

**IDENTICAL-IN-SUBSTANCE RULEMAKING ADDENDUM  
TO THE JANUARY 19, 2017 OPINION AND ORDER OF THE BOARD**

**Wastewater Pretreatment Update (January 1, 2016  
through June 30, 2016 and September 30, 2016), R17-8  
(January 19, 2017)**

This addendum includes the following table:

Table 1:	Deviations from the Text of the Federal Amendments	Page 1
Table 2:	Board Housekeeping Amendments	Page 3
Table 3	Revisions to the Text of the Proposed Amendments Made in Final Adoption	Page 4

The table included in this addendum supplements the Board’s January 19, 2017 opinion and order in the above-cited identical-in-substance rulemaking.

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

35 Ill. Adm. Code 307 table of contents, Subpart BJ heading; derived from 40 C.F.R. 435 heading)

Deemed the federal part as Subpart BJ.

35 Ill. Adm. Code 307 table of contents, Section 307.4503 heading; derived from 40 C.F.R. 435, subpart C heading)

Deemed the federal subpart as Section 307.4503.

35 Ill. Adm. Code 307 table of contents, Section 307.4508 heading; derived from 40 C.F.R. 435, subpart H heading)

Deemed the federal subpart as Section 307.4508.

35 Ill. Adm. Code 307.4503 heading; derived from 40 C.F.R. 435, subpart C heading)

Added the formerly omitted existing federal provision; changed “Onshore Subcategory” to “Onshore Facility Standards.”

35 Ill. Adm. Code 307.4503(a); derived from 40 C.F.R. 435.30)

Added the formerly omitted existing federal provision; used “Applicability” from the section heading as a topical subheading; changed “the provisions of this subpart are applicable to those facilities” to “this section applies to facilities”; added the serial comma before “and well treatment”; changed “ which are located landward of the inner boundary of the territorial seas as defined in 40 CFR 125.1(gg) and which are not included within subpart D, E, or F” to “that are not included in subpart F of 40 C.F.R. 435 (2016), incorporated by reference”; added “this incorporation includes no later amendments or editions”; removed the statement, “*Provided, however, That the applicability of this subpart to (a) facilities . . . which are located on land and which would have been considered “coastal” . . . or which are (b) located in the Santa Maria Basin of California is suspended.*”

35 Ill. Adm. Code 307.4503(a) Board note; derived from 40 C.F.R. 435.30)

Added the statement of derivation.

35 Ill. Adm. Code 307.4503(b); derived from 40 C.F.R. 435.31)

Added the formerly omitted existing federal provision; changed “Specialized definitions” to capitalized “Specialized Definitions” and used it as a topical subheading; combined the preamble with the text of subsection (a); added a version date and incorporation by reference language to the *Code of Federal Regulations* citation; changed “shall apply” to “apply”; added the statement, “this incorporation includes no later amendments or editions.”

35 Ill. Adm. Code 307.4503(b) Board note; derived from 40 C.F.R. 435.31)

Added the statement of derivation.

35 Ill. Adm. Code 307.4503(c); derived from 40 C.F.R. 435.33 heading)

Changed “Pretreatment standards for existing sources” to capitalized “Pretreatment Standards for Existing Sources” for a topical subheading.

35 Ill. Adm. Code 307.4503(c)(1); derived from 40 C.F.R. 435.33(a)

Changed “wastewater from unconventional oil and gas extraction” to capitalized “Wastewater from Unconventional Oil and Gas Extraction” for a topical subheading; added incorporation by reference language and the parenthetical date to the *Code of Federal Regulations* citations, offset by a comma; removed the unnecessary comma from between the subject and the verb before “must achieve”; changed “pretreatment standards for existing sources (PSES)” to “PSES”; added the statement “This incorporation by reference includes no later amendments or editions.”

35 Ill. Adm. Code 307.4503(c)(1)(A); derived from 40 C.F.R. 435.33(a)(1))

Changed “shall” to “must”; added the conjunction “or” before the final element of the series “produced water.”

35 Ill. Adm. Code 307.4503(c)(1)(B); derived from 40 C.F.R. 435.33(a)(2))

Changed “this section” to “this subsection (c) and subsection (d)”; added “the following definitions apply” and the ending colon.

35 Ill. Adm. Code 307.4503(c)(1)(A)(i); derived from 40 C.F.R. 435.33(a)(2)(i))

Placed the defined term, “unconventional oil and gas,” in quotation marks; changed “and/or” to “or”; added the conjunction “or” before the final element of the series “tight oil.”

35 Ill. Adm. Code 307.4503(c)(1)(A)(ii); derived from 40 C.F.R. 435.33(a)(2)(ii))

Placed the defined term, “drill cuttings,” in quotation marks.

35 Ill. Adm. Code 307.4503(c)(1)(A)(iii); derived from 40 C.F.R. 435.33(a)(2)(iii))

Placed the defined term, “drilling mud,” in quotation marks.

35 Ill. Adm. Code 307.4503(c)(1)(A)(iv); derived from 40 C.F.R. 435.33(a)(2)(iv))

Placed the defined term, “produced sand,” in quotation marks.

35 Ill. Adm. Code 307.4503(c)(1)(A)(v); derived from 40 C.F.R. 435.33(a)(2)(v))

Placed the defined term, “produced water,” in quotation marks.

35 Ill. Adm. Code 307.4503(c)(1)(B)(iv) (JCAR): Changed “scales particles” to “scale particles”; removed the unnecessary comma from the two-element series “desander discharge

from the produced water waste stream and blowdown of the water phase from the produced water treating system.”

35 Ill. Adm. Code 307.4503(c)(1)(C); derived from 40 C.F.R. 435.33(a)(3))

Changed “deadline for existing sources” to capitalized “Deadline for Existing Sources” for a topical subheading; changed “shall” to “must”; changed “by August 29, 2019” to “before August 29, 2019”; changed “shall comply by August 29, 2016” to “must immediately comply.”

35 Ill. Adm. Code 307.4503(c)(1)(C) Board note; derived from 40 C.F.R. 435.33(a)(3))

Added explanation that the corresponding federal provision requires compliance “by August 29, 2016.”

35 Ill. Adm. Code 307.4503(c)(2); derived from 40 C.F.R. 435.33(b))

Added the explanatory statement about the federal provision marked “reserved.”

35 Ill. Adm. Code 307.4503(c) Board note; derived from 40 C.F.R. 435.33)

Added the statement of derivation.

35 Ill. Adm. Code 307.4503(d); derived from 40 C.F.R. 435.34)

Changed “Pretreatment standards for new sources” to capitalized “Pretreatment Standards for New Sources” for a topical subheading.

35 Ill. Adm. Code 307.4503(d)(1); derived from 40 C.F.R. 435.34(a))

Changed “wastewater from unconventional oil and gas extraction” to capitalized “Wastewater from Unconventional Oil and Gas Extraction” for a topical subheading; added incorporation by reference language and the parenthetical date to the *Code of Federal Regulations* citations, offset by a comma; removed the unnecessary comma from between the subject and the verb before “must achieve”; changed “pretreatment standards for new sources (PSNS)” to “PSNS”; added the statement “This incorporation by reference includes no later amendments or editions.”

35 Ill. Adm. Code 307.4503(d)(2); derived from 40 C.F.R. 435.34(a))

Added the explanatory statement about the federal provision marked “reserved.”

35 Ill. Adm. Code 307.4503(d) Board note; derived from 40 C.F.R. 435.34)

Added the statement of derivation.

35 Ill. Adm. Code 307.4503(h); derived from subpart H of 40 C.F.R. 435)

Added the explanatory statement about the federal provision marked “reserved.”

**Table 2:**

**Revisions to the Text of the Proposed Amendments Made in Final Adoption**

35 Ill. Adm. Code 307.4503(a) (JCAR): Corrected “40 C.F.R. 435” to “40 CFR 435.”

35 Ill. Adm. Code 307.4503(c)(1) (JCAR): Added the parenthetical date to the *Code of Federal Regulations* citations for incorporation by reference; corrected “this section” to capitalized “this Section”; changed “pretreatment standards for existing sources (PSES)” to “PSES.”

35 Ill. Adm. Code 307.4503(c)(1)(B)(iv) (JCAR): Changed “scales particles” to “scale particles”; removed the unnecessary comma from the two-element series “desander discharge

from the produced water waste stream and blowdown of the water phase from the produced water treating system.”

35 Ill. Adm. Code 307.4503(c)(2) (Board, JCAR): Changed “This subsection (c)(2) corresponds with 40 CFR 435.33(a)(2), which USEPA has marked “reserved” to clarify that” to “This subsection (c)(2) corresponds with 40 CFR 435.33(b), which USEPA marked ‘reserved’” and moved it to the end of the subsection; changed “the pretreatment standards of 40 CFR 435.33 do not apply to conventional oil and gas extraction” to “the pretreatment standards of this subsection (c) do not apply to conventional oil and gas extraction” and used it as a second sentence; removed “This statement fulfills USEPA’s intent in the Illinois standards.”

35 Ill. Adm. Code 307.4503(c) Board note (JCAR): Corrected the abbreviated date “Sep. 30, 2016” to “Sept. 30, 2016.”

35 Ill. Adm. Code 307.4503(d)(1) (JCAR): Added the parenthetical date to the *Code of Federal Regulations* citations for incorporation by reference; corrected “this section” to capitalized “this Section”; changed “pretreatment standards for new sources (PSNS)” to “PSNS.”

35 Ill. Adm. Code 307.4503(d)(2) (Board, JCAR): Changed “This subsection (d)(2) corresponds with 40 CFR 435.33(a)(2), which USEPA has marked “reserved” to clarify that” to “This subsection (d)(2) corresponds with 40 CFR 435.34(b), which USEPA marked ‘reserved’” and moved it to the end of the subsection; changed “the pretreatment standards of 40 CFR 435.34 do not apply to conventional oil and gas extraction” to “the pretreatment standards of this subsection (d) do not apply to conventional oil and gas extraction” and used it as a second sentence; removed “This statement fulfills USEPA’s intent in the Illinois standards.”

35 Ill. Adm. Code 307.4508 (Board, JCAR): Changed “This Section corresponds with subpart H of 40 CFR 435, which USEPA has marked “reserved” to clarify that ” to “This Section corresponds with 40 CFR 435.34(b), which USEPA marked ‘reserved’” and moved it to the end of the subsection; changed “the pretreatment standards of subpart C of 40 CFR 435 do not apply to coalbed methane” to “the pretreatment standards of Section 307.4503 do not apply to coalbed methane” and used it as a second sentence; removed “This statement fulfills USEPA’s intent in the Illinois standards.”

**Table 3:**  
**Requested Revisions to the Text of the Proposed Amendments**  
**Not Made in Final Adoption**

35 Ill. Adm. Code 307.4503(c)

JCAR: Remove the ending period from the topical subheading.

Response: The Board prefers to retain the period for all narrative text, including topical subheadings.

35 Ill. Adm. Code 307.4503(c)(1)

JCAR: Remove the ending period after “Oil and Gas Extraction” at the end of the topical subheading.

Response: The ending period is needed to separate the topical subheading from the narrative text that follows.

35 Ill. Adm. Code 307.4503(d)

JCAR: Remove the ending period from the topical subheading.

Response: The Board prefers to retain the period for all narrative text, including topical subheadings.