

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Performance Criteria
- 2) Code Citation: 35 Ill. Adm. Code 306
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
306.101	Amendment
306.102	Amendment
306.201	Amendment
306.302	Amendment
306.303	Amendment
306.304	Amendment
306.305	Amendment
306.306	Amendment
306.350	Repealed
306.351	Repealed
306.352	Repealed
306.360	Repealed
306.361	Repealed
306.362	Repealed
306.363	Repealed
306.364	Repealed
306.370	Repealed
306.371	Repealed
306.372	Repealed
306.373	Repealed
306.374	Repealed
306.401	Amendment
306.402	Amendment
306.403	Amendment
306.404	Amendment
306.405	Amendment
306.406	Amendment
306.407	Repealed
306.501	Amendment
306.502	Amendment
306.503	Amendment
306.Appendix A	Repealed
- 4) Statutory Authority: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act. [415 ILCS 5/13 and 27].

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- 5) A Complete Description of the Subjects and Issues Involved: In 2016, the Board began reviewing its rules to identify obsolete, repetitive, confusing, or otherwise unnecessary language. On January 10, 2018, the Illinois Environmental Protection Agency (IEPA) filed a proposal to update provisions including Part 306. IEPA's proposal arose from Executive Order 2016-13, which required agencies to identify outdated, repetitive, confusing, or unnecessary rules and then amend or repeal them. These proposed amendments to Part 306 include those submitted by IEPA and those identified separately by the Board. Both IEPA and the Board intend the amendments to be non-substantive clarifications.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3]
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments should refer to Docket R18-23 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at [pcb.illinois.gov](http://pcb.illinois.gov). Public comments may be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

Interested persons may download copies of the Board's opinions and orders in R18-23 from the Board's Web site at [pcb.illinois.gov](http://pcb.illinois.gov) and may also request copies by calling the

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Clerk's office at 312-814-3620.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of Professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board expects that this rulemaking will not have an adverse impact on small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2022

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

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

5 PART 306  
6 PERFORMANCE CRITERIA  
7

8 SUBPART A: SYSTEMS RELIABILITY  
9

10	Section	
11	306.101	Preamble
12	306.102	Systems Reliability
13	306.103	Combined Sewers and Treatment Plant Bypasses (Renumbered)
14	306.104	Intake Structures (Renumbered)
15	306.105	New Connections (Renumbered)

16  
17 SUBPART B: INTAKE STRUCTURES  
18

19	Section	
20	306.201	Intake Structures

21  
22 SUBPART C: COMBINED SEWERS AND  
23 TREATMENT PLANT BYPASSES  
24

25	Section	
26	306.302	Expansion of Combined Sewers
27	306.303	Excess Infiltration
28	306.304	Overflows
29	306.305	Treatment of Overflows and Bypasses
30	306.306	Compliance Dates

31  
32 SUBPART D: EXCEPTION PROCEDURE  
33

34	Section	
35	306.350	Preamble <u>(Repealed)</u>
36	306.351	Notification and Submittals by Discharger <u>(Repealed)</u>
37	306.352	Notification by Agency <u>(Repealed)</u>
38	306.360	Joint or Single Petition for Exception <u>(Repealed)</u>
39	306.361	Justification of Joint Petition <u>(Repealed)</u>
40	306.362	Justification of Single Petition <u>(Repealed)</u>
41	306.363	Contents of Joint Petition <u>(Repealed)</u>
42	306.364	Contents of Single Petition <u>(Repealed)</u>
43	306.370	Notice and Hearing <u>(Repealed)</u>
44	306.371	Opinion and Order <u>(Repealed)</u>

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- 45 306.372 Transcripts (Repealed)
- 46 306.373 Final Date for Petitions (Repealed)
- 47 306.374 Other Proceedings (Repealed)

48

49

## SUBPART E: NEW CONNECTIONS

50

51 Section

52 306.401 Publication of Lists

53 306.402 Restricted Status

54 306.403 Critical Review

55 306.404 Notification of Individuals Requesting Corrections

56 306.405 Notification of Restricted Status or Critical Review

57 306.406 Appeal

58 306.407 Effective Dates (Repealed)

59

60

## SUBPART F: SITE SPECIFIC RULES AND EXCEPTIONS

61

62 Section

63 306.501 East St. Louis-Sauget Site-Specific Discharges

64 306.502 Alton Combined Sewer Overflow Discharges

65 306.503 Havana Site-Specific Discharges

66

67 306.APPENDIX A References to Previous Rules (Repealed)

68

69 AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental  
70 Protection Act. [415 ILCS 5/13 and 27].

71

72 SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190,  
73 effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 7 Ill. Reg. 5682, effective April  
74 19, 1983; amended at 8 Ill. Reg. 1607, effective January 18, 1984; amended at 8 Ill. Reg. 3691,  
75 effective March 14, 1984; amended in R82-7 at 12 Ill. Reg. 11229, effective June 15, 1988;  
76 amended in R88-25 at 14 Ill. Reg. 9449, effective June 4, 1990; amended at R18-23 at 46 Ill.  
77 Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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## SUBPART A: SYSTEMS RELIABILITY

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### Section 306.101 Preamble

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83 This ~~Part addresses~~~~part contains specific requirements and prohibitions concerning~~ existing and  
84 potential sources of water pollution. ~~Unless the contrary is clearly indicated, all references to~~  
85 ~~"Parts" or "Sections" are to Ill. Adm. Code, Title 35: Environmental Protection. For example,~~  
86 ~~"Part 309" is 35 Ill. Adm. Code 309, and "Section 309.101" is 35 Ill. Adm. Code 309.101.~~

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(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 306.102 Systems Reliability**

- a) Malfunctions: All treatment works and associated facilities ~~must~~ shall be ~~so~~ constructed and operated ~~as~~ to minimize violations of applicable standards during ~~such~~ contingencies ~~including~~as flooding, adverse weather, power failure, equipment failure, or maintenance, through ~~such~~ measures ~~including~~as multiple units, holding tanks, duplicate power sources, or ~~such~~ other appropriate measures ~~as may be appropriate~~.
- b) Spills: All reasonable measures, including where appropriate ~~the provision of~~ catchment areas, relief vessels, or entrapment dikes, ~~must~~ shall be taken to prevent any spillage of contaminants from causing water pollution.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: INTAKE STRUCTURES

**Section 306.201 Intake Structures**

New water intake structures on waters designated for general use, whose construction begins after the effective date of this Chapter, ~~must~~ shall be ~~so~~ designed ~~as~~ to minimize harm to fish and ~~to~~ other aquatic organisms.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART C: COMBINED SEWERS AND TREATMENT PLANT BYPASSES

**Section 306.302 Expansion of Combined Sewers**

~~Expanding~~The ~~expansion of~~ existing or ~~establishing~~establishment of new combined sewer service areas is prohibited, except where the Agency has determined from the permit application the following:

- a) The combined sewer service area has adequate treatment or retention capacity to ensure that the effluent limitations of 35 Ill. Adm. Code 304 and the provisions of the Act are not violated;
- b) Any anticipated increased flow will not overload connecting segments of the combined sewer system;
- c) Increased flow ~~must~~ shall not aggravate combined sewer overflow problems; including, ~~but not limited to~~, combined sewer surcharges, basement back-ups and

street flow; ~~and~~

- d) The new combined sewer service area will be tributary to an existing combined sewer system.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 306.303 Excess Infiltration**

Excess infiltration into sewers ~~mustshall~~ be eliminated, and the maximum practicable flow ~~mustshall~~ be conveyed to treatment facilities.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 306.304 Overflows**

Overflows from sanitary sewers are ~~expressly~~ prohibited.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 306.305 Treatment of Overflows and Bypasses**

All combined sewer overflows and treatment plant bypasses ~~mustshall~~ be given sufficient treatment to prevent pollution, or the violation of applicable water quality standards unless an exception has been granted by the Board ~~pursuant to Subpart D~~. Sufficient treatment ~~consistsshall consist~~ of the following:

- a) All dry weather flows, and the first flush of storm flows as determined by the Agency, ~~mustshall~~ meet the applicable effluent standards; and
- b) Additional flows, as determined by the Agency but not less than ten times the average dry weather flow for the design year, ~~mustshall~~ receive a minimum of primary treatment and disinfection with adequate retention time; and
- c) Flows in excess of those described in subsection (b) ~~mustshall~~ be treated, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids in ~~complianceaceordance~~ with 35 Ill. Adm. Code 302.203, and to prevent depression of oxygen levels; or
- d) Compliance with a treatment program authorized by the Board in an exception ~~proceedinggranted pursuant to Subpart D~~.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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### 177 **Section 306.306 Compliance Dates**

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179 Compliance with Section 306.305 ~~mustshall~~ be achieved on or before the following dates:

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181 a) All treatment plant bypasses, by the applicable date for improvement of treatment  
182 works under 35 Ill. Adm. Code 304.

183

184 b) All combined sewer overflows within the Metropolitan Sanitary District of  
185 Greater Chicago, by December, 31, 1977;

186

187 c) All other combined sewer overflows, by December 31, 1975.

188

189 d) The compliance dates set by subsections (b) and (c) ~~mustshall~~ be met unless:

190

191 1) The discharger's combined sewer overflow is eligible for a construction  
192 grant under Section 201(g) of the CWA; and,

193

194 2) The discharger has filed an application for a construction grant on or  
195 before March 1, 1977; and,

196

197 3) The discharger has timely taken all appropriate pre-grant and post-grant  
198 actions necessary to the specific grant step for which the discharger is then  
199 eligible, or

200

201 4) The discharger has been granted an exception by the Board ~~pursuant to~~  
202 ~~Subpart D, an exception procedure is pending, or the Agency has not~~  
203 ~~notified the discharger pursuant to Section 306.352.~~

204

205 e) Nothing in subsection (d) ~~limits shall limit~~ the power of the Board to enter an  
206 abatement order ~~under pursuant to~~ Section 46 of the Act necessary to abate  
207 pollution of waters of the State, when the Board has found, as the result of an  
208 enforcement or variance case initiated under Titles VIII or IX of the Act, that the  
209 discharger is causing a violation of the Act or regulations.

210

211 f) The exemption provided by subsection (d) ~~mustshall~~ terminate upon completion  
212 of construction under the grant provided.

213

214 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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216 SUBPART D: EXCEPTION PROCEDURE

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### 218 **Section 306.350 Preamble (Repealed)**

219

220 ~~Exceptions to Section 306.305 or 306.306 shall be granted by the Board based upon water~~



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221 ~~quality effects, actual and potential stream uses, and economic considerations including those of~~  
222 ~~the discharger and those affected by the discharge. The following procedures shall be used for~~  
223 ~~petitions for exceptions to the otherwise applicable water quality standards of this Chapter, and~~  
224 ~~the sufficient treatment provisions contained in Section 305.306, 306.305(a), 306.305(b), and~~  
225 ~~306.305(c).~~

226  
227 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
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### **Section 306.351 Notification and Submittals by Discharger (Repealed)**

229  
230  
231 ~~No later than July 1, 1983, any discharger which has an interest in requesting Agency assistance~~  
232 ~~in initiating an exception proceeding shall so advise the Agency. No later than October 1, 1983~~  
233 ~~the discharger shall assemble and submit to the Agency any background information in the~~  
234 ~~discharger's possession relevant to its combined sewer overflows, including any analyses of~~  
235 ~~treatment options. The Agency after a review of its files and the discharger's submittal, shall~~  
236 ~~request such further information as listed in Section 306.361 and 306.363 as it deems necessary~~  
237 ~~for its determination pursuant to Section 306.352.~~

238  
239 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
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### **Section 306.352 Notification by Agency (Repealed)**

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- 243 a) ~~The Agency shall notify the discharger of any Agency proposal for exception,~~  
244 ~~including any necessary treatment conditions and the provisions of Section~~  
245 ~~306.305 and 306.306 that would be modified or eliminated.~~
  - 246  
247 b) ~~The Agency shall promptly notify the discharger in writing of any discretionary~~  
248 ~~determination that it will not propose an exception and shall indicate the basis for~~  
249 ~~such determination. Such basis may include but not be limited to a judgment that~~  
250 ~~the information submitted is insufficient, that due to the nature of the discharge~~  
251 ~~and the receiving stream relief from Section 306.305 or 306.306 would be~~  
252 ~~environmentally unsound, or that a specific alternative control strategy suggested~~  
253 ~~by the discharger is infeasible from either an engineering or pollutant removal~~  
254 ~~standpoint.~~
  - 255  
256 c) ~~All Agency determinations, shall reflect a consistency of review among~~  
257 ~~dischargers or their individual dischargers. To insure such consistency, the~~  
258 ~~Agency shall adopt criteria for evaluation and review of dischargers' submittals~~  
259 ~~pursuant to Section 306.351.~~

260  
261 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
262

### **Section 306.360 Joint or Single Petition for Exception (Repealed)**

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~~If the discharger accepts the Agency proposal for exception, an exception proceeding before the Board shall be commenced by the discharger by filing jointly with the Agency a petition for exception. If the Agency has declined to propose an exception or if the discharger declines to accept an Agency proposal, the discharger may commence singly an exception proceeding before the Board.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306.361 Justification of Joint Petition (Repealed)**

~~Except as provided otherwise in subsection (d) if the discharger and the Agency jointly file a petition for exception, exception justifications shall be established in the petition for exception as follows:~~

- ~~a) An exception justification based upon minimal discharge impact shall include, as a minimum, an evaluation of receiving stream ratios, known stream uses, accessibility to stream and side land use activities (residential, commercial, agricultural, industrial, recreational), frequency and extent of overflow events, inspections of unnatural bottom deposits, odors, unnatural floating material or color, stream morphology and results of limited stream chemical analyses.~~
- ~~b) Where a minimal impact exception justification cannot be established pursuant to subsection (a), or where an exception will include a modification of otherwise applicable water quality standards, an exception justification shall include, as a minimum, evaluations pursuant to subsection (a) and evaluations of stream sediment analyses, biological surveys (including habitat assessment), and thorough stream chemical analyses that may include but are not limited to analysis of parameters regulated in 35 Ill. Adm. Code 302, analysis of toxics or metals if the collection system tributary to the overflow receives wastes which might contain them, sediment oxygen demand, volatile solids, and diurnal monitoring under both dry and wet weather conditions.~~
- ~~c) Exception justifications which include projections of the improvement from alternative control programs may include reasonably reliable mathematical models based upon information gathered pursuant to subsection (b). The reasonable reliability of a mathematical model shall be assessed by reference to factors including but not limited to the model's scientific validity and the consistency with which the model reflects conditions in the stream as determined by monitored data.~~
- ~~d) Where special circumstances may render any evaluation inapplicable, for reasons of irrelevancy or expense of data collection in relation to the relevancy of the data, the petition shall include a justification for such inapplicability.~~

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(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306.362 Justification of Single Petition (Repealed)**

~~If the discharger files singly a Petition for Exception, exception justifications shall be established by the discharger, pursuant to Section 306.361 (b), (c), and (d).~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306.363 Contents of Joint Petition (Repealed)**

~~Requirements for jointly filed Petition. Ten copies of such petition shall be filed with the Clerk of the Board. The petition shall include the following information:~~

- ~~a) A written statement, signed by the Petitioners or their authorized representatives outlining the scope of the evaluation, the nature of, the reasons for, and the basis for the justification for the exception; and~~
- ~~b) The nature of the discharger's operations and control equipment; and~~
- ~~c) Any Agency proposal for exception; and~~
- ~~d) Citations to any final enforcement actions against the discharger, and any variances granted to the discharger where compliance has not been achieved.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306.364 Contents of Single Petition (Repealed)**

~~In addition to the information specified in Section 306.363, the petition shall include any necessary treatment conditions and the provisions of Section 306.305 and 306.306 that would be modified or eliminated.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306.370 Notice and Hearing (Repealed)**

~~The clerk shall give notice of the petition and shall schedule a hearing in accordance with 35 Ill. Adm. Code 103. The proceedings shall be in accordance with 35 Ill. Adm. Code 103.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306.371 Opinion and Order (Repealed)**

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- 353 a) ~~In considering the proposed petition for exception and the hearing record, the~~  
354 ~~Board shall take into account the factors contained in Section 27(a) of the Act.~~  
355 ~~The Board shall issue and enter a written opinion stating the facts and reasons~~  
356 ~~leading to its decision on a petition for exception.~~  
357  
358 b) ~~The Board shall issue and enter such orders concerning a petition for exception as~~  
359 ~~are appropriate for the reasons stated in its written opinion. Such appropriate~~  
360 ~~orders may include but are not limited to orders accepting or rejecting the petition,~~  
361 ~~directing that further hearings be held to develop further information or to cure~~  
362 ~~any procedural defects, or remanding the petition to the petitioners with suggested~~  
363 ~~revisions. Another hearing shall be held on any revised petition for exception.~~  
364

365 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
366

### 367 **Section 306.372 Transcripts (Repealed)**

368  
369 ~~In any proceeding brought pursuant to Subpart D, the discharger at its own cost shall furnish the~~  
370 ~~Board within 15 days following completion of the hearing seven legible copies of a complete~~  
371 ~~transcript of the proceedings of the hearing. Upon petition, the Board may assume such cost. In~~  
372 ~~determining whether to assume such cost, the Board shall take into consideration transcript costs,~~  
373 ~~the discharger's allegations of special circumstances of economic hardship, and any constraints~~  
374 ~~upon the Board's budgetary ability to assume such costs.~~  
375

376 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
377

### 378 **Section 306.373 Final Date for Petitions (Repealed)**

379  
380 ~~No petition for exception shall be accepted by the Board after January 1, 1986.~~  
381

382 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
383

### 384 **Section 306.374 Other Proceedings (Repealed)**

385  
386 ~~Nothing in Subpart D shall impair any rights authorized in the Act or Board Regulations that the~~  
387 ~~discharger or any other person may have to initiate or participate in regulatory proceedings,~~  
388 ~~variance petitions, enforcement actions, or permit appeals. However, Agency determinations~~  
389 ~~made pursuant to Section 306.352 may not be appealed to the Board.~~  
390

391 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
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## 393 SUBPART E: NEW CONNECTIONS

### 394 **Section 306.401 Publication of Lists**

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- 397 a) The Agency ~~must~~shall publish and make available to the public at intervals of not  
398 more than three months a comprehensive and up-to-date list of sanitary districts  
399 and other wastewater treatment or transportation authorities then subject to  
400 restricted status on further sewer connections, ~~and as well as~~ a list of those which  
401 are then under critical review by the Agency.  
402
- 403 b) Such lists ~~must~~shall include the name of the affected facility, the responsible  
404 authority, and an estimate of the affected facility's capacity. The Critical Review  
405 List must also include estimates of treatment plant and sewer capacity, and the  
406 amount of population equivalent added according to the Agency permit records  
407 since publication of the previous list.  
408
- 409 c) All such lists must be made available without charge to any person upon request  
410 and shall be published in the Pollution Control Board's Environmental Register.  
411

412 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
413

### **Section 306.402 Restricted Status**

- 414  
415
- 416 a) Restricted status ~~means~~shall be defined as the Agency determination, ~~pursuant to~~  
417 ~~Section 39 of the Act and Section 309.241,~~ that a sewer has reached hydraulic  
418 capacity or that a sewage treatment plant has reached design capacity, such that  
419 additional sewer connection permits may no longer be issued without causing a  
420 violation of the Act or regulations.  
421
- 422 b) The Agency may place a sewage treatment plant on Restricted Status when any of  
423 the following conditions exists, as shown by Agency field inspections, operational  
424 reports, records of permits issued, or other information:  
425
- 426 1) Hydraulic overloading of the treatment plant as determined by a  
427 comparison of the permitted design capacity of the plant with the actual  
428 average monthly flows measured at the plant during the three low-flow  
429 months in the preceding 12-month period, adjusted to include all  
430 outstanding (permitted but not connected) permits issued by the Agency,  
431 or other information on hydraulic loading of the plant available to the  
432 Agency (i.e., water pumpage, recent development, demographic and  
433 meteorological data, etc.);  
434
- 435 2) Organic overloading of the treatment plant as determined by the  
436 comparison of the permitted design capacity of the plant with the actual  
437 average monthly loadings in the preceding 12-month period, adjusted to  
438 include any and all outstanding (permitted but not connected) permits  
439 issued by the Agency, or other information on organic loading of the

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440 treatment plant available to the Agency (i.e., water pumpage, recent  
441 development, demographic and meteorological data, etc.);

442  
443 3) Continuing violation of effluent limitations established by the treatment  
444 plant's National Pollutant Discharge Elimination System (NPDES) permit.  
445 Determining a violation of effluent limitations shall be made according to  
446 the sampling, testing, and averaging procedures specified in the NPDES  
447 permit;

448  
449 4) Operational neglect resulting in frequent bypassing of treatment unit(s); or

450  
451 5) An Illinois Pollution Control Board decision finding a violation of Section  
452 12(a) of the Environmental Protection Act [415 ILCS 5/12(a)].

453  
454 c) The Agency may place sanitary sewers and lift stations on Restricted Status to  
455 prevent overflows as prohibited under Subpart C. Restricted Status may be  
456 imposed upon confirming overflows in the form of basement backups, overflows  
457 of sanitary sewer manholes, or sanitary sewer overflow devices.

458  
459 d) All combined and sanitary sewers and lift stations are subject to Restricted Status  
460 when they become hydraulically overloaded, meaning unable to accommodate the  
461 following flows:

462  
463 1) Combined sewers and lift stations serving combined sewers must be able  
464 to handle 350 percent of the average daily flow (based on best available  
465 information) before overflowing.

466  
467 2) Interceptors serving both combined sewers and sanitary sewers must be  
468 able to accommodate 250 percent of the average daily dry weather flow  
469 (based on best available information) from the sanitary sewers tributary to  
470 them and 350 percent of the average daily dry weather flow from the  
471 combined sewers tributary to them before overflowing.

472  
473 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 474 475 **Section 306.403 Critical Review**

476  
477 a) Critical review ~~means shall be defined as~~ the Agency determination, ~~pursuant to~~  
478 ~~Section 39 of the Act and Section 309.241,~~ that a sewer is approaching hydraulic  
479 capacity or that a sewage treatment plant is approaching design capacity, such that  
480 additional sewer connection permit applications will require close scrutiny to  
481 determine whether issuance would result in a violation of the Act or regulations.

482  
483 b) Notification of Critical Review is a warning that Restricted Status is imminent,

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484 unless corrective action is taken. A facility may be placed on Critical Review  
485 whenever, based upon information available to it, the Agency determines that the  
486 organic or hydraulic loading of any facility is greater than 80% of the permitted or  
487 designed capacity of that facility, as defined in 35 Ill. Adm. Code 306.402.  
488

489 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
490

### 491 **Section 306.404 Notification of Individuals Requesting Connections**

492  
493 Sanitary districts, or other wastewater treatment or transportation authorities responsible for  
494 authorizing new sewer connections, which have been placed on restricted status or critical review  
495 by the Agency ~~must~~ notify all individuals requesting connections of such Agency  
496 determination.  
497

498 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
499

### 500 **Section 306.405 Notification of Restricted Status or Critical Review**

501  
502 The Agency ~~must~~ notify the sanitary district or other wastewater treatment or transportation  
503 authority of its determination of restricted status or critical review, or refusal to terminate the  
504 same, and ~~must~~ give a specific, detailed written statement as to the reasons for ~~the~~  
505 ~~determinationsuch action in conformity with the Agency's "Guidelines for Notification of~~  
506 ~~Restricted Status," 35 Ill. Adm. Code 390.~~  
507

- 508 a) When the Agency determines that conditions warrant placing a facility on  
509 Restricted Status or Critical Review, the Agency must send a letter stating the  
510 action proposed, the reasons for the action, and a summary of supporting  
511 documentation to the sanitary district or other wastewater treatment or  
512 transportation authority responsible for the facility.  
513  
514 b) The sanitary district or other wastewater treatment or transportation authority  
515 must be given the opportunity to submit additional relevant information and to  
516 meet with the responsible permit engineers or to respond in writing.  
517  
518 c) If, after review of information or response offered by the sanitary district or other  
519 wastewater treatment or transportation authority, the Agency's determination does  
520 not change, the Agency must send final notification of Restricted Status or  
521 Critical Review, stating the meaning and reasons for the action, to the sanitary  
522 district or other wastewater treatment or transportation authority.  
523  
524 d) The facility thus classified will remain under that status until the Agency receives  
525 information of a change in condition sufficient to warrant a revision of the status,  
526 or until a revision in status is ordered by the Pollution Control Board. The

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Agency must send notice of any revised status to the sanitary district or other wastewater treatment or transportation authority.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306.406 Appeal**

Any sanitary district or other wastewater treatment or transportation authority responsible for authorizing new sewer connections, may petition, under Section 5(d) pursuant to Title X of the Act and 35 Ill. Adm. Code 105, for a hearing before the Board to contest the decision of the Agency to place it on restricted status.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 306.407 Effective Date (Repealed)**

~~This Subpart shall become effective on January 1, 1976, except for Section 306.405 which shall become effective upon filing.~~

(Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: SITE SPECIFIC RULES AND EXCEPTIONS

### **Section 306.501 East St. Louis-Sauget Site-Specific Discharges**

- a) The discharge from the sewer system of the City of East St. Louis, as described below, ~~is~~shall not ~~be~~ subject to the treatment requirements and timetables of 35 Ill. Adm. Code Sections 306.305(b), and 306.306. The discharge is located in Lots 305 and/or 306 of Sixth Subdivision of Cahokia Commons and also in the Northwest Quarter Section 23, Township Two North, Range Ten West, of the Third Principal Meridian, and ~~is~~can be defined as being at Mississippi River Mile Number 178.7 and ~~further can be defined as being located at North 38°, 36'40'36 minutes, 40 seconds~~ latitude and West 90°, 10'40'10 minutes, 40 seconds longitude.
- b) The first flush of storm flows must~~shall~~ meet the applicable effluent standards of 35 Ill. Adm. Code Part 304, except when ~~to attempt~~ attempting to treat such flows would cause the treatment plant to operate beyond design capacity.
- c) In ~~compliance~~accordance with 35 Ill. Adm. Code 302.203, overflows in excess of plant treatment capacity must~~shall~~ be passed through a ½ inch bar screen before~~prior to~~ discharge.
- d) Overflows must~~shall~~ not cause accumulation of unnatural sludge deposits in the



571 receiving stream.

572

573 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

574

575 **Section 306.502 Alton Combined Sewer Overflow Discharges**

576

577 a) The discharge from the Piasa-State Street Sewer, ~~defined as being~~ at Mississippi  
578 River mile 202.64, ~~is shall~~ not ~~be~~ subject to ~~the provisions of~~ 35 Ill. Adm. Code  
579 304.106, 304.120, 304.121 and 304.124 during the following conditions:

580

581 1) ~~Before~~~~Prior to~~ replacement of the existing Locks and Dam 26, when the  
582 tailwater elevation exceeds 415.3 Mean Sea Level (MSL); or

583

584 2) After replacement of Locks and Dam 26, where the pool level exceeds  
585 elevation 420 MSL at Mississippi River miles 203.12 and 203.22 (Piasa  
586 and State Street Outlets relocated).

587

588 b) Discharges from the City of Alton at Mississippi River miles 201.66 (Shields  
589 Valley), 202.24 (Central Avenue), 203.12 (Piasa Outlet), 203.22 (State Street  
590 Outlet), 203.61 (Summit Street), 203.87 (Bluff Street) and 204.30 (Turner Tract),  
591 ~~are shall be~~ subject to the following conditions:

592

593 1) The overflow structures and the associated interceptor sewer ~~must shall~~ be  
594 protected against intrusion by flood waters and be maintained operational  
595 at flood stages from Mississippi River backflow for a 25-year Mississippi  
596 River flood stage, except as follows:

597

Overflow Structure	River Mile	Protection Level Mean Sea Level (MSL) River Stage
Piasa Outlet	203.12	420.0
State Street Outlet	203.22	420.0
Summit Street	203.61	426.7
Bluff Street	203.87	426.7
Turner Tract	204.30	426.7

598

599 2) The City of Alton ~~must shall~~ maintain the south side interceptor sewer  
600 system in ~~such~~ working condition ~~so as~~ to ensure that the system will flow  
601 at a maximum capacity.

602

603 3) No later than the date of completion of Lock and Dam 26, the south side  
604 interceptor pump station ~~must shall~~ be upgraded to a design capacity of a

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605 minimum of 13.7 million gallons per day.

606  
607 c) Discharges from the combined sewer overflows designated in subsection (b)  
608 ~~are~~ shall not ~~be~~ subject to the treatment requirements of 35 Ill. Adm. Code Section  
609 306.305(a) and (b) provided that:

610  
611 1) The City of Alton ~~maintains~~ shall ~~maintain~~ the south side interceptor sewer  
612 system in ~~such~~ working condition ~~so as~~ to ensure that the system will flow  
613 at a maximum capacity.

614  
615 2) The South ~~Sideside~~ interceptor pump station ~~must~~ shall be upgraded to a  
616 design capacity of a minimum of 13.7 million gallons per day.

617  
618 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
619

## 620 Section 306.503 Havana Site-Specific Discharges

621  
622 The two discharges from the combined sewer system of the City of Havana, as described below,  
623 ~~are~~ shall not ~~be~~ subject to the treatment requirements of 35 Ill. Adm. Code Section 306.305(a)  
624 ~~or~~ the compliance date of 35 Ill. Adm. Code Section 306.306(c). The Washington Street  
625 discharge is located at the foot of Washington Street in the Northwest Quarter, Section 1,  
626 Township 21 North, Range 9 West of the Third Principal Meridian and ~~can further be defined as~~  
627 ~~being located~~ at West 90°, ~~4°0'4 minutes 0 seconds~~ longitude and North 40°, ~~17°55'17 minutes~~  
628 ~~55 seconds~~ latitude. The Illinois Street discharge is located at the foot of Illinois Street in the  
629 Southwest Quarter, Section 1, Township 21 North, Range 9 West of the Third Principal Meridian  
630 and ~~can further be defined as being located~~ at North 40°, ~~17°35'17 minutes 35 seconds~~ latitude  
631 and West 90°, ~~4°5'4 minutes 5 seconds~~ longitude.  
632

633 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
634

## 635 Section 306.APPENDIX A References to Previous Rules (Repealed)

636  
637 ~~The following table is provided to aid in referencing old Board rule numbers to section numbers~~  
638 ~~pursuant to codification.~~  
639  
640

<del>Chapter 3: Water Pollution</del>	<del>Ill. Adm. Code</del>
<del>Part VI, Performance Criteria</del>	<del>Part 306</del>
<del>Unnumbered Preamble</del>	<del>Section 306.101</del>
<del>Rule 601</del>	<del>Section 306.102</del>
<del>Rule 602(a)</del>	<del>Section 306.302</del>
<del>Rule 602(b)</del>	<del>Section 306.303</del> <del>and 306.304</del>

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<del>Rule 602(c)</del>	<del>Section 306.305</del>
<del>Rule 602(d)</del>	<del>Section 306.306</del>
<del>Rule 603</del>	<del>Section 306.201</del>
<del>Rule 604(a)</del>	<del>Section 306.401</del>
<del>Rule 604(b)</del>	<del>Section 306.402</del>
<del>Rule 604(c)</del>	<del>Section 306.403</del>
<del>Rule 604(d)</del>	<del>Section 306.404</del>
<del>Rule 604(e)</del>	<del>Section 306.405</del>
<del>Rule 604(f)</del>	<del>Section 306.406</del>

641

642

(Source: Repealed 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

3  
 4 PART 306  
 5 PERFORMANCE CRITERIA

6  
 7 SUBPART A: SYSTEMS RELIABILITY

8  
 9Section

- 10306.101 Preamble
- 11306.102 Systems Reliability
- 12306.103 Combined Sewers and Treatment Plant Bypasses (Renumbered)
- 13306.104 Intake Structures (Renumbered)
- 14306.105 New Connections (Renumbered)

15  
 16 SUBPART B: INTAKE STRUCTURES

17  
 18Section

- 19306.201 Intake Structures

20  
 21 SUBPART C: COMBINED SEWERS AND  
 22 TREATMENT PLANT BYPASSES

23  
 24Section

- 25306.302 Expansion of Combined Sewers
- 26306.303 Excess Infiltration
- 27306.304 Overflows
- 28306.305 Treatment of Overflows and Bypasses
- 29306.306 Compliance Dates

30  
 31 SUBPART D: EXCEPTION PROCEDURE

32  
 33Section

- 34306.350 Preamble (Repealed)
- 35306.351 Notification and Submittals by Discharger (Repealed)
- 36306.352 Notification by Agency (Repealed)
- 37306.360 Joint or Single Petition for Exception (Repealed)

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38306.361 Justification of Joint Petition (Repealed)  
39306.362 Justification of Single Petition (Repealed)  
40306.363 Contents of Joint Petition (Repealed)  
41306.364 Contents of Single Petition (Repealed)  
42306.370 Notice and Hearing (Repealed)  
43306.371 Opinion and Order (Repealed)  
44306.372 Transcripts (Repealed)  
45306.373 Final Date for Petitions (Repealed)  
46306.374 Other Proceedings (Repealed)

47

48

SUBPART E: NEW CONNECTIONS

49

50Section

51306.401 Publication of Lists  
52306.402 Restricted Status  
53306.403 Critical Review  
54306.404 Notification of Individuals Requesting Corrections  
55306.405 Notification of Restricted Status or Critical Review  
56306.406 Appeal  
57306.407 Effective ~~Date~~Dates (Repealed)

58

59

SUBPART F: SITE SPECIFIC RULES AND EXCEPTIONS

60

61Section

62306.501 East St. Louis-Sauget Site-Specific Discharges  
63306.502 Alton Combined Sewer Overflow Discharges  
64306.503 Havana Site-Specific Discharges

65

66306.APPENDIX A References to Previous Rules (Repealed)

67

68AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental  
69Protection Act. [415 ILCS 5/13 and 27].

70

71SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190,  
72effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 7 Ill. Reg. 5682, effective April  
7319, 1983; amended at 8 Ill. Reg. 1607, effective January 18, 1984; amended at 8 Ill. Reg. 3691,  
74effective March 14, 1984; amended in R82-7 at 12 Ill. Reg. 11229, effective June 15, 1988;  
75amended in R88-25 at 14 Ill. Reg. 9449, effective June 4, 1990; amended at R18-23 at 46 Ill.

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76 Reg. \_\_\_\_\_, effective \_\_\_\_\_.

77

78

SUBPART A: SYSTEMS RELIABILITY

79

80 **Section 306.101 Preamble**

81

82 ~~This Part addresses existing~~ This Part addresses existing and potential sources of water pollution.

83

84 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

85

86 **Section 306.102 Systems Reliability**

87

88 a) Malfunctions: All treatment works and associated facilities must be constructed  
89 and operated to minimize violations of applicable standards during  
90 contingencies including flooding, adverse weather, power failure, equipment  
91 failure, or maintenance, through measures including multiple units, holding  
92 tanks, duplicate power sources, or other appropriate measures .

93

94 b) Spills: All reasonable measures, including where appropriate catchment areas,  
95 relief vessels, or entrapment dikes, must be taken to prevent any spillage of  
96 contaminants from causing water pollution.

97

98 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

99

100 SUBPART B: INTAKE STRUCTURES

101

102 **Section 306.201 Intake Structures**

103

104 New water intake structures on waters designated for general use, whose construction begins  
105 after the effective date of this Chapter, must be designed to minimize harm to fish and other  
106 aquatic organisms.

107

108 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

109

110 SUBPART C: COMBINED SEWERS AND  
111 TREATMENT PLANT BYPASSES

112

113 **Section 306.302 Expansion of Combined Sewers**

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114

115 Expanding existing or establishing new combined sewer service areas is prohibited, except  
116 where the Agency has determined from the permit application the following:

117

118 a) The combined sewer service area has adequate treatment or retention capacity to  
119 ensure that the effluent limitations of 35 Ill. Adm. Code 304 and the provisions of  
120 the Act are not violated;

121

122 b) Any anticipated increased flow will not overload connecting segments of the  
123 combined sewer system;

124

125 c) Increased flow must not aggravate combined sewer overflow problems; including  
126 combined sewer surcharges, basement back-ups and street flow; and

127

128 d) The new combined sewer service area will be tributary to an existing combined  
129 sewer system.

130

131 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

132

**133 Section 306.303 Excess Infiltration**

134

135 Excess infiltration into sewers must be eliminated, and the maximum practicable flow must be  
136 conveyed to treatment facilities.

137

138 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

139

**140 Section 306.304 Overflows**

141

142 Overflows from sanitary sewers are prohibited.

143

144 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

145

**146 Section 306.305 Treatment of Overflows and Bypasses**

147

148 All combined sewer overflows and treatment plant bypasses must be given sufficient treatment  
149 to prevent pollution, or the violation of applicable water quality standards unless an exception  
150 has been granted by the Board. Sufficient treatment consists of the following:

151

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- 152 a) All dry weather flows, and the first flush of storm flows as determined by the  
153 Agency, must meet the applicable effluent standards; and  
154
- 155 b) Additional flows, as determined by the Agency but not less than ten times the  
156 average dry weather flow for the design year, must receive a minimum of primary  
157 treatment and disinfection with adequate retention time; and  
158
- 159 c) Flows in excess of those described in subsection (b) must be treated, in whole or  
160 in part, to the extent necessary to prevent accumulations of sludge deposits,  
161 floating debris and solids in compliance with 35 Ill. Adm. Code 302.203, and to  
162 prevent depression of oxygen levels; or  
163
- 164 d) Compliance with a treatment program authorized by the Board in an exception  
165 proceeding.  
166

167 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
168

**Section 306.306 Compliance Dates**

170  
171 Compliance with Section 306.305 must be achieved on or before the following dates:

- 172
- 173 a) All treatment plant bypasses, by the applicable date for improvement of treatment  
174 works under 35 Ill. Adm. Code 304.  
175
- 176 b) All combined sewer overflows within the Metropolitan Sanitary District of  
177 Greater Chicago, by December 31, 1977;  
178
- 179 c) All other combined sewer overflows, by December 31, 1975.  
180
- 181 d) The compliance dates set by subsections (b) and (c) must be met unless:  
182
  - 183 1) The discharger's combined sewer overflow is eligible for a construction  
184 grant under Section 201(g) of the CWA; and,  
185
  - 186 2) The discharger has filed an application for a construction grant on or  
187 before March 1, 1977; and,  
188
  - 189 3) The discharger has timely taken all appropriate pre-grant and post-grant



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190 actions necessary to the specific grant step for which the discharger is then  
191 eligible, or

192

193 4) The discharger has been granted an exception by the Board.

194

195 e) Nothing in subsection (d) limits the power of the Board to enter an abatement  
196 order under Section 46 of the Act necessary to abate pollution of waters of the  
197 State, when the Board has found, as the result of an enforcement or variance case  
198 initiated under Titles VIII or IX of the Act, that the discharger is causing a  
199 violation of the Act or regulations.

200

201 f) The exemption provided by subsection (d) must terminate upon completion of  
202 construction under the grant provided.

203

204 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

205

206 SUBPART D: EXCEPTION PROCEDURE

207

208 **Section 306.350 Preamble (Repealed)**

209

210 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

211

212 **Section 306.351 Notification and Submittals by Discharger (Repealed)**

213

214 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

215

216 **Section 306.352 Notification by Agency (Repealed)**

217

218 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

219

220 **Section 306.360 Joint or Single Petition for Exception (Repealed)**

221

222 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

223

224 **Section 306.361 Justification of Joint Petition (Repealed)**

225

226 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

227

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228 **Section 306.362 Justification of Single Petition (Repealed)**

229

230 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

231

232 **Section 306.363 Contents of Joint Petition (Repealed)**

233

234 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

235

236 **Section 306.364 Contents of Single Petition (Repealed)**

237

238 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

239

240 **Section 306.370 Notice and Hearing (Repealed)**

241

242 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

243

244 **Section 306.371 Opinion and Order (Repealed)**

245

246 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

247

248 **Section 306.372 Transcripts (Repealed)**

249

250 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

251

252 **Section 306.373 Final Date for Petitions (Repealed)**

253

254 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

255

256 **Section 306.374 Other Proceedings (Repealed)**

257

258 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

259

260 **SUBPART E: NEW CONNECTIONS**

261

262 **Section 306.401 Publication of Lists**

263

264 a) The Agency must publish and make available to the public at intervals of not  
265 more than three months a comprehensive and up-to-date list of sanitary districts

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266 and other wastewater treatment or transportation authorities then subject to  
267 restricted status on further sewer connections, and a list of those which are then  
268 under critical review by the Agency.

269  
270 b) Such lists must include the name of the affected facility, the responsible authority,  
271 and an estimate of the affected facility's capacity. The Critical Review List must  
272 also include estimates of treatment plant and sewer capacity, and the amount of  
273 population equivalent added according to the Agency permit records since  
274 publication of the previous list.

275  
276 c) All such lists must be made available without charge to any person upon request  
277 and shall be published in the Pollution Control Board's Environmental Register.

278  
279 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

280  
281 **Section 306.402 Restricted Status**

282  
283 a) Restricted status means the Agency determination that a sewer has reached  
284 hydraulic capacity or that a sewage treatment plant has reached design capacity,  
285 such that additional sewer connection permits may no longer be issued without  
286 causing a violation of the Act or regulations.

287  
288 b) The Agency may place a sewage treatment plant on Restricted Status when any of  
289 the following conditions exists, as shown by Agency field inspections, operational  
290 reports, records of permits issued, or other information:

291  
292 1) Hydraulic overloading of the treatment plant as determined by a  
293 comparison of the permitted design capacity of the plant with the actual  
294 average monthly flows measured at the plant during the three low-flow  
295 months in the preceding 12-month period, adjusted to include all  
296 outstanding (permitted but not connected) permits issued by the Agency,  
297 or other information on hydraulic loading of the plant available to the  
298 Agency (i.e., water pumpage, recent development, demographic and  
299 meteorological data, etc.);

300  
301 2) Organic overloading of the treatment plant as determined by the  
302 comparison of the permitted design capacity of the plant with the actual  
303 average monthly loadings in the preceding 12-month period, adjusted to

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- 304 include any and all outstanding (permitted but not connected) permits  
305 issued by the Agency, or other information on organic loading of the  
306 treatment plant available to the Agency (i.e., water pumpage, recent  
307 development, demographic and meteorological data, etc.);  
308  
309 3) Continuing violation of effluent limitations established by the treatment  
310 plant's National Pollutant Discharge Elimination System (NPDES) permit.  
311 Determining a violation of effluent limitations shall be made according to  
312 the sampling, testing, and averaging procedures specified in the NPDES  
313 permit;  
314  
315 4) Operational neglect resulting in frequent bypassing of treatment unit(s); or  
316  
317 5) An Illinois Pollution Control Board decision finding a violation of Section  
318 12(a) of the Environmental Protection Act [415 ILCS 5/12(a)].  
319  
320 c) The Agency may place sanitary sewers and lift stations on Restricted Status to  
321 prevent overflows as prohibited under Subpart C. Restricted Status may be  
322 imposed upon confirming overflows in the form of basement backups, overflows  
323 of sanitary sewer manholes, or sanitary sewer overflow devices.  
324  
325 d) All combined and sanitary sewers and lift stations are subject to Restricted Status  
326 when they become hydraulically overloaded, meaning unable to accommodate the  
327 following flows:  
328  
329 1) Combined sewers and lift stations serving combined sewers must be able  
330 to handle 350 percent of the average daily flow (based on best available  
331 information) before overflowing.  
332  
333 2) Interceptors serving both combined sewers and sanitary sewers must be  
334 able to accommodate 250 percent of the average daily dry weather flow  
335 (based on best available information) from the sanitary sewers tributary to  
336 them and 350 percent of the average daily dry weather flow from the  
337 combined sewers tributary to them before overflowing.  
338

339 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
340

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342

343

a) Critical review means the Agency determination that a sewer is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity, such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or regulations.

344

345

346

347

348

349

b) Notification of Critical Review is a warning that Restricted Status is imminent, unless corrective action is taken. A facility may be placed on Critical Review whenever, based upon information available to it, the Agency determines that the organic or hydraulic loading of any facility is greater than 80% of the permitted or designed capacity of that facility, as defined in 35 Ill. Adm. Code 306.402.

350

351

352

353

354

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

355

356

**Section 306.404 Notification of Individuals Requesting Connections**

358

Sanitary districts, or other wastewater treatment or transportation authorities responsible for authorizing new sewer connections, which have been placed on restricted status or critical review by the Agency must notify all individuals requesting connections of such Agency determination.

363

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

364

365

**Section 306.405 Notification of Restricted Status or Critical Review**

367

The Agency must notify the sanitary district or other wastewater treatment or transportation authority of its determination of restricted status or critical review, or refusal to terminate the same, and must give a specific, detailed written statement as to the reasons for the determination.

371.

372

a) When the Agency determines that conditions warrant placing a facility on Restricted Status or Critical Review, the Agency must send a letter stating the action proposed, the reasons for the action, and a summary of supporting documentation to the sanitary district or other wastewater treatment or transportation authority responsible for the facility.

373

374

375

376

377

378

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- 379 b) The sanitary district or other wastewater treatment or transportation authority  
380 must be given the opportunity to submit additional relevant information and to  
381 meet with the responsible permit engineers or to respond in writing.  
382
- 383 c) If, after review of information or response offered by the sanitary district or other  
384 wastewater treatment or transportation authority, the Agency's determination does  
385 not change, the Agency must send final notification of Restricted Status or  
386 Critical Review, stating the meaning and reasons for the action, to the sanitary  
387 district or other wastewater treatment or transportation authority.  
388
- 389 d) The facility thus classified will remain under that status until the Agency receives  
390 information of a change in condition sufficient to warrant a revision of the status,  
391 or until a revision in status is ordered by the Pollution Control Board. The  
392 Agency must send notice of any revised status to the sanitary district or other  
393 wastewater treatment or transportation authority.  
394

395 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
396

**397 Section 306.406 Appeal**

398  
399 Any sanitary district or other wastewater treatment or transportation authority responsible for  
400 authorizing new sewer connections may petition, under Section 5(d) of the Act and 35 Ill. Adm.  
401 Code 105, for a hearing before the Board to contest the decision of the Agency to place it on  
402 restricted status.

403  
404 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
405

**406 Section 306.407 Effective Date (Repealed)**

407  
408 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
409

**SUBPART F: SITE SPECIFIC RULES AND EXCEPTIONS**

**412 Section 306.501 East St. Louis-Sauget Site-Specific Discharges**

- 413  
414 a) The discharge from the sewer system of the City of East St. Louis, as described  
415 below, is not subject to the treatment requirements and timetables of 35 Ill. Adm.  
416 Code 306.305(b) and 306.306. The discharge is located in Lots 305 and/or 306 of

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417 Sixth Subdivision of Cahokia Commons and also in the Northwest Quarter  
418 Section 23, Township Two North, Range Ten West, of the Third Principal  
419 Meridian, and is at Mississippi River Mile Number 178.7 and at North  $38^{\circ}$ ,  
420  $36''40'$  latitude and West  $90^{\circ}$ ,  $10''40'$ .

- 421
- 422 b) The first flush of storm flows must meet the applicable effluent standards of 35
- 423 Ill. Adm. Code Part 304, except when attempting to treat such flows would cause
- 424 the treatment plant to operate beyond design capacity.
- 425
- 426 c) In compliance with 35 Ill. Adm. Code 302.203, overflows in excess of plant
- 427 treatment capacity must be passed through a  $1/2$  inch bar screen before
- 428 discharge.
- 429
- 430 d) Overflows must not cause accumulation of unnatural sludge deposits in the
- 431 receiving stream.
- 432

433 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

434  
435 **Section 306.502 Alton Combined Sewer Overflow Discharges**

- 436
- 437 a) The discharge from the Piasa-State Street Sewer, at Mississippi River mile
- 438 202.64, is not subject to 35 Ill. Adm. Code 304.106, 304.120, 304.121 and
- 439 304.124 during the following conditions:
- 440
- 441 1) Before replacement of the existing Locks and Dam 26, when the tailwater
- 442 elevation exceeds 415.3 Mean Sea Level (MSL); or
- 443
- 444 2) After replacement of Locks and Dam 26, where the pool level exceeds
- 445 elevation 420 MSL at Mississippi River miles 203.12 and 203.22 (Piasa
- 446 and State Street Outlets relocated).
- 447
- 448 b) Discharges from the City of Alton at Mississippi River miles 201.66 (Shields
- 449 Valley), 202.24 (Central Avenue), 203.12 (Piasa Outlet), 203.22 (State Street
- 450 Outlet), 203.61 (Summit Street), 203.87 (Bluff Street) and 204.30 (Turner Tract),
- 451 are subject to the following conditions:
- 452
- 453 1) The overflow structures and the associated interceptor sewer must be
- 454 protected against intrusion by flood waters and be maintained operational

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455 at flood stages from Mississippi River backflow for a 25-year Mississippi  
456 River flood stage, except as follows:  
457

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Overflow Structure	River Mile	Protection Level Mean Sea Level (MSL) River Stage
Piasa Outlet	203.12	420.0
State Street Outlet	203.22	420.0
Summit Street	203.61	426.7
Bluff Street	203.87	426.7
Turner Tract	204.30	426.7

458

459 2) The City of Alton must maintain the south side interceptor sewer system  
460 in working condition to ensure that the system will flow at a maximum  
461 capacity.

462

463 3) No later than the date of completion of Lock and Dam 26, the south side  
464 interceptor pump station must be upgraded to a design capacity of a  
465 minimum of 13.7 million gallons per day.

466

467 c) Discharges from the combined sewer overflows designated in subsection (b) are  
468 not subject to the treatment requirements of 35 Ill. Adm. Code 306.305(a) and (b)  
469 provided that:

470

471 1) The City of Alton maintains the south side interceptor sewer system in  
472 working condition to ensure that the system will flow at a maximum  
473 capacity.

474

475 2) The South Side interceptor pump station must be upgraded to a design  
476 capacity of a minimum of 13.7 million gallons per day.

477

478 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

479

480 **Section 306.503 Havana Site-Specific Discharges**

481



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~~NOTICE OF PROPOSED AMENDMENTS~~

482The two discharges from the combined sewer system of the City of Havana, as described below,  
483are not subject to the treatment requirements of 35 Ill. Adm. Code 306.305(a) or the compliance  
484date of 35 Ill. Adm. Code 306.306(c). The Washington Street discharge is located at the foot of  
485Washington Street in the Northwest Quarter, Section 1, Township 21 North, Range 9 West of the  
486Third Principal Meridian and at West 90<sup>00</sup>, 4'0" longitude and North 40<sup>00</sup>, 17'55" latitude. The  
487Illinois Street discharge is located at the foot of Illinois Street in the Southwest Quarter, Section  
4881, Township 21 North, Range 9 West of the Third Principal Meridian and at North 40<sup>00</sup>, 17'35"  
489latitude and West 90<sup>00</sup>, 4'5" longitude.

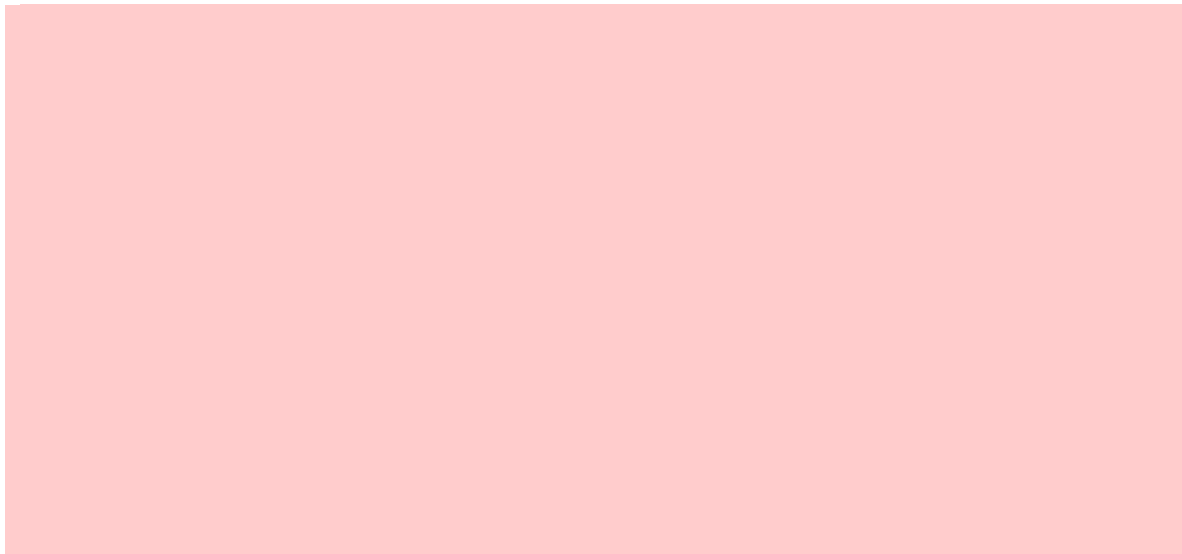
490

491 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

492

493Section 306.APPENDIX A References to Previous Rules (Repealed)

494



495

497 (Source: Repealed at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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