

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pretreatment Programs
- 2) Code Citation: 35 Ill. Adm. Code 310
- 3) Section Number: 310.107 Proposed Action: Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13.3, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in this rulemaking. A comprehensive description is contained in the Board's opinion and order of February 17, 2022 proposing an amendment in docket R22-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendment for 45 days from the date it appears in the *Illinois Register* before proceeding to adopt amendment based on this proposal.

The docket R22-7 proceeding relates to the wastewater pretreatment requirements in 35 Ill. Adm. Code 310 of the Illinois water pollution control rules. The amendment implements USEPA's May 19, 2021 updated analytical methods in 40 C.F.R. 136 used for effluent analyses under the Clean Water Act. The Board deviated from the literal text of the USEPA amendment by using incorporation by reference rather than incorporating the text of the NPDES electronic reporting requirements. Thus, updating the incorporations by reference includes the USEPA action.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" (IIS-RA(P)) that the Board added to docket R22-7 which list the limited revisions that are not based on current federal amendments. The tables contain the deviation from the literal text of the federal actions underlying this amendment, as well as updates to incorporations by reference to the *Code of Federal Regulations* that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the IIS-RA(P) in docket R22-7.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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- 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 the proposed rule contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: 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)].
- 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 R22-7 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R22-7:

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

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

Request copies of the Board's opinion and order at 312-814-3620 or download a copy from the Board's Website at <http://www.pcb.illinois.gov>.

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- 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) (2020)].
 - 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) (2020)].
 - 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) (2020)].
- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Administrative Procedure Act [5 ILCS 100/1-5(c) and 5-30] provide that small business impact analysis and related requirements under Section 5-30 do not apply to this type of identical-in-substance rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2021

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

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
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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

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22 SUBPART B: PRETREATMENT STANDARDS
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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
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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

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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

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SUBPART D: PRETREATMENT PERMITS

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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

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SUBPART E: POTW PRETREATMENT PROGRAMS

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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
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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

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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

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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

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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
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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 (Repealed)
173		
174		
175		AUTHORITY: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the
176		Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

177
178 SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-
179 18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243,
180 effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990;
181 amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill.
182 Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24,
183 1996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22
184 Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July
185 12, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15
186 at 24 Ill. Reg. 11633, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1322, effective
187 January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10860, effective August 14, 2001; amended
188 in R02-3 at 26 Ill. Reg. 4008, effective February 28, 2002; amended in R02-9 at 26 Ill. Reg.
189 4653, effective March 18, 2002; amended in R03-13 at 27 Ill. Reg. 15137, effective September
190 10, 2003; amended in R04-1 at 28 Ill. Reg. 3390, effective February 6, 2004; amended in R04-18
191 at 28 Ill. Reg. 10684, effective July 13, 2004; amended in R06-13 at 30 Ill. Reg. 17847, effective
192 October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 19008, effective November
193 26, 2008; amended in R13-7 at 37 Ill. Reg. 1962, effective February 4, 2013; amended in R15-13
194 at 39 Ill. Reg. 12357, effective August 24, 2015; amended in R16-9 at 41 Ill. Reg. 1155, effective
195 January 23, 2017; amended in R21-8 at 44 Ill. Reg. 19486, effective December 3, 2020; amended
196 in R21-15 at 45 Ill. Reg. 8061, effective June 21, 2021; amended in R22-7 at 46 Ill. Reg. _____,
197 effective _____.

198
199 **SUBPART A: GENERAL PROVISIONS**

200
201 **Section 310.107 Incorporations by Reference**

- 202
203 a) The following publications are incorporated by reference for the purposes of this
204 Part and 35 Ill. Adm. Code 307:

205
206 Combined Sewer Overflow (CSO) Control Policy (April 1994) (USEPA
207 document number EPA-830-B-94-001), available from National Service
208 Center for Environmental Publications (NSCEP), P.O. Box 42419,
209 Cincinnati, OH 45242-0419, 800-490-9198 or online for download in an
210 electronic format at <http://nepis.epa.gov/EPA/html/pubindex.html>,
211 referenced in Section 310.320.

212 BOARD NOTE: USEPA published the Combined Sewer Overflow
213 (CSO) Control Policy in the Federal Register at 59 Fed. Reg. 18688 (Apr.
214 19, 1994).

215
216 Standard Industrial Classification Manual (1987) (document no.
217 PB87-100012) (referred to as "1987 SIC Manual"), available from the
218 National Technical Information Service, 5285 Port Royal Road,
219 Springfield, Virginia 22161, referenced in 35 Ill. Adm. Code 307.2201,
220 307.2400, 307.2402 through 307.2407, and 307.3901 and Section 310.602.

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221 BOARD NOTE: The 1987 SIC Manual is available for online search
222 through the U.S. Department of Labor, at [http://www.osha.gov/pls/imis/
223 sic_manual.html](http://www.osha.gov/pls/imis/sic_manual.html). In 1997, the federal Office of Management and Budget
224 (OMB) announced that the North American Industry Classification
225 System (NAICS) was replacing the SIC (62 Fed. Reg. 17288 (Apr. 9,
226 1997)) for statistical purposes. OMB announced adoption of a 2012
227 edition of NAICS (76 Fed. Reg. 51240 (Aug. 17, 2011)). The 1997
228 NAICS Manual is available for online search or purchase (as electronic or
229 hard copy) at <http://www.naics.com>. Until USEPA amends its regulations
230 to change references to SIC codes to references to NAICS codes, the
231 Board will continue to use the 1987 SIC codes.
232

- 233 b) The following provisions of the Code of Federal Regulations are incorporated by
234 reference for the purposes of this Part and 35 Ill. Adm. Code 307:
235

236 40 CFR 2.302 (2020) (Special Rules Governing Certain Information
237 Obtained Under the Clean Water Act), referenced in Section 310.105.
238

239 40 CFR 3.2 (2020) (How Does This Part Provide for Electronic
240 Reporting?), referenced in Section 310.106.
241

242 40 CFR 3.3 (2020) (What Definitions Are Applicable to This Part?),
243 referenced in Section 310.106.
244

245 40 CFR 3.10 (2020) (What Are the Requirements for Electronic Reporting
246 to EPA?), referenced in Section 310.106.
247

248 40 CFR 3.2000 (2020) (What Are the Requirements Authorized State,
249 Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in
250 Section 310.106.
251

252 40 CFR 25 (2020) (Public Participation in Programs Under the Resource
253 Conservation and Recovery Act, the Safe Drinking Water Act, and the
254 Clean Water Act), referenced in Section 310.510.
255

256 Tables II (Organic Toxic Pollutants in Each of Four Fractions in Analysis
257 by Gas Chromatography/Mass Spectroscopy (GS/MS)) and III (Other
258 Toxic Pollutants (Metals and Cyanide) and Total Phenols) in appendix D
259 to 40 CFR 122 (2020) (NPDES Permit Application Testing
260 Requirements), referenced in 35 Ill. Adm. Code 307.1005.
261

262 40 CFR 122.23(b) and (c) (2020) (Concentrated Animal Feeding
263 Operations), referenced in 35 Ill. Adm. Code 307.2201.
264

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265 Appendix A to 40 CFR 127 (2020), as amended at 85 Fed. Reg. 69189
266 (Nov. 2, 2020) (Minimum Set of NPDES Data), referenced in Sections
267 310.106 and 310.612.

268 BOARD NOTE: Only those segments relevant to electronic reporting
269 under the wastewater pretreatment program (NPDES data groups 1, 2, 3,
270 7, and 8) are intended.

271
272 40 CFR 136 (2020) (Guidelines Establishing Test Procedures for the
273 Analysis of Pollutants), as amended at 86 Fed. Reg. 27226 (May 19,
274 2021), referenced in 35 Ill. Adm. Code 307.1003 and 307.6500 and
275 Sections 310.605, 310.610, and 310.611.

276
277 40 CFR 401.15 (2020) (Toxic Pollutants), referenced in 35 Ill. Adm. Code
278 307.1005.

279
280 40 CFR 403 (2020) (General Pretreatment Regulations for Existing and
281 New Sources of Pollution), referenced in Section 310.432.

282
283 40 CFR 403.12(b) (2020) (Reporting Requirements for POTWs and
284 Industrial Users), referenced in Section 310.602.

285
286 40 CFR 403.15 (2020) (Net/Gross Calculation), referenced in Section
287 310.801.

288
289 Appendix D to 40 CFR 403 (2020) (Selected Industrial Subcategories
290 Considered Dilute for Purposes of the Combined Wastestream Formula),
291 referenced in Section 310.233.

292
293 Appendix G to 40 CFR 403 (2020) (Pollutants Eligible for a Removal
294 Credit), referenced in Section 310.303.

295
296 40 CFR 503 (2020) (Standards for the Use or Disposal of Sewage Sludge),
297 referenced in Section 310.303.

298
299 c) The following federal statutes are incorporated by reference:

300
301 Section 1001 of federal Crimes and Criminal Procedure (18 USC 1001
302 (2019)), referenced in Section 310.633.

303
304 The federal Clean Water Act (CWA) (33 USC 1251 et seq. (2019)),
305 referenced in Sections 310.110 and 310.705.

306
307 Section 204(b) of the federal Clean Water Act (33 USC 1284(b) (2019)),
308 referenced in Section 310.510.

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309
310 Section 212(2) of the federal Clean Water Act (33 USC 1292(2) (2019)),
311 referenced in Section 310.110.
312
313 Section 307(b), (c), and (d) of the federal Clean Water Act (33 USC
314 1317(b), (c), and (d) (2019)), referenced in Section 310.110.
315
316 Section 308 of the federal Clean Water Act (33 USC 1318 (2019)),
317 referenced in Section 310.510.
318
319 Section 309(c)(4) of the federal Clean Water Act (33 USC 1319(c)(4)
320 (2019)), referenced in Section 310.633.
321
322 Section 309(c)(6) of the federal Clean Water Act (33 USC 1319(c)(6)
323 (2019)), referenced in Section 310.633.
324
325 Section 405 of the federal Clean Water Act (33 USC 1345 (2019)),
326 referenced in Section 310.510.
327
328 Subtitles C and D of the federal Resource Conservation and Recovery Act
329 (42 USC 6921-6939g and 6941-6949a) (2019)), referenced in Section
330 310.510.

331
332 d) This Part incorporates no future editions or amendments.
333

334 BOARD NOTE: The Board has located the incorporations by reference for the purposes of this
335 Part and the more general incorporations by reference for the purposes of 35 Ill. Adm. Code 307
336 in this Section to aid future review and updates. The Board has located the incorporations by
337 reference of the federal categorical standards scattered throughout 35 Ill. Adm. Code 307 at the
338 segments appropriate to each individual categorical standard. This aids future review and
339 updates of the categorical standards.

340 (Source: Amended at 46 Ill. Reg. _____, effective _____)
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0 TITLE 35: ENVIRONMENTAL PROTECTION
1 SUBTITLE C: WATER POLLUTION
2 CHAPTER I: POLLUTION CONTROL BOARD

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4 PART 310
5 PRETREATMENT PROGRAMS

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7 SUBPART A: GENERAL PROVISIONS

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9Section

10310.101 Applicability
11310.102 Objectives
12310.103 Federal Law
13310.104 State Law
14310.105 Confidentiality
15310.106 Electronic Reporting
16310.107 Incorporations by Reference
17310.110 Definitions
18310.111 New Source
19310.112 Significant Industrial User

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21 SUBPART B: PRETREATMENT STANDARDS

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23Section

24310.201 General Prohibitions
25310.202 Specific Prohibitions
26310.210 Local Limits Developed by POTW
27310.211 Status of Local Limits
28310.220 Categorical Standards
29310.221 Source Category Determination Request
30310.222 Deadline for Compliance with Categorical Standards
31310.230 Concentration and Mass Limits
32310.232 Dilution Prohibited as a Substitute for Treatment
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35 SUBPART C: REMOVAL CREDITS

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37Section

- 38310.301 Special Definitions
- 39310.302 Authority
- 40310.303 Conditions for Authorization to Grant Removal Credits
- 41310.310 Calculation of Revised Discharge Limits
- 42310.311 Demonstration of Consistent Removal
- 43310.312 Provisional Credits
- 44310.320 Compensation for Overflow
- 45310.330 Exception to POTW Pretreatment Program
- 46310.340 Application for Removal Credits Authorization
- 47310.341 Agency Review
- 48310.343 Assistance of POTW
- 49310.350 Continuation of Authorization
- 50310.351 Modification or Withdrawal of Removal Credits

51

52

SUBPART D: PRETREATMENT PERMITS

53

54Section

- 55310.400 Preamble
- 56310.401 Pretreatment Permits
- 57310.402 Time to Apply
- 58310.403 Imminent Endangerment
- 59310.410 Application
- 60310.411 Certification of Capacity
- 61310.412 Signatures
- 62310.413 Site Visit
- 63310.414 Completeness
- 64310.415 Time Limits
- 65310.420 Standard for Issuance
- 66310.421 Final Action
- 67310.430 Conditions
- 68310.431 Duration of Permits
- 69310.432 Schedules of Compliance
- 70310.441 Effect of a Permit
- 71310.442 Modification
- 72310.443 Revocation
- 73310.444 Appeal

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SUBPART E: POTW PRETREATMENT PROGRAMS

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77Section

- 78310.501 Pretreatment Programs Required
- 79310.502 Deadline for Program Approval
- 80310.503 Incorporation of Approved Programs in Permits
- 81310.504 Incorporation of Compliance Schedules in Permits
- 82310.505 Reissuance or Modification of Permits
- 83310.510 Pretreatment Program Requirements
- 84310.511 Receiving Electronic Documents
- 85310.521 Program Approval
- 86310.522 Contents of Program Submission
- 87310.524 Content of Removal Allowance Submission
- 88310.531 Agency Action
- 89310.532 Defective Submission
- 90310.533 Water Quality Management
- 91310.541 Deadline for Review
- 92310.542 Public Notice and Hearing
- 93310.543 Agency Decision
- 94310.544 USEPA Objection
- 95310.545 Notice of Decision
- 96310.546 Public Access to Submission
- 97310.547 Appeal

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SUBPART F: REPORTING REQUIREMENTS

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- 101310.601 Definition of Control Authority (Repealed)
- 102310.602 Baseline Report
- 103310.603 Compliance Schedule
- 104310.604 Report on Compliance with Deadline
- 105310.605 Periodic Reports on Compliance
- 106310.606 Notice of Potential Problems
- 107310.610 Monitoring and Analysis
- 108310.611 Requirements for Non-Categorical Standard Users
- 109310.612 Annual POTW Reports
- 110310.613 Notification of Changed Discharge

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111310.621	Compliance Schedule for POTWs
112310.631	Signatory Requirements for Industrial User Reports
113310.632	Signatory Requirements for POTW Reports
114310.633	Fraud and False Statements
115310.634	Recordkeeping Requirements
116310.635	Notification of Discharge of Hazardous Waste
117310.636	Annual Certification by Non-Significant Categorical Users
118310.637	Receiving Electronic Documents
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123310.701	Definition of Requester
124310.702	Purpose and Scope
125310.703	Criteria
126310.704	Fundamentally Different Factors
127310.705	Factors that are Not Fundamentally Different
128310.706	More Stringent State Law
129310.711	Application Deadline
130310.712	Contents of FDF Request
131310.713	Deficient Requests
132310.714	Public Notice
133310.721	Agency Review of FDF Requests
134310.722	USEPA Review of FDF Requests
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136	SUBPART H: ADJUSTMENTS FOR POLLUTANTS IN INTAKE
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139310.801	Net/Gross Calculation
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143	Section
144310.901	Definition
145310.902	Effect of an Upset
146310.903	Conditions Necessary for an Upset
147310.904	Burden of Proof

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148310.905 Reviewability of Claims of Upset
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151 SUBPART J: BYPASS
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154310.910 Definitions
155310.911 Bypass Not Violating Applicable Pretreatment Standards or Requirements
156310.912 Notice
157310.913 Prohibition of Bypass
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159 SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS
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161Section
162310.920 General
163310.921 Substantial Modifications Defined
164310.922 Approval Procedures for Substantial Modifications
165310.923 Approval Procedures for Non-Substantial Modifications
166310.924 Incorporation of Modifications into the Permit
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168 SUBPART L: FEDERAL PROJECT XL AGREEMENTS
169
170Section
171310.930 Federally Approved Pretreatment Program Reinvention Pilot Projects Under
172 Project XL (Repealed)
173
174AUTHORITY: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the
175Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].
176
177SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in
178R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243,
179effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990;
180amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992; amended in R95-22 at 20 Ill.
181Reg. 5533, effective April 1, 1996; amended in R96-12 at 20 Ill. Reg. 10671, effective July 24,
1821996; amended in R97-7 at 21 Ill. Reg. 5163, effective April 10, 1997; amended in R98-23 at 22
183Ill. Reg. 11465, effective June 22, 1998; amended in R99-17 at 23 Ill. Reg. 8412, effective July
18412, 1999; amended in R00-7 at 24 Ill. Reg. 2372, effective January 26, 2000; amended in R00-15

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185at 24 Ill. Reg. 11633, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1322, effective
186January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10860, effective August 14, 2001; amended
187in R02-3 at 26 Ill. Reg. 4008, effective February 28, 2002; amended in R02-9 at 26 Ill. Reg.
1884653, effective March 18, 2002; amended in R03-13 at 27 Ill. Reg. 15137, effective September
18910, 2003; amended in R04-1 at 28 Ill. Reg. 3390, effective February 6, 2004; amended in R04-18
190at 28 Ill. Reg. 10684, effective July 13, 2004; amended in R06-13 at 30 Ill. Reg. 17847, effective
191October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 19008, effective November
19226, 2008; amended in R13-7 at 37 Ill. Reg. 1962, effective February 4, 2013; amended in R15-13
193at 39 Ill. Reg. 12357, effective August 24, 2015; amended in R16-9 at 41 Ill. Reg. 1155, effective
194January 23, 2017; amended in R21-8 at 44 Ill. Reg. 19486, effective December 3, 2020; amended
195in R21-15 at 45 Ill. Reg. 8061, effective June 21, 2021; amended in R22-7 at 46 Ill. Reg.
196_____, effective _____.

197
198
199

SUBPART A: GENERAL PROVISIONS

200**Section 310.107 Incorporations by Reference**

201

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

204

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

211

211 BOARD NOTE: USEPA published the Combined Sewer Overflow
212 (CSO) Control Policy in the Federal Register at 59 Fed. Reg. 18688 (Apr.
213 19, 1994).

214

215 Standard Industrial Classification Manual (1987) (document no.
216 PB~~87-10001~~[287-100012](#)) (referred to as "1987 SIC Manual"), available
217 from the National Technical Information Service, 5285 Port Royal Road,
218 Springfield, Virginia 22161, referenced in 35 Ill. Adm. Code 307.2201,
219 307.2400, 307.2402 through 307.2407, and 307.3901 and Section 310.602.

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220 BOARD NOTE: The 1987 SIC Manual is available for online search
221 through the U.S. Department of Labor, at
222 [http://www.osha.gov/pls/imis/
223 sic_manual.html](http://www.osha.gov/pls/imis/sic_manual.html). In 1997, the federal Office of Management and Budget
224 (OMB) announced that the North American Industry Classification
225 System (NAICS) was replacing the SIC (62 Fed. Reg. 17288 (Apr. 9,
226 1997)) for statistical purposes. OMB announced adoption of a 2012
227 edition of NAICS (76 Fed. Reg. 51240 (Aug. 17, 2011)). The 1997
228 NAICS Manual is available for online search or purchase (as electronic or
229 hard copy) at <http://www.naics.com>. Until USEPA amends its
230 regulations to change references to SIC codes to references to NAICS
231 codes, the Board will continue to use the 1987 SIC codes.
232

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

235
236 40 CFR 2.302 (2020) (Special Rules Governing Certain Information
237 Obtained Under the Clean Water Act), referenced in Section 310.105.
238

239 40 CFR 3.2 (2020) (How Does This Part Provide for Electronic
240 Reporting?), referenced in Section 310.106.
241

242 40 CFR 3.3 (2020) (What Definitions Are Applicable to This Part?),
243 referenced in Section 310.106.
244

245 40 CFR 3.10 (2020) (What Are the Requirements for Electronic Reporting
246 to EPA?), referenced in Section 310.106.
247

248 40 CFR 3.2000 (2020) (What Are the Requirements Authorized State,
249 Tribe, and Local Programs² Reporting Systems Must Meet?), referenced
250 in Section 310.106.
251

252 40 CFR 25 (2020) (Public Participation in Programs Under the Resource
253 Conservation and Recovery Act, the Safe Drinking Water Act, and the
254 Clean Water Act), referenced in Section 310.510.
255

256 Tables II (Organic Toxic Pollutants in Each of Four Fractions in Analysis

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257 by Gas Chromatography/Mass Spectroscopy (GS/MS)) and III (Other
258 Toxic Pollutants (Metals and Cyanide) and Total Phenols) in appendix D
259 to 40 CFR 122 (2020) (NPDES Permit Application Testing
260 Requirements), referenced in 35 Ill. Adm. Code 307.1005.
261
262 40 CFR 122.23(b) and (c) (2020) (Concentrated Animal Feeding
263 Operations), referenced in 35 Ill. Adm. Code 307.2201.
264
265 Appendix A to 40 CFR 127 (2020), as amended at 85 Fed. Reg. 69189
266 (Nov. 2, 2020) (Minimum Set of NPDES Data), referenced in Sections
267 310.106 and 310.612.
268 BOARD NOTE: Only those segments relevant to electronic reporting
269 under the wastewater pretreatment program (NPDES data groups 1, 2, 3,
270 7, and 8) are intended.
271
272 40 CFR 136 (2020) (Guidelines Establishing Test Procedures for the
273 Analysis of Pollutants), as amended at 86 Fed. Reg. 27226 (May 19,
274 2021), referenced in 35 Ill. Adm. Code 307.1003 and 307.6500 and
275 Sections 310.605, 310.610, and 310.611.
276
277 40 CFR 401.15 (2020) (Toxic Pollutants), referenced in 35 Ill. Adm. Code
278 307.1005.
279
280 40 CFR 403 (2020) (General Pretreatment Regulations for Existing and
281 New Sources of Pollution), referenced in Section 310.432.
282
283 40 CFR 403.12(b) (2020) (Reporting Requirements for POTWs and
284 Industrial Users), referenced in Section 310.602.
285
286 40 CFR 403.15 (2020) (Net/Gross Calculation), referenced in Section
287 310.801.
288
289 Appendix D to 40 CFR 403 (2020) (Selected Industrial Subcategories
290 Considered Dilute for Purposes of the Combined Wastestream Formula),
291 referenced in Section 310.233.
292

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- 293 Appendix G to 40 CFR 403 (2020) (Pollutants Eligible for a Removal
294 Credit), referenced in Section 310.303.
295
296 40 CFR 503 (2020) (Standards for the Use or Disposal of Sewage Sludge),
297 referenced in Section 310.303.
298
299 c) The following federal statutes are incorporated by reference:
300
301 Section 1001 of federal Crimes and Criminal Procedure (18 USC 1001
302 (2019)), referenced in Section 310.633.
303
304 The federal Clean Water Act (CWA) (33 USC 1251 et seq. (2019)),
305 referenced in Sections 310.110 and 310.705.
306
307 Section 204(b) of the federal Clean Water Act (33 USC 1284(b) (2019)),
308 referenced in Section 310.510.
309
310 Section 212(2) of the federal Clean Water Act (33 USC 1292(2) (2019)),
311 referenced in Section 310.110.
312
313 Section 307(b), (c), and (d) of the federal Clean Water Act (33 USC
314 1317(b), (c), and (d) (2019)), referenced in Section 310.110.
315
316 Section 308 of the federal Clean Water Act (33 USC 1318 (2019)),
317 referenced in Section 310.510.
318
319 Section 309(c)(4) of the federal Clean Water Act (33 USC 1319(c)(4)
320 (2019)), referenced in Section 310.633.
321
322 Section 309(c)(6) of the federal Clean Water Act (33 USC 1319(c)(6)
323 (2019)), referenced in Section 310.633.
324
325 Section 405 of the federal Clean Water Act (33 USC 1345 (2019)),
326 referenced in Section 310.510.
327

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