derived from 40 CFR 403.3(q) (2016)(2005), as renumbered at
1400 70 Fed. Reg. 60134 (Oct. 14, 2005) and 33 USC 1292(2).

1401
1402 "Unit of local government" means a unit of local government, as defined by Art.
1403 7, Sec. 1 of the Illinois Constitution, ~~having jurisdiction over disposal of sewage.~~
1404 Unit of local government includes, but is not limited to, municipalities, and
1405 sanitary districts.

1406 BOARD NOTE: Derived from 40 CFR 401.11(m) (2016)(2005) and 33 USC
1407 1362(4).

1408
1409 "USEPA" means the United States Environmental Protection Agency.

1410
1411 (Source: Amended at 41 Ill. Reg. _____, effective _____)

1412
1413 SUBPART F: REPORTING REQUIREMENTS

1414
1415 **Section 310.605 Periodic Reports on Compliance**

1416
1417 a) ~~After~~Any industrial user subject to a categorical pretreatment standard (except a
1418 non-significant categorical user as defined in Section 310.110), after the
1419 compliance date of such pretreatment standard, or after commencement of the
1420 discharge into the POTW, in the case of a new source, any industrial user subject
1421 to a categorical pretreatment standard (except a non-significant categorical user,
1422 as defined in Section 310.110) after commencement of the discharge into the
1423 POTW, must submit to the Control Authority a report indicating the nature and
1424 concentration of pollutants in the effluent that are limited by the categorical
1425 pretreatment standards. The industrial user must submit the report during the
1426 months of June and December, unless the Control Authority or the pretreatment
1427 standard requires~~required~~ more frequent reporting~~frequently in the pretreatment~~
1428 ~~standard or by the Control Authority, a report indicating the nature and~~
1429 ~~concentration of pollutants in the effluent that are limited by such categorical~~
1430 ~~pretreatment standards.~~ In addition, this report must include a record of measured
1431 or estimated average and maximum daily flows for the reporting period for the
1432 discharge reported in Section 310.602(d), except that the Control Authority may
1433 require more detailed reporting of flows. ~~When~~In cases where the pretreatment
1434 standard requires compliance with a best management practice (or pollution
1435 prevention alternative), the industrial user shall submit documentation required by
1436 the Control Authority or the pretreatment standard necessary to determine the

1437 compliance status of the industrial user. In consideration of such factors as local
 1438 high or low flow rates, holidays, budget cycles, etc., the Control Authority may
 1439 alter the months during which the reports required by this subsection (a) are to be
 1440 submitted. For an industrial user for which USEPA or the Agency is the Control
 1441 Authority, as of December 21, 2020, all reports submitted in compliance with this
 1442 Subpart F must be submitted electronically by the industrial user to the Control
 1443 Authority or initial recipient, as defined in Section 310.106(b)(2), in compliance
 1444 with this Subpart F and Section 310.106.
 1445

b) The Control Authority must authorize the industrial user subject to a categorical
 1446 pretreatment standard to forego sampling of a pollutant regulated by a categorical
 1447 pretreatment standard if it determines that the industrial user has demonstrated
 1448 through sampling and other technical factors that the pollutant is neither present
 1449 nor expected to be present in the discharge or that the pollutant is present only at
 1450 background levels from intake water and without any increase in the pollutant due
 1451 to activities of the industrial user. This authorization is subject to the following
 1452 conditions:
 1453

- 1454 1) The Control Authority may authorize a waiver only where it determines
 1455 that a pollutant is present solely due to sanitary wastewater discharged
 1456 from the facility, provided that the sanitary wastewater is not regulated by
 1457 an applicable categorical standard, and the sanitary wastewater otherwise
 1458 includes no process wastewater;
 1459
- 1460 2) The monitoring waiver is valid only for the duration of the effective period
 1461 of the permit or other equivalent individual control mechanism, but in no
 1462 case longer than five years. The industrial user must submit a new request
 1463 for the waiver before the waiver can be granted for each subsequent
 1464 control mechanism;
 1465
- 1466 3) In making a demonstration that a pollutant is not present, the industrial
 1467 user must provide data from at least one sampling of the facility's process
 1468 wastewater prior to any treatment present at the facility that is
 1469 representative of all wastewater from all processes. The request for a
 1470 monitoring waiver must be signed in accordance with Section 310.631 and
 1471 include the certification statement in Section 310.221(b)(2). Non-
 1472 detectable sample results may only be used as a demonstration that a
 1473 pollutant is not present only if the USEPA-approved method from 40 CFR
 1474 136, incorporated by reference in Section 310.107(b), with the lowest
 1475 minimum detection level for that pollutant was used in the analysis;
 1476
- 1477 4) Any grant of a monitoring waiver by the Control Authority must be
 1478 included as a condition in the industrial user's control mechanism. The
 1479

1480 reasons supporting the waiver and any information submitted by the
 1481 industrial user in its request for the waiver must be maintained by the
 1482 Control Authority for three years after expiration of the waiver;

1483
 1484 5) Upon approval of the monitoring waiver and revision of the industrial
 1485 user's control mechanism by the Control Authority, the industrial user
 1486 must certify on each report with the statement below, that there has been
 1487 no increase in the pollutant in its wastestream due to activities of the
 1488 industrial user:

1489
 1490 Based on my inquiry of the person or persons directly responsible
 1491 for managing compliance with the pretreatment standard for
 1492 Subpart [Subpart number of the applicable national pretreatment
 1493 standard] of 35 Ill. Adm. Code 307, I certify that, to the best of my
 1494 knowledge and belief, there has been no increase in the level of
 1495 [list pollutants] in the wastewaters due to the activities at the
 1496 facility since filing of the last periodic report under 35 Ill. Adm.
 1497 Code 310.605(a);

1498
 1499 6) In the event that a waived pollutant is found to be present or is expected to
 1500 be present based on changes that occur in the industrial user's operations,
 1501 the industrial user must immediately comply with the monitoring
 1502 requirements of subsection (a) of this Section or other more frequent
 1503 monitoring requirements imposed by the Control Authority; and it must
 1504 notify the Control Authority; and

1505
 1506 7) This subsection (b) does not supersede certification processes and
 1507 requirements established in categorical pretreatment standards, except as
 1508 otherwise specified in the categorical pretreatment standard.

1509
 1510 c) Where the Control Authority has imposed mass limitations on industrial users as
 1511 provided by Section 310.232, the report required by subsection (a) of this Section
 1512 must indicate the mass of pollutants regulated by pretreatment standards in the
 1513 discharge from the industrial user.

1514
 1515 d) For industrial users subject to equivalent mass or concentration limits established
 1516 by the Control Authority in accordance with the procedures in Section 310.230,
 1517 the report required by subsection (a) of this Section must contain a reasonable
 1518 measure of the user's long-term production rate. For all other industrial users
 1519 subject to categorical pretreatment standards expressed only in terms of allowable
 1520 pollutant discharge per unit of production (or other measure of operation), the
 1521 report required by subsection (a) of this Section must include the user's actual
 1522 average production rate for the reporting period.

1523
 1524
 1525
 1526
 1527
 1528
 1529
 1530
 1531
 1532
 1533
 1534
 1535
 1536
 1537
 1538
 1539
 1540
 1541
 1542
 1543
 1544
 1545
 1546
 1547
 1548
 1549
 1550
 1551
 1552
 1553
 1554
 1555
 1556
 1557
 1558
 1559
 1560
 1561
 1562
 1563
 1564
 1565

BOARD NOTE: Derived from 40 CFR 403.12(e) (2016)(2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 41 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 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 in accordance with the techniques described in 40 CFR 136, incorporated by reference at Section 310.107. For the purposes of this Section, "significant non-categorical industrial user" means a significant industrial user that is not subject to categorical pretreatment standards. For an industrial user for which USEPA or the Agency is the Control Authority, as of December 21, 2020, all reports submitted in compliance with this Subpart F must be submitted electronically by the industrial user to the Control Authority or initial recipient, as defined in Section 310.106(b)(2), in compliance with this Subpart F and Section 310.106.

BOARD NOTE: Derived from 40 CFR 403.12(h) (2016)(2005), as amended at 70 Fed. Reg. 60134 (Oct. 14, 2005).

(Source: Amended at 41 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 applicable required data in appendix A to 40 CFR 127, incorporated by reference in Section 310.107. The report required by this Subpart F must also include a summary of changes to the POTW's pretreatment program that have not been previously reported to the Approval Authority and any other relevant information requested by the Approval Authority. As of December 21, 2020, all annual reports submitted in compliance with this Subpart F must be submitted electronically by the POTW pretreatment program to the Approval Authority or initial recipient,

1566 as defined in Section 310.106(b)(2), in compliance with this Subpart F and Section
1567 310.106, following:

- 1568
- 1569 a) ~~An updated list of the POTW's industrial users, including their names and~~
- 1570 ~~addresses or a list of deletions and additions keyed to a previously submitted list.~~
- 1571 ~~The POTW must provide a brief explanation of each deletion. This list must~~
- 1572 ~~identify which industrial users are subject to categorical pretreatment standards~~
- 1573 ~~and specify which standards are applicable to each industrial user. The list must~~
- 1574 ~~indicate which industrial users are subject to more stringent than the categorical~~
- 1575 ~~pretreatment standards. The POTW must also list the industrial users that are~~
- 1576 ~~subject only to local requirements. The list must also identify industrial users that~~
- 1577 ~~are subject to categorical pretreatment standards and which are subject to reduced~~
- 1578 ~~reporting requirements under Section 310.605(c), and the list must identify which~~
- 1579 ~~industrial users are non-significant categorical industrial users.~~
- 1580
- 1581 b) ~~A summary of the status of industrial user compliance over the reporting period.~~
- 1582
- 1583 e) ~~A summary of compliance and enforcement activities (including inspections)~~
- 1584 ~~conducted by the POTW during the reporting period.~~
- 1585
- 1586 d) ~~A summary of changes to the POTW's pretreatment program that have not been~~
- 1587 ~~previously reported to the Agency.~~
- 1588

1589 BOARD NOTE: Derived from 40 CFR 403.12(i) (2016)(2005), as amended at 70 Fed. Reg.
1590 60134 (Oct. 14, 2005).

1591
1592 (Source: Amended at 41 Ill. Reg. _____, effective _____)