



OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

September 18, 2024

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 48, Issue 38 of the Illinois Register, dated 9/20/2024.

OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

Notice of Public Information

Point of Contact: Shannon Bilbruck

14043

PROPOSED RULES

Air Quality Standards

35 Ill. Adm. Code 243

Point of Contact: Shannon Bilbruck

13877

Sewer Discharge Criteria

35 Ill. Adm. Code 307

Point of Contact: Shannon Bilbruck

13890

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code Citation: 35 Ill. Adm. Code 307
- 3)

<u>Section Number:</u> 307.3301	<u>Proposed Action:</u> Amendment
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- 4) Statutory 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].
- 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 September 5, 2024, proposing amendment in docket R25-6 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 R25-6 proceeding relates to the wastewater pretreatment requirements in 35 Ill. Adm. Code 307 of the Illinois water pollution control rules.

The amendment to Illinois rules that are "identical in substance" (IIS) to wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA) during the first half of 2024. 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.

Section 13.3 of the Illinois Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Illinois 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).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this proposed rule replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does the proposed rule contain incorporations by reference? No
- 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 R25-6 and be addressed 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

Request copies of the Board's opinion and order at 312-814-3461 or download a copy from the Board's Website at <https://pcb.illinois.gov>

- 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) (2016)].
 - 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) (2016)].

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- 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) (2016)].
- 14) Small Business Impact Analysis: Sections 1-5(c) and 5-30 of the Illinois 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: July 2024

The full text of the proposed amendment begins on the next page: