

ILLINOIS POLLUTION CONTROL BOARD
November 21, 2024

IN THE MATTER OF:)
)
WASTEWATER PRETREATMENT) R25-6
UPDATE, USEPA AMENDMENTS (January) (Identical-in-Substance Rulemaking -
1, 2024, through June 30, 2024)) Water)
)

Adopted Rule. Final Order.

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

The Board today adopts amendments to Illinois wastewater pretreatment regulations, responding to the United States Environmental Protection Agency (USEPA) actions during the first half of 2024.

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)). Section 13.3 requires the Board to adopt requirements that are identical-in-substance to the federal Clean Water Act (CWA) sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) (33 U.S.C. §§ 1317(b), (c), and (d) and 1412(b)(8) and (b)(9) (2022)).

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 federal wastewater pretreatment standards implement these sections of the CWA and are found in segments of 40 C.F.R. §§ 401, 403, 405 through 415, 417 through 430, 432 through 455, 457 through 461, 463 through 469, and 471.

The Board today revises the effluent limitations guidelines and standards for the steam electric power generating point source category based on USEPA amendments to the identical in substance sections of the CWA during the first half of 2024. Additionally, the Board updates incorporations by reference to the Code of Federal Regulations in the Illinois rules.

The Board adopted a proposal for public comment on September 5, 2024. A notice of proposed Amendments appeared in the Illinois Register on September 20, 2024 at 48 Ill Reg. 13890. The 45-day comment period ended November 4, 2024.

SUMMARY OF PROPOSED AMMENDMENTS

Federal Actions Implemented

May 9, 2024 (89 Fed. Reg. 40198)

USEPA updated the CWA effluent limitation guidelines and standards (ELG's) for the Steam Electric Power Generating Point Source Category. Specifically, USEPA revised flue gas desulfurization (FGD) wastewater, bottom ash (BA) transport water and legacy wastewater at existing sources, and combustion residual leachate (CRL) at new and existing sources. USEPA updated the ELG's to reduce and/or eliminate toxic discharges from steam electric power plants.

Amendments and Corrections to Background Text

The Board finds that a limited number of additional amendments not derived from USEPA actions are needed. These are non-substantive corrective and stylistic amendments.

Requests for Comments

The Board requested that interested persons review this opinion and order and submit comments on the proposed amendments. The Board did not receive any comments on this proposal.

ORDER

The Board directs the Clerk to file the adopted amendments with the Office of the Secretary of State and provide notice in the *Illinois Register* of the appended adopted 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 order on November 21, 2024, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board