

ILLINOIS POLLUTION CONTROL BOARD
March 7, 2024

IN THE MATTER OF:)
)
WASTEWATER PRETREATMENT) R24-14
UPDATE, USEPA AMENDMENTS (July 1,) (Identical-in-Substance Rulemaking -
2023, through December 31, 2023)) Water)

Proposed Rule. Proposal for Public Comment.

OPINION AND ORDER OF THE BOARD (by M.D. Mankowski):

The Board today proposes amendments to the Illinois wastewater pretreatment regulations, responding to United States Environmental Protection Agency (USEPA) actions during the second half of 2023.

This is an identical-in-substance (IIS) rulemaking under Sections 7.2 and 13.3 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13.3) (2022)). Specifically, Section 13.3 relates to wastewater pretreatment regulations that the USEPA adopted to implement Sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (2024)). USEPA has codified the federal wastewater pretreatment rules as 40 C.F.R. §§ 400 through 499.

Section 13.3 of the Act and Section 1-5(c)(1) of the Administrative Procedure Act (APA) (5 ILCS 100/5-1-5(c)(1) (2022)) further provide that Title VII of the Act (415 ILCS 5/Tit. VII (2022)) and Section 5-35 of the APA (5 ILCS 100/5-35 (2022)) do not apply to IIS rulemaking. Accordingly, the Board does not adopt a “First Notice” proposal and then a “Second Notice” proposal for review by JCAR. However, Section 7.2 of the Act requires the Board to consider comments from USEPA, the Illinois Environmental Protection Agency (Agency), the Attorney General, and the public before adopting IIS rules.

The Board today revises the Illinois wastewater pretreatment regulations based on USEPA actions during the second half of 2023. The Board updates incorporations by reference to the Code of Federal Regulations in the Illinois rules. The Board also included a correction to the language of the rule as well as limited non-substantive corrections and revisions that the Board finds are needed.

The Board will submit the proposed amendments for publication in the *Illinois Register* and will receive public comments for at least 45 days after publication. The Board expects to adopt final rules no later than August 9, 2024.

SUMMARY OF PROPOSED AMENDMENTS

Federal Actions Implemented

August 9, 2023 (88 FR 54115)

USEPA updated the reporting and recordkeeping requirements for dental offices as a point source category at 40 CFR 441.50. The Board updates the incorporation by reference at 35 Ill. Adm. Code 307.5100 to reflect this update. In addition, the Board updates the citations to 40 CFR throughout that section of the Board rules.

The Board must complete the rulemaking within one year of the corresponding federal action. The Board will follow the schedule below:

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| Due date: | August 9, 2024 |
| Proposal adopted date: | March 7, 2024 |
| Publication submission deadline: | March 8, 2024 |
| Illinois Register publication date: | March 22, 2024 |
| End of 45-day public comment period: | April 6, 2024 |
| Adoption date: | April 18, 2024 |
| Possible filing and effective date: | April 19, 2024 |
| Possible Illinois Register publication date: | May 3, 2024 |

Requests for Comments

The Board requests that interested persons review this opinion and order and submit comments on the proposed amendments. Address questions or written comments concerning this rulemaking, noting docket number R24-14, to:

Don A. Brown, Clerk
Pollution Control Board
60 East Van Buren Street, Suite 630
Chicago, Illinois 60605
312-814-3461
don.brown@illinois.gov

The Board invites public comment on the proposed amendments. The Board will receive public comments until at least 45 days after a notice of these proposed amendments appears in the *Illinois Register*. Anyone may file a public comment with the Board through the Clerk’s Office On-Line (COOL) through the Board’s website (pcb.illinois.gov). Public comments may also be addressed to the Clerk’s office at the mailing address listed above.


After the public comment period, the Board will promptly issue an order adopting final rule amendments. The Board will then file the amendments with the Office of the Secretary of State, and a Notice of Adopted Amendments will appear in the *Illinois Register*.

ORDER

The Board directs the Clerk to provide notice in the Illinois Register of the appended proposed amendments to the Illinois wastewater pretreatment regulations at 35 Ill. Adm. Code 307.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on March 7, 2024, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is centered on the page.

Don A. Brown, Clerk
Illinois Pollution Control Board

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

PART 307
SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

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| 307.101 | Preamble (Renumbered) |
| 307.102 | General Requirements (Renumbered) |
| 307.103 | Mercury (Renumbered) |
| 307.104 | Cyanide (STORET number 00720) (Renumbered) |
| 307.105 | Pretreatment Requirements (Repealed) |
| 307.1001 | Preamble |
| 307.1002 | Definitions |
| 307.1003 | Test Procedures for Measurement |
| 307.1005 | Toxic Pollutants |
| 307.1006 | Electronic Reporting |

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

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| 307.1102 | Mercury |
| 307.1103 | Cyanide |

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| 307.1502 | Fluid Products |
| 307.1503 | Cultured Products |
| 307.1504 | Butter |
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| 307.1507 | Fluid Mix for Ice Cream and Other Frozen Desserts |
| 307.1508 | Ice Cream, Frozen Desserts, Novelties, and Other Dairy Desserts |
| 307.1509 | Condensed Milk |
| 307.1510 | Dry Milk |
| 307.1511 | Condensed Whey |
| 307.1512 | Dry Whey |

SUBPART G: GRAIN MILLS

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| 307.1602 | Corn Dry Milling |
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| 307.1706 | Canned and Preserved Fruits |
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| 307.1815 | Fish Meal Processing Subcategory (Repealed) |

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| 307.1902 | Crystalline Cane Sugar Refining |
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SUBPART K: TEXTILE MILLS

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| 307.2000 | General Provisions |
| 307.2001 | Wool Scouring |
| 307.2002 | Wool Finishing |
| 307.2003 | Low Water Use Processing |
| 307.2004 | Woven Fabric Finishing |

307.2005 Knit Fabric Finishing
307.2006 Carpet Finishing
307.2007 Stock and Yarn Finishing
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307.2102 Leaching
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307.2307 Electroless Plating
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307.2403 Thermoplastic Resins
307.2404 Thermosetting Resins
307.2405 Commodity Organic Chemicals
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307.2410 Indirect Discharge Point Sources
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307.2702 Fatty Acid Manufacturing by Fat Splitting
307.2703 Soap Manufacturing by Fatty Acid Neutralization
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| 307.3708 | Coating or Finishing of Asbestos Textiles |
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| 307.3906 | Wood Preserving—Waterborne or Non-pressure |
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| 307.3910 | Log Washing |
| 307.3911 | Sawmills and Planing Mills |
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| 307.4018 | Nonintegrated-Fine Papers (Repealed) |
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| 307.4020 | Tissue From Wastepaper (Repealed) |
| 307.4021 | Papergrade Sulfite (Drum Wash) (Repealed) |
| 307.4022 | Unbleached Kraft and Semi-Chemical (Repealed) |

307.4023 Wastepaper-Molded Products (Repealed)
307.4024 Nonintegrated-Lightweight Papers (Repealed)
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307.4905 Research (Repealed)

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307.5100 Dental Offices

SUBPART BQ: TRANSPORTATION EQUIPMENT CLEANING

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307.5200 General Provisions
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307.5203 Tank Barges and Ocean/Sea Tankers Transporting Chemical and Petroleum Cargos
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307.5401 Commercial Hazardous Waste Combustor

SUBPART BT: LANDFILLS

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307.5501 RCRA Subtitle C Hazardous Waste Landfill
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SUBPART CD: PESTICIDE CHEMICALS

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307.6500 General Provisions
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SUBPART CJ: BATTERY MANUFACTURING

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307.7100 General Provisions
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307.7102 Calcium
307.7103 Lead
307.7104 Leclanche
307.7105 Lithium
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SUBPART CQ: COPPER FORMING

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| 307.7801 | Copper Forming |
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SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

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| 307.7902 | Electronic Crystals |
| 307.7903 | Cathode Ray Tube |
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SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

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| 307.8108 | Zinc Forming |
| 307.8109 | Zirconium-Hafnium Forming |
| 307.8110 | Metal Powders |

307.APPENDIX A References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 7.2, 13, and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

SOURCE: Adopted in R70-5, March 31, 1971; amended in R70-8/R71-14/R71-20, March 7, 1972; amended in R74-3, October 30, 1975; amended in R74-15/R74-16 at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17 at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21 at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5/R82-10 at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1735, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10867, effective August 14, 2001; amended in R03-13 at 27 Ill. Reg. 15095, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3076, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10661, effective July 13, 2004; amended in R05-4/R05-15 at 29 Ill. Reg. 6921, effective

April 26, 2005; amended in R06-13 at 30 Ill. Reg. 17811, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 18986, effective November 26, 2008; amended in R13-7 at 37 Ill. Reg. 1936, effective February 4, 2013; amended in R16-9 and R17-8 at 41 Ill. Reg. 1129, effective January 23, 2017; amended in R18-6/R18-14 at 42 Ill. Reg. 10676, effective May 29, 2018; amended in R21-15 at 45 Ill. Reg. 8035, effective June 21, 2021; amended in R18-23 at 47 Ill. Reg. 4662, effective March 23, 2023; amended in R24-14 at 48 Ill. Reg. _____, effective _____.

SUBPART BP: DENTAL OFFICE

Section 307.5100 Dental Offices

- a) Applicability
 - 1) Except as provided in subsections (a)(3), (a)(4), and (a)(5), Subpart BP applies to dental dischargers.
 - 2) Unless designated by the control authority, a dental discharger subject to Subpart BP is not a significant industrial user, as defined in 35 Ill. Adm. Code 310, and is not a categorical industrial user or industrial user subject to categorical pretreatment standards as a result of applicability of Subpart BP.
 - 3) Subpart BP does not apply to dental dischargers that exclusively practice one or more of the following dental specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.
 - 4) Subpart BP does not apply to wastewater discharges from a mobile unit operated by a dental discharger.
 - 5) Subpart BP does not apply to dental dischargers that do not discharge any amalgam process wastewater to a POTW, such as dental dischargers that collect all dental amalgam process wastewater for transfer to a centralized waste treatment facility, as defined in 40 CFR 437.2(c).
 - 6) A dental discharger that does not place dental amalgam and does not remove amalgam, except in limited emergency or unplanned, unanticipated circumstances, and which certifies these facts to the control authority, as required in subsection (d), is exempt from any further requirements of Subpart BP.
- b) General Definitions. The Board incorporates by reference 40 CFR 441.20 (2023). This incorporation includes no later amendments or editions.

- c) Pretreatment Standards for Existing Sources (PSES). The Board incorporates by reference 40 CFR 441.30 (2023). This incorporation includes no later amendments or editions.
- d) Pretreatment Standards for New Sources (PSNS). The Board incorporates by reference 40 CFR 441.40 (2023). This incorporation includes no later amendments or editions.
- e) Reporting and Recordkeeping Requirements. The Board incorporates by reference 40 CFR 441.50 (2023), as amended at 88 Fed. Reg. 54115 (Aug. 9, 2023). This incorporation includes no later amendments or editions.

(Source: Added at 48 Ill. Reg. _____, effective _____)