

**IDENTICAL-IN-SUBSTANCE RULEMAKING ADDENDUM
TO THE OPINION AND ORDER OF THE BOARD (ADOPTED)**

**Wastewater Pretreatment Update, USEPA Amendments
(July 1, 2020 through December 31, 2020), R21-15
(June 17, 2021)**

This addendum includes the following tables:

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This addendum supplements the Board's June 17, 2021 opinion and order adopting amendments in the above-cited identical-in-substance rulemaking.

Table 1:
USEPA Amendments Not Necessary in This Rulemaking

40 C.F.R. § 122.26(b)(15)(i)(C) and (g)(1)(iii) (revised November 2, 2020); corresponding position in Illinois rules: none

The provisions apply exclusively to stormwater discharges.

40 C.F.R. § 122.28(b)(2)(i) (revised November 2, 2020); corresponding position in Illinois rules: none

The provisions apply exclusively to general permits.

40 C.F.R. § 122.34(d)(3) (revised November 2, 2020); corresponding position in Illinois rules: none

The provisions apply exclusively to municipal separate storm sewer system (MS4) discharge permits.

40 C.F.R. § 122.41(l)(6)(i), (l)(7), (m)(3)(i), and (m)(3)(ii) (revised November 2, 2020); corresponding position in Illinois rules: none

The provisions apply exclusively to permits.

40 C.F.R. § 122.42(c) and (e)(4) (revised November 2, 2020); corresponding position in Illinois rules: none

The provisions apply exclusively to NPDES permits.

40 C.F.R. § 122.64(c) (revised November 2, 2020); corresponding position in Illinois rules: none

The provisions apply exclusively to permits.

40 C.F.R. § 123.45 preamble, (a)(2)(i) through (a)(2)(iv), and appendix A (revised November 2, 2020); corresponding position in Illinois rules: none

The provisions apply exclusively to permits.

40 C.F.R. § 127, appendix A, table 1 (entry 9) and table 2 (“permit component,” “applicable effluent limitations guidelines,” “waterbody name for permitted feature,” “animal feeding operation information,” “cooling water intake information on NPDES permit application or notice of intent,” “NPDES variance information,” “variance request version,” “variance status,” “variance submission date,” “variance action date,” “deficiencies identified through the biosolids/sewage sludge compliance monitoring,” deficiencies identified through the MS4 compliance monitoring,” “deficiencies identified through the sewer overflow/bypass compliance monitoring,” and “biosolids or sewage sludge—violations”) (revised or added November 2, 2020); corresponding position in Illinois rules: none

The provisions do not apply exclusively to wastewater pretreatment.

40 C.F.R. § 423.12(b)(11) (revised October 13, 2020); corresponding position in Illinois rules: none

The provision pertains only to “effluent,” which includes direct discharges.

Note: *See Terms of Environment*, USEPA, Communications, Education, and Public Affairs, EPA-B-97-001 (Dec. 1997), at p. 16 (definitions of “effluent” and “effluent guidelines”).

40 C.F.R. § 423.13(g)(1)(i), (g)(2), (g)(3)(i), (k)(1)(i), (k)(2), and (o) (revised October 13, 2020); corresponding position in Illinois rules: none

See the entry for 40 C.F.R. § 423.12(b)(11) above.

40 C.F.R. § 423.19(h) and (i) (added October 13, 2020); corresponding position in Illinois rules: none

The provisions for the Voluntary Incentives Program and for transferring between applicable limitations in a permit pertain only to NPDES permit conditions.

Note: See the entry for 35 Ill. Adm. Code 307.3301(c)(1) in Table 2 below.

40 C.F.R. § 503.18 (revised November 2, 2020); corresponding position in Illinois rules: none

The provisions apply exclusively to disposal of sewage sludge.

40 C.F.R. § 503.28 (revised November 2, 2020); corresponding position in Illinois rules: none

The provisions apply exclusively to disposal of sewage sludge.

40 C.F.R. § 503.48 (revised November 2, 2020); corresponding position in Illinois rules: none

The provisions apply exclusively to disposal of sewage sludge.

Table 2:

Deviations from the Text of the Federal Amendments

35 Ill. Adm. Code 307.3301(b); derived from § 40 CFR 423.11(n), (p), and (t) through (dd)

Updated the incorporation by reference to include USEPA’s October 13, 2020 amendments.

Note: Although the term “high FGD flow” (defined in 40 C.F.R. § 423.11(x)) is used only in segments of USEPA’s text that do not relate to wastewater pretreatment, USEPA’s *Federal Register* discussion of the amendments uses the term relating to wastewater pretreatment.

See 85 Fed. Reg. 64650, 64652, 64660, 64675-76 (Oct. 13, 2020).

35 Ill. Adm. Code 307.3301(c)(1); derived from §§ 40 CFR 423.16, 423.18, and 423.19(a) through (g) and (j)

Updated the incorporation by reference to 40 C.F.R. 423.16 to include USEPA’s October 13, 2020 amendments; added incorporations by reference to 40 C.F.R. 423.18 and 423.19(a)

through (g) and (j) to include USEPA’s October 13, 2020 amendments; changed “this incorporation” to plural “these incorporations” to accommodate the added incorporations by reference.

35 Ill. Adm. Code 307.3301(c)(1)(A); derived from 40 CFR §§ 423.13(g)(3)(i) and 423.19(a), (b), and (h)

Replaced the language on USEPA’s requirements for FGD discharges for units undertaking VIP status with language imposing USEPA’s rules in 40 C.F.R. §§ 423.13(g)(3)(i) and 423.19(h), as incorporated by reference, adding a reference to the definition of “FGD wastewater” in 40 C.F.R. § 423.11(n); changed “voluntary incentives program” to “voluntary incentives participation”; added references to the general reporting and signature requirements of 40 C.F.R. § 423.19(a) and (b) to support the notice requirements for units seeking VIP limitations in 40 C.F.R. § 423.19(h).

35 Ill. Adm. Code 307.3301(c)(1)(A) Board note; derived from 40 CFR §§ 423.13(g)(3)(i) and 423.19(h)

Added the statement of derivation from 40 C.F.R. §§ 423.13(o) and 423.19(h). Added explanation of the change from “voluntary incentives program” to “voluntary incentives participation”; added explanation that USEPA stated that VIP does not apply to indirect discharges, yet 40 C.F.R. § 423.19(h)(3) expressly mentions applicability to indirect discharges.

35 Ill. Adm. Code 307.3301(c)(1)(B); derived from 40 CFR §§ 423.16(e)(1) and 423.19(a), (b), and (f)

Replaced the language on USEPA’s requirements for FGD discharges for units permanently ceasing coal combustion with language imposing USEPA’s rules in 40 C.F.R. §§ 423.16(e)(1) and 423.19(f), as incorporated by reference, adding references to the definitions of “permanent cessation of coal combustion” and “FGD wastewater” in 40 C.F.R. § 423.11(n) and (w); added references to the general reporting and signature requirements of 40 C.F.R. § 423.19(a) and (b) to support the requirements for units permanently ceasing combustion of coal in 40 C.F.R. § 423.19(f).

35 Ill. Adm. Code 307.3301(c)(1)(B) Board note; derived from 40 CFR §§ 423.16(e)(1) and 423.19(f)

Added the statement of derivation from 40 C.F.R. §§ 423.16(e)(1) and 423.19(f).

35 Ill. Adm. Code 307.3301(c)(1)(C); derived from 40 CFR § 423.19(j)

Replaced the language on USEPA’s requirements for notice of material delay in 40 C.F.R. § 423.19(j), as incorporated by reference, adding references to the definitions of “permanent cessation of coal combustion” and “FGD wastewater” in 40 C.F.R. § 423.11(n) and (w); added references to the general reporting and signature requirements of 40 C.F.R. § 423.19(a) and (b) to support the requirements for units permanently ceasing combustion of coal in 40 C.F.R. § 423.19(f).

35 Ill. Adm. Code 307.3301(c)(1)(C) Board note; derived from § 40 CFR 423.19(j)

Added the statement of derivation from 40 C.F.R. § 423.19(j).

35 Ill. Adm. Code 307.3301(c)(1)(D); derived from 40 CFR §§ 423.16(e)(2) and 423.19(a), (b), and (e)

Replaced the language on USEPA's requirements for low utilization electric generating units in 40 C.F.R. §§ 423.16(e)(2) and 423.19(e), as incorporated by reference, adding references to the definition of "low utilization electric generating unit" in 40 C.F.R. § 423.11(z); added references to the general reporting and signature requirements of 40 C.F.R. § 423.19(a) and (b) to support the requirements for units permanently ceasing combustion of coal in 40 C.F.R. § 423.19(e).

35 Ill. Adm. Code 307.3301(c)(1)(D) Board note; derived from §§ 40 CFR 423.16(e)(2) and 423.19(a), (b), and (e)

Added the statement of derivation from 40 C.F.R. §§ 423.16(e)(2) and 423.19(e).

35 Ill. Adm. Code 307.3301(c)(1)(E); derived from 40 CFR §§ 423.13(k)(3), 423.16(g), and 423.19(c) and (d)

Replaced the language on USEPA's requirements for BA wastewater discharges in 40 C.F.R. § 423.16(g), the best management practices requirements of 40 C.F.R. § 423.13(k)(3), and the certification requirements of 423.19(c) and (d), as incorporated by reference, adding references to the definition of "BA transport water" in 40 C.F.R. § 423.11(p); added references to the general reporting and signature requirements of 40 C.F.R. § 423.19(a) and (b) to support the requirements for EGUs initiating permanent cessation of coal combustion in 40 C.F.R. § 423.19(c) and (d).

35 Ill. Adm. Code 307.3301(c)(1)(E) Board note; derived from 40 CFR §§ 423.13(k)(3), 423.16(g), and 423.19(c) and (d)

Added the statement of derivation from 40 C.F.R. §§ 423.13(k)(3), 423.16(g), and 423.19(c) and (d).

35 Ill. Adm. Code 307.3301(c)(1)(F); derived from 40 CFR §§ 423.13(o) and 423.19(a), (b), and (i)

Replaced the language on USEPA's requirements for transfer between applicable discharge limitations in 40 C.F.R. § 423.13(o) and the certification requirements of 423.19(i), as incorporated by reference; added references to the general reporting and signature requirements of 40 C.F.R. § 423.19(a) and (b) to support the requirements for EGUs seeking to transfer between applicable discharge limitations in 40 C.F.R. § 423.19(i).

35 Ill. Adm. Code 307.3301(c)(1)(F)(i); derived from 40 CFR §§ 423.13(o)(1)(i)(A)

Replaced the language on USEPA's requirements for transfer between applicable discharge limitations in 40 C.F.R. § 423.13(o)(1)(i)(A).

35 Ill. Adm. Code 307.3301(c)(1)(F)(ii); derived from 40 CFR §§ 423.13(o)(1)(i)(B)

Replaced the language on USEPA's requirements for transfer between applicable discharge limitations in 40 C.F.R. § 423.13(o)(1)(i)(B).

35 Ill. Adm. Code 307.3301(c)(1)(F)(iii); derived from 40 CFR §§ 423.13(o)(1)(ii)(A)

Replaced the language on USEPA's requirements for transfer between applicable discharge limitations in 40 C.F.R. § 423.13(o)(1)(ii)(A).

35 Ill. Adm. Code 307.3301(c)(1)(F)(iv); derived from 40 CFR §§ 423.13(o)(1)(ii)(B)

Replaced the language on USEPA's requirements for transfer between applicable discharge limitations in 40 C.F.R. § 423.13(o)(1)(ii)(B).

35 Ill. Adm. Code 307.3301(c)(1)(F)(v); derived from 40 CFR §§ 423.13(o)(1)(ii)(C)

Replaced the language on USEPA's requirements for transfer between applicable discharge limitations in 40 C.F.R. § 423.13(o)(1)(ii)(C).

35 Ill. Adm. Code 307.3301(c)(1)(F)(vi); derived from 40 CFR §§ 423.13(o)(1)(ii)(D)

Replaced the language on USEPA's requirements for transfer between applicable discharge limitations in 40 C.F.R. § 423.13(o)(1)(ii)(D).

35 Ill. Adm. Code 307.3301(c)(1)(F)(vii); derived from 40 CFR §§ 423.13(o)(1)(ii)(E)

Replaced the language on USEPA's requirements for transfer between applicable discharge limitations in 40 C.F.R. § 423.13(o)(1)(ii)(E).

35 Ill. Adm. Code 307.3301(c)(1)(F) Board note; derived from 40 CFR §§ 423.13(o) and 423.19(a), (b), and (i)

Added the statement of derivation from 40 C.F.R. §§ 423.13(o) and 423.19(a), (b), and (i); added explanation of the change from "voluntary incentives program" to "voluntary incentives participation"; added explanation that USEPA stated that its voluntary incentives program applies only to direct discharges, yet 40 C.F.R. § 423.19(i)(1) expressly contemplates it as applying to in direct discharges.

35 Ill. Adm. Code 307.3301(c)(1)(G); derived from 40 CFR §§ 423.13(o)(2) and (o)(3)

Replaced the language of USEPA's transferring applicable limitations in 40 C.F.R. § 423.16(o)(2) and (o)(3).

35 Ill. Adm. Code 307.3301(c)(1)(G) Board note; derived from 40 CFR §§ 423.13(o)(2) and (o)(3)

Added the statement of derivation from 40 C.F.R. §§ 423.13(k)(3), 423.16(g), and 423.19(c) and (d).

35 Ill. Adm. Code 307.3301(c)(1)(H); derived from 40 CFR §§ 423.16(e)(1) and (e)(2), 423.18, and 423.19(g)

Replaced the language on USEPA's requirements for BA wastewater discharges in 40 C.F.R. § 423.16(g), the best management practices requirements of 40 C.F.R. § 423.13(k)(3), and the certification requirements of 423.19(c) and (d), as incorporated by reference, adding references to the definition of "BA transport water" in 40 C.F.R. § 423.11(p); added references to the general reporting and signature requirements of 40 C.F.R. § 423.19(a) and (b) to support the requirements for units permanently ceasing combustion of coal in 40 C.F.R. § 423.19(c) and (d).

35 Ill. Adm. Code 307.3301(c)(1)(H) Board note; derived from 40 CFR §§ 423.16(e)(1) and (e)(2), 423.18, and 423.19(a), (b), and (g)

Added the statement of derivation from 40 C.F.R. §§ 423.13(k)(3), 423.16(e)(1) and (e)(2), and 423.19(g); added explanation that 40 C.F.R. § 423.18 directly applies to permitted discharges, but 40 C.F.R. § 423.19(g) allows application to indirect discharges.

35 Ill. Adm. Code 310.106(b)(8)(A) Board note; derived from 40 C.F.R. § 127.16 table, table (notes 1 and 2) (revised November 2, 2020)

Added "Board note:"; omitted note 2.

Note: The Illinois wastewater pretreatment rules never incorporated former note 1 (now renumbered to note 2) citing the definition of "Director" in 40 C.F.R. § 122.2.

35 Ill. Adm. Code 310.107(b), appendix A to 40 C.F.R. 127; derived from appendix A to 40 CFR 127

Updated the incorporation by reference to include USEPA's November 2, 2020 amendments.

35 Ill. Adm. Code 310.605(a); derived from 40 CFR 403.12(e)

Changed "EPA-approved alternative date" to "a USEPA-approved alternative date."

35 Ill. Adm. Code 310.611; derived from 40 CFR 403.12(h)

Changing "noncategorical" to hyphenated "non-categorical" was not necessary in the Illinois rule; changed "EPA-approved alternative date" to "a USEPA-approved alternative date."

35 Ill. Adm. Code 310.612; derived from 40 CFR 403.12(i)

Changed "EPA-approved alternative date" to "a USEPA-approved alternative date."

Table 3: **Board Housekeeping Amendments**

35 Ill. Adm. Code 307.3301(b) (Board): Changed the topical subheading, "Specialized Definitions," to title case; updated the *Code of Federal Regulations* citation to the latest version available.

35 Ill. Adm. Code 307.3301(c) (Board): Changed the topical subheading, "Specialized Definitions," to title case and removed the ending period.

35 Ill. Adm. Code 307.3301(c)(1) (Board, JCAR): Updated the *Code of Federal Regulations* citation to the latest version available (twice); changed "as amended" to "as amended at 85 Fed. Reg. 64650 (Oct. 13, 2020)"; changed the comma after "85 Fed. Reg. 64650 (Oct. 13, 2020)" to a semicolon (twice) to separate elements in a series that contain commas; corrected "40 CFR 40 CFR 423.13(k)(3) and (o)" to "40 CFR 423.13(k)(3) and (o)"; changed "and as added" to "as added."

35 Ill. Adm. Code 307.3301(c)(1)(F)(v) (JCAR): Corrected the spelling "dishcharges" to "discharges."

35 Ill. Adm. Code 307.3301(c)(1)(G)(ii) (JCAR, Board): Changed "more stringent limitations that already" to "more stringent limitations that already apply."

35 Ill. Adm. Code 307.3301(d) (Board): Changed the topical subheading, "New Sources," to title case and removed the ending period.

35 Ill. Adm. Code 307.3301(d)(1) (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

35 Ill. Adm. Code 310.106, preamble (Board): Changed "pursuant to" to "under."

35 Ill. Adm. Code 310.106(a)(1) (Board): Removed the ending period from the topical subheading.

35 Ill. Adm. Code 310.106(a)(1)(A) (Board): Changed "where . . . authorized" to "if . . . authorized."

35 Ill. Adm. Code 310.106(a)(1)(A)(ii) (Board): Changed "pursuant to" to "under."

35 Ill. Adm. Code 310.106(a)(1)(B)(ii) (Board): Changed "pursuant to" to "under"; corrected the format of "40 CFR3.2000" to "40 CFR 3.200."

- 35 Ill. Adm. Code 310.106(a)(1)(C)(ii) (Board): Changed “such as” to “like.”
- 35 Ill. Adm. Code 310.106(a)(1) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(a)(1)(C)(i) (JCAR): Corrected the spelling “fascimile” to “facsimile.”
- 35 Ill. Adm. Code 310.106(a)(2) “NPDES program” (JCAR): Added the closing parenthesis after “(e.g., NPDES core program, federal facilities, general permits, and pretreatment.”
- 35 Ill. Adm. Code 310.106(a)(3) (Board): Changed the topical subheading, “Procedures for Submission of Electronic Documents in Lieu of Paper Documents to USEPA,” to title case.
- 35 Ill. Adm. Code 310.106(a)(3) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(a)(4) (Board): Changed the topical subheading, “Procedures for Submission of Electronic Documents in Lieu of Paper Documents to the Board, the Agency, or the Control Authority,” to title case and removed the ending period.
- 35 Ill. Adm. Code 310.106(a)(4)(A) (Board): Changed “pursuant to” to “under.”
- 35 Ill. Adm. Code 310.106(a)(4) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(a)(5) (Board): Changed the topical subheading, “Effects of Submission of an Electronic Document in Lieu of a Paper Document,” to singular and title case and removed the ending period.
- 35 Ill. Adm. Code 310.106(a)(5)(B) (Board): Changed “where . . . bears” to “if . . . bears.”
- 35 Ill. Adm. Code 310.106(a)(5) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(a)(6) (Board): Changed the topical subheading, “Public Document Subject to State Laws,” to singular and title case; removed the parenthetical “but not limited to” and the offsetting commas from after “including.”
- 35 Ill. Adm. Code 310.106(a)(7) (Board): Changed “pursuant to” to “under.”
- 35 Ill. Adm. Code 310.106(a)(7) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(a) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(b) (Board): Removed the ending period from the topical subheading, “NPDES Electronic Reporting.”
- 35 Ill. Adm. Code 310.106(b)(1) (Board): Removed the ending period from the topical subheading, “Purpose and Scope.”
- 35 Ill. Adm. Code 310.106(b)(1)(C) (Board): Changed “pursuant to” to “under.”
- 35 Ill. Adm. Code 310.106(b)(1) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.

- 35 Ill. Adm. Code 310.106(b)(2), “initial recipient of electronic NPDES information for NPDES-regulated facilities” Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(b)(2), “minimum set of NPDES data” Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(b)(2), “NPDES data group” Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(b)(2), “NPDES program” (Board): Changed “pursuant to” to “under”; corrected the citation “42 USC 1307(b)” to “33 USC 1317(b).”
- 35 Ill. Adm. Code 310.106(b)(2), “NPDES program” Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(b)(2), “NPDES-regulated entity” Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(b)(3) (Board): Corrected the title case for the topical subheading, “Data to Be Reported Electronically,” and removed the ending period.
- 35 Ill. Adm. Code 310.106(b)(3)(A)(i) (Board): Changed “pursuant to” to “under.”
- 35 Ill. Adm. Code 310.106(b)(3)(A)(iii) (Board): Changed “pursuant to” to “under.”
- 35 Ill. Adm. Code 310.106(b)(3)(A)(vi) (Board): Changed “pursuant to” to “under”; changed “40 CFR 122.41(l)(6) and (7)” to “40 CFR 122.41(l)(6) and (l)(7).”
- 35 Ill. Adm. Code 310.106(b)(3) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(b)(4) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(b)(5) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(b)(6) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(b)(7) (Board): Removed the ending period from the topical subheading, “Waivers from Electronic Reporting.”
- 35 Ill. Adm. Code 310.106(b)(7)(B) (Board): Changed “pursuant to” to “under.”
- 35 Ill. Adm. Code 310.106(b)(7)(C) (Board): Changed “pursuant to section 28.1 of the Act” to capitalized “under Section 28.1 of the Act.”
- 35 Ill. Adm. Code 310.106(b)(7)(D) (Board): Changed “pursuant to” to “under.”
- 35 Ill. Adm. Code 310.106(b)(7)(E) (Board): Changed “pursuant to” to “under.”

- 35 Ill. Adm. Code 310.106(b)(7)(F)(i) (Board): Changed “such as” to “like.”
- 35 Ill. Adm. Code 310.106(b)(7)(G) (Board): Removed the ending period from the topical subheading, “Waivers from Electronic Reporting.”
- 35 Ill. Adm. Code 310.106(b)(7)(G)(i) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(a)(7)(G)(ii) (Board): Changed “when . . . is available” to “if . . . is available.”
- 35 Ill. Adm. Code 310.106(b)(7)(G)(ii) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(b)(7)(G)(iii) (Board): Changed “pursuant to” to “under.”
- 35 Ill. Adm. Code 310.106(b)(7)(G)(iii) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(b)(7) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(b)(8) (Board): Corrected the title case for the topical subheading, “Implementation of Electronic Reporting Requirements for NPDES Permittees, Facilities, and Entities Subject to This Subsection (b),” and removed the ending period.
- 35 Ill. Adm. Code 310.106(b)(8)(A) (JCAR): Removed the ending period in the parenthetical “(see Section 310.612).”
- 35 Ill. Adm. Code 310.106(b)(8)(C) (Board): Changed “pursuant to” to “under.”
- 35 Ill. Adm. Code 310.106(a)(8)(C) Board note (Board): Changed “where . . . is not approved” to “if . . . is not approved.”
- 35 Ill. Adm. Code 310.106(b)(8) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.106(b)(9) Board note (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 2.302 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 3.2 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 3.3 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 3.10 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 3.2000 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 25 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

- 35 Ill. Adm. Code 310.107(b), Tables II and III in appendix D to 40 CFR 122 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 122.23(b) and (c) (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), appendix A to 40 CFR 127 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 136 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 401.15 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 403 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 403.12(b) (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 403.15 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), appendix D to 40 CFR 403 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), appendix G to 40 CFR 403 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 503 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 18 USC 1001 (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 USC 1251 et seq. (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 USC 1284(b) (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 USC 1292(2) (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 18 USC 1217(b), (c), and (d) (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 USC 1318 (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 USC 1319(c)(4) (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 USC 1319(c)(6) (Board): Updated the *United States Code* citation to the latest version available.

- 35 Ill. Adm. Code 310.107(c), 33 USC 1345 (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 42 USC 6921-6939g and 6941-6949a (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.605(a) (Board): Changed “shall” to “must”; changed “such factors” to “those factors.”
- 35 Ill. Adm. Code 310.605(b)(1) (Board): Changed “where it determines” to “if it determines.”
- 35 Ill. Adm. Code 310.605(c) (Board): Changed “where . . . has imposed” to “if . . . has imposed.”
- 35 Ill. Adm. Code 310.605 Board (Board): Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.611(c) (Board): Changed “in cases where . . . requires” to “if . . . requires.”
- 35 Ill. Adm. Code 310.611 Board note (Board)
Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.
- 35 Ill. Adm. Code 310.612 Board note (Board)
Removed the unnecessary version date from the *Code of Federal Regulations* citation in the derivation statement.

Table 4:
Revisions to the Proposed Amendments on Final Adoption

- 35 Ill. Adm. Code 307.3301(b) (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 307.3301(c)(1) (Board, JCAR): Updated the *Code of Federal Regulations* citation to the latest version available (twice); changed “as amended” to “as amended at 85 Fed. Reg. 64650 (Oct. 13, 2020)”; changed the comma after “85 Fed. Reg. 64650 (Oct. 13, 2020)” to a semicolon (twice) to separate elements in a of a series that contain commas; corrected “40 CFR 40 CFR 423.13(k)(3) and (o)” to “40 CFR 423.13(k)(3) and (o)”; changed “and as added” to “as added.”
- 35 Ill. Adm. Code 307.3301(c)(1)(F)(v) (JCAR): Corrected the spelling “discharges” to “discharges.”
- 35 Ill. Adm. Code 307.3301(c)(1)(G)(ii) (JCAR, Board): Changed “more stringent limitations that already” to “more stringent limitations that already apply.”
- 35 Ill. Adm. Code 307.3301(d)(1) (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.106(a)(1)(C)(i) (JCAR): Corrected the spelling “fascimile” to “facsimile.”
- 35 Ill. Adm. Code 310.106(a)(2) “NPDES program” (JCAR): Added the closing parenthesis after “(e.g., NPDES core program, federal facilities, general permits, and pretreatment.”

- 35 Ill. Adm. Code 310.106(a)(5) (JCAR, Board): Corrected the omission of a space in “in Lieu of”; corrected “a Paper Documents” to singular “a Paper Document.” See the entry in Table 5 below.
- 35 Ill. Adm. Code 310.106(b)(7)(C) (JCAR): Changed “section 28.1 of the Act” to capitalized “Section 28.1 of the Act.”
- 35 Ill. Adm. Code 310.106(b)(8)(A) (JCAR): Removed the ending period in the parenthetical “(see Section 310.612).”
- 35 Ill. Adm. Code 310.107(b), 40 CFR 2.302 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 3.2 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 3.3 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 3.10 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 3.2000 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 25 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), Tables II and III in appendix D to 40 CFR 122 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 122.23(b) and (c) (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), appendix A to 40 CFR 127 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 136 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 401.15 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 403 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 403.12(b) (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), 40 CFR 403.15 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), appendix D to 40 CFR 403 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(b), appendix G to 40 CFR 403 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.

- 35 Ill. Adm. Code 310.107(b), 40 CFR 503 (Board): Updated the *Code of Federal Regulations* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 18 USC 1001 (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 USC 1251 et seq. (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 USC 1284(b) (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 USC 1292(2) (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 18 USC 1217(b), (c), and (d) (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 USC 1318 (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 USC 1319(c)(4) (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 USC 1319(c)(6) (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 33 USC 1345 (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.107(c), 42 USC 6921-6939g and 6941-6949a (Board): Updated the *United States Code* citation to the latest version available.
- 35 Ill. Adm. Code 310.605(a) (JCAR): Removed the comma marked for adding after “(see 40 CFR 127.24(e) or (f)).”
- 35 Ill. Adm. Code 310.611 (JCAR): Removed the ending period in the parenthetical “(see Section 310.612).”
- 35 Ill. Adm. Code 310.612 (JCAR): Removed the ending period in the parenthetical “(see Section 310.612).”

Table 5:
Requested Revisions Not Made on Final Adoption

- 35 Ill. Adm. Code 307 table of contents, 307.1801 heading (JCAR): Remove the extra space between “Farm-Raised” and “Catfish.”
Response: The Board’s text does not include the extra space.
- 35 Ill. Adm. Code 307 table of contents, 307.3906 heading (JCAR): Change the em-dash in “Wood Preserving—Water Borne or Nonpressure” to an en-dash preceded and followed by spaces.
Response: The Board follows the conventional use of an em-dash without spaces.

- 35 Ill. Adm. Code 307 table of contents, 307.3907 heading (JCAR): Change the em-dash in “Wood Preserving—Steam” to an en-dash preceded and followed by spaces.
Response: See the entry for 35 Ill. Adm. Code 307 table of contents, 307.3906 heading in this Table 5.
- 35 Ill. Adm. Code 307 table of contents, 307.3908 heading (JCAR): Change the em-dash in “Wood Preserving—Boulton” to an en-dash preceded and followed by spaces.
Response: See the entry for 35 Ill. Adm. Code 307 table of contents, 307.3906 heading in this Table 5.
- 35 Ill. Adm. Code 307.3301(c) (JCAR): Remove the overstriking that would delete the ending period from the topical subheading.
Response: The Board follows JCAR’s preference and omits ending periods from stand-alone topical subheadings.
- 35 Ill. Adm. Code 307.3301(c)(1) (JCAR): Omit the amendment that would change “this incorporation includes” to “these incorporations include.”
Response: See the entry for 35 Ill. Adm. Code 307.3301(c) above in this Table 5.
- 35 Ill. Adm. Code 310.106(a)(1) (JCAR): Omit the overstriking that would delete the ending period.
Response: See the entry for 35 Ill. Adm. Code 307.3301(c) above in this Table 5.
- 35 Ill. Adm. Code 310.106(a)(1)(A)(i) (JCAR): Omit the comma that offsets “under 40 CFR 127” (without overstriking).
Response: The comma offsets the clause as a parenthetical.
- 35 Ill. Adm. Code 310.106(a)(1) Board note (JCAR): Omit the overstriking that would delete the version date from the *Code of Federal Regulations* citation.
Response: The Board consistently removes unnecessary version dates from citations in derivation statements.
- 35 Ill. Adm. Code 310.106(a)(3) Board note (JCAR): Omit the overstriking that would delete the version date from the *Code of Federal Regulations* citation.
Response: See the entry for 35 Ill. Adm. Code 310.106(a)(1) Board note above in this Table 5.
- 35 Ill. Adm. Code 310.106(a)(4) Board note (JCAR): Omit the overstriking that would delete the version date from the *Code of Federal Regulations* citation.
Response: See the entry for 35 Ill. Adm. Code 310.106(a)(1) Board note above in this Table 5.
- 35 Ill. Adm. Code 310.106(a)(5) (JCAR): Correct “a Paper Documents” to “Paper Documents.”
Response: The Board has chosen to correct to the singular to harmonize with “Electronic Document.” See the entry in Table 4 above.
- 35 Ill. Adm. Code 310.106(a)(5) Board note (JCAR): Omit the overstriking that would delete the version date from the *Code of Federal Regulations* citation.
Response: See the entry for 35 Ill. Adm. Code 310.106(a)(1) Board note above in this Table 5.

- 35 Ill. Adm. Code 310.106(b) (JCAR): Omit the overstriking that would delete the ending period.
Response: See the entry for 35 Ill. Adm. Code 307.3301(c) above in this Table 5.
- 35 Ill. Adm. Code 310.106(b)(1) (JCAR): Omit the overstriking that would delete the ending period.
Response: See the entry for 35 Ill. Adm. Code 307.3301(c) above in this Table 5.
- 35 Ill. Adm. Code 310.106(b)(1) Board note (JCAR): Omit the overstriking that would delete the version date from the *Code of Federal Regulations* citation.
Response: See the entry for 35 Ill. Adm. Code 310.106(a)(1) Board note above in this Table 5.
- 35 Ill. Adm. Code 310.106(b)(2) “initial recipient of electronic NPDES information from NPDES-regulated facilities” (JCAR): Change the hyphen in “NPDES-regulated” to a soft hyphen.
Response: A standard (hard) hyphen is appropriate.
- 35 Ill. Adm. Code 310.106(b)(2) “program reports” (JCAR): Change the hyphen in “NPDES-regulated” to a soft hyphen.
Response: See the entry for 35 Ill. Adm. Code 307.3301(c) above in this Table 5.
- 35 Ill. Adm. Code 310.106(b)(3) (JCAR): Omit the overstriking that would delete the ending period.
Response: See the entry for 35 Ill. Adm. Code 307.3301(c) above in this Table 5.
- 35 Ill. Adm. Code 310.106(b)(5) (JCAR): Omit the overstriking that would delete the ending period.
Response: See the entry for 35 Ill. Adm. Code 307.3301(c) above in this Table 5.
- 35 Ill. Adm. Code 310.106(b)(7) (JCAR): Omit the overstriking that would delete the ending period.
Response: See the entry for 35 Ill. Adm. Code 307.3301(c) above in this Table 5.
- 35 Ill. Adm. Code 310.106(b)(7)(D) (JCAR): Add a comma after “compliance with” (without underlining).
Response: The comma would be unnecessary and inappropriate.
- 35 Ill. Adm. Code 310.106(b)(7)(G) (JCAR): Omit the overstriking that would delete the ending period.
Response: See the entry for 35 Ill. Adm. Code 307.3301(c) above in this Table 5.
- 35 Ill. Adm. Code 310.106(b)(7)(G)(ii) (JCAR): Omit revising “when an episodic waiver is available” to “if an episode waiver is available.”
Response: The Board prefers using “if” for a conditional statement to avoid the temporal sense of “when.”
- 35 Ill. Adm. Code 310.106(b)(8) (JCAR): Omit the overstriking that would delete the ending period.
Response: See the entry for 35 Ill. Adm. Code 307.3301(c) above in this Table 5.

35 Ill. Adm. Code 310.106(b)(8)(C) Board note (JCAR): Use “when the State is not approved.”

Response: See the entry for 35 Ill. Adm. Code 310.106(b)(7)(G)(ii) above in this Table 5.
JCAR made this suggestion in PC 2

35 Ill. Adm. Code 310.106(b)(8) Board note (JCAR): Omit the overstriking that would delete the ending period.

Response: See the entry for 35 Ill. Adm. Code 307.3301(c) above in this Table 5.

35 Ill. Adm. Code 310.605(b)(3) (JCAR): Change the hyphen in “non-detectable” to a soft hyphen.

Response: See the entry for 35 Ill. Adm. Code 307.3301(c) above in this Table 5.